

Chilla, Tobias (Ed.); Sielker, Franziska (Ed.)

## Research Report

# Cross-border spatial development in Bavaria: Dynamics in cooperation - Potentials of integration

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**Arbeitsberichte der ARL 34**

**CROSS-BORDER SPATIAL  
DEVELOPMENT IN BAVARIA**

**Dynamics in Cooperation – Potentials of Integration**

Tobias Chilla, Franziska Sielker (Eds.)



**Arbeitsberichte der ARL 34**

## CROSS-BORDER SPATIAL DEVELOPMENT IN BAVARIA

Dynamics in Cooperation – Potentials of Integration

Tobias Chilla, Franziska Sielker (Eds.)

The drafts of the articles in this volume were continuously developed in the 'Cross-border spatial development in Bavaria' Subsection of the Bavarian Regional Working Group (internal quality control). The manuscripts also underwent peer review (external quality control). After the comments from the review were taken into account it was then submitted to the ARL HQ for further processing and publication. Academic responsibility for the articles rests with the authors.

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## PREFACE

Cross-border spatial development – that is somewhat a reversal of the spatial perspective, in that a region is analysed and developed from the edges. This is a particularly multifaceted and exciting prospect for Bavaria, as the very different border areas have experienced dynamic change in both political and functional terms in recent years. This is precisely why the Bavarian Regional Working Group at the Academy for Spatial Research and Planning (*Akademie für Raumforschung und Landesplanung, ARL*), also called *ARL LAG Bayern*, set up a subsection on cross-border spatial development in Bavaria. The results of their work, which were elaborated from early 2015 to early 2018, are brought together in this volume.

The subsection was impressively large and international with authors not only from Bavaria but also from the Czech Republic, Austria, Italy and Switzerland. The institutional affiliations are balanced with both academics and ‘applied’ professions, and the age range of those involved covers over four decades. This very interesting mix led to numerous highly stimulating discussions throughout the three-year working period. We believe that this is manifest in the subsection’s findings.

The discussions were held at five workshop-style meetings. These occasions profited particularly from the commitment of the hosts, who we take this opportunity to sincerely thank.

In April 2016 the third meeting of the subsection was held at the European Academy in Bolzano (EURAC), at the invitation of the Head of the Institute for Regional Development there, Dr. Thomas Streifeneder. This meeting, which included local field trips, was also an opportunity to bring the cooperation agreement between EURAC and the ARL to life (see photo on the next page).

In June 2017 the fifth meeting of the subsection was held and the (interim) results were presented to the General Assembly of Members of the Bavarian Regional Working Group. Host of the meeting was the Local Action Group for the regional development of Oberallgäu (*Regionalentwicklung Oberallgäu e. V.*) in Immenstadt. The group was greeted by the Deputy Head of the District of Oberallgäu Roman Haug, and the Chief Executive Dr. Sabine Weizenegger was a great help in organising the conference.

Other meetings of the subsection were held in Munich where Dr. Raymond Saller from the Department of Labour and the Economy of the state capital of Munich was most supportive.

Further thanks are due to Prof. Dr. Karina Pallagst, who as Head of the ‘Border Futures’ Subsection of the Hesse/Rhineland-Palatinate/Saarland Regional Working Group was always a cooperative contact, and also to the anonymous external referee(s) for their thorough review and constructive comments on the final report. Last but not least, sincere thanks go to the Academy for Spatial Research and Planning for its support, in particular to Prof. Dr. Andreas Klee, who was a committed contact and discussion partner.



We are confident that the articles presented here can provide excellent impulses for regional development in the border regions of Bavaria. We also believe that in times of crisis on the European level, consideration of the border regions can help to create future-oriented perspectives for sustainable spatial development.

Munich and Erlangen, February 2018

Prof. Dr. Christian Jacoby, Head of the Bavarian Regional Working Group

Prof. Dr. Tobias Chilla, Head of the 'Cross-border Spatial Development in Bavaria' Subsection of the Bavarian Regional Working Group



*The photo shows a number of those involved on the roof terrace of the European Academy Bolzano in 2016 from left to right: Nicolai Teufel (University of Bayreuth), Raymond Saller (City of Munich), Tobias Chilla (Friedrich-Alexander-Universität Erlangen-Nürnberg), Gero Nischik and Christoph Knauf (both Julius-Maximilians-Universität of Würzburg and Swiss Federal Institute for Forest, Snow and Landscape Research [Eidgenössische Forschungsanstalt für Wald, Schnee und Landschaft, WSL], Birmensdorf), Franziska Sielker (Friedrich-Alexander-Universität Erlangen-Nürnberg), Hubert Job (Julius-Maximilians-Universität of Würzburg), Andreas Klee (Academy for Spatial Research and Planning [Akademie für Raumforschung und Landesplanung], ARL, Hanover), Oliver Bender (Institute for Interdisciplinary Mountain Research [Institut für interdisziplinäre Gebirgsforschung] Innsbruck), Ricardo Brozzi (EURAC Bolzano), Sabine Weizenegger (Regional Development Oberallgäu [Regionalentwicklung Oberallgäu]), Thomas Streifeneder (EURAC Bolzano), Kurt Kusstatscher (Trifolium Bolzano).*

*Other participants who are not in the photo: Jörg Maier and Martin Doevenspeck (University of Bayreuth), Jürgen Weber (Regional Government of Lower Bavaria), Luděk Fráně (Regional Development Agency of South Bohemia [Regionale Entwicklungsagentur Südböhmens, RERA], Budweis), Thomas Bläser (Regional Government of Upper Bavaria), Peter Haßlacher (International Commission for the Protection of the Alps [Commission Internationale pour la Protection des Alpes, CIPRA] Austria), Manfred Kopf, Andreas Marlin and Stefan Obkircher (Federal State Spatial Planning Vorarlberg, Bregenz), Marius Mayer (University of Greifswald), Marco Pütz (Swiss Federal Institute for Forest, Snow and Landscape Research, Birmensdorf), Reinhold Koch (formerly Bavarian Ministry of the Economy), Markus Lemberger (University of Applied Management, Erding).*

Status of affiliations: 2018

Tobias Chilla, Franziska Sielker

## CROSS-BORDER SPATIAL DEVELOPMENT IN BAVARIA: STARTING POINT, CURRENT CHALLENGES AND CONCEPTUAL DEBATES<sup>1</sup>

### Contents

- 1 Introduction and goals
- 2 The border areas from an institutional and political perspective
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### Abstract

This introductory article has three goals. First, it briefly introduces Bavaria's border areas. Second, the paper introduces three institutional and political perspectives to explain the governance arrangements and processes in the border areas, namely institutional ambiguity, reterritorialisation and multi-level mismatches. Further, the article discusses current developments from a functional perspective by reflecting on processes of convergence, metropolisation and 'tunnel effects'. Third, the article outlines the implications of the results for Bavarian federal state planning.

### Keywords

Cross-border spatial planning – governance – cohesion – Czech Republic – Austria

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<sup>1</sup> This article provides an introduction to and framework for the publication of the findings of the 'Cross-border spatial development in Bavaria' Subsection of the Bavarian Regional Working Group (LAG Bayern) at the Academy for Spatial Research and Planning (*Akademie für Raumforschung und Landesplanung, ARL*). It has profited from comments by the external referee and by members of the subsection. Particular thanks go to Dr. Jürgen Weber of the Regional Government of Lower Bavaria.

## 1 Introduction and goals

There are a number of reasons for considering the cross-border dimension of spatial development in Bavaria at the present time. First, there is a new awareness of cross-border development issues on the level of the federal state of Bavaria. This is particularly related to the border between Bavaria and the Czech Republic, which is so historically and politically complex that it has long been difficult to address on the Prague-Munich diplomatic level. Consideration of the cross-border dimension by federal state spatial planning is also only sporadic. The current political attempts provide many starting points for discussing the future orientation of federal state spatial planning, including the vision of the border of an integrated space.

Second, the significance of borders was placed on the political agenda with unexpected force by the flows of refugees that largely began in 2015. After many years of widespread talk of a 'borderless' Europe, debates about refugee policies and border controls have made clear that the internal European borders still have considerable political significance. In Bavaria this mainly affects its border region with Austria.

Third, a new dynamic in cross-border cooperation on the European level can be identified. In recent years the focus was on activities in the immediate border area based on INTERREG-A and Euroregions. These remain important, but there is also a new impetus on the higher level, where macro-regions and numerous bilateral and multilateral forms of cooperation are creating new constellations. In Bavaria this can be seen particularly in the relatively new European Region of Danube-Vltava and through involvement in the Danube and Alpine macro-regions.

Against this background, in 2015 the Bavarian Regional Working Group formed a subsection on cross-border spatial development in Bavaria. This exceptionally international group, which includes experts from science and practice, spent three years working on numerous facets of the topic. Both the subsection and this publication aimed to find answers to the following questions:

- > How are these current developments changing the constellations of stakeholders and institutions in regional development and spatial planning?
- > What is the significance of borders as spatial elements in the context of these dynamic developments?
- > What are the opportunities and challenges presented by the new instruments and trends for planning and regional development practice?

In the next section, this article first outlines the starting point before presenting an overarching conceptual context for the analysis of cross-border spatial development in section 3. Both the institutional and political dimensions are considered as well as the functional, socio-economic dimension. This discussion aims to create a conceptual background for the rest of this volume by referring to the most significant current debates in the literature on border studies. It should be noted here that the articles in

this volume consider very different scales and different sub-regions and have different focuses for their arguments. What they have in common, however, is that they all illustrate and analyse the significance of borders and the political and functional developments that cross those borders. The article concludes with a discussion of the implications for Bavarian federal state planning. In this discussion we also touch upon the key findings presented in the rest of this volume.

## **2 The border areas from an institutional and political perspective**

Border areas are spatial entities that directly touch the national borders. Bavaria borders the Czech Republic, Austria and – across the condominium of Lake Constance – Switzerland.

Cross-border cooperation along the internal borders of Europe in principle dates back to the 1950s, but gained greater significance for everyday policy in the 1990s. This is particularly true for Bavaria. The role of the Czech-Bavarian border for instance changed considerably following, first, the fall of the Iron Curtain in 1990 and, second, the coming into force of the Schengen in Agreement in 2011. Yet, the Czech Republic still remains outside the eurozone. In political terms the Bavarian-Czech border area is one of the most unusual in the whole of Europe, as cooperation in recent decades has taken different forms on the various levels. On the national level – between Prague and Berlin – there has been a treaty guaranteeing proper functioning between the neighbouring countries since 1992 (Scherhag 2008: 15 et seq.; cf. Maier 2003; Schramek 2014). On the local level the two Euroregions (EUREGIO EGRENSIS and the Bavarian Forest – Bohemian Forest – Lower Inn EUREGIO) have played important roles in the consolidation of the border area for over two decades (cf. for more detail the article by Chilla/Fráně/Sielker/Weber in this volume). On the other hand, the axis between Prague and Munich has been influenced by the historical experiences of the World War and forced displacements. It is only under the Bavarian Minister-President Seehofer that cooperation in day-to-day politics has developed on this level. Cross-border cooperation in a more comprehensive sense has thus only been possible since free movement has been allowed across the border (2007/2011) and political opening has progressed. Elsewhere, in both western and eastern Europe, this occurred significantly earlier. Against this background, it is appropriate to speak of catch-up integration. For example, in the Upper Rhine region of Pamina intensive work has been progressing on a spatial development strategy since the 1990s, but in the German-Czech border area this process only began in 2014. Even on the eastern German borders (e.g. Stettin, Frankfurt an der Oder) such efforts began several years earlier.

In the south, Austria only became a member of the European Union in 1995. Intensive cooperation was therefore also initiated later in the German-Austrian border area than on the western borders of Germany. However, the political and cultural differences in this area are comparatively small, especially as the Schengen Agreement has been fully implemented and both countries are part of the eurozone. Owing to the somewhat late accession of Austria to the EU, bi- and multi-lateral agreements are particularly important – especially in spatial development. A pertinent example is the

German-Austrian agreement on cooperation in the field of spatial planning from 1973 and the subsequent establishment of the German-Austrian Spatial Planning Commission (*Deutsch-Österreichische Raumordnungskommission, DÖROK*). This was very active in the 1970s and 1980s and led to numerous cross-border agreements and collaborations. The Alpine Convention, a multi-lateral international treaty, is particularly important and has as its objective the protection and sustainable development of the Alps. Its spatial coverage is delimited on the municipal level while formal political anchoring is on the national level.<sup>2</sup> There is a long tradition of other forms of multi-lateral cooperation, such as the Association of Alpine States (*Arbeitsgemeinschaft Alpenländer, Arge Alp*), which has existed since 1972.<sup>3</sup>

In the meantime numerous forms and spaces of cooperation have been established throughout the entire border area of Bavaria, many of which overlap. Figures 1 and 2 illustrate that the border area itself is a question of scale and demarcation, and there can always be alternative scales and demarcations. This image of very dense institutional cooperation can be reflected upon in the light of several complementary concepts from border studies.

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2 The framework convention for the protection of the Alps was signed by Germany, France, Italy, Liechtenstein, Austria, Switzerland, Slovenia, Monaco and the European Union.

3 The current members of the Association of Alpine States are Bavaria, Graubünden, St. Gallen, Tessin, Lombardy, South Tyrol, Trentino, Salzburg, Tyrol and Vorarlberg.



Fig. 1: Overview of the most significant forms of cross-border cooperation on the Bavarian border /Source: Chilla



## 2.1 Institutional and political explorations

Cross-border cooperation is part of the European integration process, which occurs on a step by step basis without following a master plan and which always has to take into account the options provided by day-to-day politics and constellations of local stakeholders. It should be borne in mind here that cross-border regional development is a complex policy area. On the one hand, the functional spatial interactions and institutional interconnections tend to increase. On the other hand, political competences are still clearly based on territorial authority and geographically delimited entities. This is especially true of spatial planning competences, but also of other fields, despite various European influences (e.g. transport policy).

Against this background, a complex and institutionally dense range of cooperation forms has developed in the European border areas, with different perimeters, specific focuses and constellations of stakeholders. The degree to which these cooperation initiatives are institutionalised also varies considerably. This situation can also be viewed as a manifestation of 'institutional ambiguity' in line with Haier (2006). This results from the fact that the political will towards European integration is extremely ambitious but no path has been chalked out for implementation (Europe as a *sui generis* construct). The concrete institutional action that leads to implementation must gradually be 'invented', whether in sub-areas like border regions or in the individual policy areas.

Differences also exist in how established the formats of cooperation are. Undoubtedly the most established form is the Euroregion. These cross-border regions are very closely linked to the EU funding programme INTERREG A (cf. Jurczek 2006 and in detail in the article by Teufel/Maier/Doevenspeck in this volume). Bavaria's external borders are now entirely covered by the territories of the Euroregions, which aim to initiate and coordinate INTERREG-A projects and thus themselves act as funding bodies for small projects (cf. Fig. 1; positioned with the relevant steering committees). This field of activity represents – alongside LEADER and regional management – a 'soft', project-based approach to regional development (cf. the critical reflection by Weizenegger/Lemberger in this volume).

Other forms of cooperation can be better understood as political exploration. The European Region of Danube-Vltava with its very extensive and rural territory is a current example of how spatial and policy exploration can occur (cf. in detail the article by Chilla/Fráně/Sielker/Weber in this volume). This holds also true for the European metropolitan region of Nuremberg, where ambitions to develop a cross-border axis emerged<sup>4</sup>. Of interest is the development study on the Bavarian-Czech border area commissioned by the Bavarian State Ministry of Finance and Regional Identity (*Bayerisches Staatsministerium der Finanzen, für Landesentwicklung und*

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4 Cf. the Hersbruck Memorandum on cross-border cooperation; [https://web.archive.org/web/20160707201500/http://www.metropolregionnuernberg.de/fileadmin/metropolregion\\_nuernberg\\_2011/07\\_service/02\\_downloads/01\\_grundlagenpapiere/141119\\_MEMORANDUM\\_unterschrieben.pdf](https://web.archive.org/web/20160707201500/http://www.metropolregionnuernberg.de/fileadmin/metropolregion_nuernberg_2011/07_service/02_downloads/01_grundlagenpapiere/141119_MEMORANDUM_unterschrieben.pdf) (26 July 2018).

*Heimat*) (Grontmij 2015), which develops arguments in view of the developments of the districts on each side of the border.

This political context matters. Long-term diplomatic actions remain significant, while the importance of legal procedures should not be overestimated. The building up of trusting relations is at least as important as the formulation of development strategies. Thus, 'soft' instruments together with appropriate funding options are key for cross-border cooperation, while legal instruments mostly remain in the background.

## **2.2 Reterritorialisation – rescaling – soft spaces?**

Figure 2 shows that Bavaria also cooperates in multiple ways with its neighbours across the borders in larger territorial perimeters. This includes the INTERREG-B programme, which is now supporting regional development projects in its fifth funding period. The INTERREG-A projects involve cooperation between partners from two neighbouring countries, but in the B programme the partners must come from at least three countries. Bavaria is involved in four programme areas and is thus in a very advantageous position.

Bavaria is also participating in two macro-regional strategies. In the Danube and Alpine regions these strategies largely overlap with the INTERREG-B transnational programme without any clear institutional connection. This still young form of territorial cooperation aims to achieve large-scale, cross-border endeavours to tackle 'common geographical challenges'. To date it is not envisioned that the strategies will be granted dedicated funding or instruments, but that they are embedded into the transnational programmes. In the whole of Europe four strategies have thus far been initiated; they differ substantially from one another and it is not foreseeable which role they will fulfil in the long term. Bavaria has contributed significantly to the Alpine strategy. This area is characterised by at least two geographical features – the Alpine morphology and the high density of nation state borders, which also mark different forms of regulation. The relationship between the macro-regional strategy in the Alpine region (EUSALP) and the Alpine Convention will need to be clarified in coming years.

It can be noted that cross-border cooperation is also a question of scale: between the local scale and that of the continent there are many diverse spatial delineations which are of relevance, and a glance at the past reveals numerous other perimeters of cooperation which were unable to survive in the longer term (cf. Perkmann 2007). For example, the European Region of Danube-Vltava was initially supposed to cover the small-scale, three-country triangle of Lower Bavaria, South Bohemia and Upper Austria before the current larger area was finally stipulated. Furthermore, there was an initial plan to establish three Bavarian-Czech Euroregions, which would have been based primarily on the Bavarian districts. This was superseded by the current division into a northern and a southern Euroregion.





Fig. 2: Bavaria's participation in transnational cooperation areas and macro-regional strategies / Source: adapted from Chilla/Kühne/Neufeld (2016: 98)

This finding, which in principle reflects the situation on all the inner-European borders, is discussed in the conceptual debate under Rescaling and Reterritorialisation. The emergence and transformation of cross-border cooperation forms and regions is always an expression of political interests (Paasi/Zimmerbauer 2016). These new spaces of activity offer actors the opportunity to get involved in agenda setting on the levels above and below them. The potentials of this for the metropolitan level are discussed in the article by Raymond Saller in this volume.

The aim of this agenda setting is to make voices heard in the political processes so that these concerns are considered in decision-making processes. Throughout Europe a trend towards large-scale areas and more individual forms of cooperation can be seen, after the temporary 'standardisation' that occurred via the INTERREG-A/Euro-region programmes in previous years. This is also true of Bavaria, both with respect to

the two macro-regions and the European Region of Danube-Vltava. Although the scale may not be comparable with that of macro-regions, the perimeters of the development study and the border-crossing ambitions of the European metropolitan region of Nuremberg indicate an increasingly large-scale orientation in cooperation dynamics (cf. Köhler 2009).

These processes of changing the scale (rescaling) and new spatial configurations (reterritorialisation) often involve years of searching for the 'right' form of governance and suitable spatial delineations. The article by Nicolai Teufel, Jörg Maier and Martin Doeverspeck in this volume demonstrates this using the example of the northern Bavarian-Bohemian sub-region, where the search for the right constellations is particularly complex.

In this phase of searching for suitable perimeters these areas are often viewed as 'soft spaces' with 'fuzzy boundaries' (Allmendinger/Chilla/Sielker 2014). In some cases these spaces may be 'hardened', while in other cases their fluid character continues or the form of cooperation disappears completely. At present it is difficult to determine which options may exist for interlinking the European Region of Danube-Vltava, the European metropolitan region of Nuremberg and the territory of the development study for the Bavarian-Czech border area. This situation also has consequences for practice. It is a time of creativity and intense cooperation, in which new forms of political organisation are being sought in border areas. Moreover, it can also be a time of competition and duplications.

### **2.3 The border as friction – multi-level mismatch?**

Despite all the liberalisation, despite all the dynamic developments in cross-border cooperation and despite the semantic transition from border areas to integrated regions – the border remains a friction in space. At borders legal systems meet, which differ greatly in many aspects. A case in point are motorway tolls, which are subject only to national regulation. The 'funding gap' – the different requirements for co-financing and the different levels of access to funding opportunities on both sides of the border – also demonstrates the great significance of national borders. In everyday life differences between earning opportunities on the two sides of the border and the differently regulated labour markets and social systems can be felt.

Furthermore, in cross-border cooperation the very different state and administrative structures and the administrative cultures are of great practical importance, a feature that is often perceived as 'multi-level mismatch' (Hooghe/Marks 2003; Chilla/Evrard/Schulz 2012: 966). This includes the experience that mayors or top officials on the two sides of the border do not have the same political competences, which can lead to diplomatic and technical complications. This is similarly true for district representatives, who have very different functions in the Czech Republic, Austria and Bavaria or indeed Germany, not to mention the concept of the federal states. Different political rhythms (legislative periods) and different customs in relation to the fluctuation of personnel can also count as multi-level mismatch.

On a transnational scale, the role of different national regulations on each side of the border is discussed in the article by Peter Haßlacher, Hubert Job and numerous co-authors in this volume, referring to different methodological and political understandings relevant to the conservation of open space. The article by Thomas Streifeneder, Clare Giuliani and Christian Hoffmann in this volume uses the example of policies for mountain regions to demonstrate differences in the range and effectiveness of the available instruments.

### 3 The functional perspective

From the functional perspective, processes of cross-border integration are also a complex matter. One of the main motives for cross-border interaction and European unification is to overcome the divisive effect of the borders. The hope is that the free movement of people, capital, goods and services will lead to lower transaction costs and increased wealth. The appropriate conditions exist for this in relation to internal European borders where the Schengen Agreement is in force, as has been the case on the Bavarian-Czech border since 2007/2011 and on the Austrian border since 1997.

The Bavarian-Czech border is fundamentally characterised by strong barrier effects that result from the presence of the mountain range and the different languages. The border area is also characterised by its low settlement and population density which do not encourage economic interactions across the border, unlike in urbanised border areas such as the area of Salzburg–Freilassing or, in other European regions, the cross-border metropolitan areas around Luxembourg, Basel and Copenhagen–Malmö. Despite all the efforts to promote greater integration, today the Bavarian-Czech border is the section of the German border with the greatest differences, particularly in the economic sense. In both the Bavarian and the Czech parts of the border area the economy is less developed than the rest of each reference area (Bavaria or the Czech Republic) (Grontmij 2015: 6). Interactions between Bavaria and the Czech Republic have greatly strengthened, such that Bavaria is the most important trading partner of the Czech Republic. However, this has only impacted the border areas to a limited extent. This is partly due to the traditional focus on the metropolitan capital, i.e. Prague and Munich.

The Austrian-Bavarian border is one that is minimally visible and tangible. In terms of language and landscape, there is more of a continuum than a barrier, and the economic differences are slight and little influenced by the border.

Bavaria's territory has no direct border with Swiss territory. However, Lake Constance can be deemed a water border with particular local significance from an environmental and tourism perspective. This is reflected in Bavaria's activities in the Lake Constance Conference. This area nonetheless remains somewhat in the background of the small-scale level considered in this volume.

Empirical observation reveals that overall the opening of borders benefits the affected countries in Europe. However, which regions benefit to which extent remains controversial (cf. Chilla/Neufeld 2014). The debate surrounding this issue is summarised in the following three sections.

### 3.1 Convergence?

One of the main hopes motivating the liberalisation of the European borders is the convergence of living conditions and economic development on both sides of the borders, and consequently the reduction of spatial disparities. Figure 3 shows that on the NUTS 2 level, the economic strength of all the sub-areas of the border regions involving Bavaria has increased (and the same is true of income levels; cf. Moritz 2011). The figure depicts the following information on the level of the Bavarian districts, the Czech Kraje and the Austrian federal states which have direct contact with the border: The size of the light-coloured quadrates is proportional to economic performance (GDP) in 2005, while the darker colours show the figures for 2015. In all cases the newer values are higher than the older as gross domestic product has increased in all sub-areas. Furthermore, it can be seen that relative differences have decreased in the sub-areas of the Bavarian-Czech border area, although there continues to be absolute differences. It can thus be noted that this area has undergone limited convergence, and spatial disparities remain a challenge. In the Bavarian-Austrian area economic development has been (very) positive on both sides of the border. Upper Bavaria and Salzburg are particularly striking here. However, the Bavarian-Austrian border area is one of the regions which was characterised by significant similarities even before the Schengen Agreement came into force, so that convergence is not a major policy aim here.

In summary, it can be stated that the border regions that include Bavaria are characterised by large-scale relative convergence but not necessarily by absolute convergence. This is, however, of great political significance only for the Bavarian-Czech area.

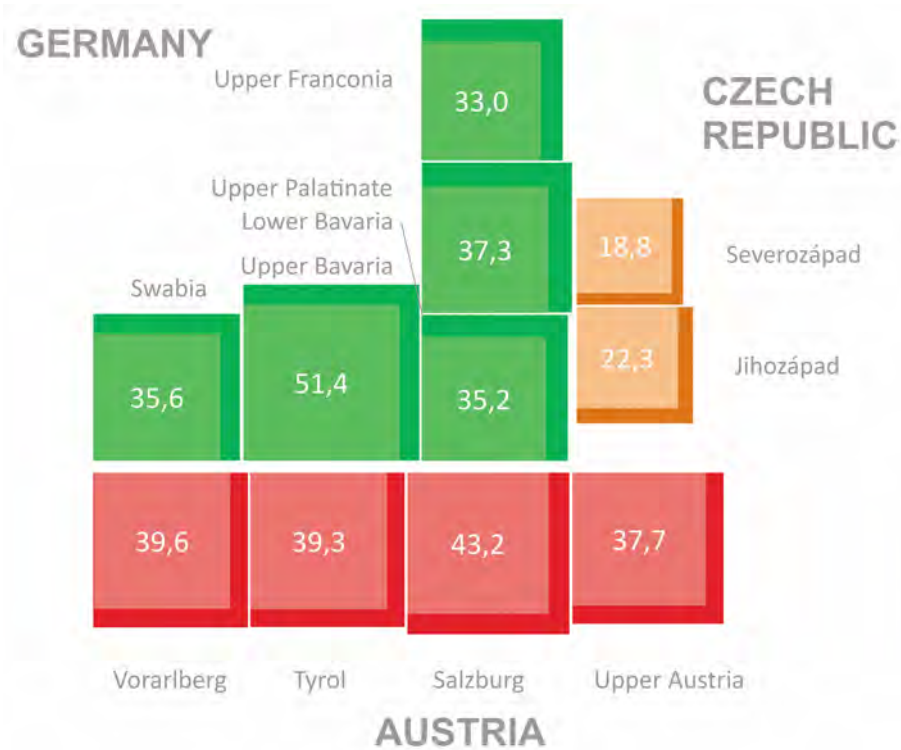


Fig. 3: GDP per inhabitant in 1,000 purchase power standards for 2005 (light quadrates) and 2015 (dark quadrates) along the Bavarian external borders on the NUTS2 level (figures in the boxes give the values for 2015, area of the quadrates is proportional to GDP) / Data: Eurostat, Illustration: Markus Neufeld

### 3.2 Metropolisation?

At this point a second argument becomes relevant which postulates cross-border metropolisation as a driving factor (cf. Sohn 2014). The argument underlying this debate in the field of border studies suggests, firstly, that the liberalisation of borders allows catchment areas across borders to be created. It is actually the case that there are a considerable number of commuters who travel from the Bavarian side of the border to work in the Salzburg area. Secondly, cases are discussed in which differences in regulation further strengthen this trend – prominent examples from the rest of Europe are connected to the financial sector (Luxembourg) or the pharmaceutical industry (Basel area). Such differences do not, however, play a notable role along the Bavarian border. Overall, this metropolisation effect does not play a role in the Bavarian border regions – apart from Salzburg – simply because the whole of the immediate border region is sparsely populated. There are no larger cities in the immediate proximity of the border and in any case such cities – Plzeň, for example – focus rather on domestic metropolises or on large-scale relations (Prague, Munich).

### 3.3 Tunnel effect?

Of relevance here is the third argument of the functional interactions, the tunnel effect. This effect refers to the situation whereby the positive effects of border liberalisation do not impact on the immediate border area. It would certainly be premature to speak of a tunnel effect in the Bavarian-Czech area, however on both sides of the border it is clear that the regions within the states experience more positive development than the border areas. Furthermore, in the early period after the opening of the border, a number of companies were founded in Czech regions by Bavarian firms, but this has largely ceased in recent years (cf. e.g. Berman Group 2013 and Teufel/Maier/Doevenspeck in this volume). To a certain extent these trends in border areas can be explained in exactly the same way as disparities within countries: economic growth today tends to concentrate in metropolitan areas.

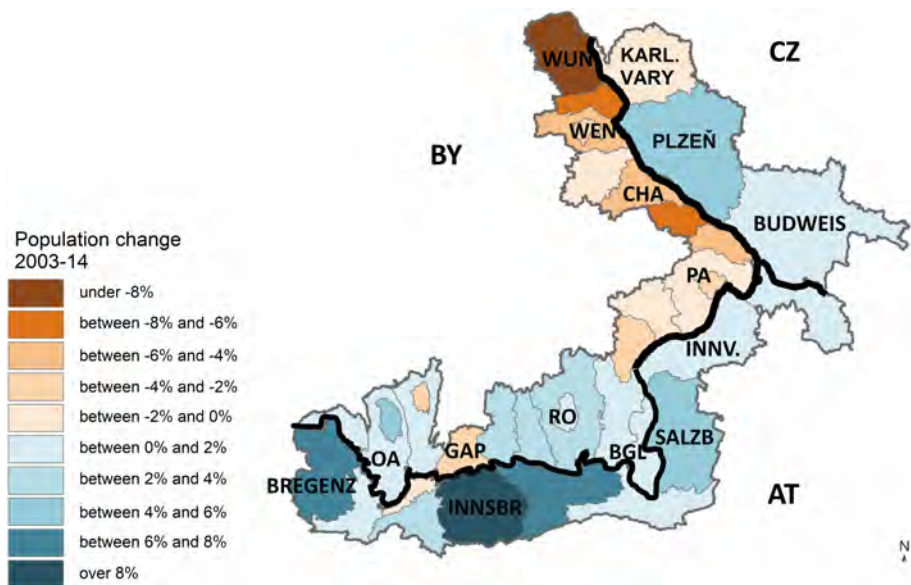


Fig. 4: Population change 2003–2014 (the size of the territorial authorities does not represent the areas they cover but rather the absolute population figures for 2014) / Data: Eurostat, Illustration: Florian Dworzak, Markus Neufeld

Figure 4 clearly shows that with aggregated population development between 2003 and 2014 on the NUTS3 level the effects overlap in the immediate border area. Rural areas tend to perform worse than urbanised districts. Demographic development in the Bavarian border areas tends to be more negative than in the neighbouring countries, which is particularly true for the Czech Republic. This is further discussed in the article by Reinhold Koch in this volume with respect to the development of disparities throughout Bavaria. In the final analysis, the Bavarian border areas are a complex object of regional development where multifaceted trends overlap one another on various scales.

## 4 Implications for Bavarian state spatial planning

### 4.1 Development strategies and spatial observation

Reflection on cross-border spatial development is a somewhat tense process for federal state spatial planning in Bavaria. This is firstly because Bavaria is a region where the instruments of federal state spatial planning and regional development are applied in particularly diverse ways, especially in rural areas. The decade-long debate about the central place system and the recent inclusion of the postulate about equivalent living conditions in the Bavarian constitution are two examples of this. Secondly, in the Bavarian-Czech border area the political situation is particularly tricky, as discussed above, which has hindered cross-border exchanges above the local level of the Euroregion.

Current developments in border areas are not limited to Bavaria. On the contrary, in a number of other border areas developments are actually further advanced (cf. Paasi/Zimmerbauer 2016). Here it is worthwhile taking a broader view. There are a range of quite varied development strategies for cross-border spaces emerging throughout Germany and Europe. Several of them can be understood as dedicated policy documents with very strong implications for spatial planning. This is, for instance, true of the Greater Region around Luxembourg where for the sub-regions (e.g. the Upper Valley of the Mosel) and for the entire Greater Region, documents of cross-border relevance are produced with concrete criteria for national planning.<sup>5</sup> Other development strategies target a combination of analytical elements and declarations concerning possible development potential. Good examples here include the strategies in the Saxon-Czech area and in the German-Polish area (cf. Bergfeld 2013; ARDP [Spatial Development Committee of the German-Polish Governmental Commission for Regional and Cross-Border Cooperation] 2016).

In Bavaria the aforementioned development studies for the German-Czech border area are worthy of mention (Grontmij 2015). These reports argue more analytically and prospectively and only mention the implications for spatial planning in passing. This development study has a more informal three-part predecessor from the 1990s: in the northern part of the border area the trilateral development strategy for the three-state triangle of Bavaria – Bohemia – Saxony, in the central area (around Schwandorf and Cham) a bilateral (unpublished) development strategy and in the south the trilateral development strategy Bavarian Forest – Bohemian Forest – Mühlviertel.

For the Bavarian-Austrian area there is to date no comprehensive spatial development strategy. It should be mentioned here that the Bavarian Federal State Development Programme (*Landesentwicklungsprogramm*) from 2013 explicitly mentioned cross-border development strategies, thus further activities may be expected in this field. Note should also be taken of the numerous studies and analyses that developed in the context of the Bavarian-Austrian cooperation programme and the implementation projects (which also applies to the Bavarian-Czech region).

5 Cf. [http://www.sig-gr.eu/de/cartes-thematiques/amenagement-territoire/schema-developpement-territorial-gr/dimension\\_metropolitaine.html](http://www.sig-gr.eu/de/cartes-thematiques/amenagement-territoire/schema-developpement-territorial-gr/dimension_metropolitaine.html) (09 March 2018).



## 4.2 Spatial planning stipulations

It is interesting that Bavaria has not yet participated in efforts to establish cross-border monitoring for spatial development. Of relevance here are the Model Projects for Spatial Planning (*Modellvorhaben der Raumordnung, MORO*) of the Federal Institute for Research on Building, Urban Affairs and Spatial Development (*Bundesinstitut für Bau-, Stadt- und Raumforschung*) on border-crossing spatial development (from 2015 to 2018), which involve seven pilot regions, mostly from the western and northern German borders. Bavaria is not involved here. The aim of this Model Project for Spatial Planning is to substantiate the requirement for federal reporting on spatial development that is anchored in section 25 of the Federal Spatial Planning Act with respect to the border regions.<sup>6</sup>

Reference is made here to developments in France where the Mission Opérationnelle Transfrontalière (MOT) has been established at government level as a central office for border issues. Throughout Europe the availability of data on issues of cross-border spatial development is unsatisfactory – small-scale information on cross-border commuters is at best piecemeal. Continuous spatial observation based on standardised data would undoubtedly have great potential. Finally, reference should be made to the European Commission, which recognises the role it has to play in improving the knowledge base but has to date done little in terms of concrete measures (cf. European Commission 2017).

Explicit spatial planning statements on border areas were already included in the Federal State Development Programme of 1994. Its overriding goal was: ‘The position and importance of Bavaria within the united Germany and the European Communities and vis-à-vis other countries in a Europe of the regions should be consolidated. [...] Hereby in particular in the border regions with the Czech Republic and the neighbouring regions of Saxony and Thuringia, cross-border cooperation with the adjacent regions and a reciprocal complementarity with planning and measures of spatial development, especially through coordinated, specific initiatives and projects, should be sought’ (Bavarian State Government [*Bayerische Staatsregierung*] 1994 A I.9 Z). These cross-border stipulations were further advanced in the course of later updates of the programme. It is unequivocally welcomed that Bavarian spatial planning has recently emphasised that the ‘cross-border central places defined with Austria and the Czech Republic [...] should] particularly advance cross-border development and cooperation’ (Bavarian State Government 2018: point 6 no. 2.1.11 G). The expert reports on the partial update of the central place system in Bavaria shows that – despite the limited data – the designation of cross-border multiple-location centres with centrality functions is useful (Flex/Greiving/Terfrüchte et al. 2015: 28 et seq.). In the partial update of the Federal State Development Programme in February 2018 the following cross-border multiple-location centres were listed (all subject to agreement with the partners on the other side of the border):

6 Cf. [https://www.bbsr.bund.de/BBSR/DE/forschung/programme/moro/studien/2015/angrenzende-regionen/01\\_Start.html?nn=2540226](https://www.bbsr.bund.de/BBSR/DE/forschung/programme/moro/studien/2015/angrenzende-regionen/01_Start.html?nn=2540226) (11 May 2021).



Bavaria – Czech Republic:

- > Selb – Aš (Asch) – Higher-order centre
- > Waldsassen – Cheb (Eger) – Higher-order centre
- > Furth im Wald – Domazlice (Taus) – Middle-order centre

Bavaria – Austria:

- > Lindau – Bregenz – Higher-order centre
- > Neuhaus am Inn – Schärding – Middle-order centre
- > Simbach am Inn – Braunau am Inn – Middle-order centre
- > Laufen – Oberndorf – Middle-order centre

The structural map also indicates the close proximity of the joint higher-order centre Freilassing–Bad Reichenhall to Salzburg, which is designated as a level A central place in the Salzburg Federal State Development Programme.

Also of interest is the current regulation (Bavarian State Government 2018: 3.3.G), which facilitates procedures for derogation from spatial planning goals in retail planning in border regions. These statements certainly do not exhaust the potential of federal state spatial planning. The issues of transport, tourism and conservation areas are aspects that offer starting points to extend the scope.

### **4.3 Looking to the future: Cross-border federal state spatial planning?**

This volume is not a position paper or a spatial planning recommendation in the narrow sense. Nonetheless it offers diverse inspiration for how cross-border cooperation, regional development and spatial planning can be further developed. In particular, potential can be seen in the following points.

Despite all the recent activities concerning cross-border integration, knowledge about interactions across borders remains limited. Commuter data and spatio-economic interactions are just two examples that demonstrate that spatially related knowledge is not available in a systematic and comprehensive form. Cross-border spatial observation has potential here that has hardly been tapped as yet. Further efforts should ideally be linked to spatial monitoring activities throughout Germany and Europe.

There is to date a lack of comprehensive, binding and long-term spatial development strategies along the Bavarian border; here too other European border regions can provide inspiration. Spatial development perspectives are a traditional format; a new chapter in the Bavarian Federal State Development Programme on the development of border areas would be significantly more binding. In addition to existing cross-

border central places, an across-the-board approach that targets transport priorities, cross-border nature potential and other issues would be valuable. These specific steps should certainly be undertaken in close coordination with neighbouring regions and countries.

Alongside classic spatial planning strategies, the supporting regional development instruments should be systematically employed for the development of border areas. Finally, it should be conceded that cross-border spatial development cannot be primarily based on legal stipulations. The 'soft' instruments that rely on exchange, creating networks and project-based advancements must undoubtedly be the focus of attention (cf. the article by Weizenegger/Lemberger in this volume). This includes economic policy instruments such as a potential cross-border cluster policy.

It can be concluded that to date policy endeavours affecting the Bavarian border areas have been rather piecemeal. A general perspective on the border areas which takes a standpoint on the various overlapping perimeters of cooperation and stakeholder constellations, and which identifies substantive and instrumental priorities, undoubtedly holds significant potential for border regions. The articles in this volume flesh out this potential.

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## ALPINE OPEN SPACES IN SPATIAL PLANNING – A PLEA FOR GREATER CROSS-BORDER COOPERATION<sup>1</sup>

### Contents

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- 2 Open spaces
- 3 Established instruments for the preservation of open spaces
- 4 Cross-border cooperation with Austria for the preservation of open spaces in Bavaria
- 5 Analyses of non-legally binding approaches to the preservation of open spaces
- 6 Conclusions
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### Abstract

Alpine open spaces are becoming noticeably scarcer. In the Alps, this applies to the inherently limited area of permanent settlement, which in the case of Tyrol covers only 11.8%. The population is growing in many of the valleys and with it the infrastructure it requires. However, the open spaces, situated at altitudes above the settlements, are also being successively broken up and exploited through technical facilities (e.g. cable cars, hydro-electric facilities) or increasingly intensive types of use (e.g. e-mountain bikes). The preservation of open spaces began in Bavaria as early as 1972 with the implementation of the Alpine Plan, which established spatial planning objectives. The Alpine Plan divided Bavaria's Alpine region into three zones of varying traffic intensity, a true legislative innovation. Zone C was intended for nature conservation, which was still in its infancy at that time, and also aimed to reduce natural Alpine hazards. Primarily, however, this planning initiative was related to the role of the landscape as a setting for recreation in open spaces, i.e. leisure and tourism activities in natural surroundings. Today, there are similar initiatives of varying success in South Tyrol (Italy), Austria and Switzerland. This paper aims to analyse, compare and describe these initiatives and to critically assess how they are formulated, how they work, and how they are implemented by planners. The focus is on comparing analyses of approaches for preserving open space for people (local residents and their traditional economic activities, but also visitors) and the natural heritage. Present-day regional and spatial planning practices related to Alpine open spaces in the German-speaking and Swiss Alpine regions are presented and critically evaluated and future options for harmonising approaches across the borders are discussed.

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1 This article is an abridged version of: Job, H.; Mayer, H.; Haßlacher, P.; Nischik, G.; Knauf, C.; Pütz, M.; Essl, J.; Marlin, A.; Kopf, M.; Obkircher, S. (2017): Analyse, Bewertung und Sicherung alpiner Freiräume durch Raumordnung und räumliche Planung. Hannover. = Forschungsberichte der ARL 7.

## Keywords

Alpine open spaces – GIS analysis – open space analysis – nature conservation – spatial planning – tourism

## 1 Introduction

Even in the 1970s Alpine open spaces were already subject to a generally high pressure to utilise resources (Krippendorf 1975); this is the case today more than ever. In the general discussion about open spaces, the focus of interest is often on the valleys, whose population has increased over the years throughout the Alps (Bätzing 2015). This article primarily considers the open spaces in outlying areas – in the Alpine context, regions at higher elevations than areas of permanent settlement. In terms of spatial planning, the focus is thus on the areas where territorial stipulations to conserve open spaces close to settlements, such as in green zones, corridors and belts, tend to cease. This does not mean, however, that Alpine open spaces are always associated with higher altitudes. Ideally they stretch approximately to the lower edge of the continuous forest belt on the lower valley slopes. On the one hand, this prevents such open spaces from being topologically fixed in the area of the high-altitude ‘worthless lands’ where there are fewer conflicts (Job/Fröhlich/Geiger et al. 2013; Bender/Roth/Job 2017; Mayer/Mose 2017). On the other hand, this spatial extension into lower altitudes also does justice to the spatio-structural interlinkages between the ‘real’ Alpine region and the valleys (e.g. by forestry and seasonal pasturing tracks), not least with reference to winter tourism and the ski resorts (Haßlacher 2007a). This should also allow for a better connectivity of habitats between the mountain forests, high pastures and the ‘barren lands’ of the high Alps (Schoßleitner 2016).

The research area on which this study is based is situated in the German-speaking and Swiss Alpine region. The analysis thus considers the respective areas covered by the Alpine Convention in Germany, Austria (the federal states of Salzburg, Tyrol and Vorarlberg), Switzerland and Italy (the autonomous province of Bolzano-South Tyrol). These regions of the Alps are among those that are most intensively used and developed for tourism (Mayer/Kraus/Job 2011: 34). Here tourism is often the leading economic sector, especially in the high altitude, peripheral and sparsely populated valleys (Berwert/Rütter/Müller 2002). In general, there is also significantly greater and more sustained population and land-use pressure there than in other Alpine areas (Bätzing 2015: 304 et seq.). The subject of preserving as yet undeveloped Alpine landscape areas and areas little impacted by infrastructural development as open spaces thus seems particularly relevant. Furthermore, there are much greater similarities in culture, language, history, tourism offerings and spatial planning regulations in the German-speaking Alpine region than in the Romanic and Slavic Alpine regions (Bätzing 2015: 60 et seq.; 304 et seq.).

The development contest (to create the largest contiguous ski resort) between municipalities, valleys, regions and states makes it urgently necessary for a constructive discussion to be conducted across the Alpine region (Haßlacher 2016a: 9). In light of the worsening problems, spatial planning must regain its standing and significance in the Alpine states and take new approaches. A balance between utilisation and open

space must be agreed and adhered to by the various stakeholders active on various scales: from representatives of planning practice and planning science to non-governmental organisations and local residents. Associations such as the International Commission for the Protection of the Alps (CIPRA Germany 2016) call for a general international halt to the extensive expansion of ski resorts. This is much too short-sighted and runs counter to the largely development-friendly attitude of present-day policy. A better understanding of spatio-functional structures is required, based on levels of intensity of use. Greater safeguarding of open spaces through spatial planning is required to provide conservation areas for people and nature. A new Alpine spatial planning architecture that also clearly defines areas for use is required (Haßlacher 2016b; Mayer/Strubelt/Kraus et al. 2016).

This article aims to provide an overview of the methodical analyses and spatial planning strategies that can be used to identify and protect undeveloped, semi-natural Alpine landscape areas with little infrastructure as open spaces. The following chapters first provide a short overview of the term ‘open space’ and related terms and propose an independent, comprehensive definition of open spaces, which is then used in this study (Chapter 2). Next, two long-established instruments used to preserve open space in the Bavarian Alps and Tyrol are briefly described (Chapter 3) and the cross-border coordination of these instruments is assessed (Chapter 4). Attention then turns to four current analyses (in the areas of the federal state of Salzburg, Vorarlberg, South Tyrol and the Swiss Alps) of the preservation of open spaces that are not anchored in spatial planning regulations or spatially relevant planning (Chapter 5). The article concludes by discussing the spatial planning options for safeguarding Alpine open spaces in cross-border contexts (Chapter 6).

## 2 Open spaces

There are various traditional and newer ideas and strategies on open spaces. This is highlighted by diverse studies with different approaches, which also leads to differing terminology. Terms like semi-natural open spaces, open areas, white zones, Alpine quiet areas, quiet areas and protected zones are used. These differ in their objectives but are often used synonymously, or regional preferences emerge despite considerably differing definitions and delimitations (Baier/Erdmann/Holz et al. 2006: 386; Häpke 2012: 14). All of this must be taken into account if an overarching understanding and a generally applicable definition of open space in the Alpine context is to be developed.

The basic function of open space is the protection and guarantee of the natural foundations of human life (soil, water, climate, air, landscape, fauna and flora) and the functionality of the ecosystems (conservation and regeneration). This requires a certain amount of open space (Ritter 2005: 336). More specifically, open space can be divided into three functions (BMVBS/BBR [Federal Ministry of Transport, Construction and Urban Development/Federal Office for Building and Regional Planning] 2006: i): ecological (e.g. landscape, species, biotope and soil conservation), economic (e.g. agriculture and forestry) and social (e.g. flood protection, immission control, recreation and landscape appearance).

Increasing greenfield land take and its attendant loss of open space can lead to diverse negative consequences. Some examples include soil sealing, landscape fragmentation, habitat fragmentation (ecological consequences), and increased traffic volume or rising infrastructure costs (economic and social consequences) (Schiller/Siedentop 2005: 83 et seq.).

Open space and open space conservation were originally regional planning concepts that first emerged during the reorientation of spatial planning towards environmental policy around 1974 (Ritter 2005: 336). This was triggered by the problem of increasing greenfield land take (Ritter 2005: 341). Open space was thus an antonym to settlement and replaced the terms that were common up to that point: 'open and green areas' or 'green space' (Ritter 2005: 336; *DRL* [German Council for Land Stewardship] 2006: 7). This is, thus far, a negative definition; it seems more useful to describe the term in a positive sense. Planning protection was intended to focus on specific functions of natural or semi-natural land (Siedentop/Egermann 2009: 1).

In general, open space is understood to refer to all non-built-up areas (*BMVBS/BBR* 2006: i; *ARE* [Swiss Federal Office for Spatial Development]/*BWO* [Swiss Federal Office for Housing] 2014: 4). From a landscape ecology perspective, open space is viewed as that part of the landscape which is not affected by 'built development or linear infrastructure facilities resembling built development' (Baier/Erdmann/Holz et al. 2006: 11). That does not mean such areas are fully unused: they are not wilderness areas (Schmauck 2015: 16). However even the wild, semi-natural landscapes of the Alps are usually not completely free of indirect utilisation. So in this respect, there is definitely a certain overlap with the wilderness concept.

Of interest are semi-natural areas in the sense of predominantly (ecologically) sustainable uses (e.g. extensive agricultural areas, forests, moors, rivers and lakes, farm tracks, cycle paths, hiking trails, bridle paths and mountain paths), which are or may also be subject to interactions between natural and/or anthropogenic factors (cultural landscape) (Ritter 2005: 336; *BMVBS/BBR* 2006: i). They thus consist both of wilderness (nature almost untouched by humans) and cultural landscapes that have been subject to minimal transformation (*BMVBS/BBR* 2006: i). Open spaces within settlement structures (e.g. parks and gardens) are not relevant here.

In summary, the normative definition on which this work is based is as follows: open spaces include areas that are without buildings of any kind, that are not predominantly developed (piecemeal, linear or extensive infrastructure), that are potentially able to support vegetation, that are ideally free from traffic or reserved almost completely for non-motorised transport and are thus 'noise-free'. Non-structural (in the sense of engineered) infrastructure is not present or is very limited.

Excepted construction includes non-disruptive infrastructure such as sacred buildings, summit crosses, fountains, monuments and paths up to 2.5m wide (e.g. forestry service roads and agricultural tracks). For the latter, the nature of their surface is important: unpaved surfaces are acceptable and sealed surfaces should be avoided (except on steep hairpin roads). 'Not predominantly developed' ideally means a semi-natural open space completely free of 'disruptive' infrastructure, or at least with only

a small proportion of disruptive infrastructure such that not more than 20% of the space is developed with infrastructure. The characteristic ‘noise-free’ is more precisely defined by the threshold of 55dB, which marks the noise level for annoyance.<sup>2</sup> When drawing up boundaries for open spaces, it is especially important to ensure they are accessible so that people can experience them, as non-mechanised recreation is paramount here (Becker/Job/Koch 1991; Becker/Job/Witzel 1996). At the same time, traditional conservation and, in part, the protection of natural processes are promoted and general acceptance of open spaces is improved.

### 3 Established instruments for the preservation of open spaces

This chapter presents two instruments for the preservation of open spaces that have long been established in spatial planning in the Alpine states: the Bavarian Alpine Plan and the Tyrolean quiet areas. Due to the plethora of publications on this subject the discussion is kept relatively concise. Of course, there are more instruments for the conservation of open space than the traditional ones mentioned in the following discussion, e.g. conservation areas. However, discussion of these would exceed the scope of this article, especially as they are not (primarily) spatial planning instruments but rather sectoral planning instruments for nature conservation.

The Alpine Plan is a central element of the Bavarian State Development Programme (*Landesentwicklungsprogramm, LEP*) and since 1972 has regulated the development of (transport) infrastructure in the Bavarian Alps including roads, cable cars, ski lifts, ski slopes, airports, etc., as these projects are evaluated in advance from the perspective of federal state spatial planning. The aim is to prevent the overuse of nature and landscape and to reduce the risk of natural hazards (Hensel 1987: 270; Goppel 2003: 123). The various demands on land utilisation in the Alps (e.g. places where the local population can live and work and ecosystem services) should be balanced with recreation services and the requirements of the tourist industry and at the same time large areas of ecologically valuable Alpine open space should be protected (cf. *StMWIVT* [Bavarian Ministry of Economic Affairs, Infrastructure, Transport and Technology] 2006). The Alpine Plan creates a comprehensive solution that does not depend on decisions related to individual cases; rather the land-use demands are weighed up for the entire Bavarian Alpine region. These intentions behind the Alpine Plan were to be implemented with the help of a central instrument, the zoning of the whole of the Bavarian Alps (4,393.3km<sup>2</sup>, without the lakes) according to existing land use, ecological sensitivity and future development perspectives. The Bavarian Alps were divided by institutional regulation into three zones using these criteria. Each zone represents a territory for different primary functions and options for the future development of transport facilities, tourist accommodation and settlement expansion (cf. Barnick 1980: 4; Barker 1982: 282; Gräf 1982: 268; Grötzbach 1985: 152; Hensel 1987: 270; Goppel 2003: 123; Wessely/Güthler 2004: 52 et seq.; *StMWIVT* 2006; Speer 2008: 283 et seq., 286):

2 Cf. <http://www.bafu.admin.ch/laerm/10312/10995/?lang=de> (12 March 2018).



- > Zone A, the infrastructure development zone (*Erschließungszone*) (1,548.3 km<sup>2</sup>; 35.24% of the Bavarian Alps as delimited in the Alpine Plan), includes all settlements and most areas with existing intensive land uses, e.g. valley areas and tourism locations, and is generally viewed as suitable for further infrastructure development (e.g. with ski lifts), with the exception of airports. It includes the settlement area and provides areas for ski tourism and other mechanised recreational activities and mass tourism offerings.
- > Zone B (976.6 km<sup>2</sup>; 22.23%) serves as a buffer zone in which projects are only permitted after a detailed review and if they do not conflict with stricter regional planning requirements. Infrastructure projects require an individual assessment of their potential environmental impacts and are usually permitted if they are viewed as necessary for agriculture and forestry.
- > Zone C, known as the Alpine quiet area (1,868.4 km<sup>2</sup>; 42.53%), is conceived as a protected zone in which all transport projects, with the exception of measures necessary for traditional agriculture and forestry, are explicitly prohibited and thus implicitly only non-intensive recreational activities adapted to the landscape and close to nature, such as hiking, cycling and cross-country skiing, are permitted. Zone C is generally not suitable for any sort of infrastructural development. The only exceptions are measures for tending to traditional cultural landscapes such as service roads for forestry and seasonal pasturing. Zone C mainly covers high mountain areas, conservation areas, almost all of the southern ridges bordering Austria, and the areas at high risk of erosion and avalanches.

In recent years comprehensive scientific evaluations (Job/Fröhlich/Geiger et al. 2013; Job/Mayer/Kraus 2014; Mayer/Strubelt/Kraus et al. 2016) have confirmed the effectiveness of the Alpine Plan for protecting the Bavarian Alps from overdevelopment without negatively influencing tourism trends. Indeed, strengthening the system of protected areas has ensured that there will be opportunities for recreational activities in semi-natural environments in the long term. However, the increasingly individualised nature of recreational sport in the Bavarian Alps (e.g. cross-country skiing, snowshoeing, riding electric mountain bikes) cannot be controlled by spatial planning instruments like the Alpine Plan. In conclusion, it can be noted that there has been no exception permit granted for an infrastructure project in Zone C since 1972, thus avoiding lengthy and conflictive debates about individual cases and high costs for administrative planning approval work, and thus preventing numerous infrastructure projects (cf. Job/Mayer/Haßlacher et al. 2017: 18 et seq.).

The Tyrolean quiet areas are an important Austrian instrument for conserving Alpine open space. They were first developed in 1972/1973 in the Landscape Plan drawn up by the Tyrolean state forestry inspection body (*Tiroler Landesforstinspektion*) for the whole of the Tyrol. In contrast to the Bavarian Alpine Plan (1972) and the Swiss 'Conservation inventory of landscapes and natural monuments of national impor-

tance<sup>23</sup> (from 1977), produced at much the same time, this plan had no legal effect (Haßlacher 2016a: 7). The proposals for quiet areas made in the Tyrolean Landscape Plan were, however, taken up by regional planning. The legal anchoring of the quiet areas was implemented using ordinances in line with a resolution of the federal state government, but only after the Tyrolean Nature Conservation Law (*Tiroler Naturschutzgesetz, TNSchG*) of 1975. The safeguarding of Alpine open spaces through spatial planning is based on the technical foundations provided in the Tyrolean Recreational Space Strategy (*Tiroler Erholungsraumkonzept*), specifically in the chapters on tourism and Alpine spatial planning (Office of the Tyrolean Government [*Amt der Tiroler Landesregierung*] 1981).

According to the Tyrolean Nature Conservation Act, quiet areas are situated outside built-up areas and are particularly suitable for peaceful recreation and relaxation. They are free from noise-generating enterprises, public passenger transport and public roads. They are characterised in particular by clear bans with no exceptions: no establishment of noise-generating enterprises, no installation of cable car tracks for public transport and no ski lifts, no new roads for public transport, no significant noise generation (since 2015 this excludes measures for the energy transition) and no off-field landing or take-off of motorised aeroplanes for tourist purposes (with very isolated exceptions).

By locating the quiet areas so that they directly bordered skiing areas and roads, they were also used to fix the limits of development for engineered infrastructure. Owing to the clear bans they embody, quiet areas were preferred when designating conservation areas with the aim of setting definite limits to skiing areas (e.g. in Seefeld and in Achenkirch in the Karwendel mountains with the ‘Eppzirl’ and ‘Achenal-West’ quiet areas). Landscape conservation areas cannot achieve this due to their weaker protective status. Quiet areas thus represent a consistent Alpine zoning designation to safeguard undeveloped open spaces, anchored in the sectoral planning of nature conservation. Specific nature conservation management tasks can then be agreed with landowners and local authorities at a later point (Haßlacher 2007b: 88).

Based on the various plans stemming from official regional planning, the Austrian Alpine Association (*Österreichischer Alpenverein*), the environmental protection department of the Office of the Tyrolean Government and the conservation area management bodies, eight quiet areas were approved and designated in Tyrol by the federal state government between 1981 and 2000 (Haßlacher 2016a: 7). With a total area of 1,370.94 km<sup>2</sup>, they occupy 10.84% of Tyrol’s land area, mostly in Alpine locations. For comparison, the permanently settled area in Tyrol is 11.8% of the total area. They have been able to prevent a series of infrastructural development projects (cf. Job/Mayer/Haßlacher et al. 2017: 28 et seq.).

3 This national inventory comprises the most valuable landscapes and natural monuments in Switzerland, which are thus legally protected. This creates more legal and planning security in dealing with items listed in the inventory, and valuable landscapes worthy of protection are taken into consideration in spatial planning decision-making processes by the federation and cantons; cf. <https://www.bafu.admin.ch/bafu/de/home/themen/landschaft/fachinformationen/landschaftsqualitaet-erhalten-und-entwickeln/landschaften-von-nationaler-bedeutung/bundesinventar-der-landschaften-und-naturdenkmaeler-von-national.html> (11 May 2021).

Zone C of the Alpine Plan (since 1972) and the Tyrolean quiet areas (since 1975/1981) also fulfil – looking into the future – the framework convention of the Alpine Convention<sup>4</sup> (Article 2(2)i) and the associated protocol of the Alpine Convention on ‘Spatial Planning and Sustainable Development’ (Article 9(4)b)<sup>5</sup>, ‘Nature and Landscape Conservation’ (Article 11(3))<sup>6</sup>, ‘Tourism’ (Article 10)<sup>7</sup> and ‘Energy’ (Article 2(4))<sup>8</sup> in terms of the binding stipulation of Alpine quiet areas in the application of the Alpine Convention.

#### 4 Cross-border cooperation with Austria for the preservation of open spaces in Bavaria

Although a positive judgement could be made concerning the fulfilment of the framework convention of the Alpine Convention and the associated protocol with zone C of the Alpine Plan and the Tyrolean quiet areas, this is less the case concerning the cross-border coordination of zone C of the Alpine Plan with the Tyrolean quiet areas and the nature and landscape conservation areas of Bavaria, Salzburg, Vorarlberg and the Tyrol. Figure 1 visualises the Alps in the border region of Germany (the south of Bavaria including the boundary with the Bavarian Alps according to the 1994 Federal State Development Programme (*StMLU* [Bavarian Ministry of Federal State Development and Environmental Affairs] 1994) and the Alpine Convention) and Austria (the north of Vorarlberg, Tyrol and Salzburg). The thematic focus is on types of open space stipulations and conservation areas. In Bavaria the areas that are protected by the conservation zone C of the Alpine plan in line with the Federal State Development Programme are visible; in Tyrol the equivalent – the quiet areas – are visible. In both countries the nature and landscape conservation areas are also indicated. Furthermore, the Berchtesgaden National Park is marked.

4 [https://www.alpconv.org/fileadmin/user\\_upload/Convention/EN/Framework\\_Convention\\_EN.pdf](https://www.alpconv.org/fileadmin/user_upload/Convention/EN/Framework_Convention_EN.pdf) (11 May 2021).

5 [https://www.alpconv.org/fileadmin/user\\_upload/Convention/EN/Protocol\\_Spatial\\_Planning\\_EN.pdf](https://www.alpconv.org/fileadmin/user_upload/Convention/EN/Protocol_Spatial_Planning_EN.pdf) (11 May 2021).

6 [https://www.alpconv.org/fileadmin/user\\_upload/Convention/EN/Protocol\\_Conservation\\_of\\_Nature\\_EN.pdf](https://www.alpconv.org/fileadmin/user_upload/Convention/EN/Protocol_Conservation_of_Nature_EN.pdf) (11 May 2021).

7 [https://www.alpconv.org/fileadmin/user\\_upload/Convention/EN/Protocol\\_Conservation\\_of\\_Nature\\_EN.pdf](https://www.alpconv.org/fileadmin/user_upload/Convention/EN/Protocol_Conservation_of_Nature_EN.pdf) (11 May 2021).

8 [https://www.alpconv.org/fileadmin/user\\_upload/Convention/EN/Protocol\\_Energy\\_EN.pdf](https://www.alpconv.org/fileadmin/user_upload/Convention/EN/Protocol_Energy_EN.pdf) (11 May 2021).

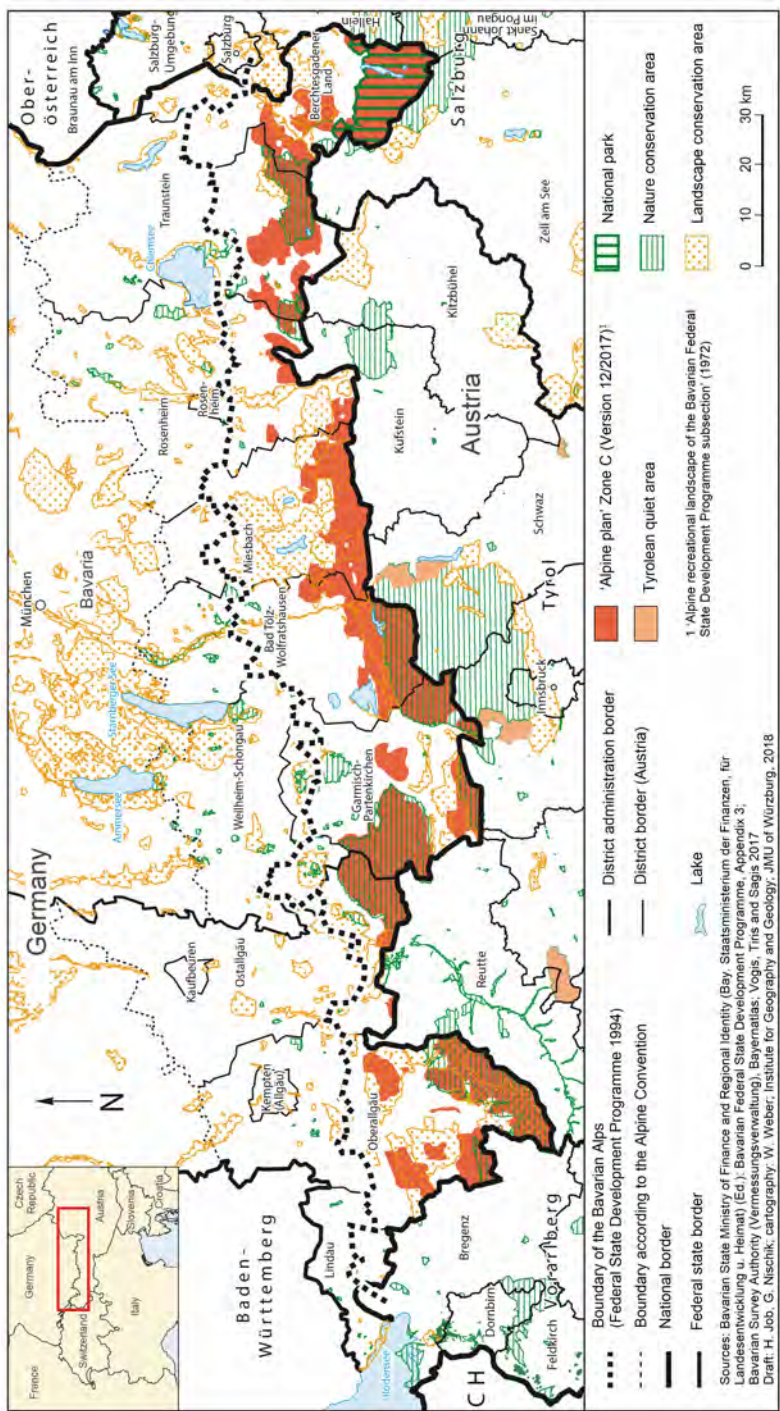


Fig. 1: Cross-border conservation areas of Bavaria and Austria

It can be seen that the designation of conservation zone C in the Alpine Plan and the Tyrolean quiet areas is not coordinated across the border. There are thus grave gaps in the preservation of Alpine open spaces. The other conservation areas also only meet at the national border in exceptional cases. Congruent conservation areas on the national borders of the two countries are only found in the Karwendel mountains (on the Austrian side the Eppzirl and Achental-West quiet areas, the Arnspitze, Reither Moor and Karwendel nature conservation areas, the Martinswand-Solstein-Reitherspitze, Nordkette, Vorberg, Falzthurntal-Gerntal, Bärenkopf and Großer Ahornboden landscape conservation areas, and on the German side the Karwendel and Karwendelvorgebirge nature conservation areas) and in the vicinity of the Berchtesgaden Alps/Salzburg Limestone Alps (for Austria the Gerhardstein-Hinterthal-Weißbacher Almen, Göll-Hagen-Hochkönig-Steinernes Meer and Roßfeldstraße landscape conservation areas as well as the Kalkhochalpen nature conservation area, and in Germany the Berchtesgaden National Park).

On the Bavarian side many landscapes along the border with Austria are protected by conservation zone C in the Alpine Plan (e.g. Allgäu Alps, Ammer- and Wetterstein mountains and Chiemgau Alps). However, the protection is not continued on the Austrian side of the border, which contradicts the notion of the coordinated conservation of open spaces and the idea of ecological connectivity. (High-) mountain landscapes which are spatially defined by the natural landscape and not by administrative boundaries are only safeguarded in a dispersed manner with no transnational coordination of planning. It thus seems that much more intensive cross-border cooperation in spatial planning and spatially relevant sectoral planning is urgently required.

## 5 Analyses of non-legally binding approaches to the preservation of open spaces

In the wake of the discussion of established instruments for preserving open spaces, attention now turns to analyses of approaches to the protection of open space which are not implemented by spatial planning (cf. Job/Mayer/Haßlacher et al. 2017: 36 et seq.). These include the 'Alpine quiet areas' (*alpine Ruheazonen*) in the federal state of Salzburg, the 'white zones' (*Weißazonen*) in the federal state of Vorarlberg and the 'undeveloped areas' (*unerschlossene Gebiete*) of South Tyrol. In addition, the article presents an independent study of 'semi-natural open spaces' in the Swiss Alps.

In the following, four analyses of approaches to the identification and delimitation of open spaces in the German-speaking Alpine region are systematically compared using a number of indicators, and their commonalities and differences discussed. Firstly, an overview of the individual analyses of open space according to the selected indicators is presented as a table (cf. Table 1). It should be noted that there is a fundamental problem in comparing the analyses as the studies were conducted at different times, independently of one another, and had access to very different resources. Furthermore, the Salzburg study did not follow a traditional GIS-based approach.

	Alpine quiet areas – State of Salzburg	White zones – State of Vorarlberg	Undeveloped areas – South Tyrol	Semi-natural open spaces – Switzerland
<b>Contracting authority/initiative</b>	Office of the Federal State Government of Salzburg ( <i>Amt der Salzburger Landesregierung</i> )	Federal State Government of Vorarlberg ( <i>Vorarlberger Landesregierung</i> )	Umbrella Association for Nature and Environmental Protection in South Tyrol ( <i>Dachverband für Natur- und Umweltschutz in Südtirol</i> ) (funded by the autonomous province of Bolzano/South Tyrol, Department for Nature and Landscape)	Swiss Federal Institute for Forest, Snow and Landscape Research ( <i>Eidgenössische Forschungsanstalt für Wald, Schnee und Landschaft, WSL</i> ) (Regional Economy and Development Research Group)
<b>Edited by</b>	Richard Schoßleitner – Office for Geography and Spatial Research	Manfred Kopf, Andreas Marfin, Stefan Obkircher – Department of Spatial Planning and Building Law (and Department of Climate Protection)	Kurt Kulstatscher, Ines Breitenberger – Office Trifolium	Marco Plütz, Christoph Knauf, Gero Nischik – Regional Economy and Development Research Group
<b>Project start</b>	unknown	2012	2009	2016
<b>Research area (size)</b>	<ul style="list-style-type: none"> <li>Austrian State of Salzburg</li> <li>Size: 7,156 km<sup>2</sup></li> </ul>	<ul style="list-style-type: none"> <li>Austrian State of Vorarlberg</li> <li>Size: 2,601 km<sup>2</sup></li> </ul>	<ul style="list-style-type: none"> <li>Autonomous province of Bolzano/South Tyrol</li> <li>Size: 7,400 km<sup>2</sup></li> </ul>	<ul style="list-style-type: none"> <li>Swiss Alps (area in line with the Alpine Convention)</li> <li>Size: 25,197.6 km<sup>2</sup></li> </ul>
<b>Objectives</b>	<ul style="list-style-type: none"> <li>Support the designation of Alpine quiet areas on local and regional level</li> <li>Consultation for Federal State Development Programme update 2017</li> </ul>	First phase: recording of untouched, semi-natural and little developed Alpine landscape areas Second phase: long-term safeguarding of these areas as white zones	Recording of undeveloped areas (residual landscape areas without fragmentation)	<ul style="list-style-type: none"> <li>Methodological operationalisation of the term/concept of open space</li> <li>Identification and inventories of semi-natural open spaces in the Swiss Alps</li> <li>Development of spatial types</li> </ul>
<b>Methodological approach for the stipulation of spatial units</b>	Use of existing area designations	Hydrological modelling: 20,000 small catchment areas manually joined to form larger hydrological units (landscape units) (Grabher Environmental Office)	unknown	Hydrological modelling: 14,500 sub-catchment areas formed
<b>Spatial unit used to assess the degree of infrastructural development</b>	unknown	<ul style="list-style-type: none"> <li>Landscape units</li> <li>Average size: 3.3 km<sup>2</sup></li> <li>Min. 0.27 km<sup>2</sup>; Max. 25.5 km<sup>2</sup></li> </ul>	<ul style="list-style-type: none"> <li>No spatial unit in the narrow sense</li> <li>= Total state territory</li> </ul>	Hydrological sub-catchment areas
<b>Database of infrastructures</b>	SAGISonline	VoGIS of the state of Vorarlberg	<ul style="list-style-type: none"> <li>Gec-browser of the autonomous province of Bolzano/South Tyrol</li> <li>Paths-shapefile of the Office for Supra-Local Spatial Planning of the autonomous province of Bolzano/South Tyrol</li> </ul>	<ul style="list-style-type: none"> <li>Infrastructures: TLM Switzerland</li> <li>Elevation model: swissALTI3D</li> <li>Basic geometry of Switzerland</li> </ul>



<p><b>Disruptive infrastructures</b></p>	<ul style="list-style-type: none"> <li>• Streets: National and federal state streets, streets of supra-local importance, municipal streets, private streets and tollways for public transport, large car parks &gt;1,000 m<sup>2</sup></li> <li>• Railways</li> <li>• Ski pistes including mechanical lifts, lift stations, reservoirs, snow machines, gastronomy and accommodation</li> <li>• Summer and winter toboggan tracks, leisure and amusement parks, motorsport facilities, shooting ranges, football and tennis facilities, mountain-bike downhill routes</li> <li>• Large camping sites, hotels, resorts, holiday villages</li> <li>• Airfields</li> <li>• Hydropower plants &gt;15 MW bottleneck output solar plants over 200 m<sup>2</sup> collector surface, wind farms over 500 kW biomass heating systems of at least 100 MW, power lines large transformer stations</li> <li>• Landfills, central sewage treatment plant, storage areas &gt;1,000 m<sup>2</sup></li> <li>• Hazardous areas according to shooting and explosion regulations, abandoned landfill/contaminated sites, mining areas</li> <li>• Military restricted areas and facilities</li> </ul>	<ul style="list-style-type: none"> <li>• State roads, local roads, motorways, forest and supply roads, private roads</li> <li>• Mechanical lifts ski runs</li> <li>• Goods cable lift</li> <li>• Reservoirs</li> <li>• Overhead electrical power lines</li> <li>• Address points and/or buildings of over 200 m<sup>2</sup></li> <li>• Railway tracks</li> <li>• Building sites in the preparatory land-use plan (building sites for core areas, residential areas, mixed use areas, commercial areas).</li> </ul>	<ul style="list-style-type: none"> <li>• Settled areas</li> <li>• Motorway, national roads, state roads, municipal roads, cycling paths, forest and Alpine paths, supply paths, private streets, other road infrastructure and roads under construction'</li> <li>• Railways</li> <li>• Tourist infrastructure like ski pistes, mechanical lifts and footpaths only used for visualisation</li> </ul>	<ul style="list-style-type: none"> <li>• All buildings</li> <li>• Public car park, private driving area, private car park, quiet area, public thoroughfares, motorway, entrance, exit, street, 8 m street, 6 m street, 4 m street, 3 m street, square, access, road links</li> <li>• Standard gauge, narrow gauge with standard gauge, light railway, narrow gauge, car train</li> <li>• Gondola cableway, aerial cableway, chairlift, ski lift</li> <li>• Airfield, airport, aerodrome, heliport, grass runway, hard-surfaced runway, perron, grass taxiway, hard-surfaced taxiway</li> <li>• Leisure centre, golf course, racecourse</li> <li>• Swimming pool, sports ground, bobsleigh run, running track, toboggan run, butts, ski jump, sports ground</li> <li>• Antenna, aerial</li> <li>• Trade show grounds, hospital</li> <li>• Allotments</li> <li>• School, college</li> <li>• High-voltage line single pressure pipeline, multiple pipeline</li> <li>• Reservoir, dam, weir</li> <li>• Conveyor, gravel extraction, clay mining, quarrying</li> <li>• Wastewater treatment landfill</li> <li>• Wind turbines, hydropower plant, wood-fired power plant, solar power plant, biomass power plant</li> <li>• Emplacement</li> <li>• Zoo</li> </ul>
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<b>Buffer around infrastructures</b>	No buffer	Standard buffer of 200 m	Roads: standard buffer of 5 m	Differentiated into four buffer classes: 25 m, 200 m, 500 m and 1,000 m
<b>Methodological basis for establishing the buffers</b>	unknown	Established on grounds of plausibility	Disruption dependent on various factors so differentiation is impossible and a standard buffer used	<ul style="list-style-type: none"> <li>• Differentiation into disruptive/non-disruptive</li> <li>• Various model runs and verification</li> <li>• Basis: LABES population survey, noise propagation</li> </ul>
<b>Methodology for GIS operations</b>	Excluded areas approach	<ul style="list-style-type: none"> <li>• Calculation of the 200 m buffer to an entire polygon (= infrastructure buffer)</li> <li>• Combination of infrastructure buffers with the landscape units</li> <li>• Calculation of the proportion of each landscape unit occupied by the infrastructure buffer (= degree of infrastructural development)</li> </ul>	<ul style="list-style-type: none"> <li>• Calculation of the 5 m buffer</li> <li>• Residual areas (in the sense of non-fragmented) are combined as individual non-developed areas</li> </ul>	<ul style="list-style-type: none"> <li>• Allocation of the infrastructures to a buffer class</li> <li>• Calculation of four buffer classes with corresponding infrastructures (= differentiated impact area)</li> <li>• Individual buffer areas combined into an entire polygon</li> <li>• Obtain degree of infrastructural development by calculating the proportion of area</li> </ul>
<b>Identified open spaces (number, average size)</b>	unknown	<ul style="list-style-type: none"> <li>• 83 white zones</li> <li>• Average size 988 ha</li> </ul>	<ul style="list-style-type: none"> <li>• 487 areas</li> <li>• Average size 1,282.3 ha</li> </ul>	<ul style="list-style-type: none"> <li>• 415 semi-natural open spaces (minimum size 2 ha)</li> <li>• Average size 61.4 ha</li> </ul>
<b>Relationship of open spaces – research area</b>	unknown	<ul style="list-style-type: none"> <li>• A total of 800 km<sup>2</sup> of white zones were identified</li> <li>• Approx. 33% of state territory</li> </ul>	<ul style="list-style-type: none"> <li>• A total of 6,245 km<sup>2</sup> of undeveloped areas were identified</li> <li>• 84% of state territory</li> </ul>	<ul style="list-style-type: none"> <li>• A total of approx. 2,550 km<sup>2</sup> of semi-natural open spaces were identified</li> <li>• Approx. 10% of Swiss Alpine region</li> </ul>
<b>Spatial category/categories</b>	<ul style="list-style-type: none"> <li>• Excluded areas</li> <li>• Areas with potential Alpine quiet areas</li> </ul> <p>(also a planning category)</p>	<ul style="list-style-type: none"> <li>• Three categories of white zone: divided into core, buffer and development zones</li> <li>• 20% degree of infrastructural development in the core zone</li> <li>• Minimum size of buffer zone: 2 ha</li> </ul> <p>(in principle envisioned as a planning category)</p>	<ul style="list-style-type: none"> <li>• Undeveloped areas = residual areas without fragmentation situated between infrastructures</li> <li>• Minimum size: 100 ha</li> <li>• Divided into six size classes: 100–500 ha, 500–2,000 ha, 2,000–10,000 ha, 10,000–50,000 ha, 50,000–100,000 ha, 100,000–120,000 ha</li> </ul>	<ul style="list-style-type: none"> <li>• Classification into three spatial types</li> <li>• Spatial categories: semi-natural open space (infrastructural development 0% of disruptive infrastructure), transformed open space (0.1–20%), built-up space (&gt;20%)</li> </ul>

Table 1: Synopsis and synthesis of the analyses of approaches to the preservation of open spaces

When there is a planning intention to preserve semi-natural open spaces in the long term and to implement this as a legal obligation using spatial planning and spatially relevant sectoral planning, the body commissioning, implementing or conducting the analysis is of great significance. Thus the analysis for Vorarlberg was commissioned by the Vorarlberg state government and was conducted by a state agency, the department for spatial planning and building law. Such an approach can – if the political will



to implement it is not lost – be hugely effective in later implementation, especially due to the political goodwill that can be expected. On the other hand, when the will of individual political stakeholders is the driving force of such initiatives, this can also have a negative influence on the course of the project.

The execution of open space analyses depends on the timing, personnel and financial situation. If sufficient financial means are available then an external planning agency with specialised knowledge can conduct parts of the analysis, thus relieving pressure on internal staff and shortening the length of the project. Furthermore the level of knowledge is increased enormously by involving a larger circle of experts. It should be noted that more funding is often required for geodata. If those conducting the analysis are employees of the state then they usually have better access to data but, as described above, they are also more subject to path dependency. The projects upon which this study is based differ significantly in terms of personnel, time and funding. In any case it is an advantage if those conducting the analysis are familiar with the area being studied.

It can clearly be seen that the analyses of the open spaces were carried out at different times (between 2009 and 2017). The Swiss analysis of semi-natural open spaces was conducted after the studies in Vorarlberg and South Tyrol and drew some inspiration from these earlier studies in terms of preliminary considerations, procedure and implementation. The timing of the study also affects the ‘state of the art’ of knowledge and technology, of current challenges and awareness of problems and of spatial planning approaches (especially political ‘windows of opportunity’).

The research area in Vorarlberg is the smallest with an area of 2,600 km<sup>2</sup>. In comparison the research areas of the Salzburg and South Tyrol studies, both about 7,300 km<sup>2</sup>, are almost a third larger and the Swiss study is ten times bigger. The size of the area analysed is less significant because with appropriate data availability and calculating capacity the methodology can be applied to an area of any size. Nonetheless a smaller research area makes findings easier to verify and minimises the chore of defining spatial or landscape units in the field.

All the analyses synthesised here share the general objective of identifying undeveloped or semi-natural open spaces and safeguarding them in the long term. The open spaces or white zones were methodologically operationalised using the degree of infrastructural development in the Swiss and Vorarlberg studies, taking into consideration the accessibility of the landscape areas and the possibility of experiencing them through sustainable uses. The Salzburg study focused on the spatial planning implementation of ‘Alpine quiet areas’. In contrast, the analysis in South Tyrol concentrated on undeveloped areas that are completely free from disruptive infrastructure and are thus unfragmented and extremely valuable for flora and fauna.

Hydrological modelling was used to define the spatial units in Vorarlberg and Switzerland. The sub-catchment areas that were thus created acted as the spatial units for further steps of the analysis (e.g. calculation of the degree of infrastructural development). In addition, landscape units were developed in the Vorarlberg study by manually combining catchment areas. This allows perceptual spaces to be considered but is

a very labour intensive procedure. For instance, it involved amalgamating about 20,000 small catchment areas to form 681 larger hydrological units, i.e. the landscape units. In this regard, the Swiss Alpine area is too large for this step of the analysis and therefore required more work.

The study in South Tyrol approached the object of research using the ecological function of open spaces. Here no spatial units were defined, rather the entire administrative area of the autonomous province was used as the spatial unit. The Salzburg study was based solely on existing territorial categories and approached the issue of open spaces through compatible or incompatible land uses. The latter define the exclusion zones. The remaining space is then the potential Alpine quiet areas. In Vorarlberg and in Switzerland the areas that were to be evaluated were defined prior to the analysis. In South Tyrol, in contrast, the open spaces or undeveloped areas were delimited only by the analysis itself (study of infrastructural development); the entire province served as the research area.

With reference to harmonising the methodological approach to defining Alpine open spaces it can be noted that the landscape units used in Vorarlberg are very good spatial units as they are based on the natural landscape and can be perceived and understood. Due to a lack of capacity and its large research area, the independently conducted Swiss study was unable to define landscape units initially. Instead the sub-catchment areas were selected and later in the analysis were amalgamated into larger areas with a similar degree of infrastructural development. In the future the aim should be to pursue the methods used in Vorarlberg here.

The database on which the studies were based was compiled by state institutions. Consequently the body of data is very dependent on national or state-affiliated efforts at compilation. The quality of the data can, however, be decisive for the results of the analysis, e.g. for the choice of infrastructures and buffers. All the studies except the Salzburg analysis also implemented cartographic elevation models to enable conclusions to be drawn about the altitude and slope gradient of the open spaces. The various infrastructures taken into consideration are primarily transport and settlement areas, although all the analyses also considered tourism and energy infrastructures. The Swiss analysis was able to differentiate very precisely between the different (technical) infrastructures, to define several buffer subcategories and also to distinguish between disruptive and non-disruptive infrastructure in terms of spatially relevant impact. All the analyses used buffers around infrastructures as a basic approach, except for the Salzburg study which omitted this owing to the legally anchored spatial planning focus on GIS analysis. The blanket buffering approach of the Vorarlberg study was based on the assumption that a 200 m buffer around each item of infrastructure methodologically combines the principle of preservation with recreation, experience and accessibility. The South Tyrol study used just a five-metre buffer around transport infrastructure with the justification that the disruptive impact of infrastructure depends on the surrounding landscape, the type of species affected and the amount of traffic, and that it is therefore not possible to capture their different disruptive impacts through the use of different buffers. In contrast, the Swiss analyses attempted to differentiate the disruptive impact of infrastructural developments using four buffer classes (25 m, 200 m, 500 m and 1,000 m) based on a survey of the

inhabitants and noise propagation. This certainly seems most appropriate for future procedures given the importance of its impact on people.

The studies in Vorarlberg and Switzerland are based on the methodological approach of an overlay analysis of infrastructural areas already provided with buffers and spatial units (landscape units vs. sub-catchment areas). In Vorarlberg the buffer was calculated for each of the ten aforementioned infrastructure datasets, summarised as one polygon, the infrastructure was amalgamated with the landscape unit and thus the degree of infrastructural development (proportion of area of the infrastructure buffer in the spatial unit) was calculated. In the South Tyrol study the undeveloped area was identified by extracting the polygon area of the infrastructure, including a five-metre buffer, from the total area of South Tyrol. These are two fundamentally different approaches (degree of infrastructural development vs. extracted area). The Salzburg study took yet another approach: here, types of use were matched with existing territorial categories.

In the Vorarlberg study, 83 white zones with an area of 800 km<sup>2</sup> were identified, equivalent to 33% of the area of Vorarlberg (around 2,600 km<sup>2</sup>). In South Tyrol, 487 undeveloped areas covering 6,245 km<sup>2</sup> were identified, equivalent to 84% of South Tyrol's land area (ca. 7,400 km<sup>2</sup>). The latter result is linked to the choice of methodology, which in a sense results in a simplified 'woodcut' and makes the findings difficult to compare and somewhat controversial. This approach views the topic of open space from a primarily ecological perspective and thus does not directly consider anthropogenic, semi-natural use. Furthermore the very low value selected for the buffers influences the results.

According to the definition used in Switzerland, 415 semi-natural open spaces with an area of 2,550 km<sup>2</sup> (10% of the Swiss Alps) were identified. The Swiss and South Tyrol studies map contiguous areas, while in contrast the Vorarlberg analysis presents isolated open spaces. All the analyses of open space derive their spatial categories from the open spaces identified. The Swiss study distinguished between open and built-up areas and divided the former into semi-natural (0% infrastructural development) and transformed open spaces (0.1–20% infrastructural development). The latter account for 37.1% of the area of the Swiss Alps. The South Tyrol analysis divided the undeveloped areas into six size classes, while the Vorarlberg study subdivided the white zones into a core zone, a buffer zone and a development zone. The Salzburg study distinguished suitable areas and exclusion zones. These completely different spatial categories demonstrate the possible spectrum of differentiation of Alpine open spaces.

In summary it can be stated that the open space analyses presented here differ greatly. This is related to the methodologies chosen and to the differences between the projects in terms of the availability of resources. These resources are related to the number of personnel, support from external specialists, financial and technical resources, and the available data. The availability of data through public channels is patchy in places or is associated with costs. The harmonisation of data, especially cross-border data, is very difficult. As soon as possible a state or state-affiliated institution like the Alpine Convention should set the objective of compiling and making

available complete datasets for the entire Alpine region so that substantive analyses of open space can be carried out. This is important in order to be able to view and treat the Alpine region as a coherent space in its entirety.

## 6 Conclusions

In the whole of the Alpine region the Bavarian Alpine Plan and the Tyrolean quiet areas are to date the only (binding) stipulations made in the context of the spatial planning of the nation states; there has similarly been no cross-border solutions. It can clearly be seen that the national state borders continue to create friction as they mark the delimitation of the validity of spatially relevant norms, both in terms of data availability and approaches to analysing open space and in terms of political steering approaches. There is obviously a lack of sensitivity among (political) decision makers about the fact that semi-natural open spaces are not perpetuated by chance and do not maintain themselves (Baier/Erdmann/Holz et al. 2006: 8). The consideration of nature and open space conservation in national sectoral legislation is usually rather symbolic in character and is seen as one public interest among many. Thus, what Baier/Czybulka/Erdmann et al. (2006: 566) correctly stated more than ten years ago continues to apply today: 'The public awareness of open space as an ecologically and socially valuable asset is just as lacking as an associated political, legislative and executive strategy for its preservation and development.'

Despite the many national borders in the Alps and the cross-border conventions, it can be seen that for the German-speaking Alpine region there has to date been no cross-border analyses or instruments and no harmonisation of instruments for the safeguarding of open spaces through spatial planning. There are a number of reasons for this:

- > the difficult situation and pressure on land use and the resulting friction in the 1960s and 1970s with very different initial situations in the individual nation states (Ruppert 2004);
- > clear linguistic, cultural and mental divides in the Alps and distinct sectoral responsibilities in terms of policy (Bätzing 2014);
- > the different regulation of spatial planning powers and of the legal framework for sectoral planning for nature conservation in the different nation states (the problem of federalism) (Bätzing 2015);
- > the differing significance of the Alpine Convention between the territorial states and the fact that it is not binding in terms of implementation (Haßlacher 2016c);
- > problems associated with government policy in terms of regulations, funding policy and EU Cohesion Fund subsidies, e.g. in South Tyrol where mountain railways are often replaced after just 20 years (because this is more economically viable than technically complex upgrades) and the at times unnecessary

construction of service roads for pastureland and forestry in Bavaria, where for instance in Oberallgäu there are subsidies of up to 90% (Mayer/Strubelt/Kraus et al. 2016).

On the contrary, national 'go-it-alones' represent the majority and cross-border cooperation and agreement is insufficient or even absent – as has been seen in the case of the border between the Bavarian Alps and Austria. Recently, for example, competition with Austria in the field of winter sports tourism (cf. Job 2005; Mayer/Job/Kraus 2013) led to the eroding of the Alpine Plan despite the fact that this spatial planning instrument has wholly proved its worth ('Causa Riedberger Horn'). This has involved a reversal of the fundamental spatial planning perspective whereby the strategic and proactive coordination of contradictory spatial functions leads to an avoidance of conflict, in this case since 1972, successfully impeding the spiral of tourism expansion driven by municipal competition without hindering tourism (contrary to municipal investment competition). Such statements thwart the conservation of open spaces and weaken the potential of federal state spatial planning in terms of hard, long-term instruments. For issues like tourism and conservation areas that are central to the Alpine region and its foothills, considerably greater farsightedness would seem called for, especially in a Europe of regions. Nation states 'going it alone' do not provide sustainable solutions but rather underline the necessity of a comprehensive Alpine strategy and cross-border cooperation. Despite the justified criticism, the Alpine Convention and the European macro-regional strategy for the Alpine region (EUSALP) can therefore be judged as steps in the right direction.

The conservation of open spaces in the Alps is relevant for the protection of natural heritage (biodiversity), the preservation of landscape aesthetics, the safeguarding of the ecosystem services that these areas provide, and the provision of classic landscape-related recreation. This must be guaranteed without unnecessarily restricting the economy and transport, because the Alps need to be preserved as a place where the local population lives and works. In this context it is imperative that cross-border open spaces are designated strategically and that the associated planning instruments are implemented in spatial planning. The spatial planning institutions should fulfil their present-day role of coordinating conflicting land-use functions in the Alpine region. Thus, a better understanding of spatial and functional organisation based on land uses of differing intensities is required. Stronger safeguarding of open spaces through spatial planning is required (consistent implementation) to provide conservation areas for people and nature. A new spatial planning architecture that clearly defines areas for protection and for utilisation is also required (Haßlach-er 2016b; Mayer/Strubelt/Kraus et al. 2016). And last but not least, what is absolutely required in the specific context of this study and owing to the common challenges and contiguous mountainous area is an Alpine-wide, methodologically comparative and above all cross-border analysis and significantly more cross-border cooperation. This would then provide a basis for spatial planning to safeguard open spaces in the Alps (cf. Job/Mayer/Haßlacher et al. 2017).

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## A CROSS-BORDER ANALYSIS OF THE POLICIES FOR ALPINE PASTURE FARMING

### Contents

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### Abstract

Livestock farming and the environmentally friendly management of Alpine pastures represent a traditional form of mountain farming. Grazing and the maintenance of pastures and the Alps are publicly subsidised in recognition of the ecological importance of the activities and because the costs are higher than usual due to the mountainous topography. Among the numerous support measures, payments made for agri-environmental measures and compensatory allowances for disadvantaged areas have proved to be the most effective arrangements for the ongoing management of Alpine pastures. This article analyses international and regional differences and similarities in objectives, processes, definitions/specifications and financial resources of these agricultural policy regulations for the preservation of this mountain cultural landscape. Since the payment system is not the only factor influencing the development of Alpine pasture farming, the relationship between the development of farms and tourism and regional economic conditions is analysed by way of an example. Based on the results and on the findings from expert interviews, the authors deduce recommendations for action for sustainable policies in mountain areas.

### Keywords

Agriculture – agricultural policy – agricultural structural change – Alpine pasture farming – mountain farming – subsidies

## 1 Introduction

This article focuses on the development of Alpine pasture farming and the agricultural policy measures affecting it in the Alps. Alpine pasture farming refers here to the extensive farming of remote pastures and meadows (in Switzerland: summer grazing areas/pastures) of the high Alpine mountains (cf. Ringler 2009: 46). Farming on these green areas of the high altitude landscape usually involves a proportion of the foraging livestock being herded up to the Alpine pastures – only periodically during the summer months due to the climatic conditions. They should thus be distinguished from the spring, autumn and winter pastures. Alpine pasture farming involves important multi-functional ecosystem services and services for the common good. This includes the conservation of the cultural landscape and the biodiversity associated with it, protection from natural hazards and the production of high-quality food. The number and types of animals that are pastured on these areas and the type of preservation activities practised are determined by the ecological quality of the pastures. Also relevant from a commercial point of view are the reduced amount of work in the summer, the extension of the forage available beyond that of the home farm, the conservation of feeding areas in the valleys and the improvement of animal health (Ringler 2009: 46). Alpine pasture farming is thus of exceptional historical, socio-economic and aesthetic significance not only for the agricultural sector, but also for residents of the Alps, recreational visitors and tourists (tourist and recreational landscape). In addition to the qualitative cultural landscape, there are direct and indirect uses and value added that can develop from efficient Alpine pasture farming, contributing to local and regional economies (*LFI* [The Rural Further Education Institute Austria] 2015: 42 et seq.; cf. Mayer/Job/Ruppert 2010; Honisch 2017).

The development of Alpine pasture farming, as is the case with the agricultural sector generally, is based on the complex interaction of local, national and international parameters and direct (e.g. family situation) and indirect (e.g. presence of tourists) influencing factors (cf. Streifeneder 2010). Numerous studies (including Mann 2003a; Mann 2003b; Ringler 2009; Streifeneder 2010; Tasser/Aigner/Egger et al. 2013; Weingartner 2014; Niedermayr/Wagner 2015; Job/Mayer/Haßlacher et al. 2017) emphasise that not just agricultural policy measures but also local and regional socio-economic conditions like the intensity of tourism and non-agricultural jobs have a considerable influence on the development of Alpine pasture farming. Influences that are external to the farm operation are closely linked with commercial conditions, which vary according to location, the size of the farm and type of production.

The development of agricultural structures in the Alps – referring here to trends concerning the number of farms and the quantity of agricultural land – is particularly influenced by the way in which the EU and Switzerland's (common) agricultural policy (CAP) is implemented. Many subsidies have an effect on Alpine pasture farming. A considerable proportion of agricultural income is thus drawn from direct and indirect public funding (Ringler 2009: 452). This situation is exacerbated by sinking product revenues (for instance, the effects of the end of the milk quota). Of relevance for the development of Alpine pasture farming are the compensatory allowances and the agricultural environmental measures.

Against this background, a cross-border investigation of the approaches, scope and implementation of Alpine pasture farming policies seems to be of scientific relevance, with the aim of using the international comparison to shed light on the way in which agricultural policy priorities are set. This gives rise to the following structure for the article: The article firstly reviews the state of research before moving on to a discussion of the methodology used and a description of Alpine pasture farming in the selected research areas. The most important policy measures for Alpine pasture farming are then described and analysed in terms of the subsidy criteria used and the scope of the funding available. In addition, the influence of the intensity of tourism and of part-time farming are investigated. Finally, the article presents some recommended actions for the future of Alpine pasture farming.

## 2 Current state of research and research questions

Numerous national and regional studies consider the economic development of Alpine pasture farming and offer a statistical and cartographic picture of it (Ringler 2009; Tasser/Aigner/Egger et al. 2013; Weingartner 2014; Niedermayr/Wagner 2015; Job/Mayer/Haßlacher et al. 2017). On the other hand, there is very little research that captures and analyses agricultural policy parameters and pasture farming subsidies over time from a comparative, inter-regional perspective. This is due to the thematic complexity of the topic and difficulties related to the available data. Nonetheless, the authors of this article have been able to draw on the studies by Ringler (2009) and Niedermayr/Wagner (2015) for information on the extent, structure and conditions of the subsidies.

The level of state support (price support and direct payments) and the average payment per farm and per area impact how many farms are abandoned (Mann 2003a; Dax 2008). Thus ‘the numbers and sizes of the farms reflect the structural change and intervention by agricultural policy’ (Niedermayr/Wagner 2015: 71). Public subsidies of Alpine pasture farming – which accounts for between 30% and 90% of the total agricultural income of mountain farms – remains of central significance for the sustainment of this form of agriculture (Ringler 2009). On average more than half the profits made by mountain farms comes from public subsidies. The subsidy programmes thus have a significant impact on the income of the mountain farms and are crucial for safeguarding the livelihood of Alpine pasture farms, especially in comparison to other influencing factors like family situation and options for generating non-agricultural income. Ringler (2009: 443) therefore measures the ‘pasture subsidy intensity which comprises the subsidies and premiums per hectare of grazing pasture.’ Without this financial support many Alpine pastures would cease to exist and animals would no longer be herded up the mountains. This is also the reason why no Alpine pasture has been given up in Bavaria in the last 30 years (expert interview, Ringler).

The complexity of agricultural policy measures means that it is almost impossible to compare the level of subsidies, in particular on a small-scale level. It is therefore difficult to clearly identify and validate which regions of mountain and Alpine pasture farming receive more and which receive less support from subsidies. There is too much variety in the available information with different disbursement units, specified

years and reference values which can relate to a funding period, a year, total sums and relative amounts, a farm or an area of land. This is confirmed by past research (e.g. Ringler 2009; Anzengruber/Brandstetter 2014) and the experts interviewed (cf. Chapter 3). It is thus unsurprising that some studies on Alpine pasture farming almost completely exclude the issue of subsidies (e.g. in Tasser/Aigner/Egger et al. 2013). There is thus a need for more transparent information. The authors of this article consequently focus on agricultural and environmental measures and compensatory payments in the comparative analysis, and exclude other important subsidies such as those for investment in infrastructure.

The authors adopt the hypothesis that the more intense the agricultural policy measure, the lower the probability that farms will be abandoned (giving up the agricultural activity). This leads to the following research questions:

- > What are the differences between policies in the research areas?
- > What do the policies consist of, what is their scope, how are the measures defined and how differentiated are they?
- > What cross-border commonalities or differences can be identified between policies?
- > How do agricultural policy measures influence the development of Alpine pasture farming?
- > What other factors influence the development of Alpine pasture farming?

### 3 Methodological approach and research areas

The following investigation only considers the direct subsidies that – according to expert opinion – significantly influence the development of Alpine pasture farming. The experts interviewed (see below) generally confirmed the findings of previous studies (Ringler 2009; Streifeneder 2010; Niedermayr/Wagner 2015), which suggests that the agricultural and environmental measures and compensatory payments of the second pillar of the European agricultural policy are crucial for the sustainment of Alpine pasture farming. In Switzerland equivalent, specific direct payments are made in the framework of cultural landscape payments and security of supply payments (cf. Section 5.1). The Austrian expert Gerhard Hovorka sees the measures of the Austrian programme for environmentally sound and extensive agriculture that protects the natural habitat (*Österreichisches Programm zur Förderung einer umweltgerechten, extensiven und den natürlichen Lebensraum schützenden Landwirtschaft, ÖPUL*) as a major reason for the sustainment of Alpine pasture farming in Austria.

Among the subsidies not considered here are the direct payments under the first pillar of the Common Agricultural Policy and the basic payments for permanent pasture made within the framework of the security of supply payments in Swiss agricultural policy. Similarly excluded are the payments for the diversification and modernisation

of farms and investment subsidies that contribute towards the improvement, regeneration and sustainment of Alpine pasture farming such as Part B of the Bavarian mountain farmers and cultural landscape programme (*Bayerisches Bergbauern- und Kulturlandschaftsprogramm, KULAP*).

The following criteria are analysed in the investigation:

- a) Objectives of the measures
- b) Criteria and requirements (subsidy zone, number of animals, area-based or farm-based approach, etc.)
- c) Financial endowment of the subsidies

Due to the complexity of the topic the aggregated data are compared. The article thus does not offer a differentiated consideration of the various subsidies which depend on the size of the farm, the number of animals, whether the farm operation is a primary, secondary or part-time occupation and any impediments to farming, as is provided e.g. by the South Tyrol Farming Association (*Südtiroler Bauernbund*) (2016: 30 et seq.). The exploratory analysis of subsidies was carried out in the following six research areas in the central area of the Alps (listed below in alphabetical order by country), which are characterised by different national and regional parameters (cf. Fig. 1 and Table 1):

- > Germany: the district of Oberallgäu (Bavaria, Swabia)
- > Italy: the Province of Belluno (Veneto) and South Tyrol and the Autonomous Province of Bolzano/South Tyrol (Trentino-South Tyrol)
- > Austria: East Tyrol and the district of Lienz (Tyrol), and Pinzgau-Pongau and the districts of Zell am See and St. Johann (Salzburg)
- > Switzerland: the canton of Graubünden (eastern Switzerland)

The structures of the Alpine pastures differ widely among the research areas (cf. Table 1). The relative significance of Alpine pasture farming within each agricultural sector also varies greatly. About half of all the livestock graze on the Tyrol and Salzburg Alpine pastures. On the summer grazing areas in Graubünden – which account for only a quarter of agricultural land – the figure is even 90%. Although Alpine pasture farming in Oberallgäu is a characteristic element of the landscape and culture, it is less significant within regional agriculture.

Research area	Number of pastures	Pasture area in ha (% of agricultural land)	Number of livestock units kept on the Alpine pasture (% of cattle, sheep, goats, horses)
Oberallgäu	692	20,792* (37)	31,631 (35)
Belluno	182**	not specified	not specified
South Tyrol	1,739	91,000 (49)	39,400 (50)
East Tyrol	495	24,600*** (50)	13,100 (61)
Pinzgau-Pongau	1,223	50,900*** (47)	44,250 (74)
Graubünden	750	50,000*** (23)	56,100 (90)

\* High pasture; \*\* Number of alpine cabins; \*\*\* Alpine pasture area

Table 1: Selected Alpine pasture indices 2010/2015 / Source: Lauber/Böni/Calabrese et al. (2014), Autonomous province of Bolzano/South Tyrol (2015), Land Tirol [Federal State of Tyrol] (2015), Niedermayr/Wagner (2015), BMLFUW (2016), EURAC (2017b), Regione del Veneto (2018)

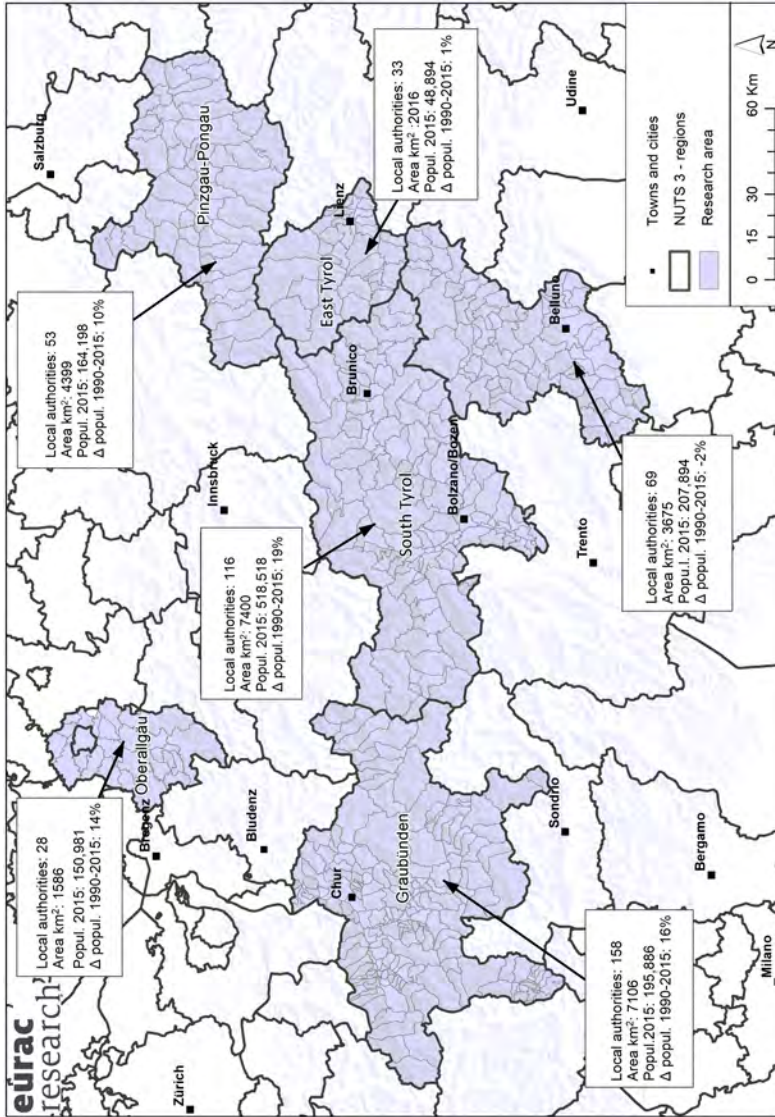


Fig. 1: Research areas / Source: the authors, based on EURAC (2017a)

Tourist intensity (number of beds per 1000 inhabitants) and the proportion of part-time farms are meaningful indicators for regional economic conditions (e.g. additional sources of income derived from the direct marketing of agricultural products to tourists and non-agricultural activities like agritourism). They are thus included in the investigation as additional important factors influencing the development of mountain farming. Here the authors use a comprehensive databank with agricultural and socio-economic data from municipalities throughout the Alps, which was compiled in the course of the EURAC projects AGRALP and MONAS.

In order to better evaluate the findings in the literature and to obtain up-to-date data on Alpine pasture farming, experts on policies for Alpine and mountain farming from the research areas were surveyed, either in person or by telephone, using semi-standardised questionnaires with around 20 questions on the development of Alpine pasture farming and the subsidies.<sup>1</sup>

#### 4 Developments in mountain and Alpine pasture farming

The process of agricultural structural change seems unbroken in many areas of the Alps, especially in the southern Alps (cf. Fig. 2). Between 2000 and 2010, 22% of the farms in the Alpine region were abandoned. In the last 30 years the number of farms decreased by more than half (Streifeneder 2016a: 10). The numbers of small farms with less than five hectares of farm land declined considerably, especially in the southern Alpine range. In addition, a parallel decline in farm land was seen in Italy (Belluno: -15%), with far-reaching consequences for the appearance of the landscape, the sustainment of ecosystem services and the vitality of rural areas.

Structural change in the research areas displays great spatial variety due to the diverging agricultural structures (number of farms, amount of farm land, livestock, labour, etc.) and political and regional economic conditions (cf. Fig. 3): In the province Belluno more than three-quarters of farms ceased operations between 1980 and 2010, while in Pinzgau-Pongau it was only 5% (EURAC 2017a; EURAC 2017b). In this period the number of livestock per farm in these areas remained relatively constant, although in the other research areas it declined (EURAC 2017a).

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1 The authors thank all of the following for their willing and expert cooperation: Dr. Michael Honisch of the Specialist Centre for Alpine Farming (*Fachzentrum Alpwirtschaft*) in Kempten (25 October 2016); Dr. Gerhard Hovorka, researcher at the Federal Institute for Mountain Farming Issues (*Bundesanstalt für Bergbauernfragen*) in Vienna (24 October 2016); Riet Pedotti, Head of the Department for Direct Payments/Summer Grazing, Agricultural Measures Division (*Abteilung Direktzahlung/Sommergrazung, Fachbereich Agrarmaßnahmen*) in Chur (16 February 2017); Dr. Alfred Ringler, researcher at the Association for the Protection of the Mountain World (*Verein zum Schutz der Bergwelt*) in Munich (24 October 2016) and Dr. Siegfried Rinner, Director of the Farmers' Association of South Tyrol (*Südtiroler Bauernbund*), Bolzano (22 November 2016). After numerous attempts it proved impossible to make contact with or interview an expert for the province of Belluno.





The fact that in the Italian mountain region the number of mountain farms – which was low in any case – halved between 2000 and 2010 shows how ineffective the agricultural policy measures introduced in the 1990s were. The situation is also influenced by the difficult demographic circumstances with a high proportion of older farm owners: 58% are 55 and older, while less than 6% are younger than 34 (Niedermayr/Wagner 2015: 36; EURAC 2017a; EURAC 2017b). As in most cases the younger population has migrated out of the area (Streifeneder 2010), it seems unlikely that these figures will improve in the coming years.

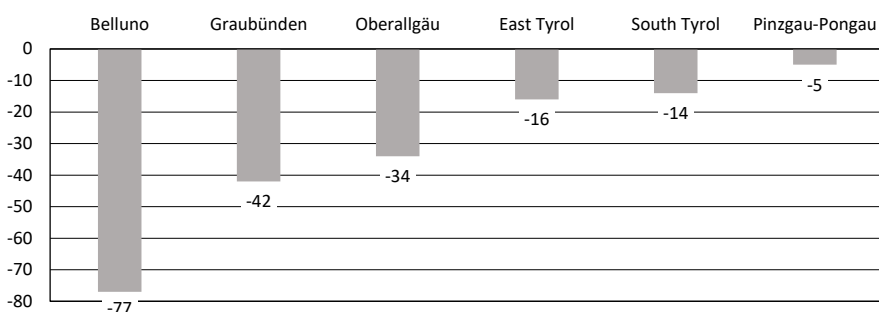


Fig. 3: Development of the number of farms in the research areas 1990–2010 (in %) / Sources: EURAC (2017a), EURAC (2017b)

Direct payments remain of key importance for mountain farming and are made as single farm payments per hectare of farmed land, irrespective of what is produced. These payments are therefore completely independent of production ('decoupled'). They represent income support that aims to level out imbalances in income and thus to reduce the farmers' commercial risks. These arise from the volatile and low prices for agricultural goods and the climatically induced quantitative fluctuations in production. They thus significantly influence the entire commercial situation of the farm and consequently Alpine pasture farming activities in general.

Alpine pasture farming underwent a major transformation in the 1960s and 1970s. Labour-intensive farming in the higher altitudes with its low rates of productivity and infrastructural disadvantages was abandoned while farming in more favourable locations where machinery could be used continued or intensified (Pötsch/Krautzer/Buchgraber 2012). Since the mid-1980s Bavaria, Austria, South Tyrol and Switzerland have focused their subsidy policies on stabilising Alpine pasture farming (Ringler 2009; Tasser/Aigner/Egger et al. 2013; expert interview, Rinner). Groundbreaking subsidy programmes for the cultural landscape were introduced in the 1980s, such as the compensatory payments and agricultural environmental measures (e.g. Alpine pasture premiums, sustainment and conservation measures). In Austria this is linked to accession to the EU and the introduction of targeted subsidies such as the programme for environmentally sound and extensive agriculture that protects the natural habitat and the compensatory payments (BABF [Austrian Federal Institute of

Agricultural Economics] 2010; *BMLFUW* [Austrian Federal Ministry of Agriculture, Forestry, Environment and Water Management] 2017). After a sharp decline until 1980 the number of Alpine pastures has been consolidated from the 1990s at the latest, and thus for about the last three decades, especially in German-speaking Alpine regions. In contrast Veneto only began to focus on subsidies for Alpine pastures from 1992.

The sustainment of Alpine pasture farming is promoted because open pastures that are preserved from reforestation fulfil important ecological functions and thus have significant social and socio-economic value. Since the end of the 1980s the structure, type and extent of farming has changed considerably. Despite the public funding, market pressure has led to the vast majority of Alpine pastures being used for young cattle, sheep and horses. The dairy cows are kept in barns on the farm throughout the summer where they produce more milk and thus allow the farmer to profit from the above average payments for milk produced during the summer months (Tasser/Aigner/Egger et al. 2013). Steep, marginal or remote areas difficult to reach or work are continually being taken out of production (Lauber/Calabrese/von Felten et al. 2011; Herzog/Oehen/Raafaubet et al. 2014). The encroachment of scrub or forest on the Alpine pastures leads to well-known consequences for the cultural landscape and a decline in biodiversity (and possible effects on tourism). The necessity of providing access to the Alpine pastures and the way in which they are accessed is therefore often the subject of public debate. This is seen as essential for maintaining the viability of Alpine pasture farming by the farmers and those representing their interests. Well-known examples are the conflict in 2010 over the development of the Antersasc Alpine pasture (Nature Park Puez Geisler and Natura 2000 and UNESCO World Area of Natural Heritage) (Hinterwaldner 2010: 22 et seq.) and in Upper Bavaria the longstanding controversy about individual footpath projects (cf. Mayer/Job/Ruppert 2010).

While unprofitable areas are no longer worked the other areas are used increasingly intensively with more livestock per hectare. The constant increase in demand for high-quality products (e.g. organic, pasture-grazed and hay milk, Alp cheese), new animal husbandry requirements (possible prohibition of the use of tethering by the EU in favour of free range or pasturing) and demands that the origin of agricultural products should be traceable (e.g. in Switzerland the successful introduction of the Alp product label) have positive effects on the commodification of the products of Alpine pasture farming. The extent to which these developments encourage more extensive land management of the pastures remains to be seen. The return of large predators and the increase in the number of attacks on animals represent a great challenge. Wolves and bears are seen by many farmers as a grave threat to the preservation of Alpine pasture farming on account of the costly protective measures that must be initiated, which in some places are difficult or indeed impossible to implement (e.g. shepherding, guard dogs, fences).

## 5 Comparison of policies for Alpine pasture farming in six research areas

### 5.1 Overview of subsidies and their objectives

This chapter provides an overview of the subsidy programmes and regulations investigated in this article, which are of particular importance for the development of Alpine pasture farming. The goals of the regional and national subsidy programmes are described and the measures that they promote are explained.

#### **Agricultural and environmental measures and contributions to the cultural landscape**

- A Subsidies for herding the animals onto the Alpine pastures, which leads to the livestock grazing the Alpine pastures with or without shepherding.
- B Payments for farming practices, especially the mowing of mountain hay meadows or for measures that clear the Alpine areas of deciduous and coniferous trees, weeds and overgrown areas.

A and B should contribute towards keeping the Alpine pastures open and free of undesired growth, thus leading to positive environmental effects. They take the form of environmental payments within the framework of the European Agricultural Fund for Rural Development (EAFRD) as agricultural environmental measures, in some cases in specific national or regional programmes (and thus apply to all regional research areas equally). Noteworthy are the Austrian programme for environmentally sound and extensive agriculture that protects the natural habitat, Part A of the Bavarian mountain farmers and cultural landscape programme and the contract-based nature conservation programme, biotope type: pasture (*Vertragsnaturschutzprogramm, VNP, Biotoptyp Weiden*). They include pasture payments, payments for the working of mountain hay meadows, the mowing of mountain and steeply sloping meadows, and shepherding (cf. Fig. 4).

In Switzerland cultural landscape payments (Alpine pasturing, summer grazing and payments for keeping the landscape open) are made. The payments for keeping the landscape open are made according to zones so as to take into account the farming disadvantages in the mountain zones (short vegetation season, transport situation, accessibility, characteristics of the surface), and are paid per hectare. The farming of the summer grazing areas requires sufficient numbers of livestock, which the Alpine pasturing payments should facilitate (cf. Fig. 4).

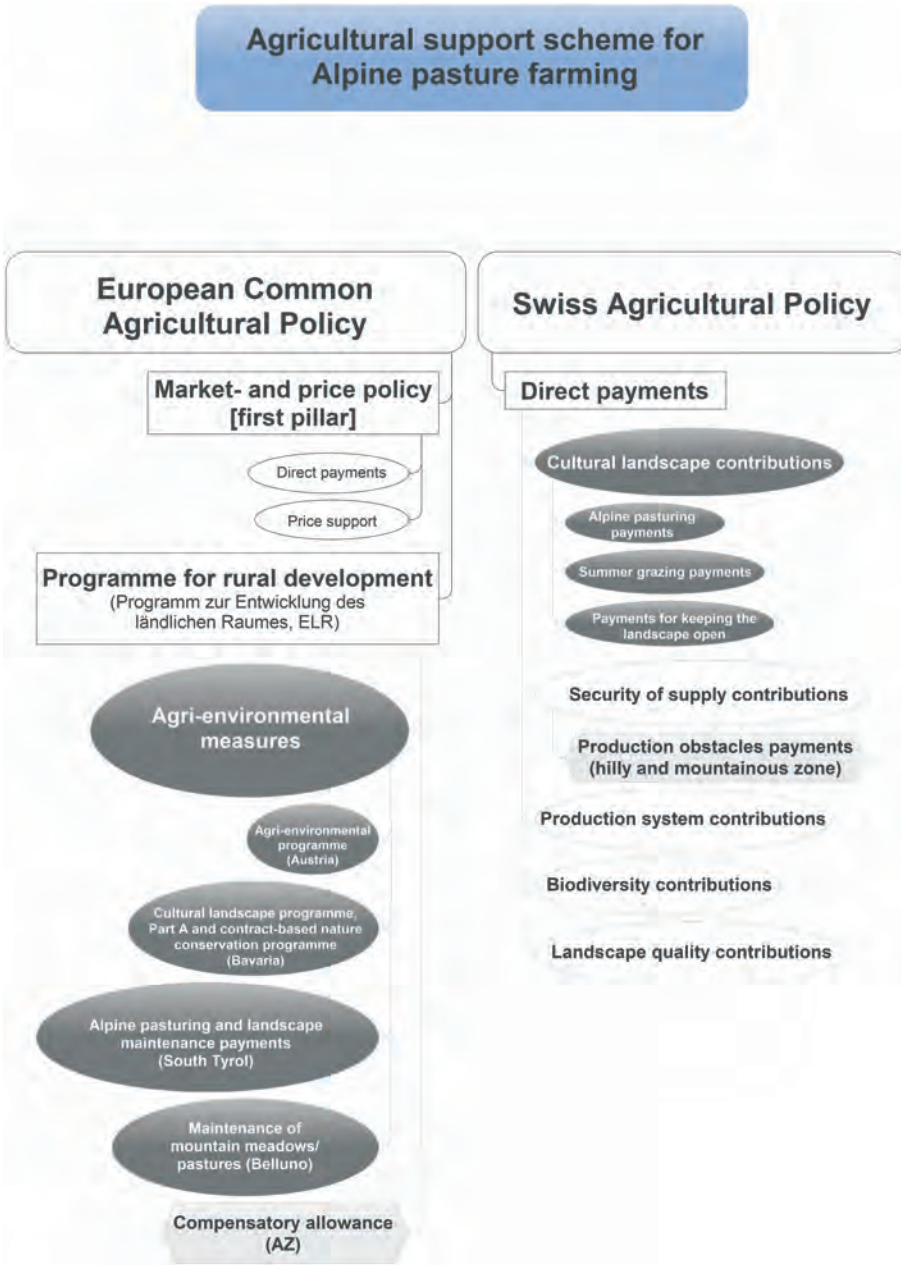


Fig. 4: Overview of the subsidy instruments for Alpine pasture farming in the EU and Swiss research areas /Source: The author, drawing on Regione del Veneto (2015), Autonomous province of Bolzano/South Tyrol (2016a), Autonomous province of Bolzano/South Tyrol (2016b), BMLFUW (2017), StMELF (2017), BLW (2018)



## Compensatory allowances and payments for obstacles to production

- C Compensatory payments (EU Regulation 1305/2013) (cf. Fig. 4) are a financial compensation for topographical obstacles to the farming of areas in mountainous regions in comparison to more favourable locations. Such obstacles lead to higher production costs (fewer opportunities for mechanisation, shepherding, long access routes). They are relevant to Alpine pasture farming because in EU countries the Alpine areas are eligible for and can receive compensatory payments (assuming the areas are regularly farmed and well maintained).

This is not the case with the Swiss obstacles to production payments (*Produktionserschwerungsbeitrag*) in the context of security of supply payments. This is thus a fundamental difference between Switzerland and the EU member states. The production obstacles payments are made for agricultural areas in hilly areas or in one of the four mountainous zones (in contrast to the basic payment for the valley zone) and represent fundamental financial security for the farms. It is included here as many of the farms with Alpine pastures are mountain farms. The summer grazing area within Alpine farming is thus considered separately both in spatial terms and in terms of subsidies. Alpine pastures as permanent pasture areas are not included in the payments for steeply sloping areas.

The subsidies do not always achieve their aims, such as sufficient grazing or maintenance. Thus, for instance, in Belluno the subsidised area is considerably larger than the area that is actually grazed (Aguanno 2006). Without the summer grazing payments, in Switzerland 30% fewer animals would be included in summer grazing and it would not even be possible to cover the costs of summer grazing (Lauber/Böni/Calabrese et al. 2014: 156). The summer grazing payments, which are so important for the income of the farms but only account for four percent of direct payments made to agriculture by the Swiss federation (2011: CHF 100 million) (Lauber/Calabrese/von Felten et al. 2011: 12; Lauber/Böni/Calabrese et al. 2014: 156) have been insufficient to stop the trend of Alpine pasture farming being abandoned (Mack/Flury 2008; Mack/Walter/Flury 2008). Statistically speaking, there has been a decline in summer pasture farms in Graubünden (expert interview, Riet Pedotti). However, this is linked to semantics as the farms which practise spring and autumn pasturing are no longer included in the figures for Alpine/summer pasture farms. There is then no real decline in the number of summer pasture farms.

While for a long time there were no specific regulations for the Alpine pastures in Belluno, the multifaceted subsidy system in the German-speaking countries does not appear to be sufficiently effective. Since 2000 additional measures have thus been introduced, like specific Alpine pasturing payments in Austria, a mountain farmers programme in Bavaria and the Act for the Relief of Agriculture (*Gesetz zur Erleichterung der Landwirtschaft*) in South Tyrol (Niedermayr/Wagner 2015). Most of the payments have had a primarily positive effect on Alpine pasturing and thus on the livestock utilisation of the Alpine pastures, but have had less of an impact on mowing activities. The latter is, however, of central importance for maintaining the openness of the landscape.

Despite the similarity of their goals, the conditions and criteria used to grant the subsidies and determine the size of the payments vary, in some cases greatly.

## 5.2 Conditions, requirements and criteria

The approaches, conditions and requirements that the farmers have to consider in order to receive payments for Alpine pastures differ greatly in the research areas. This makes it almost impossible to accurately compare what is subsidised, where and to what extent. What follows is therefore exploratory in nature and is intended to provide an insight into the similarities and differences.

### **Agricultural and environmental measures and contributions to the cultural landscape**

A fundamental difference between the research areas is found in the basis of assessment (hectares or number of livestock) and specific requirements which are used as criteria for granting payments. They allow conclusions to be drawn about how restrictive the subsidy policy is (possibly then acting as an obstacle to the farming of Alpine pastures), how intensively the areas are used/farmed and which regions provide more or less support.

In Oberallgäu in the Italian and in the Austrian research areas the agricultural and environmental payments are made per hectare of pasture. In contrast, in Graubünden the summer grazing and Alpine pasturing payments made as part of the cultural landscape payments are based on the number of livestock per standard pasturing unit (*Normalstoß*). The standard pasturing unit (*Normalstoß*) refers to the effective pasture use of one foraging livestock unit (= 500 kg, corresponding to one cow or 3–4 sheep) over 100 days (BLW [Swiss Federal Office for Agriculture] 2016b) and is stipulated by the canton. The pasturing payments are the same in all zones (CHF 370/standard pasturing unit). The summer grazing payments are paid at different rates for each livestock category per standard pasturing unit. If the standard pasturing unit, the number of livestock and/or days are undershot or exceeded then deductions are made. The Swiss system thus focuses subsidies on the way in which the areas are farmed. Outside of Switzerland the focus is on the size of the farmed areas.

In the context of a possible modification of the Swiss subsidy system, Zimmermann, Ferjani and Flury (2012) see economic and ecological advantages to the area-based approach as opposed to the livestock-based approach for the mountain regions. Transforming the system from livestock-based to area-based payments would lead to a decline in livestock and thus in the density of the stock. This would in turn enable a gradual decline in the intensity of use and improvements in the promotion of biodiversity in the meadows and pastures. Consequently, the authors take a positive view of the payments for keeping the landscape open, which are paid per hectare (Zimmermann/Ferjani/Flury 2012). On the other hand, the area-based approach means that simply owning Alpine pasture and including it in subsidy applications can generate income.

Experience in Austria shows the effects the area-based system can have. The EU objected to discrepancies between the forest pastures (forest areas used as pasture) that were actually used and the larger areas of the Austrian Alpine pastures that were included in applications for payment. In 2009 Austria lost this case against the European Commission at the EU Court of Justice, which led to numerous demands for the repayment of subsidies as too much EU funding had been paid. The European Commission ordered aerial images of the Alpine pasture areas, from which it emerged that about 900 Alpine farmers throughout Austria had registered oversized areas so that they could profit from the area-based subsidies. For both approaches effective control and monitoring measures are clearly necessary, including the use of satellite pictures and other remote sensing instruments.

In Belluno yet another method is used: experts estimate the time needed to implement the agricultural-environmental measure by a specialised agricultural worker. An hourly rate of € 17 is stipulated and the additional work necessary in comparison to favoured areas/levels is taken into consideration (*Regione del Veneto* [Venetia] 2015: 615). This generates fixed payments the level of which depends on the vulnerability of the area (cf. Section 5.3).

Research area	Reference size	Maximum livestock density (livestock unit/ha)	Minimum pasturing period (days)	Differentiated according to livestock type
Oberallgäu	ha	1.2	90	yes
Belluno		0.2*	60	no
South Tyrol**		1	60	yes
East Tyrol		2.0	60	yes
Pinzgau-Pongau		2.0	60	yes
Graubünden	Standard pasturing unit	1	100	yes

\* Minimal density, maximum not specified; \*\* for basic payment 1.6–2.3; degressive related to altitude <1,250 to >1,800 metres a.s.l

*Table 2: Current criteria for the Alpine pasturing payments in the research areas / Sources: Regione del Veneto (2015), Autonomous province of Bolzano/South Tyrol (2016a), Autonomous province of Bolzano/South Tyrol (2016b), BLW (2016a), BLW (2016b), BMLFUW (2017), StMELF (2017), BLW (2018)*

In all research areas there are cut-off points for specific parameters to ensure the protection of water quality, ecosystem resilience and the biodiversity of the Alpine pastures. The minimum values aim to ensure effective farming that maintains the



openness of the landscape (cf. Table 2). These parameters must be adhered to by the farmers in order to receive the sum calculated on the basis of the parameter in question. The maximum livestock density and minimum pasturing period are crucial. The former captures the intensity of use by measuring the number of animals (calculated in livestock units) per hectare (usually grazing area, i.e. accessible for pasturing). In Graubünden, Belluno and Oberallgäu the requirements are more restrictive than in the other areas. In South Tyrol the greatest number of animals per unit area can be kept up to 1,250 m. The requirements concerning the pasturing period are highest in Graubünden (at least 100 days) and in Oberallgäu (at least 90 days). With the exception of Belluno the payments are also based on the type of livestock. In Oberallgäu the degree of accessibility also plays a role. In Germany and Italy all types of livestock are considered; in Austria and Switzerland dairy cows and dairy sheep are excluded from the payments.

### Compensatory allowances and payments for obstacles to production

These subsidies are based on a system of criteria for the obstacles, the level of detail of which varies from region to region. The mountain farm cadastre (*Berghöfe-Kataster*) is used as the basis for assessment in Austria, the agricultural comparator (*Landwirtschaftliche Vergleichszahl*) in Bavaria and a variously defined points system in South Tyrol and Belluno (or *Indennità compensativa in zona montana*, EAFRD measures 13.1). In Switzerland the location of pastures in a hilly zone or in one of the four mountainous areas is decisive (excluding the summer grazing areas, cf. Section 5.1).

Criteria (selection)	Research areas
Slope	all
altitude above sea level	all
Accessibility, distance from the nearest settlement, location	Graubünden, East Tyrol, Pinzgau-Pongau, South Tyrol
Soil quality	Oberallgäu, East Tyrol, Pinzgau-Pongau
Climatic conditions	Graubünden, Oberallgäu, East Tyrol, Pinzgau-Pongau

Table 3: Criteria for determining the obstacles to production in the research areas/Sources: Regione del Veneto (2015), Autonomous province of Bolzano/South Tyrol (2016a), Autonomous province of Bolzano/South Tyrol (2016b), BLW (2016a), BLW (2016b), BMLFUW (2017), StMELF (2017)

According to Ringler (2009), owing to the degression (the level of subsidies declines with increasing area) the compensatory payments are particularly relevant for farms with few valley areas and large Alpine areas. The payments increase with the number of points achieved and the difficulty of the farming conditions (Anzengruber/Brandstetter 2014).

As a rule, the areas are assessed according to the criteria of slope, altitude above sea level, and various forms of location or accessibility (cf. Table 3). Due to the detailed classification of the obstacle-based points system in Austria, the calculation of obstacles is more differentiated here than in the other research areas (cf. Hovorka/Groier/Ortner et al. 2010). In Bavaria, the majority of Alpine pastures receive a similar level of subsidy even though, unlike in Italy and Austria, slope and altitude above sea level are not taken into consideration. In Belluno, a combination of only altitude and slope is used, although at least one livestock unit must be kept per hectare (Regione del Veneto 2015: 603 et seq.). In South Tyrol, the livestock density (1.8–2.5) is dependant on altitude (digressive relation, <1,250 and >1,800 metres a. s. l) (Autonomous province of Bolzano/South Tyrol 2016b: 2).

The contributions and payments are only made if the stipulations are adhered to and the EU-financed measures are correctly implemented. An Integrated Administration and Control System (IACS) is therefore used to administer and monitor payments (cf. European Commission 2018).

### **5.3 Financial endowment of the subsidies**

The differences in structure and substance described above lead to large regional discrepancies in the financial endowment of the subsidies. The regional differences between the area-based payments are lower than those of the livestock and investment payments. According to the experts interviewed, the public payments have generally increased somewhat. However, little has changed with previously existing regional differences in the level and grading of the funding.

#### **Agricultural and environmental measures and contributions to the cultural landscape**

In Belluno and in Graubünden the Alpine pasturing payments are considerably higher (cf. Table 4). In Oberallgäu and in the Austrian areas there are also shepherding payments. The lower limit for payments for farming activities is generally between € 350 and € 450 per hectare. Graubünden is an exception, as € 340 is the maximum payment. The highest payments are in Belluno and in East Tyrol depending on the obstacles or the diversity of the livestock.

Research area	Alpine pasturing, pasture grazing, shepherding	Farming, mowing of mountain meadows*
Oberallgäu (Bavarian Mountain Farmers and Cultural Landscape Programme, part A)	€30/LSU; Constant shepherding: €90/ha, max. €2,750/shepherd**	€400–600/ha***
Belluno (EAFRD, measure 10.1.4)	Preservation of mountain meadows: €280/ha	€450/ha, semi-natural and species-rich meadows: €780–740/ha
South Tyrol (EAFRD/agricultural and environmental measures, Alpine and landscape conservation payments)	€35/ha additional payments for herder pastures ( <i>Sennalm</i> ): €53/ha	€350/ha****, species-rich mountain meadows (Natura 2000): €525/ha
East Tyrol, Pinzgau-Pongau (Austrian programme for environmentally sound and extensive agriculture that protects the natural habitat)	€40–60/ha; Shepherding: €20–190/LSU	>1,200 m: €350–800/ha, Steep areas >50%: €370/ha
Graubünden (payments for Alpine pasturing, summer grazing and keeping the landscape open)	€320/SPU €100–350/SPU	€200/ha (mountain zone 1) – €340/ha (mountain zone IV)

Swiss payments converted to euros (CHF 1 = € 1.15916)

\*generally mowed at least once per year for steep areas, once per two years for mountain pastures; Belluno: at least 90 pasture units and 0.2 livestock units/ha; \*\*non-permanent: 50%; \*\*\*steeply sloping pasture, dependent on the gradient; \*\*\*\*premium for obstacles to farming: €200/ha; LSU = livestock unit; SPU = Standard pasturing unit

*Table 4: Subsidies for Alpine pasturing and farming per year according to the measures in the research areas / Sources: Niedermayr/Wagner (2015), Regione del Veneto (2015), Autonomous province of Bolzano/South Tyrol (2016a), Autonomous province of Bolzano/South Tyrol (2016b), BLW (2016a), BLW (2016b), BMLFUW (2017), StMELF (2017), BLW (2018)*

### Compensatory allowances and payments for obstacles to production

The amount of the compensatory allowances is based on an evaluation of the degree of the obstacles to farming the areas (cf. Table 3). The comparatively low values for

the lower limits in Oberallgäu and in the Austrian areas are striking (cf. Table 5). The highest compensatory payments can be made in South and East Tyrol and, with considerable obstacles, in the province of Belluno.

Research area	Compensatory allowance*
Oberallgäu	> 1000 m: € 200/ha, otherwise: € 42–200/ha
Belluno	€ 270–500/ha
South Tyrol	max. € 900/ha; average: € 450/ha
East Tyrol, Pinzgau-Pongau	€ 25–450/ha
Graubünden (Production obstacles payment)	€ 260/ha (mountain zone 1) – € 310/ha (mountain zone IV)

Swiss payments converted (CHF 1 = € 1.15916)

\* Amount of payment dependent on extent of obstacles

*Table 5: Compensatory payments per year in the research areas / Sources: Niedermayr/Wagner (2015), Regione del Veneto [Venetia (2015), Autonomous province of Bolzano/South Tyrol (2016a), Autonomous province of Bolzano/South Tyrol (2016b), BLW (2016a), BLW (2016b), BMLFUW (2017), StMELF (2017), BLW (2018)*

Although the number of Alpine pastures stabilised from the 1990s, the extent to which the package of measures affected the ecological state of the Alpine pastures and encouraged their widespread use is disputed (cf. Ringler 2009: 450 et seq.). In addition, it seems that overgrown Alpine pastures can only be saved with special pasture revitalisation measures, vague definitions allow livestock densities to be too high, and conflicts about the remoteness of protected landscape elements can emerge (Ringler 2009: 450 et seq.). It is often the case today that only young livestock are herded onto the pastures. This causes the loss of the herder pastures where milk is made into cheese. This leads to more extensive farming of the Alpine pastures that privileges the use of the easily accessible areas, the abandonment of shepherding and pasture maintenance, and reforestation and the spreading of heathland and scrub-land (Trixl 2006).

## 5.4 Other factors influencing the sustainment of Alpine pasture farming

In addition to the EAFRD funding, the demand for products and services in the field of semi-natural tourism and the securing of access to the Alpine pastures are significant for the continuation of Alpine pasture farming in Austria (expert interview, Hovorka). This is also the case for South Tyrol (expert interview, Rinner). Alpine pastures and mountain huts are often used by tourists as resting points and for the direct sale of Alpine products. Their share in the Austrian regions stands at over 10% and in South Tyrol at 16.4% (Niedermayr/Wagner 2015: 38). Tourism and Alpine pasture farming are often economically connected in another way. The farmers receive compensation for land that they make available to the ski resorts; this makes

a reasonable contribution to agricultural income (LFI 2014: 12). In addition, the experts point out that the farmers may also be active in tourism themselves, e.g. when they are members of agricultural communities that have an interest in a cable car company.

These intersectoral links between tourism and agriculture can also be captured statistically (cf. Streifeneder 2010). There is a significant spatial connection between developments in the number of farms and the intensity of tourism (cf. Fig. 5). Regions that register a moderate trend of farm abandonment show a strikingly high intensity of tourism, while the opposite is true in regions with strongly declining numbers of farms. The agricultural situation in Salzburg, South Tyrol and Tyrol, which are the most visited tourist areas in the Alps, is stable. In contrast, Veneto shows high rates of farm abandonment and a low intensity of tourism. Direct tourist demand for products and services (e.g. direct marketing, food services at the farms, tours) and indirect demand (trade and food outlets) seem to have a positive effect on the agricultural sector. Agritourism is an important additional source of income in these areas (Streifeneder 2016b).

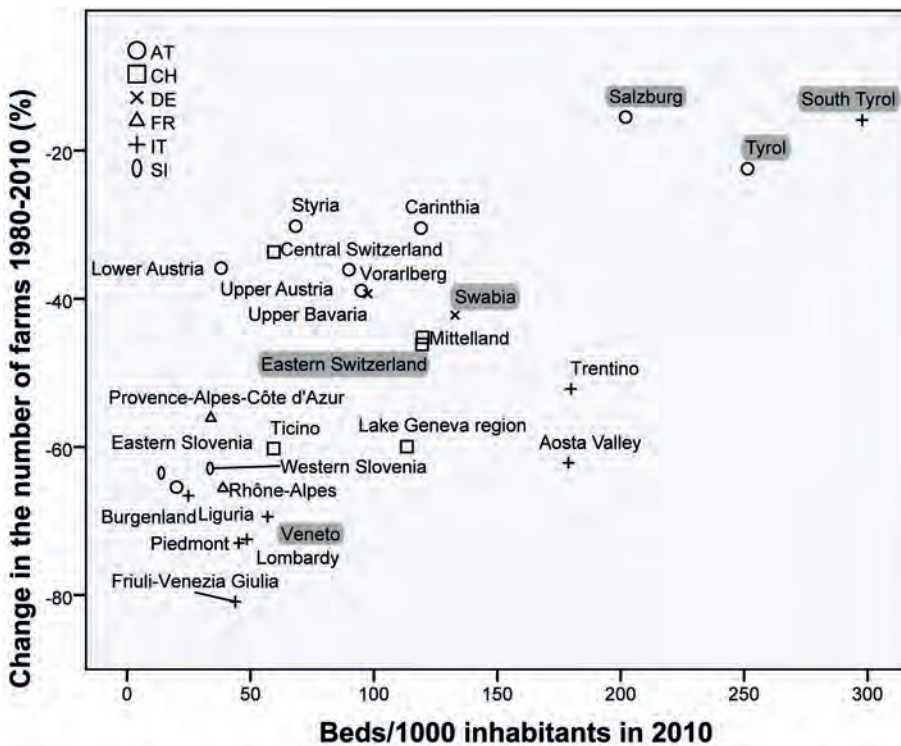


Fig. 5: The intensity of tourism and changes in the numbers of farms / Source: EURAC (2017a)

Regional surroundings with non-agricultural employment opportunities are a stabilising factor for agriculture (Streifeneder 2010). Areas where a proportionally large number of farmers practise farming as a part-time or second occupation are characterised by lower numbers of farms being taken out of production than areas where farming is the full-time occupation (cf. Fig. 6). This can be seen on the one hand in Tyrol, Salzburg and South Tyrol and on the other hand in Belluno.

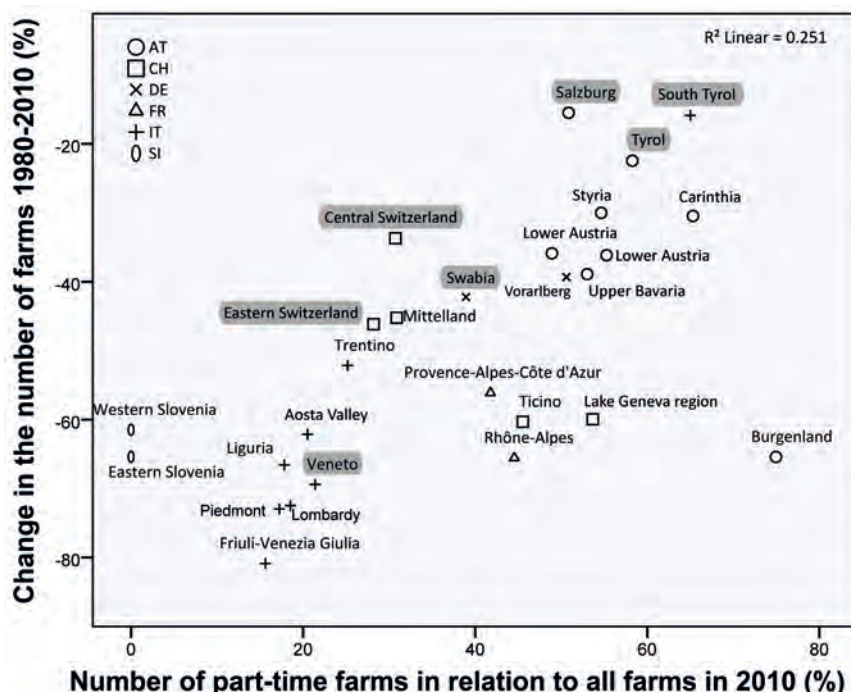


Fig. 6: Farming as a part-time or second occupation and changes in the numbers of farms / Source: EURAC (2017a)

Despite the extent of the funding described and the at least partly favourable regional economic conditions, for many of the Alpine pasture farmers the future is uncertain, as it is for all mountain farming. Agricultural representatives of the regions of Tyrol, Bavaria, Vorarlberg, Trentino, South Tyrol, Valle d'Aosta/Vallée d'Aoste and Friuli Venezia Giulia have therefore cooperated closely with one another across the borders for years. They campaign for mountain farmers to be appropriately considered by the European agricultural policy (CAP). Numerous joint declarations and resolutions have been issued in this context. The Resolution on Mountain Farming (Krün, 10 July 2009) and the Memorandum of Strasbourg (10 March 2015) are particularly noteworthy. They contain concrete demands concerning the form of agricultural policy measures of the first and second CAP pillars and for a sustainable future for the milk sector in mountain regions. The situation for milk-producing farms became particularly volatile

in 2015 when the milk quota was abandoned. Furthermore, there are annual public conferences on mountain farming at which scientists and stakeholders discuss urgent problems concerning agriculture in mountain regions. Last but not least, experts from the Alpine states and representatives of non-governmental organisations have their own platform from which to tackle future issues for Alpine pasturing and mountain farming. This cooperation has led to a series of recommendations for political decision makers, including on marketing issues (cf. Permanent Secretariat of the Alpine Convention [*Ständiges Sekretariat der Alpenkonvention*] 2017). There is awareness in Brussels of the situation of the primary sector in mountain regions. However, the agricultural actors in the mountain areas are not the only ones in the EU who have to deal with unfavourable conditions. Moreover, they represent a fringe group in Europe who are unlikely to be able to push through their demands in the future in the face of the agro-industrial lobby. Such demands include compensatory payments for common Alpine pastures organised by associations or the introduction of special programmes to promote cooperative marketing organisations and strategies for producer associations.

## **6 Recommended actions for the future of mountain and Alpine pasture farming**

Consideration of even just the six research areas reveals how differently defined the measures for Alpine pasture farming are and how their financial resources vary. Institutions such as the Federal Institute for Mountain Farming Issues in Vienna and Agroscope in Switzerland assess the effectiveness of such measures. Ringler's definitive work (Ringler 2009) essentially leaves no question on this form of Alpine farming unaddressed. There are also atlases of Alpine pastures and numerous specific analyses.

Compared to these studies, the added value of the present article lies in its focus on the cross-border analysis of the distribution of specific subsidies relevant to Alpine pasture farming in six regional/national areas. The authors concentrate their analysis on the regulations, criteria and definitions of the measures described in Section 5.1, which experts have also defined as relevant: subsidies for livestock utilisation, farming and compensatory allowances. This takes the analysis to a deeper level. It can therefore be viewed as an extension of and supplement to the international comparison undertaken by Ringler (2009).

Despite the similarity of the objectives (e.g. maintaining the openness of the landscape), different approaches and instruments are used, leading to similar but also diverging consequences. Interestingly, the conditions are not linked to measurable objectives, for example a specific percent increase in the next ten years of the share of dairy cows annually grazed on the Alpine pastures with the aim of improving animal welfare and the quality of the milk. Another objective could be clearing the overgrown marginal areas by a specified annual percentage.

Research is required on the many different possibilities for achieving the objectives (combination of types of livestock, numbers of livestock, period of pasturing and

farming methods) in order to determine what is economically and ecologically preferable. More cross-border and transdisciplinary discussion of good practice examples involving farmers, lobbyists and scientists would be valuable. Better accessibility of data would improve the transparency and efficiency of the use of public monies.

Representatives of the cooperating Alpine areas who promote the interests of mountain farming and the experts interviewed believe that it is necessary to maintain the existing subsidy instruments in order to sustain mountain farming and Alpine pasture farming in the future. The subsidy opportunities of the second pillar of the CAP – payments for areas disadvantaged by nature or other specific reasons – could be extended or designed in a more targeted manner. The fact that the area-based system leads to large farms in favourable locations receiving considerably larger direct payments from the EU than the mostly smaller mountain farms, is viewed very critically. For instance, in 2013 the direct payments were distributed as follows: ‘Two per cent of the farms received 30 per cent of the total sum, which is more than € 1.7 billion. The vast majority of the recipients – three-quarters – received less than € 20,000’ (Brühl 2014). Finally, it is recommended that the farmers’ commercial competences should be further developed and internal and external diversification options should be used to sustain mountain farming (Streifeneder 2016c).

In comparison to conventional milk the products from Alpine pasture farming contain a larger amount of healthy omega-3 fatty acids, antioxidant and anti-carcinogenic linoleic acids. This combined with animal welfare advantages gives such products their high quality and makes them extremely marketable. Product labels, possibly combined with informative marketing campaigns, would therefore be effective and, as the Permanent Secretariat of the Alpine Convention points out, represent ‘the next logical step to clearly differentiate ourselves from the products of other regions, whereby the quality of the products of mountain farming should be emphasised and the marketing strategy targeted to this aim’ (Permanent Secretariat of the Alpine Convention 2017: 22). Such efforts have thus far failed. Too many milk products are marketed using features of Alpine pastures or mountain farms, even though in many cases the production or processing of these goods does not occur in the areas in question. Changing this situation would trigger opposition from large dairy operations. One example of a successful label is the Swiss Mountain (*Schweizer Berg*) or Alpine pasture product label which is based on clear-cut criteria for milk and meat products that are produced and processed in mountain regions or on Alpine pastures.

The aim must be to develop Alpine strategies that increase local value added and that better exploit the value of the regional and economic potentials of Alpine farming (Lauber/Böni/Calabrese et al. 2014). This includes approaches that rely on direct marketing and aim to integrate the products more strongly in tourist operations, food services and retail. There are also ways to make better use of the specific natural landscape (e.g. holidays on the Alpine pastures). Future studies on the preservation of mountain and Alpine pasture farming should focus more closely on the development of sustainable models of cooperation and local value creation partnerships between farmers and stakeholders in tourism, retail and the food industry. These approaches are contrary to the  $\frac{3}{4}$  board that has been introduced by many hotels as this leads to a clear decline in consumption at the mountain huts.



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## CROSS-BORDER REGIONAL DEVELOPMENT ON THE BAVARIAN-CZECH BORDER – THE SEARCH FOR THE ‘RIGHT’ FORMS OF COOPERATION

### Contents

- 1 Introduction: An overview of Bavarian-Czech cooperation
- 2 Research question
- 3 The ‘mapping’ of cooperation areas as an empirical argument
  - 3.1 The search for the ‘right’ delimitations (reterritorialisation)
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  - 3.3 Focal points and instruments: soft rather than hard
- 4 Conclusions: *soft spaces* or *hard spaces*?  
References

### Abstract

The political dynamic in the Bavarian-Czech border area is still characterised and challenged by its location along the former Iron Curtain as well as its history of war and displacement. This particular situation has led to a unique pattern of cooperation. In comparison to other border areas it is striking that the middle level – i.e. the level between national and municipal cooperation – was only activated a few years ago. In the last five to ten years new developments have led to cooperation processes ‘catching up’. We take this very interesting situation as a starting point for synoptic reflection. The analytical focus is on the two Euroregions in this space, on the European Region of Danube-Vltava, on the cross-border initiative of the European metropolitan region of Nuremberg, on the so-called development study of the regional development ministries and on the macro-regional strategy of the Danube region. These cooperation spaces and initiatives overlap and can be seen as reflecting *institutional ambiguity*. We developed our argument based on our personal involvement in the above-mentioned cooperation formats and conclude with an outlook concerning desirable future developments.

### Keywords

Cross-border cooperation – integration – governance – institutional ambiguity

## 1 Introduction: An overview of Bavarian-Czech cooperation

When viewed in a Europe-wide context, the development of Bavarian-Czech cooperation is remarkable: there is hardly any other internal EU border where it has taken such a long time to establish cross-border cooperation on all levels as political normality. The formal opening of the Iron Curtain (1989) and the accession of the Czech Republic to the EU (2004) were the biggest formal changes of recent years;

however, policy practice remained complex. The political dynamic in the Bavarian-Czech border area is still characterised and challenged by its location along the former Iron Curtain as well as its history of war and displacement. There is also the peculiarity whereby the Free State of Bavaria – while formally only a federal region – is a very strong political player, but has as a counterpart the centralised Czech Republic with its fairly dependent regions.

This particular situation has led to a uniquely structured pattern of cooperation. Of course, even in this area numerous cooperation formats have been established and proved successful. However, in comparison to other border areas it is striking that the middle level – i.e. the level between national and municipal cooperation – was only activated a few years ago. In the last five to ten years this has developed its own dynamic, such that it is possible to speak of cooperation processes ‘catching up’. We take this as a starting point for synoptic reflection on the situation. The article aims to provide an overview of the various strategic cooperative approaches in the region and then to identify the institutionalisation logic of cross-border cooperation in the Bavarian-Czech multi-level system. In recent years the authors of this article were personally involved in important stages of the cross-border institutionalisation in various constellations. They use the knowledge thus gained as a basis for reflection.

Figure 1 offers a simplified and schematic review of the development of the cooperation relationship. It is immediately clear that a multiplicity of actors cooperate with one another on different levels, whereby different delimitations, focuses and institutional forms come into play.

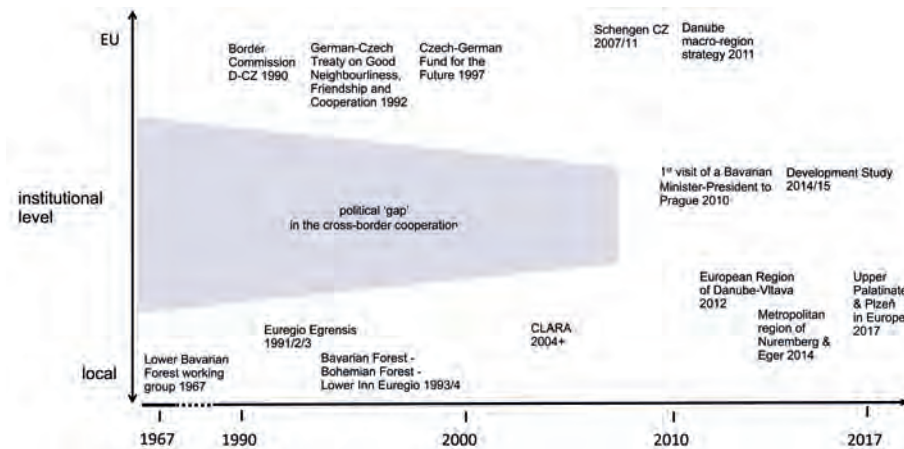


Fig. 1: Selected milestones of Bavarian-Czech cooperation in the multi-level system

Cooperation initiatives on the municipal level began just a few months after the fall of the Iron Curtain and in their continuity and intensity have proved to be the foundation of cross-border cooperation. This was primarily linked to the establishment of the two Euroregions. Both Euroregions are trilateral, as the EUREGIO EGRENSIS involves not only Bavarian and Czech partners but also Thuringia and Saxony, and the

Bavarian Forest – Bohemian Forest – Lower Inn EUREGIO also has Austrian partners. The foundation of this cooperation was laid as early as 1967 when a cooperation was initiated by the Lower Bavarian Forest working group (*Arbeitsgemeinschaft Unterer Bayerischer Wald*). The Euroregions are closely linked to the European level by the funding from the INTERREG-A programme. The focus here is on the development and implementation of concrete projects ranging from the cross-border garden show to bilingual educational institutions to the longstanding CLARA project which closely links the most important stakeholders in the area.<sup>1</sup> The significance of the disposition fund (small project fund) from which the Euroregions can fund small projects themselves should also not be underestimated. The Bavarian Forest – Bohemian Forest – Lower Inn EUREGIO has also run a ‘Europe Direct’ information point for numerous years and is thus part of the information network of the European Commission. In 2014 in the northern part of the border area a process intended to link Cheb to the metropolitan region of Nuremberg was initiated without any formal institutionalisation. The current project to strengthen the partnership between the government regions of Upper Palatinate and Plzeň (regional promotion) is another example of the considerable dynamics seen on the middle level.

At the same time, it is striking that activities on the higher levels started much later. Here a role was played by the German-Czech border commission, which was quickly established after the opening of the border in 1989. The main task of this commission was initially to determine the road and rail border crossings, and then to facilitate border crossings in tourism areas and on hiking trails. Another important task was to establish the precise route of the border. This work resulted in the passing of the law on the agreement of 3 June 1999 between the Federal Republic of Germany and the Czech Republic on the border documentation for the shared national border, dated 25 May 2001. In 1997 the German-Czech Future Fund was created and continues to provide important project funding today. It should also be noted that Euroregions cannot be established without considerable activity on the part of the government and that for INTERREG-A funding the state level is responsible for the deployment of the operational programme, project selection, administration, and monitoring of the proper use of funding.

All this occurred, however, at a time when the Prague–Munich axis was blocked for political reasons – the experiences of annexation and aggressive war on the Czech side and the violent expulsion of the Sudeten Germans largely prevented regular political cooperation. The Bavarian-Czech working group for cross-border cooperation, which was established in 1990, is an exception. Here representatives of the Bavarian and Czech ministries and chambers of commerce, the Euroregions, the districts and several towns and municipalities in the border region come together about every 18 months. Despite the undoubted contribution that this working group has made to cross-border cooperation it remains anchored on the administrative level rather than on the political level.

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1 Cf. <http://www.clara2.eu/> (26 March 2018).

As there have not been any internationally binding agreements between Bavaria and the Czech Republic for many years (as is still the case), since 1989 the key players in cross-border cooperation on the 'state' level have been the 'borderland' governments of Upper Franconia, Upper Palatinate and Lower Bavaria with the Czech districts of Karlovarský kraj, Plzeňský kraj and South Bohemia (Jihočeský kraj). Cooperation is pursued in more informal ways. In the area of rescue services and police work, daily business functions well. Until 2011 there was trilateral cooperation between the governments of Upper Palatinate, Lower Bavaria and Plzeňský kraj in the central section of the border; today the contacts are bilateral. Also worthy of note is the Bavarian-Bohemian Centre (*Centrum Bavaria Bohemia, CeBB*), which was founded in 2004 to promote cultural relations across the whole Bavarian-Czech border area. It was institutionalised as an association with its headquarters in Schönsee and continues today to be an important 'cultural hub' for the entire border area.

Furthermore, especially in the 1990s there was a mismatch between Bavaria and the Czech Republic on this level as the districts in the Czech Republic only emerged in their present form (with independent administrative functions) in 2000 and a certain period of time elapsed before they were established as an independent level. This is also the main reason why a degree of formal consolidation of regional cooperation in the Bavarian-Czech border region only developed later, e.g. cooperation between the Plzeň region and Upper Palatinate and Lower Bavaria in the joint Plzeň Declaration of 9 November 2001.

The normalisation of Bavarian-Czech relations only began in about 2010, involving a series of ministries in the governments in Munich and Prague. This process started with the first state visit of a Bavarian Minister-President to Prague, followed by the next major step: the opening of the Representative Office of the Free State of Bavaria in Prague (2014). This normalisation was implemented by an expert report on the development of the Bavarian-Czech interactional area (Grontmij 2015), which investigated the development potentials of the districts on both sides of the border. The findings of the report are now being applied in the form of projects. On the Bavarian side the process is being coordinated by the Bavarian State Ministry of Finance and Regional Identity (*Staatsministerium der Finanzen, für Landesentwicklung und Heimat*) with the involvement of numerous other departments such as the State Ministry of Education and Cultural Affairs (*Staatsministerium für Unterricht und Kultus*) (for details cf. Bavarian State Parliament [*Bayerischer Landtag*] 2016). At present a series of cooperation agreements are being developed on the level of the ministries, further addressing the 'cooperation gap' on the middle level. On the Czech side the process is anchored in the Ministry for Regional Development and also involves the Czech districts.

In addition, recent years have seen an intensive process of cooperation between the local level and 'capital level' in which districts on both sides of the border play an important role. The establishment of the European Region of Danube-Vltava is particularly noteworthy here. It has established cooperation on the district level in a very rural context. After preliminary consideration from 2009, this European Region was founded in 2012 following the model of the International Lake Constance Conference. The region could build on the experiences of cooperation between the 'borderland



governments’ and the intensive cooperation on the Regensburg–Plzeň axis that is related to the chambers of commerce and the promotion of tourism. Furthermore, the involvement of the Austrian side positioned the cooperation in a larger context. The European Region of Danube-Vltava originally envisioned a European Grouping of Territorial Cooperation (EGTC) but this has at least temporarily been shelved owing to the institutional complexity of the undertaking and also to political concerns related to the legal entity of such a format. From the Czech perspective the establishment of the European Region of Danube-Vltava and the development of cooperation on the district level can also be seen as an expression of the successful establishment of the relatively new Czech districts as actors in cross-border cooperation.

Over the years the European level has undoubtedly proved to be an important superstructure. This is particularly true in view of the Schengen agreement that came into force for the Czech Republic in 2007 (and then fully in 2011). The greater ease of crossing the border has also recently led to increased cross-border commuting. In addition, the symbolic significance of this step is enormous. For the sake of completeness the macro-regional strategy on the Danube should be mentioned; both Bavaria and the Czech Republic with their territories are members of this (cf. Sielker 2014). This strategy has not played a very visible or tangible role in policy practice to date but offers a potential platform on a large-scale level.

It can be seen that cooperation first developed most intensively on the small-scale municipal level. The ‘bottom-up’ dynamics can also be explained by reference to the EU level (establishment of the Euroregions, available project funding, etc.). In contrast, cooperation developed rather late on the middle level, which was burdened by the events of the past (the level of Munich and Prague) as well as the slow development of regional structures on the Czech side of the border (regional district level). This resulted in the ‘policy gaps’ in cross-border cooperation shown in Figure 1. The step-by-step filling of this gap in recent years is thus an expression of the improved, normalised relations between Munich and Prague, and also reflects the establishment of the district level on the Czech side of the border.

## 2 Research question

The structures of cooperation on the Bavarian-Czech border can be interpreted as a manifestation of *institutional ambiguity* in the sense of Hajer (2006) (for more detail cf. the article by Chilla/Sielker in this volume). A successive and cautiously exploratory advance in the cooperative relations can be seen, which may involve drawing on European formats, especially the INTERREG-A funds and the Schengen regulations, but in the end sees the regional level as responsible for finding suitable solutions. Cross-border cooperation is a *sui generis challenge* here. Cooperation is developed and tested on different levels with different stakeholder constellations and in varying spatial constellations. To date no fixed spatial relations with stable instruments have been able to emerge in the territorial complexity that characterises the Bavarian-Czech cooperation area. Instead we see *soft spaces* that are largely not institutionalised and often have *fuzzy boundaries* that tend to be provisional and changeable (cf. Allmendinger/Chilla/Sielker 2014). A cautiously exploratory institutionalisation of this



sort follows the European trend, although recent discussion has focused particularly on how such open and flexible spaces can be combined with political effectiveness (Paasi/Zimmerbauer 2016). Consideration should be given here not only to the spatial area but also to the institutional architecture – territories and responsibilities are not always identical (Hooghe/Marks 2003).

Based on a comparative analysis of the currently relevant forms of cooperation, our article aims to answer the following questions:

- > What logics of institutionalisation can be identified in the complex multi-level nexus of cross-border cooperation?
- > What kind of dynamics can be recognised?
- > Can recommendations for the development of cooperation be drawn from this?

Empirically speaking, the article is based on various instances of personal involvement by the authors in the approaches to cooperation and on the evaluation of internal and public documents. These findings are brought together using *institutional mappings*, which allow the most important characteristics of the current situation and the various actor settings to be amalgamated (cf. Chilla/Evrard/Schulz 2012) – Figure 1 also fulfils this function.

In the past, different approaches to cooperation have proved to be politically influential. From a present-day perspective the following approaches are especially relevant (the list progresses from smallest to largest in area):

- > The Euroregions EGRENSIS and Bavarian Forest – Bohemian Forest – Lower Inn, which significantly overlap with the INTERREG-A programme areas;
- > The European metropolitan region of Nuremberg which has been working to intensify and formalise cooperation with Czech partners since 2013 (cf. Chilla/Weidinger 2014);
- > The European Region of Danube-Vltava, which primarily covers the non-metropolitan areas in the southern half of the border area in the form of an international working group;
- > The initiative by the Bavarian and Czech Ministries for Regional Development, which was agreed in 2013 and is included in the Bavarian homeland plan under the term ‘development study’ (*Entwicklungsgutachten*) (cf. Grontmij 2015);
- > The Danube macro-region, which represents a larger political context for thematic cooperation, should be considered as a European backdrop although it has not yet been particularly effective for cross-border cooperation.

### 3 The ‘mapping’ of cooperation areas as an empirical argument

#### 3.1 The search for the ‘right’ delimitations (reterritorialisation)

The current situation in Bavaria is generally complex. The perimeters of the cooperation areas overlap one another and are not congruent (cf. Fig. 2). In some cases they compete politically, in other cases they can be seen as complementary. In terms of the individual forms of cooperation the following can be stated:

In the case of the **Euroregions** it is comparatively simple to pinpoint the territory because the provisions for funding within the cross-border INTERREG-A programme suggest the first two ‘rows’ of districts. This should be seen in light of the fact that voluntary commitment and active involvement were decisive criteria for this municipally-based format. In the case of the **European Region of Danube-Vltava** the search for a spatial delimitation was significantly more difficult and ended with an unusually large territory which included seven regional units (the state of Upper Austria, the Lower Austrian areas of Mostviertel and Waldviertel, the districts of Lower Bavaria and Upper Palatinate and the Czech regions of Plzeň, South Bohemia and Vysočina). The Euroregion thus covers a total area of about 65,000 km<sup>2</sup>, almost the equivalent of the whole of Bavaria. About six million people live in this area. The spatial structure of the Euroregion was the subject of intense discussion during the preparation phase. One idea was to spatially extend the planned European region even further, but there were opposing voices that criticised the planned form of the Euroregion as too large and heterogeneous. It was suggested that the European Region of Danube-Vltava should only cover the regions of Lower Bavaria, Upper Austria and South Bohemia, or that it should be structured as a spatial link between the existing Bavarian Forest – Bohemian Forest – Lower Inn and Silva Nortica Euroregions (Austria/Czech Republic). During the preparation phase, however, work was undertaken with the current composition of the region, although the Vysočina region had observer status at the beginning of the process. Since its establishment the European Region of Danube-Vltava has had a stable structure composed of the seven regions, and presents itself as a rural area surrounded by four metropolitan regions (Prague, Munich, Vienna and Nuremberg).

In the **European metropolitan region of Nuremberg** these processes are still underway. The search for a suitable delimitation is far from trivial because there is no institutional equivalent on the other side of the border – the European metropolitan regions on the German side with their large-scale and municipally defined territories are unique constructions. Cooperation initiatives are undertaken primarily with the district of Karlovy Vary and the city of Cheb. The district Plzeň with its urban structure already has strong ties to the European Region of Danube-Vltava and the Munich–Regensburg–Plzeň–Prague city axis.

The spatial scope of the Bavarian-Czech **development study** includes the three districts on both sides of the border (Upper Franconia, Upper Palatinate, Lower Bavaria and Karlovy Vary, Plzeň and South Bohemia). Thus for the first time the focus is on the entire border area, although the federal states of Thuringia and Saxony and the Austrian neighbour are not involved. In terms of size it extends beyond the municipally

oriented Euroregions in both Bavaria and the Czech Republic. This territory has not yet been institutionalised, although the practical significance of this focus should not be underestimated (establishment of advisory offices with funding coordinators and network managers). The **Danube macro-region** provides an opportunity to promote large-scale cooperation with a total of 14 federal states. One example of this is cooperation on transport and the development of the transnational network. The macro-region allows cross-border linkages to be seen in a larger context. The Danube Transnational Programme (formerly INTERREG B) for European territorial cooperation also provides financial support for projects.

The overall picture (cf. Fig. 2) is thus one of overlapping *soft spaces*, where institutionalisation (*hardening*) does not play a great role. The establishment of a European Grouping of Territorial Cooperation (EGTC), which could give cross-border cooperation an independent legal entity, has often been the subject of discussion, especially for the European Region of Danube-Vltava, but no concrete implementation is in sight. At the same time overlapping structures of cooperation can be discerned that have rather formed open, themed platforms of cooperation.

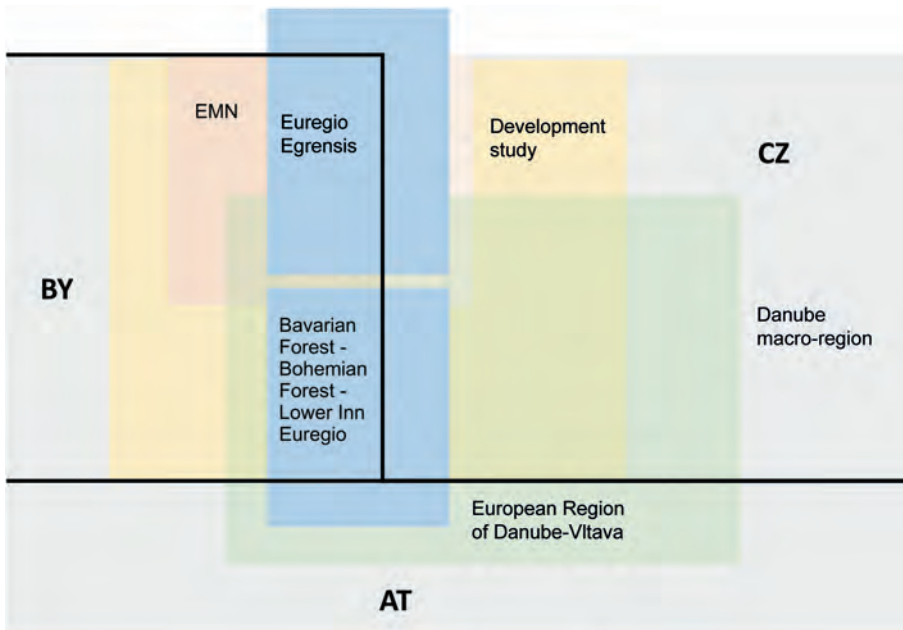


Fig. 2: 'Reterritorialisation' and cooperation density in the Bavarian-Czech border area: schematic representation of the non-congruent delimitations

### 3.2 The search for the ‘right’ form of cooperation (rescaling)

As soon as a form of cooperation is politically institutionalised it is linked to certain levels, although the spatial and institutional relations need not necessarily correspond to one another.

Even within one state the process of allocating resources and mandates to specific levels (municipalities, districts, etc.) is naturally an – often conflict-laden – negotiation process. In border regions this is further complicated by the fact that there are no real parallels in the levels of organisation in the different countries. The competences, sizes, resources and organisational forms differ between the systems on all levels. This is also true on the Bavarian level, as mentioned above. This can be illustrated by looking at each of the forms of cooperation:

The original composition of the **Euroregions** was comparatively unproblematic, as the focus was on municipal cooperation in the immediate border area. Remarkable here is the extremely low degree of institutionalisation, which is based on three sub-regional associations cooperating in an ‘intergovernmental’ fashion with no common structure in a formal sense. A ‘harder’ form of institutionalisation was unimaginable at the beginning of the 1990s and has not proved possible since. This means that there are steering committees, headquarters and similar structures on all sides of the border. The establishment of a European Grouping of Territorial Cooperation (EGTC) would be possible but is blocked by political concerns on the level of the federal state in Bavaria, and in Austria and the Czech Republic. It should also be noted that the cultural challenge of declining bilingualism can also act as a barrier to a *hardening* of institutions.

In the **European Region of Danube-Vltava** the trilateral working group is institutionalised with a number of bodies on the district level. It is managed politically by the steering committee and operationally by the trilateral coordination body. Also of importance are the joint headquarters in Linz (in addition to the regional contacts) and the great significance of the knowledge platforms, which are organised according to thematic focus rather than territorially. There is therefore a considerably higher degree of institutional integration, indeed the highest degree of formal integration in the entire border area. It remains to be seen whether current efforts to develop further cooperation in a European Grouping of Territorial Cooperation will be successful.

The cross-border ambitions of the **European metropolitan region of Nuremberg** have not found an equivalent cooperation partner on the Czech side of the border. There is no metropolitan region as such, and the competences of the Kraje or regions are not equivalent to those of metropolitan regions in the German context. Districts on the Czech side are on the level below Prague, while in contrast the European metropolitan region of Nuremberg has a municipal-regional composition. Closer cooperation with Karlovy Vary is developing, while cooperation with the district of Plzeň would also be appropriate in spatial and functional terms, but the policy focus of Plzeň has to date been rather further south. The institutional logic of the European

metropolitan region of Nuremberg has thus far been based primarily on the Bavarian districts, and thus on the municipal level. Fundamentally, closer ties to sub-areas like Cheb are also conceivable. The case of the European metropolitan region of Nuremberg is thus a case of *multi-level mismatch*. On the two sides of the border there are no formally identical equivalents, which leads to practical and diplomatic complications in the institutionalisation process.

The process for the **development study** was pursued on the Munich–Prague axis, although the subordinate district levels were intensely involved. The municipal level was only represented by the Euroregions. Ultimately, what is occurring here is the introduction of a quasi new level, and thus a rescaling, the long-term significance of which cannot yet be determined. It should be noted that it is not only the vertical dimension which is of importance. Horizontal links are also involved in delicate processes (e.g. coordination within Bavaria) and sectoral coordination between the Bavarian State Ministry of Finance and Regional Identity and other departments.

The **Danube macro-region** represents a new area which was developed particularly in response to the idea of promoting shipping on the Danube. The connecting transport corridors are also important here. The limited significance for the immediate border area is partly explained by the fact that the border between Bavaria and the Czech Republic runs for a long stretch along the European watershed.

The many years of observation of the situation by the authors of this article make it possible to determine the following characteristics of the cooperation:

Particularly in light of the cautious, exploratory nature of political-institutional advances, the engagement of individuals is of great importance. In situations where it is unclear what long-term added value can be created by cross-border cooperation and which instruments can be used to achieve it, the powers of persuasion, networks and ‘willingness to invest’ on the part of individuals is crucial. In practice these individuals are the mayors, heads of district councils and administrations, and business leaders.

The advantage of such an individual-centred approach is that the growth of trust and determined pursuit of goals leads to new developments that are difficult to imagine in strongly formalised structures. One example of this is the creativity of project development on the Euroregion level. The trust referred to here is related not only to cross-border relations but also to relations across levels.

The exceptional significance of individual engagement causes particular challenges when there are changes in personnel. It often takes some time for new actors to comprehend the complexity of cross-border cooperation, and often changes in political priorities also play a role. This is true on both sides of the border, but changes occur more often on the Czech side – both in the political and in the administrative arena. The frequent political changes, accompanied by fluctuations in spheres of responsibility, are an aggravating factor that complicates the development of contacts and can lead to discontinuities in long-term joint projects (Eberle 2014).

Despite the diversity of the forms of cooperation, institutional overlaps and interactions can be observed among all the initiatives considered. This is true of both operational personnel and of federal state resources. Especially on the Bavarian side, the individual forms of cooperation (e.g. the Euroregions, the European Region of Danube-Vltava and the development study) are very closely interlinked, for instance the advisory offices that were set up as a result of the development study are established either in the Euroregions or in the district administrations, i.e. with the actors that also have a lot to do with the European Region of Danube-Vltava.

### 3.3 Focal points and instruments: soft rather than hard

All forms of cross-border cooperation in the Bavarian-Czech border area can ultimately be categorised as soft instruments. All the hard, legal instruments and all the original budgets are organised within the states. The ‘art’ of the cooperation is thus to make progress by using the limited resources and instruments available as efficiently as possible. In practice this primarily involves a strong project focus, the formulation of strategies and the development of effective publicity and communication measures. This aspect can also be illustrated by examples:

- > **Project focus:** Implementing projects that run for a limited period of time is particularly relevant for two reasons. Firstly, financial resources can be accessed which are otherwise difficult to mobilise from the regular budget. Secondly, new cross-border themes can be addressed without being rigidly anchored in the state agenda. This is particularly important in the case of the Euroregions. This is true for both the small project fund, which can be used fairly autonomously by the Euregio headquarters, and for larger flagship projects. Cross-border cooperation in the three-state triangle area of the EUREGIO EGRENSIS gained impetus through the trilateral project CLARA@eu, which ran from 2004 to 2013 and involved the government of Upper Franconia (lead), the regional presidium of Karlovy Vary, the regional government of Chemnitz and the EUREGIO EGRENSIS, the cities Karlovy Vary and Bayreuth, and the Vogtland district as partners. A new generation of CLARA cooperation is now beginning. The CLARA projects aim to improve administrative cooperation, especially in the fields of civil defence, tourism, spatial planning, the environment and transport.
- > Formulation of **strategic goals and strategies:** Examples of the formulation of strategies and goals include the planned strategy and measures of the European Region of Danube-Vltava or the master plan drawn up as part of the transport knowledge platform and, more recently, the complete development study for the border area. These strategies are non-binding, but they can facilitate the mobilisation of resources on other levels and put topics and goals on the political agenda. The effectiveness of such strategies is not guaranteed. Although many of the objectives of the development study have been financially supported on the Bavarian side, the implementation of the transport policy goals is arduous. The hard instruments, particularly of the superordinate internal state institutions (e.g. the Federal Transport Infrastructure Plan), are not easy to influence. Furthermore, it has not yet been possible to link existing strategies to create a

comprehensive overall view. The knowledge platforms of the European Region of Danube-Vltava lie on the interface between the strategic formulation of objectives and project development. Their ambiguous position in terms of funding options is a clear difference to the Euroregions.

- > **Effective publicity and communication measures:** In the early phase of political establishment it is crucial to highlight the relevance of the new institutions through media perceptions. The EUREGIO EGRENSIS gained considerable impetus through the cross-border federal state garden show (*Landesgartenschau*) held between Cheb and Marktredwitz. The 'Map of Competences' and the university guide are important products for the European Region of Danube-Vltava. Communication is the responsibility of the joint headquarters and the regional contact points of this region. The most striking results of the cross-border ambitions of the European metropolitan region of Nuremberg thus far are the Bavarian-Czech exhibition of 2016/17 on 'Charles IV Prague/Nuremberg', which was shown in Prague and Nuremberg with a supporting programme along the 'Golden Road'.

The most effective use possible of the soft instruments is a logical consequence of the *institutional ambiguity*. The challenge rather concerns sustainability and efficiency. For a number of the projects this ad hoc momentum and visibility suffices, but most require links to internal state resources. Transport, training and further education policy are pertinent examples. The soft instruments of regional policy are only able to create impulses; a true change of course can only be achieved with binding integration on internal state levels.

#### 4 Conclusions: *soft spaces* or *hard spaces*?

The Bavarian-Czech border area is currently characterised by a multiplicity of forms of cross-border cooperation. In some cases, these forms of cooperation overlap. They can also be found on different levels and display different degrees of institutionalisation. The logic of the institutionalisation is greatly influenced by catch-up integration dynamics following a path which has not been institutionally determined. This is especially true of the middle level of governance.

As discussed, the territories of the current spatial cooperation areas present a certain dilemma. While the European Region of Danube-Vltava with its explicitly non-metropolitan character has large-scale dimensions, the European metropolitan region of Nuremberg is still searching for a stable, cross-border axis in the northern part of the border area. The city of Nuremberg is not included in the development study. Other examples could be cited.

Overall, it must be asked how much openness and overlapping – *soft spaces* – are useful for the Bavarian-Czech border area and how much institutionalisation and consolidation of forms of cooperation and delimitations – *hard spaces* – are necessary.

A glance towards other border areas in Europe, which can look back at a longer period of cross-border cooperation, suggests that in the coming years cooperation will to a certain extent be formalised. The Eurodistricts on the German-French border and the European Groupings of Territorial Cooperation (EGTC) in over 50 border areas of Europe are good examples here. The European Groupings of Territorial Cooperation that involve ‘younger’ EU-25 or EU-28 states and that have existed for several years even prove that a long period of preliminary cross-border work is not necessary. Overall, it can be observed that formalisations of this sort may involve spatial adjustments.

The coexistence of several levels is to be expected and can be unreservedly welcomed. For example, it is hard to imagine the relevance of the Euroregion level for the immediate border area being replicated on another level, while superordinate issues can only be dealt with to a limited extent on this level. The trilateral approach of the European Region of Danube-Vltava is certainly useful, but it does not necessarily facilitate agreement on Bavarian-Czech issues.

Against this background it would make sense to develop a higher level framework for the entirety of Bavarian-Czech cooperation, focusing on this current deficit. The following points are promising for further institutionalisation:

As has been illustrated in various ways, the present **spatial coverage** of the cooperation formats is not ideal. The various overlappings certainly do not facilitate strategically consistent spatial development policy. While the solution is not to search for a *one-size-fits-all* format, adding a perspective that covers the entire area in question would make sense. The territory adopted by the development study seems especially promising. Here there are three districts on each side of the border, possibly supplemented by Nuremberg (cf. Fig. 3). It is somewhat surprising that after the report was completed no regional governance was established (although this was actually discussed in the elaboration process). The main potential here is that it would easily be possible to create links between all the partners that have been active so far. Despite all the differences between them, the heads of the districts on the Czech side and the Bavarian districts could represent a useful level of cooperation. The involvement of the districts on the Czech side also seems a good idea given their growing political competences. On the Bavarian side a focus on the district level would make sense because it would facilitate links with **federal state spatial planning**. The introductory article in this volume (Chilla/Sielker) mentioned the lack of a strategic overview for the whole of the Bavarian border area in Bavarian federal state development policy, even if in the meantime several cross-border central place functions have been stipulated on the Bavarian side (cf. the structural map in the Federal State Development Programme; *StMFLH* [Bavarian State Ministry of Finance and Regional Identity] 2013). If effective guiding principles are to be developed for the border areas, a spatial focus on the districts (with their regional planning associations) is almost unavoidable.

The Czech districts also play an important role in spatial planning, as they represent the second-highest level in spatial planning after the state. On the one hand, they can to a certain extent influence central spatial development policy, which stipulates national priorities for spatial development. On the other hand, they produce their own



spatial planning documentation (principles of spatial development and analytical spatial planning documentation), which central spatial planning then transposes into concrete terms and develops further. These instruments are applied to the entire territory of the districts in question, including the immediate border area.

To date the interlinkages between the various cross-border forms of cooperation have been fairly loose. The actors know each other well and informal exchanges of information work; institutional links are also not uncommon (for example, the involvement of the Bavarian Forest – Bohemian Forest – Lower Inn and Inn-Salzach Euroregions in the European Region of Danube-Vltava; via the Bavarian Ministry of the Economy (*Bayerisches Wirtschaftsministerium*) as the actor responsible for the INTERREG-A programme). The consistently loose connection with the **state government** is especially interesting. The instances of institutionalisation described in this article were all established without the particularly firm involvement of Munich. The Munich ministries certainly support the Euroregions, the steering committees of the European Region of Danube-Vltava and the efforts at cross-border cooperation by the European metropolitan region of Nuremberg, but without Munich being tied in as a primary partner. Such a linkage would however be useful and possible within the framework of the development study. It would be important to avoid such a structure leading to top-down organisation – the regional networks, initiatives and knowledge advantages are too important. Strengthening the role of the Munich–Prague level would be especially useful in terms of creating more sustainable parameters for co-operation. The involvement of the state level would not only allow cross-border issues to be more closely linked with internal state structures, it could also open up new policy areas for cooperation.

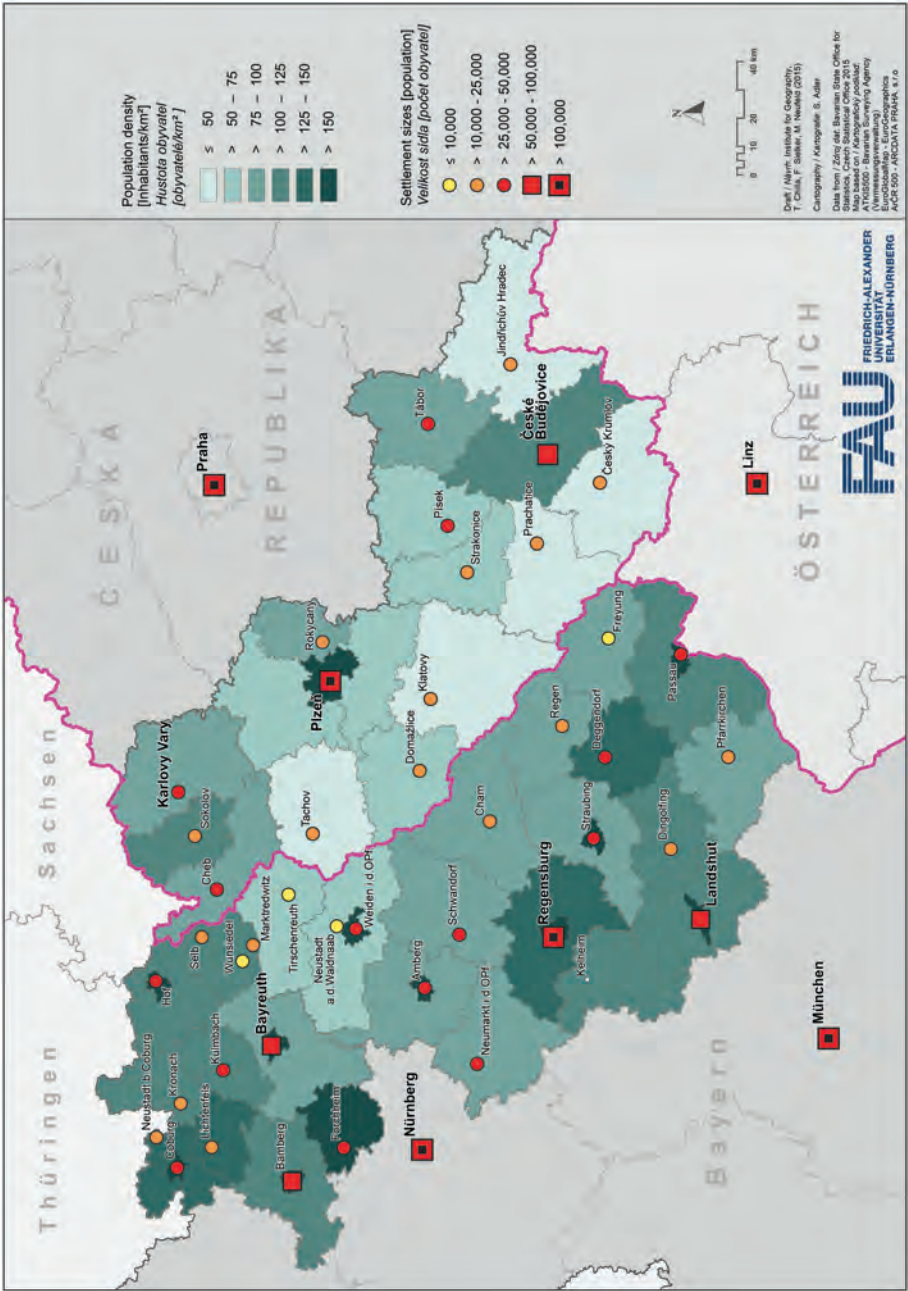


Fig. 3: The spatial focus from the development study /Source: Grontmij (2015: 2)

Links with internal state structures are particularly necessary with regards to **resources and instruments**. So far – as discussed above – cross-border cooperation has primarily been project-based, whereby European funding was most significant. This is also useful as it allows networks to develop as part of everyday business, which

then provide knowledge about the way things function on the other side of the border. However, this form of spatial development has considerable disadvantages. Investment measures are scarcely possible and sustainable effects are difficult to secure. In the medium term it cannot be expected that a large, dedicated budget will be provided exclusively for cross-border development. This makes systematic links with issues administered by internal state departments even more important. Ultimately the aim for cross-border spatial development must be to organise reliable budgets that are linked to clearly formulated mandates that will be addressed via established paths of cooperation.

Generally it can be stated that the 'catch-up' development of cooperation between Bavaria and the Czech Republic has been very dynamic in recent years and can be viewed positively overall. At the same time, it is clear that a complex multiplicity of cooperation formats have developed and that their spatial delimitations are not ideal. The coming years should see progress being made towards clearer structures, particularly with a clear role for the districts and the central governments.

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## CROSS-BORDER COOPERATION AREAS IN NORTH BAVARIA AND WEST BOHEMIA – ANALYSIS AND EVALUATION

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### Abstract

The EUREGIO EGRENSIS cooperation area was established in 1990 and is acknowledged and appreciated by political actors. It serves here as a heuristic for a multitude of spatial processes. On the one hand, it reflects the changing political and economic conditions of cross-border cooperation between Bavaria and the Czech Republic on a line of contact between two peripheral regions remote from political and economic centres. On the other hand, a spatial analysis of the EUREGIO EGRENSIS and, in particular, discussion of its spatial delimitations and alternative spatial configurations provide insights into debates surrounding the increasing macro-regionalisation and metropolisation of cross-border cooperation. In this article, the authors analyse modes of cooperation in the north Bavarian and west Bohemian border area. The EUREGIO EGRENSIS is often referred to as the most important institution of cross-border cooperation for the border region due to the long-standing trust between the actors involved. However, there is a certain reluctance among political actors in Bavaria and the Czech Republic to discuss the spatial, thematic or institutional expansion of cross-border cooperation. Based on the positive evaluation of the EUREGIO EGRENSIS cooperation area and trends towards larger cooperation regions, the idea of a meso area in the central European zone was discussed with stakeholders in the border area – roughly the area between the cities of Nuremberg, Erfurt, Chemnitz and Plzeň. Despite socioeconomic similarities and manifold functional interdependencies, this idea was met with scepticism.

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**Keywords**

European integration – cross-border cooperation – spatial planning – Bavaria – Czech Republic

**1 Starting positions and research questions****1.1 Border area research in the north Bavarian and west Bohemian border area**

The starting position of this study is the observation that the last 15 years have seen a trend towards large-scale forms of cooperation in EU regional policy. This started with the INTERREG 2C programme and includes approaches like macro-regions and macro-regional strategies (e.g. for the Danube, Alpine and Baltic regions) (Köhler 2009). This process is continuing despite the wide range of options in terms of the size and form of cooperation areas and despite the fact that macro-regions have only been empirically proven to be an effective means of generating growth in individual (politically committed) cases (cf. Görmar 2010; Gänzle 2015). A contrast is provided on the smaller scale by Euroregions, a spatial configuration that can be judged as well-established and politically accepted (cf. article by Chilla/Sielker in this volume). They particularly promote endogenous development in areas near the border, while macro-regional strategies and a focus on metropolises lead to ‘tunnel effects’ in the direct border area and can transform such regions into mere transit areas.

A second basis for this study is the goal of advancing geographical border area research, a traditional sub-field of political geography. In keeping with the historical development of the discipline of geography, from the late 1970s/early 1980s the topic of ‘the border’ was increasingly approached in German-speaking areas using behavioural and decision-making theories and geographies of perception. In the mid-1990s the consistent adoption of the behavioural perspective put the focus on the social construction of reality. Border research in the working bodies of the Academy for Spatial Research and Planning (*Akademie für Raumforschung und Landesplanung*, ARL) has to date concentrated primarily on questions of cross-border state cooperation, development strategies and functional interrelations (cf. Scherhag 2008).

Particularly for the north Bavarian and west Bohemian border area, one thematic focus of geographical research is the analysis of the EUREGIO EGRENSIS (Jurczek 1993; Troeger-Weiß 1996; Birk 2000). Considerable attention has also been given to the effects of the eastward expansion of the EU and integration associated with this, as well as its consequences for the economic development of the Bavarian-Czech border area (e.g. Maier 2003). This article can therefore present a detailed analysis of the effects of changes in the border regime and the advancing process of transformation since 2004 on the functional and institutional integration process within an established cooperation area.

The discussion takes up the aspects specified above and discusses them in light of possible implications for the expansion of the existing EUREGIO EGRENSIS cooperation area. The article thus, firstly, closes the research gap for the period since 2004.

To date only one paper has been published on this period, focusing on general social and economic structural change in the north-west Bohemian / north-east Bavarian border region (Maier 2015), but not specifically on questions of cross-border cooperation. Secondly, the article draws conclusions concerning the future spatial structure of cross-border practice and analyses the embedding of the EUREGIO EGRENSIS in *policy networks* on the regional, national and supra-national scale (cf. Scott 2015).

In theoretical and conceptual terms, the present study can be linked to discussions on deterritorialisation and reterritorialisation, rescaling, *soft borders* (Sielker 2014) and *borderwork* (Rumford 2008). In order to do justice to the complexity of the integration structures and processes, researchers in the field of *border studies* such as Rumford (2012) and Johnson/Jones/Paasi et al. (2011) call for the adoption of a multiple perspective on border demarcation processes, based on a common research field of political and regional aspects of cultural and economic geography and its related disciplines (cf. Paasi 2005). Rumford (2008) extends the state-centric perspective often found by focusing on *borderwork*. This term describes the fact that border demarcation processes are not simply a state action; borders are rather increasingly shaped by non-governmental organisations, businesspeople and normal citizens. Depending on the field of cooperation (e.g. tourism, transport), different spatial configurations of functional integration can thus emerge. This is connected to processes of the deterritorialisation and reterritorialisation of state borders, dynamic borders and the rescaling of cooperation areas (cf. Scott 2015). In the early 1990s after the end of the Cold War, the idea of a *borderless world* and the deterritorialisation of borders dominated *border studies*. More recent research, in contrast, emphasises the increased complexity of border demarcation processes and the simultaneity of deterritorialisation and reterritorialisation, for instance in the context of multi-level governance in border areas of the European Union (Chilla/Evrard/Schulz 2012).

## 1.2 The trend towards large-scale forms of cooperation in the EU

To make it clear that the author's interests lie not just in existing spatial configurations but also look to the future and envisioned spatial scenarios, brief reference is made here to the development of transnational cooperation in Europe. As early as the 1980s and 1990s, guiding principles and strategies were formulated for the spatial development of large transnational territories; since the mid-1990s they have been supported by development programmes (INTERREG), and even by strong EU policy in the form of macro-regional strategies. In the 2014–2020 funding period Germany participated in six INTERREG-B programmes. Here the discussion of alternative spatial configurations can draw on the article on the programme area of Central Europe (cf. Ahlke 2017: 2).

This article is not concerned with a discussion of the scales adopted for the macro-regions but rather with the issue of a meso level; the distinction made by Görmar (2010: 582 et seq.) thus provides a basis here. He differentiates between two types of macro-regions: those with specific development opportunities and problems, and those that desire strategic cooperation. Görmar (2010: 583) suggests that this 'bottom-up' approach – from the regions themselves – to cooperation also includes



smaller spatial configurations. In the present project this provided encouragement to think about a region that crosses national borders and to investigate the interests of the political decision makers (cf. Section 4.3).

### 1.3 Objectives and research questions

The goal of the research project on which this article is based is the analysis of the further development of existing forms of cooperation, taking into consideration the opportunities and risks in the northern Bavarian and Bohemian border area. In the form of an evaluation including consideration of deterritorialised types of cooperation, the necessity and opportunities of rescaling the established configuration of the EUREGIO EGRENSIS cooperation area are elaborated and discussed with the municipal and business stakeholders involved. The empirical study inquires into the following aspects of functional and institutional integration:

- > The compilation of the changing parameters on the regional and higher levels over the period 2004 to 2014,
- > A review of the cross-border integration processes of the EUREGIO EGRENSIS cooperation area between 2004 and 2014 in terms of its importance for municipal policy cooperation and for cooperation between businesses, and in terms of its prominence among the population,
- > An evaluation of the potentials and risks of a spatial expansion of the existing cooperation areas within the aforementioned cooperation levels.

## 2 Empirical approach

The data necessary to answer the research questions was obtained from a triangulation involving document analysis, a written survey and expert interviews. This enabled a multiple perspective on border demarcation to be adopted, as Rumford (2012) suggests, establishing both a synchronic and diachronic level and an institutional and functional level. The project was carried out firstly by project participants and secondly in the course of seminars and theses conducted with and by students at the University of Bayreuth between May and December 2016. Cooperation with colleagues at the west Bohemian University of Plzeň overcame the problem of language deficits, avoided misunderstandings and enhanced intercultural understanding.

A systematic evaluation of reports from the EUREGIO EGRENSIS was used to analyse the qualitative and quantitative extent of existing cooperation and its development over time. In addition, cooperative initiatives were identified that extend beyond the cooperation area, such as twinning arrangements between towns, school exchanges and administrative cooperation.

A total of 17 semi-structured interviews were carried out with key stakeholders. The experience to date with the EUREGIO EGRENSIS cooperation area was also consid-



ered, as was the desired thematic and spatial expansion of this spatial configuration. When making the preliminary choice of interviewees care was taken to include representatives from all arenas of governance, such as the public administration (mayors, heads of district authorities) business (chambers of commerce, industry and trade) and civil society (German-Czech society). Furthermore, a division into five sub-areas (Upper Franconia, Upper Palatinate, Middle Franconia, south Thuringia, west Bohemia) was intended to ensure a regionally distinct evaluation, reflecting the various regional interests.

### 3 Outline of the spatial situation in the case study area

The spatial situation in the north-west Bavarian and north Bohemian border area displays many socio-economic commonalities but also reveals border-related disparities, as discussed below. Recently, primarily since 2010, in parallel with positive economic developments in Germany, numerous initiatives have been developed in Upper Franconia, e.g. the Epicurean Region Upper Franconia (*Genussregion Oberfranken*). Increasing international interconnections led to the export rate increasing to 51.6% in 2015 (Statement by the *IHK* [Chamber of Commerce and Industry] *Oberfranken-Bayreuth* 2015). Also linked to this was the fact that in 2017 the number of employees liable for social security contributions was the highest it had been since the 1990s (cf. Fig. 1). Map 1 shows the population trend between 2000 and 2013 and reveals that the majority of municipalities, especially in eastern Upper Franconia, were characterised by negative population trends.

Comparison with the situation in the two regions of Karlovy Vary and Plzeň in west Bohemia shows that while the centre Plzeň clearly displayed strong growth between 2005 and 2009, large parts of the two regions, especially near the border, were characterised by considerable declines in population figures. A clear decline in direct foreign investment has also been seen since the banking crisis of 2009. In response, Czech economic and structural policy has attempted to stimulate regional development through introducing new strategic industrial areas, usually located on abandoned ex-military airfields. Two of these, in Most-Joseph and in the Zatec-Triangle, are of considerable significance for the integration areas in west Bohemia (Hercik/Szczyrba 2012: 147 et seq.).

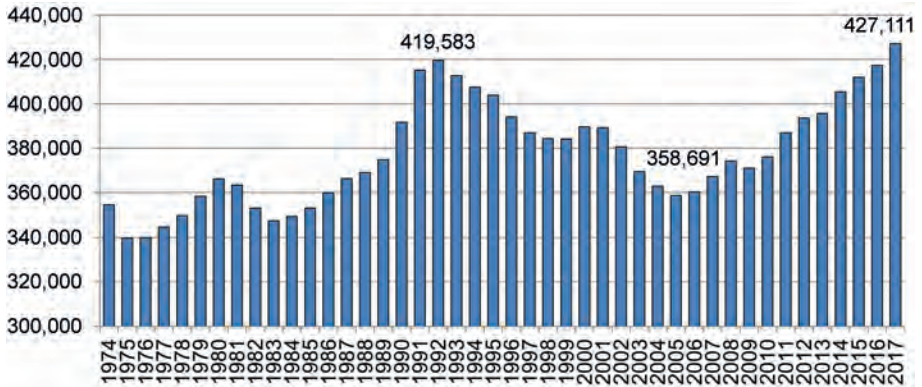
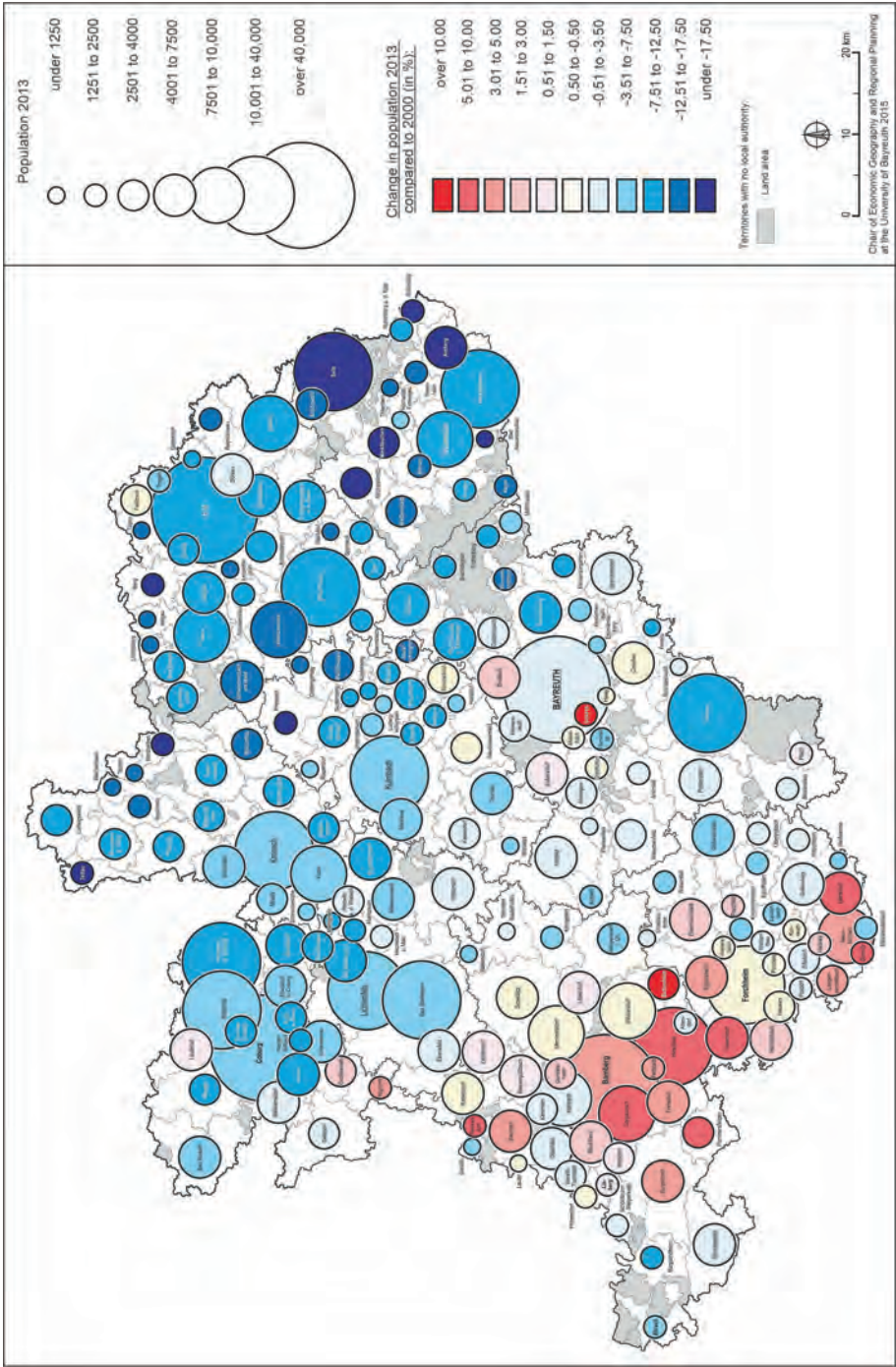


Fig. 1: Development of numbers of employees liable for social security contributions in Upper Franconia/Source: data from the IHK Oberfranken-Bayreuth

The business community in Upper Franconia is also interested in a further expansion of relations with west Bohemia and the Czech Republic. Compared with earlier sensitivities the ambiance has changed significantly in recent years. In a survey carried out in October 2014 a majority of those asked favoured a 'growing together' of the regions on the two sides of the border (Statement by the *IHK Oberfranken-Bayreuth* 2015). In the course of a field trip conducted by the University of Bayreuth on cross-border tourism in the research area, it could be demonstrated that far-reaching interlinkages existed, especially from Germany to the Czech Republic. In the Bohemian spa triangle such links are of particularly high quality and are promoted by bilingual signs and language skills in the tourism industry. Conversely, numerous municipalities have discovered the potential of Czech holidaymakers and shoppers, as the coordinator of the town centre of Marktredwitz reports:

'[...] well I don't want to exaggerate, but we have a catchment area of over 30,000 people in the Czech Republic, who come to Marktredwitz every year to shop [...] but also for day trips and we now have a really high proportion, which is also actively promoted by the marketing association. So we now have a Czech Facebook page about our marketing association. [...]. That just amplifies everything' (Interview 1, 18 May 2016).



Map 1: Population change in Upper Franconia between 2000 and 2013 / Source: Bayerisches Landesamt für Statistik und Datenverarbeitung (Bavarian State Office for Statistics and Data Processing)

This partial assessment in the project area led to a series of guiding theses:

1. Phases: Cooperation processes within the EUREGIO EGRENSIS area along the German-Czech border have progressed in a discontinuous, wavelike fashion since 1990: (1) 1990–1993: Enthusiasm/euphoria after the fall of the Iron Curtain, (2) ‘Colonisation’ of Czech areas close to the border, (3) Normalisation, (4) 2004–2007: Renewed euphoria due to the Czech Republic joining the EU and Schengen area, (5) Normalisation and emancipation of the Czech areas close to the border.

2. Parameters: Since the creation of the EUREGIO EGRENSIS in 1992 its work has been influenced by the continued transformation of the border regime. From an external EU border after the fall of the Iron Curtain to an internal border of the EU (2004) and a Schengen border (2007) to the complete opening of the German labour market for Czech citizens (2011).

3. Forms of cooperation and structural policy: Until 2000 the European Union focused primarily on promoting small-scale areas close to the border with the aim of furthering European territorial cohesion. This was followed by a focus on large-scale forms of cooperation and metropolises, with the aim of encouraging growth in the centres to become the ‘most competitive economic area in the world’ by 2010 (Commission of the European Communities 2005). Cross-border cooperation in local areas is subsidised mainly by INTERREG-A funds, which continue to account for the majority of INTERREG funds.

4. Regional development in northern Bavaria: 1960s/1970s: ‘zonal border development’; end of the 1980s move towards endogenous regional development (‘from the region for the region’) and in the 1990s continued development with regional management and regional marketing; since 2011 dynamic economic development which is highly dependent on the automotive industry and positive regional awareness.

5. Regional development in west Bohemia: Until 1989 socialist planning policy with a focus on the centres of Prague, Plzeň and Brno and in the peripheries with the aim of ‘retaining’ the population; after the fall of the Iron Curtain again a focus on the centres (but diverging development, e.g. Plzeň vs Karlovy Vary since the end of the 1990s) with more traditional administrative tools (similar to German federal policy) and moderate outward migration in the peripheries (until 1992/93), there is no endogenous regional development but rather traditional infrastructure and settlement policies.

#### **4 Results of the evaluation of different cooperation areas**

A long-term, detailed analysis of the EUREGIO EGRENSIS is possible thanks to its many years of activities, its prominence among decision makers and its political acceptance. It thus serves as a basis for the evaluation of cross-border cooperation areas in the case study region and is consequently the subject of in-depth consideration. The European metropolitan region of Nuremberg is then discussed. Finally, an alternative spatial configuration is outlined, illustrating the possibility of a cooperation area on a meso level between the Euroregions und macro-regions.

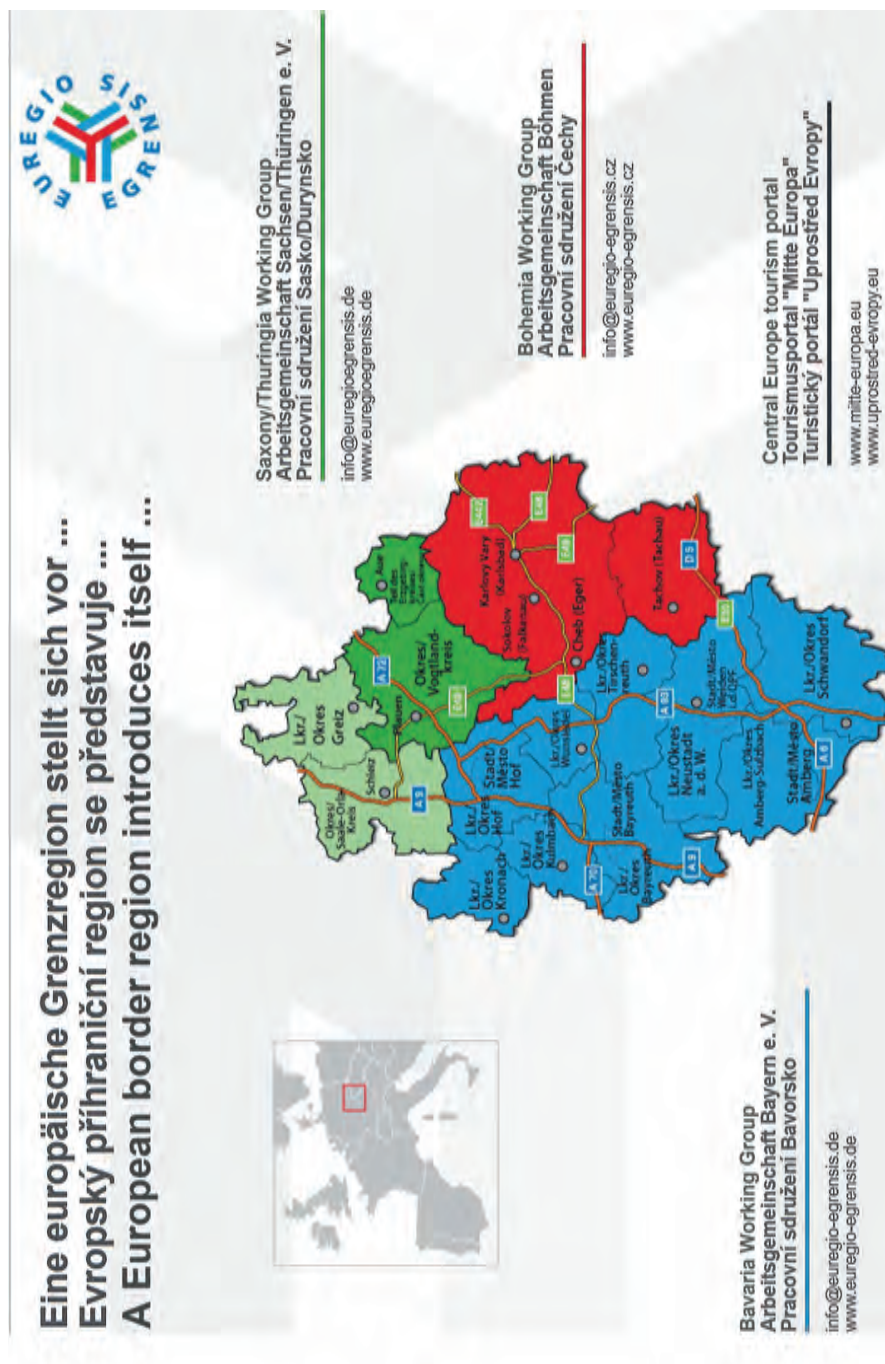
#### 4.1 The EUREGIO EGRENSIS cooperation area

After changing ruling authorities and border regimes, forced migration and expulsion, and a double frontier location during the time of the Iron Curtain, the early 1990s saw the founding of the EUREGIO EGRENSIS, named after the historical Egerland. The aim was to promote and coordinate on a regional level the potential of cross-border cooperation in the 'quadrangle' of Bavaria, Bohemia, Saxony and Thuringia. The accession of the Czech Republic to the European Union in 2004 and to the Schengen area in 2007 further changed the border regime and the parameters for cooperation. Although this allowed the largely free passage of people and goods, language, cultural (cf. for the situation before 2004, Birk 2000) and administrative boundaries continue to represent barriers to more advanced integration.

The territory of the EUREGIO EGRENSIS comprises, on the Bavarian side, eastern Upper Franconia, northern Upper Palatinate and the district of Kronach (1,058,096 inhabitants), the Saxon and Thuringian Vogtland and the western Ore Mountains (822,892 inhabitants), and the north-western Bohemian districts (*okresy*) of Karlovy Vary, Sokolov, Tachov and Cheb (360,861 inhabitants). In the north it borders the Erzgebirge Euroregion and in the south the Bavarian Forest – Bohemian Forest – Lower Inn Euroregion (EUREGIO EGRENSIS 2010: 5) (cf. Map 2). Outside the cooperation area are the cities of Erfurt, Chemnitz, Nuremberg and Plzeň, which are connected by well-developed transport links that cross the EUREGIO EGRENSIS.

In 1992 when the Euroregion was founded, the conceptual focuses were cross-border regional and municipal development in different structural areas through the support of cooperation between public and private planning agencies; cross-border regional, project and implementation management; information management, involving the transfer and distribution of information especially in the context of EU advice (information about European funding opportunities), conflict management in cases of diverging regional or municipal developments through discussion in EUREGIO EGRENSIS committees, regional marketing and public relations, and strengthening the competitiveness of the 'quadrangle' of Bavaria, Saxony, Thuringia and Bohemia.





Map 2: The EUREGIO EGRENSIS /Source: EUREGIO EGRENSIS (2016: 3)

The EUREGIO EGRENSIS was not, however, the only approach to cross-border regional development in the 1990s. Among the others were the ÖKOREGIO EGRENSIS – a sort of parallel organisation with an environmental focus – and the Festival Mitte Europa, a festival that was first organised by the singer Thomas Thomaschke at the beginning of the 1990s and which has become established as a cultural event that brings people in this area together. There is also a whole series of other cross-border projects such as the summer academy in Eger (Frankenberger/Maier 2011).

Forms of functional integration can also be identified, for instance commuter travel particularly from Saxony and the Czech Republic to Bavaria, and the founding of subsidiaries on the Czech side of the border by German companies (Schramek 2014: 118). The expert report by Chilla/Weidinger (2014: 62) further identifies other functional interlinkages and integration potentials in the field of tourism for the northern Bavarian-Bohemian border area.

In terms of institutional setup the EUREGIO EGRENSIS does not have independent legal form but consists of an amalgamation of federal-state based working groups in Bavaria (language), Saxony/Thuringia (transport) and the Czech Republic (tourism) with a joint steering committee. The decision of principle to establish a European Grouping of Territorial Cooperation was passed by all the working groups. To help achieve the project goals the EUREGIO EGRENSIS primarily focuses on the cross-border management of externally funded projects, which may be run by partners (Schramek 2014: 124 et seq.).

A field trip in Hohenberg an der Eger and Cheb for students at the University of Bayreuth investigated the degree of prominence of the Euroregion. Short qualitative interviews on the German side of the border revealed that almost all those asked connected something with the term EUREGIO EGRENSIS. This was particularly true for specific projects (e.g. state garden show in Marktredwitz/Cheb 2006), the support of local institutions (e.g. the youth hostel Hohenberg an der Eger) and tourist measures.

Compared to those questioned in Germany, the EUREGIO EGRENSIS was seldom familiar to those questioned in Bohemia. People could not link concrete projects with the EUREGIO EGRENSIS. Those who had heard of the EUREGIO EGRENSIS in the Czech Republic were usually active in cross-border organisations themselves or knew of the EUREGIO EGRENSIS through projects on the German side. The structures of the EUREGIO EGRENSIS were completely unfamiliar.

Cross-border cooperation and projects, and the EUREGIO EGRENSIS in particular, were very positively evaluated as being useful on both sides of the border. ‘Connecting people, breaking down borders, getting to know the mentality of neighbouring countries, cultural exchange’: this assessment is not, however, concretely related to the work of the EUREGIO EGRENSIS but rather to cross-border cooperation in general. Suggestions for the EUREGIO EGRENSIS were related to a reduction in bureaucracy, the extension of existing cycling paths and the intensification of cooperation between the German and Czech police forces and policymakers.

Projects carried out during the summer semester of 2016 as part of the MA course in Human Geography at the University of Bayreuth included numerous expert interviews with economic and political actors in the border region. The interviews with representatives of the EUREGIO EGRENSIS focused particularly on the organisation, its structure, fields of engagement, projects, cooperations and actors. It became clear that the Euroregion working group of Bavaria and the Euroregion working group of Bohemia had fundamentally different structures, gave different answers to certain questions and in some cases had different views. This applies, for instance, to the enlargement of the EUREGIO EGRENSIS, which was viewed positively by the Bavarian working group but more negatively by the Bohemian working group. Language was seen as a problem by both working groups. The four focuses of the organisation (business, civil society, politics, culture) were repeatedly emphasised. In the interviews with stakeholders who were part of business networks and had strong links to businesses (chamber of commerce and industry, Bavarian trade association [*Bayern Handwerk International*] and the regional development agency of Plzeň) it became clear that the EUREGIO EGRENSIS did not play an important role in this field. It emerged in particular here that the ambitions of the EUREGIO EGRENSIS were not matched by the reality of the situation. The stakeholders interviewed suggested that the EUREGIO EGRENSIS had very little influence on businesses located in the region.

In light of the findings from the interviews conducted so far it can thus be concluded that the focus of the work of the EUREGIO EGRENSIS is primarily in the fields of civil society, culture and politics. A representative of the chamber of commerce and industry of Middle Franconia-Nuremberg commented that due to its 'excellent and long-term experience' the EUREGIO EGRENSIS was a 'complete organisation' (interview on 7 July 2016). The interviews in the districts of Tirschenreuth and Wunsiedel similarly reveal that the working groups are of particular importance for their members, especially the districts and municipalities. This also relates to the fact that the EUREGIO EGRENSIS provides funds that help numerous smaller socially-relevant projects to be realised. Furthermore, its own projects make a significant contribution to cross-border exchange.

The questions relevant to the EUREGIO EGRENSIS that were put to selected persons in the qualitative interviews focused on the spatial location and experiences with this, and on possibilities for further developing the area in conceptual and spatial terms. Opinions about the importance of the EUREGIO EGRENSIS at the beginning of its activities were predominantly uniform – the cross-border cooperation was after all a new way of overcoming the divisive effect of the border. The start of this political-intercultural cooperation was facilitated by awareness among the population on both sides of the border of the spatial configuration of the historical administration known as the *Sechssämerland*, the territory of which encompassed the area of Marktredwitz/Cheb in the 18th century. The objective of being a partner of the municipalities, associations and civil society organisations on both sides of the border considerably improved understanding in the border area. Several interviewees also suggested that this contributed to the small-scale character of the approach.

As almost all the important institutions of Upper Franconia are represented on the steering committee and in other positions they see no need for a spatial extension of



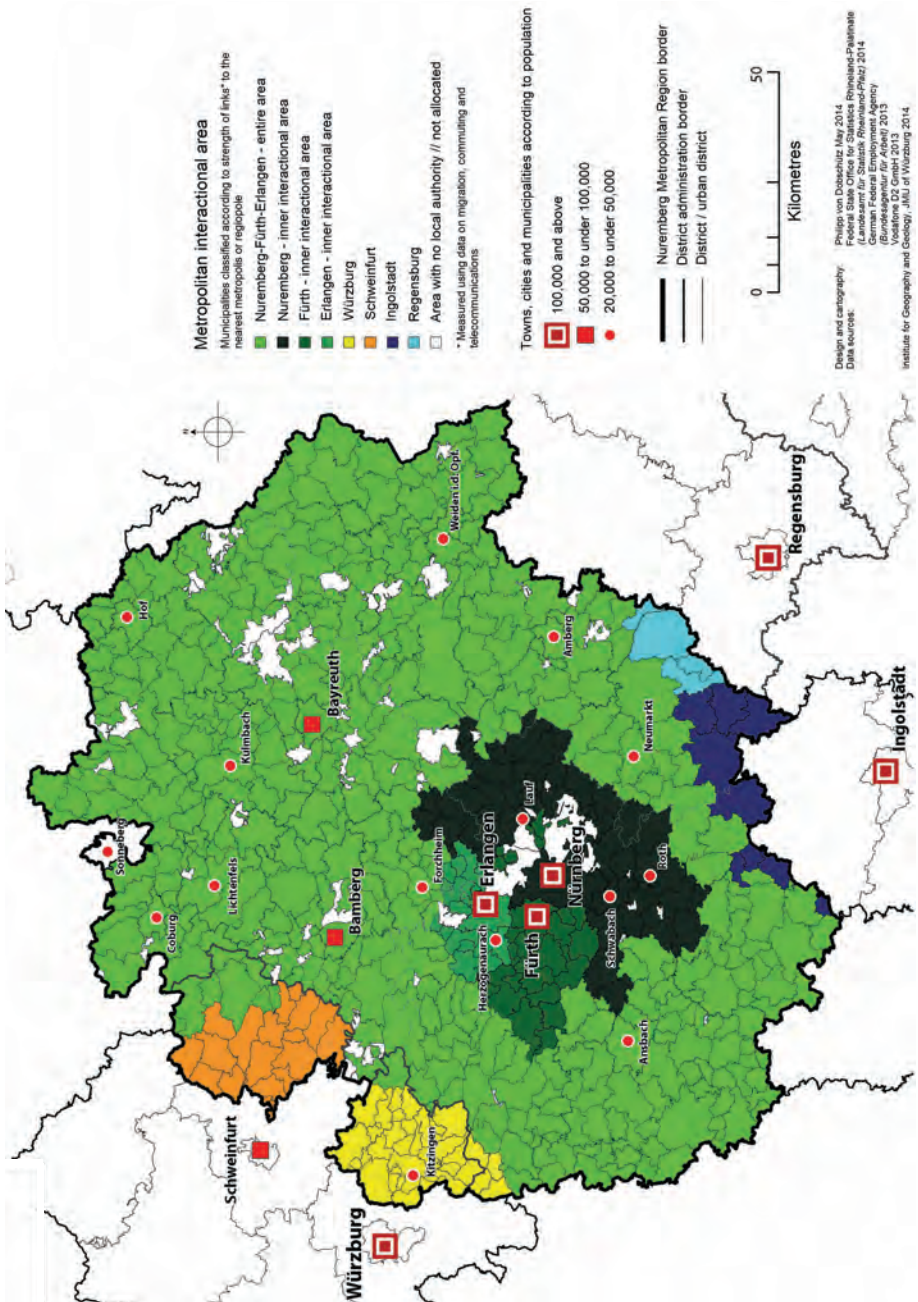
the region. The tasks of the EUREGIO EGRENSIS are dependent not on the form of the area but rather on EU programmes. It therefore seems logical that the region was recently selected by the Bavarian State Government to coordinate the processing of current projects. Critical comments were made in relation to the fact that – except for the notable cross-border state garden show of 2006 – there was a lack of ideas and projects on a larger scale that would reach beyond the regional level. Several of those interviewed were surprised that this was the case, especially at a time when large-scale thinking was actually more in the spotlight. One consequence of this is that businesses and universities have increasingly ‘bypassed’ the region and developed relations both with the city of Plzeň and its institutes and with other locations in the Czech Republic.

When the approach applied to the Bavarian working group is extended to the east Thuringia and Saxon working groups then the feedback is that in Saxony the federal state often has to provide higher funding compared to Bavaria, which is a reason to undertake fewer projects with the Bavarian side. In east Thuringia it was also possible to receive Saxon state funding for small projects for several years, although this is no longer available. This reinforces the impression that the EUREGIO EGRENSIS is to a great extent a Bavarian-Bohemian cooperation.

## **4.2 The European metropolitan region of Nuremberg cooperation area**

Although this was not the focus of the study, the expert interviews quickly demonstrated that the subject of alternative cooperation areas, and one meso area in particular – the European metropolitan region of Nuremberg – cannot be ignored. The expert report by Chilla/Weidinger (2014) attempted to involve the European metropolitan region of Nuremberg in a new regional level with Munich and Prague. However, the concerns and reservations of the state authorities meant that this approach was not further pursued.

The experts interviewed here also indicated that spatial extensions of the metropolitan area of Nuremberg, one of the small European metropolitan regions with 3.5 million inhabitants, were conceivable. The basis for this was primarily the expansion of the metropolitan region of Munich due to economic activities in the area of Ingolstadt, which also led to intensified commuter links with the southern district of Roth (cf. Map 3). Similarly relevant is the still non-existent extension of the European metropolitan region of Nuremberg to the west and – apart from Sonneberg and discussions in the district of Hildburghausen – also to the north. Several interviewees therefore favour an eastwards extension towards west Bohemia.



Map 3: Metropolitan interactional area of the metropolitan region of Nuremberg /Source: Philipp von Dobschütz, Julius-Maximilians University of Würzburg, Institute of Geography and Geology

in the committees of the European metropolitan region of Nuremberg this is viewed in the same way, even if the metropolitan region has certainly developed in terms of focuses (for instance in relation to clusters like medical technology or the health sector). Strategies linked to establishing contacts with locations in west Bohemia confirm this in the tourism sector, both towards the Bohemian spa triangle and in connection with the joint Bavarian-Czech exhibition held on the occasion of the 700th birthday of Emperor Charles IV. However, this was less about a spatial extension of the region and more about new cooperative partners and locations, especially in the international context (not least because this meant increased funding), as emerged clearly in an interview in the European metropolitan region of Nuremberg for the field of medical technology.

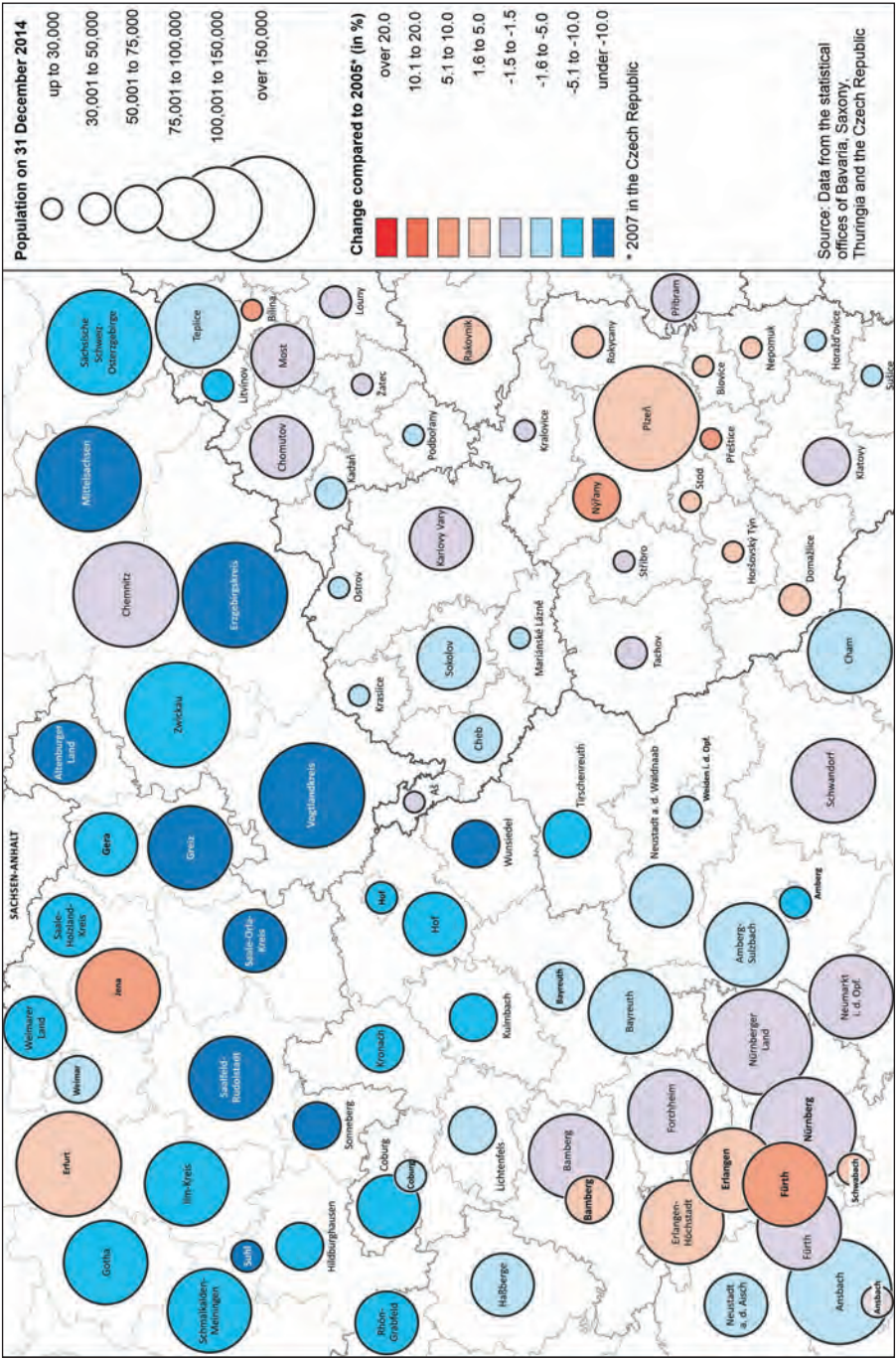
‘They are active in China, they have focal points worldwide. They’ve created hubs too in the meantime, in Boston they have a subsidiary, so they spread their net globally. [...] I don’t know what they’ll say if you tell them: “What do you think of this region as an area of experimentation and focus for medical technology and the health sector?”’ (Interview on 7 July 2016).

This quote clearly shows that expansion into neighbouring regions is not central to strategies for the future; the focus is rather more on international, issue-based cooperation.

### 4.3 A newly conceived functional spatial category

Chilla/Weidinger (2014) outlined the opportunities provided by meso areas in the central European core area. Such configurations emerged from regional planning visions, but still seem to lack concrete links to the relevant locations. In the 1990s such spatial categories would have been referred to as ‘urban networks’. However these entities were rather political partnerships with occasional thematic focuses; they were not characterised by spatial reach into the area as a whole or by continuous active cooperation. In contrast the authors of this article have pursued a classical geographical path to create a region. Thus if the area between the four cities of Nuremberg, Erfurt, Chemnitz and Plzeň is considered, it can be noted that it has many commonalities (homogeneity) and diverse functional interlinkages (cf. Map 4 and Chapter 3).

This starts with the remarkable natural areas, which also play a large role in tourism. Without doubt, the area has the highest density of spas in Europe. Rural areas are key here, but there are considerable business competences both in the industrial and the services sectors, with a typical economic structure of small and medium sized enterprises and a large number of *hidden champions* in Middle Franconia and Upper Franconia, northern Upper Palatinate, Thuringia, western Saxony and, last but not least, western Bohemia with Plzeň. Sectors like the automotive supply industry, the plastics and textile industry, medical technology, logistics and automation are increasingly major players, including in cross-border cooperation (cf. Maier 2015).



Map 4: Population change in the Nuremberg-Erfurt-Chemnitz-Plzeň area between 2005 and 2014 / Source: data from the statistical offices of Bavaria, Saxony, Thuringia and the Czech Republic



But is there support for this meso area and is there a willingness on the part of businesses, the administrations and policymakers? As answers we take the results of the interviews conducted as part of this study. A series of interviewees remarked that large-scale development strategies are less established in the border areas in the eastern part of the EU than in the west. The lack of motivation for such spatial categories was criticised, especially as all the cities are located on the edges, and rural areas dominate the centre. One of the interviewees believed that there was a lack of flagship projects and 'landmarks' with supra-regional significance that could become focal points in the area. Despite the homogenous structure of the area, most of those interviewed (with the exception of the academics) believed that the area proposed was too small in the context of the EU greater urban areas and that it lacked common interests.

While those in the city of Nuremberg were open to the discussion, those in the city of Erfurt saw connections rather as lying in the Erfurt–Weimar–Jena region and in cooperation with the Central Germany metropolitan region, despite growing relations with Nuremberg such as the new high-speed train link. The position of Plzeň was also clear, as the city works with the Danube–Vltava region and directly with the city of Regensburg. There is a lack of incentive for representatives of the city and district of Plzeň to develop relations with Nuremberg. There are at present no joint projects with corresponding funding. Here too the attitude towards the proposed idea of a meso area is dominated by political pragmatism; for the interviewees in Plzeň there is a lack of concrete projects and funding.

## 5 Summary

The EUREGIO EGRENSIS cooperation area was established in 1990 and is widely acknowledged and appreciated by political actors. It serves here as a heuristic for a multitude of spatial processes. On the one hand, it reflects the changing political and economic conditions of cross-border cooperation between Bavaria and the Czech Republic on a line of contact between two peripheral regions remote from political and economic centres. On the other hand, a spatial analysis of the EUREGIO EGRENSIS and, in particular, discussion of its spatial delimitations and alternative spatial configurations provide insights into debates surrounding the increasing macro-regionalisation and metropolisation of cross-border cooperation.

Particularly on the supranational level, the last 15 years have seen serious changes resulting from the accession of the Czech Republic to the European Union in 2004 and to the Schengen area in 2007, and from the complete opening of the labour market to Czech citizens in 2011. A moderate increase in functional interlinkages can consequently be noted. The economic trends characterising the northern Bavarian border area can be described as positive. In contrast western Bohemia is stagnating and the area around Karlovy Vary–Cheb in particular has been forced to find alternative development paths following the withdrawal of Russian capital (Lungová 2016). Political actors on both the Bavarian and the Czech side of the border can be seen to be somewhat reticent about cross-border cooperation. Reference is made either to

the Munich–Prague axis or to the established cooperation areas of the two Bavarian-Czech Euroregions.

For the period between the EU accession of the Czech Republic until 2016 cross-border integration in the research area can be described as positive, especially in terms of cooperation between enterprises. The fears that both sides had in connection with the EU accession of the Czech Republic have not been realised, so that there is now a broad spectrum of cooperation; here a central role is played by the regional chambers of commerce, industry and trade. While the EUREGIO EGRENSIS is often said to have a blind spot as far as economic cooperation concerned, its role in the field of municipal political cooperation and numerous cultural projects is undisputed. In this field it benefits from the longstanding trust of and between the actors involved, so that it is usually named as the most important actor in cross-border cooperation in northern Bavaria. On the other hand, among large parts of the cross-border population, particularly on the Czech side of the border, there is a widespread lack of knowledge of the activities and tasks of the EUREGIO EGRENSIS, and in some cases even of its existence. However, cross-border cooperation per se is almost always supported and the developments since 2004 are usually described as positive. Nonetheless, there are no signs of a hybrid regional border area identity emerging and the coming together of civil society on both sides beyond the purely project level remains a task for future generations.

Within the period of observation a multitude of spatial configurations for cross-border cooperation emerged, some of which overlapped or competed with one another. They ranged from attempts to enlarge the European metropolitan region of Nuremberg to the European Region of Danube-Vltava to large-scale metropolitan networks like the Central European metropolitan hexagon and the INTERREG-B Danube, Alpine and Central Europe regions. Based on the positive evaluation of the EUREGIO EGRENSIS cooperation area and trends towards larger interconnections, the idea of a meso area in the central European zone was discussed with stakeholders in the border area – roughly the area between the cities of Nuremberg, Erfurt, Chemnitz and Plzeň. Despite socioeconomic similarities and manifold functional interdependencies, this idea was met with scepticism. The reasons cited for this included a lack of political stimuli for the coordination and funding for such a project, the dominance of rural areas in the centre of the territory in question and insufficient common interests. At the same time, numerous actors commented on the lack of large-scale interactional areas particularly in comparison with west German border areas. Ideas that went beyond political pragmatism took the form of clearly defined issue-specific cooperation and included flagship projects, especially a cross-border health region that could bundle much of the potential in this field that is found in the area. Issues related to spatial changes are seldom discussed due to the positive economic trends found even in the peripheral regions of the cooperation areas.

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Reinhold Koch

## **BORDER AREAS IN EASTERN BAVARIA – ONCE STRUCTURALLY WEAK, ALWAYS STRUCTURALLY WEAK?**

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- 2 Designation of structurally weak areas in the 2006 and 2013 updates of the Federal State Development Programme
- 3 Structurally weak Bavarian districts in the period from 2001 to 2015
  - 3.1 Methodological notes
  - 3.2 Comparison over time: Regions with a particular need for action in 2001 and 2015
  - 3.3 Structural indicator: Comparison over time from 2001 to 2015 standardised using the 2001 figures for Bavaria
  - 3.4 Sub-indicators: Comparison over time from 2001 to 2015
  - 3.5 Structural indicator: Comparison over time from 2001 to 2015 standardised using the relevant figures for Bavaria
- 4 Conclusions
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### **Abstract**

The aim of this paper is to determine whether since 2000 the areas along the border with the Czech Republic have developed in such a way that a location on the border is no longer practically synonymous with structural weakness or whether this is at least less pronounced than it was. Living and working conditions in Bavarian border areas have improved significantly since the turn of the millennium. By 2015 two of the eight districts had reached Bavarian standards. In the two border areas with the lowest rankings the economic situation and conditions on the labour market have also improved, more strongly than the federal average but not to the same extent as the Bavarian average. The analysis was carried out on the basis of a structural indicator, which was used to determine the regions with a particular need for action for the 2013 Bavarian Federal State Development Programme.

### **Keywords**

Federal state development – border areas – structural weakness – regions with a particular need for action – assisted areas – living and working conditions – indicators

## 1 Preliminary remarks

In the last few decades, municipal and federal state policy has not considered border areas (cf. Fig. 1) simply as corridors of a certain width along the borders of the federal state. The areas along the borders with Baden-Württemberg and Hesse, and also along the border with Austria are generally not viewed or treated as ‘border regions’ as such. The Border Areas Report, more precisely the ‘Report on the economic, social and cultural development of the Bavarian border areas and the structurally weak areas of Bavaria’ provided detailed information about development in the districts and urban districts in the ‘first and second ranks’ on the border between the Czech Republic and the former German Democratic Republic between 1972 and 1990 (cf. Bavarian State Government [*Bayerische Staatsregierung*] 1974). Publication of the report was halted with reunification in 1990 and the opening of the border with the Czech Republic.

The reference to ‘structurally weak areas’ in the title of the report indicates that the areas bordered by the Iron Curtain were viewed as structurally weak per se. Ultimately they were an extension of the ‘border zone’.

The territorial category ‘border area and predominantly structurally weak regions’ was for decades used as shorthand to describe the situation, development and subsidies in the more peripheral regions of Bavaria. This phrase implies that there are also non-structurally weak areas and that structural weakness is measured at a level below that of the regions. This territorial category remained unchanged from the third to the 16th Spatial Planning Report (*Raumordnungsbericht*) (Bavarian State Government 2009). In the 17th Spatial Planning Report (Bavarian State Government 2016) the term was changed to ‘predominantly structurally weak regions’.

Since the 1970s, the identification of structurally weak areas, or in more recent times of comparable territorial categories described in more positive terms, has been part of the Bavarian State Development Programme. The processes and criteria used have changed considerably over time. It is astonishing that after almost 50 years of successful federal state development there are areas that are (and must still be) designated as such.

Fig. 1: Border areas in Bavaria

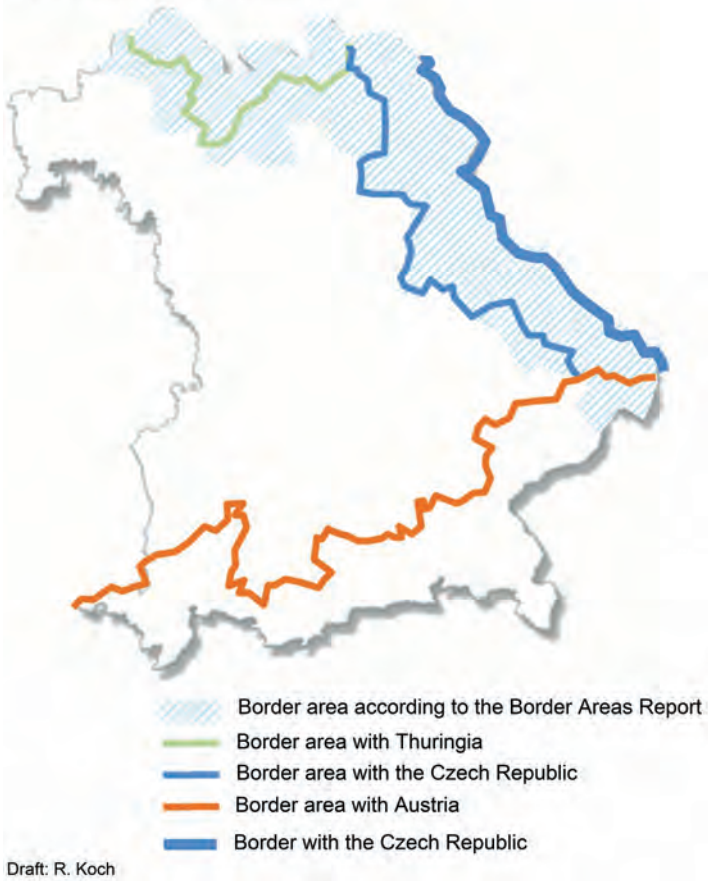


Fig. 1: Border areas in Bavaria

This begs the question: border areas in Bavaria – once structurally weak, always structurally weak? The aim of this paper is to determine whether since 2000 the border areas, in the sense of the Border Areas Report, along the remaining external borders of Bavaria – that is, along the border with the Czech Republic – have developed in such a way that a location on the border is no longer practically synonymous with structural weakness or whether this is at least less pronounced than it was. To this end the methodology used for the indicator-based designation of structurally weak areas in the 2006 and 2013 updates of the Bavarian Federal State Development Programme is presented. The indicators from the 2013 designation are then used to analyse structural weakness over the time period from 2001 to 2015.

## 2 Designation of structurally weak areas in the 2006 and 2013 updates of the Federal State Development Programme

The 2006 update of the Federal State Development Programme used the criteria and processes from previous versions for the designation of ‘rural sub-areas whose development should be particularly strengthened’. Only the indicator values were updated. It was significant that in these versions the only areas that could be designated as structurally weak were those categorised as ‘rural areas’ or in 2006 as ‘rural sub-areas whose development should be particularly strengthened’. The following criteria were used for the intermediate areas<sup>1</sup>:

- > In 1997 the proportion of agriculture<sup>2</sup> was higher than the average for rural areas.
- > In 1997 the proportion of the tertiary sector<sup>3</sup> was lower than the average for rural areas.
- > The employment trend for the period from 1987 to 1998 was lower than the average for rural areas.
- > In 1995 the income per taxpayer was lower than the average for rural areas.
- > The unemployment rate for winter 1997 was higher than the average for rural areas.
- > In 1997 the proportion of long-distance commuters was greater than the average for rural areas.
- > The net migration from 1997 to 1999 was lower than the average for rural areas.

This procedure proved laborious and cumbersome in a number of ways. First, the rural area needed to be delimited on the municipal level, then the average values for the rural area determined, and finally the data prepared for the intermediate area.

The delimitation resulted in rural sub-areas – by definition densely populated areas cannot be structurally weak – which included about 47% of the national territory and 27% of the population. Almost all of the border area with the Czech Republic was designated as a rural sub-area whose development should be particularly strengthened.

It seemed advisable to simplify this designation and reduce the spatial extent of the delimitation, not least due to the limited financial resources that were available for

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1 Intermediate areas are planning areas in federal state and regional planning located between the administrative levels of the municipalities and the districts, which are also used for requirements planning by the Association of Statutory Health Insurance Physicians (*Kassenärztliche Vereinigung*).

2 The ratio of employees in agriculture liable for social security contributions to the total employees liable for social security contributions.

3 The ratio of employees in the service sector liable for social security contributions to the total employees liable for social security contributions.

funding. Bearing in mind the efforts made in past decades it also did not seem appropriate to describe half of Bavaria as structurally weak. For the 2013 update, a focus on areas in real need was called for, challenging the previous blanket approach. The procedure for delimiting the areas should be simple and comprehensible.

The first approach towards a new procedure to determine the ‘regions with a particular need for action’ involved the new delimitation of areas used for the Joint Task for the Improvement of Regional Economic Structures (*Gemeinschaftsaufgabe Regionale Wirtschaftsförderung*, GRW) in 2007 on the level of labour market regions. The dimensions that played a role were the labour market situation, employment opportunities, income and life satisfaction. These dimensions were captured using the indicators of unemployment rate, employment rate, income per taxpayer and net migration of 18–30 age group.

Due to the importance of demographic change as a policy issue in border areas, the indicators describing current status were supplemented by a change component: forecast population change for 2009–2029 (*Bayerisches Landesamt für Statistik und Datenverarbeitung* [Bavarian State Office for Statistics and Data Processing] 2010). This allowed the structural indicator used to identify the regions with a particular need for action to be calculated from five sub-indicators after standardisation and weighting through an additive operation and subsequent standardisation using the Bavarian averages. The individual sub-indicators were assigned the following weights:

- > Population forecast 30%
- > Unemployment 30%
- > Employment density 10%
- > Household income 20%
- > Migration of young people 10%

The values were designated according to districts, which means that urban districts with less than 100,000 inhabitants are amalgamated with the rural district surrounding them.<sup>4</sup> The districts for which the structural indicator did not reach 80% were categorised as ‘regions with a particular need for action’. This meant that in 2011 there was a new delimitation of ‘regions with a particular need for action’ which corresponded with the notions of economic development in the update of the Federal State Development Programme in 2013. According to this delimitation around 24% of the national territory and 14% of the population were categorised as ‘structurally weak’.

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4 Cf. Also the continuous spatial observation – spatial delimitations by the Federal Institute for Research on Building, Urban Affairs and Spatial Development (*Bundesinstitut für Bau-, Stadt- und Raumforschung*); [http://www.bbsr.bund.de/cln\\_032/nn\\_1067638/BBSR/DE/Raumbeobachtung/Raumabgrenzungen/Kreistypen4/kreistypen.html](http://www.bbsr.bund.de/cln_032/nn_1067638/BBSR/DE/Raumbeobachtung/Raumabgrenzungen/Kreistypen4/kreistypen.html) (28 March 2018).

Sensitised by the way in which the categories of regions were used during the extension of broadband, during the hearing many politicians from rural areas pushed for an extension of the regions with a particular need for action. The district of Passau brought particular pressure to bear, which finally led to the entire Passau district being included in the regions with a particular need for action. The systematics behind the designation then made it necessary to also include the districts of Miltenberg, Schweinfurt and Rottal-Inn.

The regions with a particular need for action in the 2013 Federal State Development Programme correspond well with the areas of the 2013 Joint Task for the Improvement of Regional Economic Structures and with the 2013 Prognos Future Atlas (Prognos 2013). The ‘regions with a particular need for action’ largely correspond here to the ‘balanced opportunities and risks’ category. However, the goal of focusing on the areas ‘in real need’ was not fully achieved. In comparison with the draft version, the area and population included in the regions with a particular need for action had again increased to cover a third of the national territory and a fifth of the total population (cf. Table 1).

	Population (proportion of Bavarian population in %)			Area (proportion of Bavarian territory in %)		
	LEP 2013	LEP 2014	LEP-E 2016	LEP 2013	LEP 2014	LEP-E 2016
Regions with a particular need for action*	20	26	29	32	42	47

\* without individual municipalities

*Table 1: Regions with a particular need for action – Proportions of population and area in Bavaria according to the Federal State Development Programmes / Source: the author’s own calculations based on Bavarian State Government (2013), Council of Ministers decision of August 2014 and Federal State Development Programme consultation draft July 2016*

The Federal State Development Programme transposes into concrete terms the ‘Vision for the spatial development and organisation of Bavaria in a comprehensive strategy for the medium term’. ‘The implementation of the Federal State Development Programme is subject to its financial feasibility. The time and magnitude of the public expenditure necessary to implement the stipulations should be finalised, taking into consideration a sustainable budgetary policy in the individual budget plans. In so doing, medium-term financial planning, the overall economic situation and actual funding options should be considered. Through the spatial and temporal coordination of the various spatially relevant plans and measures, the Federal State Development Programme makes an important contribution towards ensuring the most efficient use of scarce public financial resources’ (Bavarian State Government 2013: 7).

With the decision of the Council of Ministers in August 2014 the districts of Garmisch-Partenkirchen, Mühldorf, Forchheim, Ansbach, Neustadt an der Donau, Aisch-Bad Windsheim, Main-Spessart and the urban districts of Ansbach and Kaufbeuren were added to the regions with a particular need for action. The consultation draft of the Federal State Development Programme of 12 July 2016 again included further regions: the districts of Roth, Aschaffenburg, Kitzingen and Dillingen. This meant that 47% of the national territory was categorised as structurally weak. Almost 30% of the Bavarian population lives in these areas.<sup>5</sup> The relative position of the border regions was significantly weakened by this extension (cf. Table 1).

Ironically, after the transfer of the Department for Federal State Development to the Bavarian State Ministry of Finance and Regional Identity (*Staatsministerium der Finanzen, für Landesentwicklung und Heimat*) a kind of paradigm shift occurred. Of most significance for the designation of regions with a particular need for action was now no longer the scarcity of financial resources and the need to focus on needy areas, but rather the inclusion of the largest possible territory which involved as many municipal decision makers as possible.

The State Spatial Planning Act of 2012 states: 'From 2008, the federal state government has reported to the state parliament every five years on the status of spatial planning in Bavaria, the realisation of the Federal State Development Programme and new planning projects of general importance.'<sup>6</sup> At the start of 2019 the 18th spatial planning report thus has to be presented, including information about whether the distribution of funding according to this strategy is efficient and how the border regions have performed. Problematic in this context is that no evidence has been gathered about the deployment of spatially focused funding by the federal state, the country or the EU since 2003.

### 3 Structurally weak Bavarian districts over time, 2001–2015

A longer term evaluation of the distribution of funding and/or its effectiveness has not been carried out in recent decades. This would, however, be possible with the help of the structural indicator that was used to delimit the regions with a particular need for action in the 2013 Federal State Development Programme.

5 Without individual municipalities: 'In addition, in cases of particular hardship, individual municipalities, even those outside the region with a particular need for action, can be supported in the same way. The highest federal state spatial planning authority decides whether the conditions are met by individual municipalities' (Ordinance on the Bavarian State Development Programme [*Verordnung über das Landesentwicklungsprogramm Bayern, LEP*] of 22 August 2013, page 29).

6 Article 32, Bavarian State Spatial Planning Act (*Bayerisches Landesplanungsgesetz*) of 25 June 2012.

3.1 Methodological notes

The structural indicator and its sub-indicators can, with one exception, be depicted over time for all urban districts and districts. It is not useful to retrospectively include the ‘population forecast’ sub-indicator in the monitoring. This means that the weights of the remaining sub-indicators must be re-evaluated. They were set for the monitoring of the border areas so that the structure of the remaining weights was retained (cf. Table 2). This gives unemployment great significance in the structural indicator.<sup>7</sup>

	Weight in %	
Sub-indicators	Designation of regions with a particular need for action in the 2013 Federal State Development Programme	Monitoring 2001–2015
Population forecast	30	
Unemployment	30	43
Employment density	10	14
Household income	20	29
Migration of young people	10	14
Structural indicator	100	100

Table 2: *Weights of sub-indicators*

Thus the preconditions for monitoring the development of the districts of Bavaria and the classification of border regions are met. In the following, border regions are the districts situated on the Czech border. First, the effects of excluding the ‘population forecast’ sub-indicator are checked. To this end the designations of ‘regions with a particular need for action’ using data from 2011 are compared with and without the ‘population forecast’ sub-indicator.

Figure 2a shows the ‘regions with a particular need for action’ according to the designation for the 2013 draft of the Federal State Development Programme **with** the ‘population forecast’ sub-indicator. According to this, 16 districts count as structurally weak if the threshold of 80% is used. Most of these districts are situated in the northern part of Upper Palatinate and in the northern parts of Upper and Lower Franconia. Six regions lie on the border with the Czech Republic. If the threshold is raised to 90%, 13 more districts are included, two of them on the border with the Czech Republic.

Figure 2b shows the ‘regions with a particular need for action’ according to a designation **without** the ‘population forecast’ sub-indicator using the dataset and the weight-

7 The data for the calculation of the sub-indicators for Bavaria was taken from the Genesis databank of the Bavarian State Office for Statistics and Data Processing.



ing of the monitoring. According to this, only eight districts count as structurally weak if the threshold of 80% is used. Most of these districts are situated in the northern part of Upper Palatinate and in the north-eastern part of Upper Franconia. In Lower Franconia only the district of Bad Kissingen now belongs to this category. All regions except this one lie on the border with the Czech Republic. If the threshold is raised to 90%, ten more districts are included, none of which are on the border with the Czech Republic.

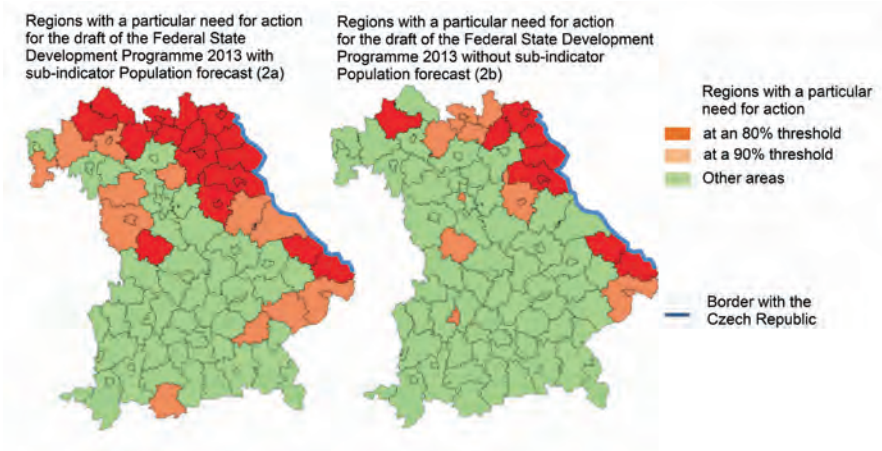


Fig. 2: Regions with a particular need for action with and without the sub-indicator 'population forecast'  
 / Source: the author's own calculations based on data from the Bavarian State Office for Statistics and Data Processing

The comparison shows that in the northern areas of Upper and Lower Franconia the unfavourable population forecast is largely responsible for the structural weakness. When this sub-indicator is excluded the structural weakness is concentrated on the border region with the Czech Republic, although without the districts of Cham and Schwandorf. With the 90% threshold the district of Garmisch-Partenkirchen appears among the regions with a particular need for action. This is also linked to the unfavourable population forecast, which arises from the age structure of the existing population.

### 3.2 Comparison over time: Regions with a particular need for action 2001 and 2015

A designation of regions with a particular need for action according to data from 2001 and with an 80% threshold would have led to eight structurally weak districts, six of them on the border with the Czech Republic. With a 90% threshold nine more regions would have been added, two of them on the border with the Czech Republic (cf. Fig. 3a).

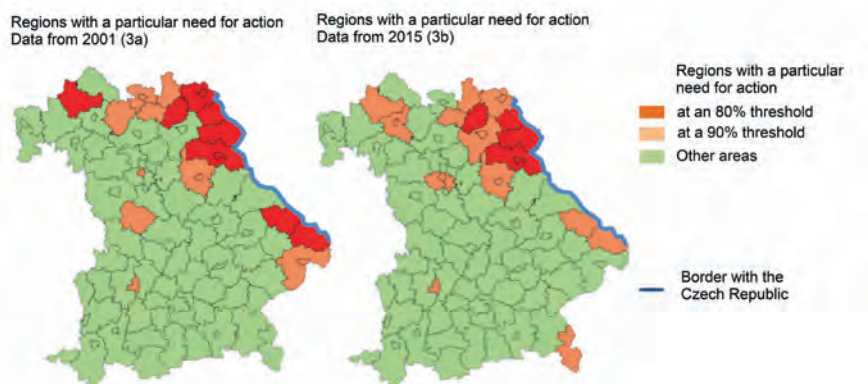


Fig. 3: Regions with a particular need for action (data from 2001 and 2015) /Source: the author's own calculations based on data from the Bavarian State Office for Statistics and Data Processing

With an 80% threshold the data from 2015<sup>8</sup> leads to four regions with a particular need for action, three of them on the border with the Czech Republic. With a 90% threshold 12 more districts are included, three of them on the border with the Czech Republic (cf. Fig. 3b). Viewed overall, a slight decline in the number of structurally weak districts can be observed, including on the border with the Czech Republic. Here the Wunsiedel/Weiden area displays continued structural weakness, while the Schwandorf/Regen area can be seen to be approaching the state average.

### 3.3 Structural indicator: Comparison over time 2001 to 2015 standardised using the 2001 figures for Bavaria

In comparison to the starting year 2001 the structural indicator for Bavaria improved from 100 to 131 index points (cf. Fig. 4). The fluctuations over the course of time reflect the economic development of recent years. The lowest value for Bavaria was 84 points in 2005. From this time on the structure of the federal state improved continuously with the exception of 2009.

Starting with 108 points, the district of Eichstätt in the proximity of the higher-order centre Ingolstadt achieved the greatest increase of 234 points. Other districts which displayed considerable structural improvements were Pfaffenhofen an der Ilm, Freising and Munich. The City of Munich, on the other hand, showed a slight deterioration (cf. Fig. 4). The range of values increased enormously between 2001 and 2015. However, this was not because the structurally weak regions lagged behind the Bavarian development trend, but rather because the 'leading regions' pulled away from the Bavarian average.

8 For the 'migration of young people' sub-indicator, data from 2014 were used again because of the high immigration from abroad in 2015.

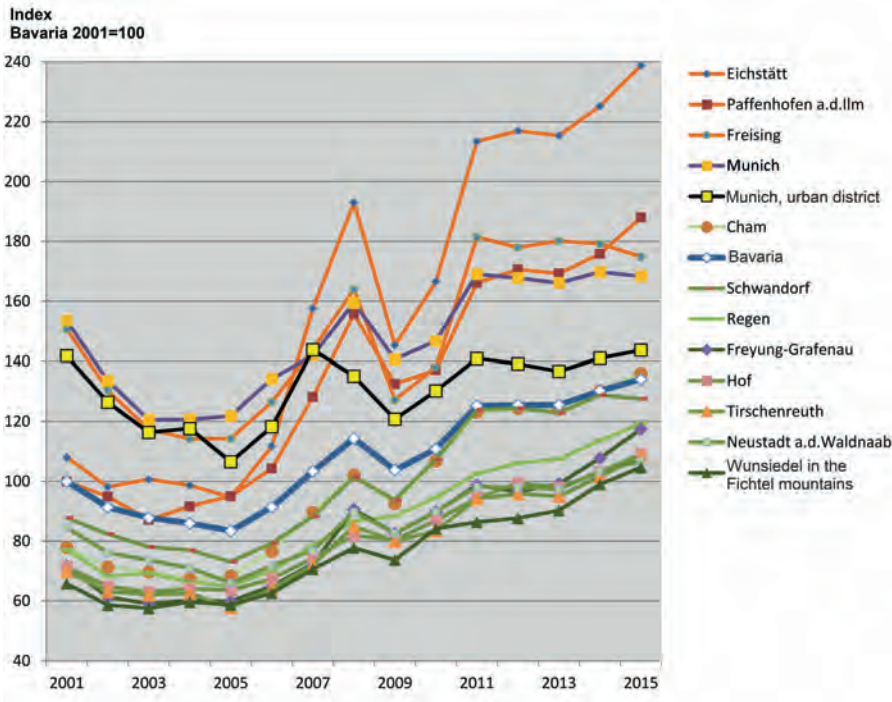


Fig. 4: Structural indicator 2001 to 2015 for Bavaria and selected districts /Source: the author's own calculations based on data from the Bavarian State Office for Statistics and Data Processing

It is striking that the values of the areas on the border with the Czech Republic are subject to fewer fluctuations than the 'leading regions'. Of the border regions the districts of Schwandorf and Cham have developed the best. They caught up particularly in the period from 2009 to 2011. In 2015 the district of Cham even achieved the same level as Bavaria. The district of Regen experienced clear positive development between 2011 and 2015.

### 3.4 Sub-indicators: Comparison over time from 2001 to 2015

The 'unemployment rate' sub-indicator strongly influenced the structural indicator. While in 2001 the highest unemployment rates with values of around 10% were still found in border regions like Wunsiedel or Hof, in the period up to 2005 these rates rose less quickly than in the cities of Nuremberg and Augsburg (cf. Fig. 5). The decline of these rates up to 2015 was also more pronounced in the border regions than in the aforementioned cities. In 2015 the unemployment rate in the border regions of Cham and Schwandorf was under the Bavarian average of 3.6%. In the cities of Nuremberg and Augsburg the figures were 7.2% and 6.5%, respectively. High unemployment is thus no longer characteristic of the border regions. Demographic change, which has progressed further in the border regions than in densely populated areas, has also

contributed to a reduction in unemployment. In the border area above-average numbers of people have entered retirement age, taking pressure off the labour market.

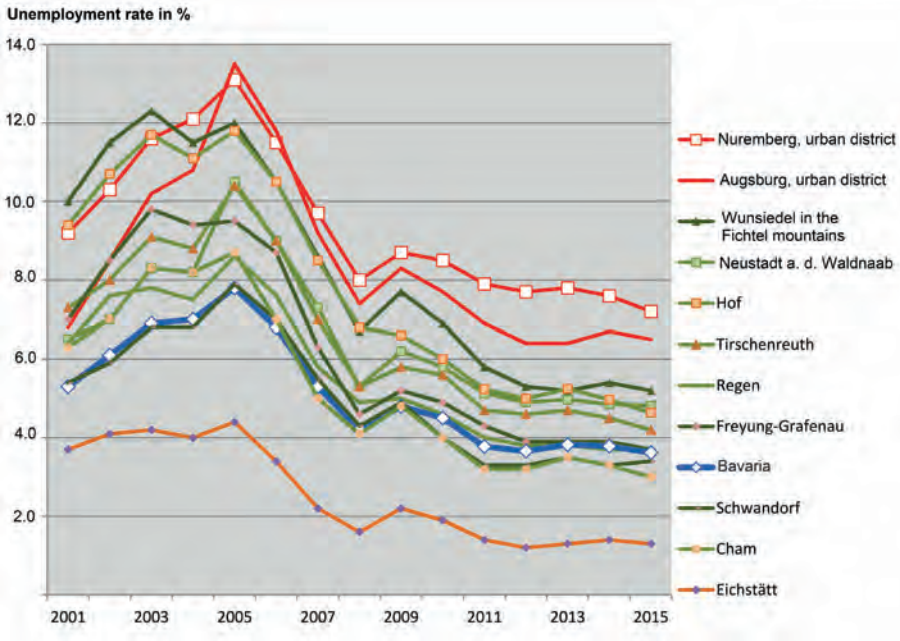


Fig. 5: Development of unemployment rates from 2001 to 2015 in Bavaria and in selected districts / Source: the author's own calculations based on data from the Bavarian State Office for Statistics and Data Processing

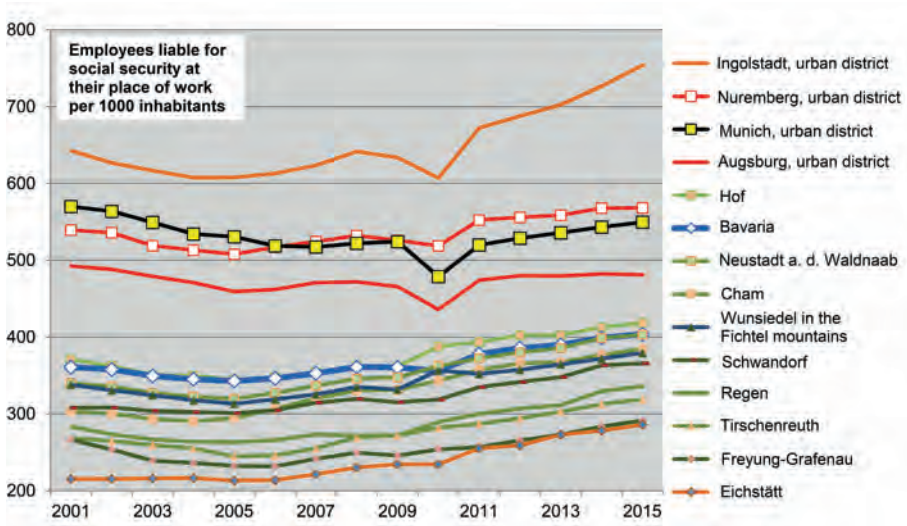


Fig. 6: Development of employment density from 2001 to 2015 in Bavaria and in selected districts / Source: the author's own calculations based on data from the Bavarian State Office for Statistics and Data Processing

The 'employment density' sub-indicator, which represents the jobs available in a region, also reflects the development of the economy in recent years (cf. Fig. 6). From 2001 to 2015 in Bavaria the number of employees liable for social security at their place of work per 1000 inhabitants rose from 368 to 404. The number of jobs available grew especially strongly in areas where the automotive industry is strongly represented, thus from 726 to 796 in Regensburg, from 643 to 754 in Ingolstadt and from 467 to 526 in Dingolfing-Landau. Such jobs are naturally also taken by neighbouring districts.

Due to the many commuters, the district of Eichstätt profits more from the large number of jobs available in Ingolstadt than the city itself, as revealed by the extremely low unemployment in Eichstätt. Similar constellations are not found in the border area with the Czech Republic. Here the number of jobs available has increased continuously since 2005 thanks to the automotive supply industry. The district of Hof had actually been above the value for Bavaria since 2010.

The regional earning potential is captured in the 'household income' sub-indicator, which relates the disposable income of the private households to the number of inhabitants (cf. Fig. 7). In Bavaria this figure rose from € 17,868 in 2001 to € 24,147. The districts in the lead here are Starnberg and Miesbach with € 35,011 and € 28,754. The border areas have been able to keep pace with the growth in income. The gap with the values for Bavaria has shrunk almost continuously, although it continues to be considerable in some cases, e.g. in 2015, the figure for Freyung-Grafenau stood at € 20,579, some € 3,568 lower than the value for Bavaria. The trend for household income in the city of Augsburg was much more negative: € 19,697 in 2015.



The ‘net migration of young people’ sub-indicator represents the satisfaction of the younger generation with the working and living conditions in a region (cf. Fig. 8). Over time the migration of 18- to under-30-year-olds, related to 1,000 people of the same age group, was affected by two significant, exceptional developments:

- > the imposition of taxation on second homes in cities introduced between 2005 and 2007 encouraged people to officially register their first homes in the cities, which official figures then captured as migration to these urban areas;
- > the immigration of young refugees who were then redistributed to the various regions of Bavaria in 2015. This meant that the sub-indicator had little meaning for this year. Data from 2014 were thus used for calculations of this structural indicator.

Between 2002 and 2009 the net migration of young people in Bavaria fell in the wake of economic development from 28.3 to 8.5, before rising again to reach 23.4 in 2014. Migration from abroad was mainly responsible for the increase to 38.2 in 2015.

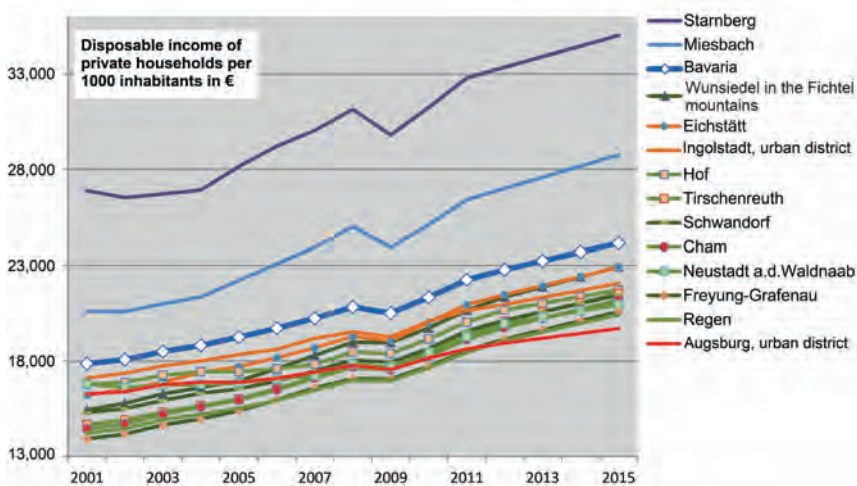


Fig. 7: Development of household income 2001 to 2015 in Bavaria and selected districts /Source: the author's own calculations based on data from the Bavarian State Office for Statistics and Data Processing

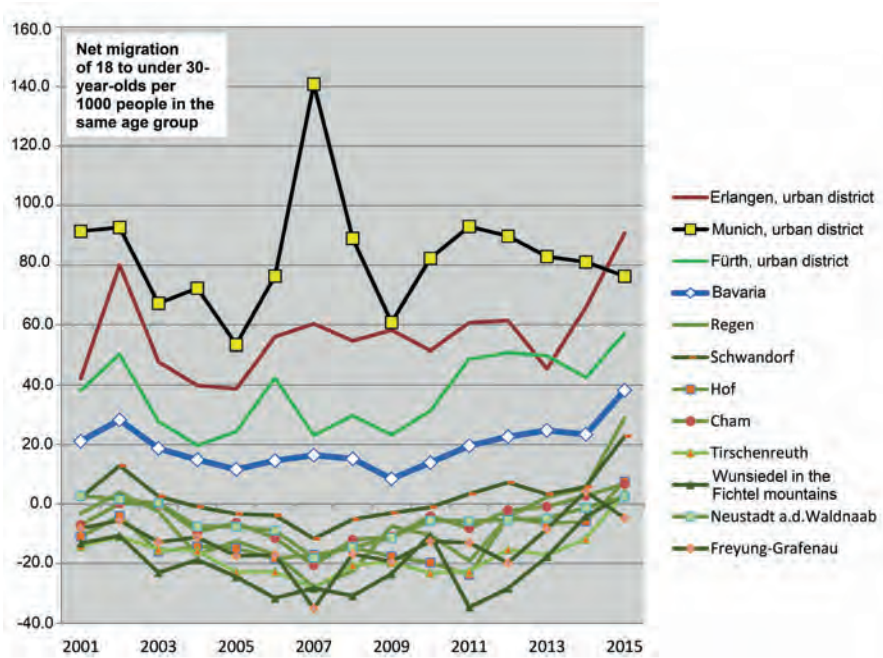


Fig. 8: Development of migration of young people from 2001 to 2015 in Bavaria and selected districts / Source: the author's own calculations based on data from the Bavarian State Office for Statistics and Data Processing

Areas with large net migration were the university towns of Munich and Erlangen, which also offered job opportunities for those starting out on a career after completing a degree. The majority of the border areas, on the other hand, were areas of outward migration throughout the entire period. Only the district of Schwandorf showed slight gains between 2011 and 2015, although the district of Cham followed in 2014 and 2015. The district of Fürth was characterised by a distinctive trend thanks to the presence of a reception centre for refugees in Zirndorf.

### 3.5 Structural indicator: Comparison over time 2001 to 2015 standardised using the figures for Bavaria

The standardisation of the structural indicator using the figures for Bavaria shows that between 2001 and 2015 the position of the areas on the border with the Czech Republic improved within the group of Bavarian districts (cf. Fig. 9). In 2001 the gap between Schwandorf as the district with the strongest economic structure and Bavaria was 12.1 index points. In 2015 the district of Cham reached the figure for Bavaria. The gap between Wunsiedel as the district with the weakest structure and Bavaria fell from 34.2 to 21.7 points. The range between the weakest and the strongest border areas thus fell slightly from 22.1 to 21.6 points.

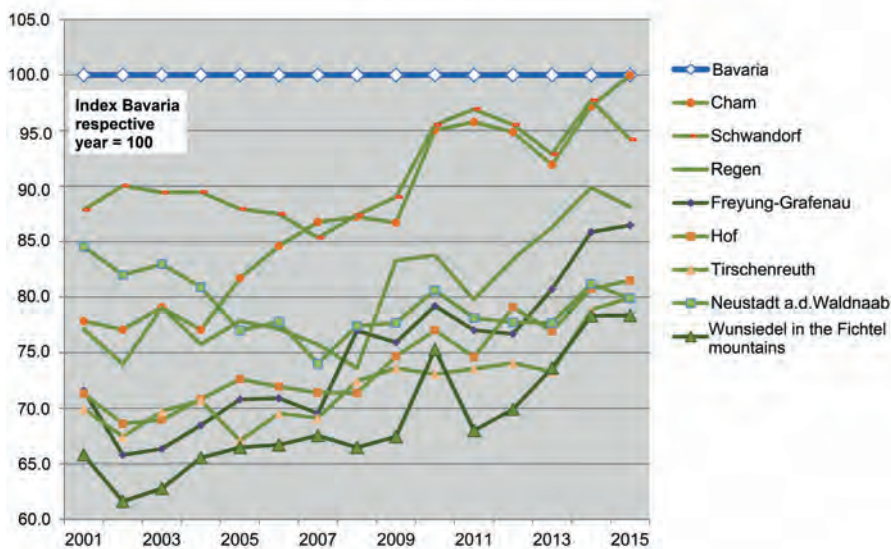


Fig. 9: Structural indicator for the areas on the border with the Czech Republic standardised using the figures for Bavaria / Source: the author's own calculations based on data from the Bavarian State Office for Statistics and Data Processing

The question raised at the beginning ‘Border areas – once structurally weak, always structurally weak?’ can thus be answered with a ‘no’ for the sum of the areas on the border with the Czech Republic.

The districts of Schwandorf and Cham reached the 90% threshold in 2009 and have since even closed the gap with Bavaria. The districts of Freyung-Grafenau and Regen are moving towards the 90% threshold. The district of Hof was also considerably above the 80% threshold in 2015. Only the districts of Tirschenreuth and Wunsiedel could be termed structurally weak throughout the entire period.

The district of Neustadt an der Waldnaab (Weiden) was characterised by an unfavourable development trend. This is the only area where the structural indicator for 2015 (79.9) was worse than that of 2001 (84.6).



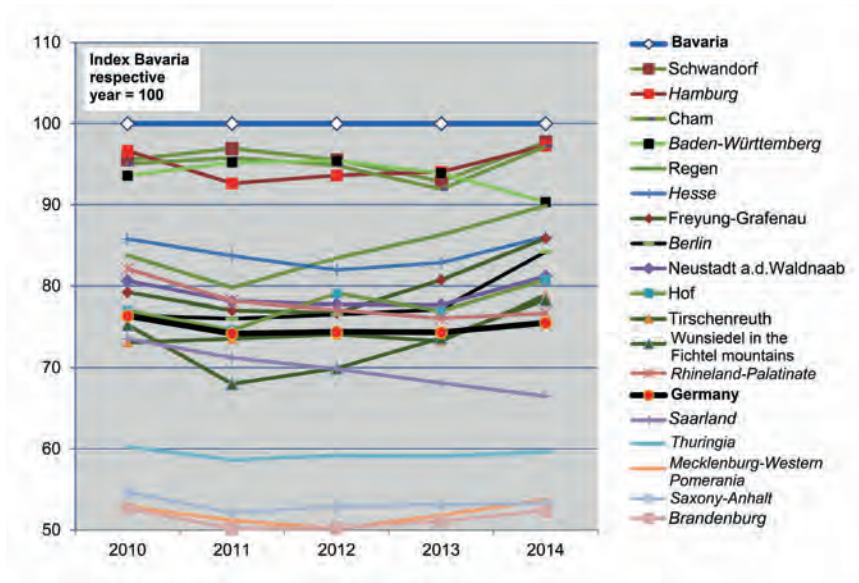


Fig. 10: Structural indicators for the Bavarian border areas, Bavaria, Germany and selected federal states standardised using the figures for Bavaria / Source: the author's own calculations based on data from the Bavarian State Office for Statistics and Data Processing

The structural indicator is made up of comparatively simple sub-indicators that enable a designation of regions with a particular need for action for the 2013 Federal State Development Programme. It is also suitable for determining the structural strength or weakness of regions and federal states outside of Bavaria and can thus be used as a basis for assessing the areas on the border with the Czech Republic in the context of Germany as a whole.<sup>9</sup> Relevant data are available here for 2010 to 2014 (cf. Fig. 10). It can be seen that the values for the district of Tirschenreuth and Wunsiedel were below that of the structural indicator for Germany in 2010 to 2013. In 2014 the figures for all border regions were higher than that of Germany. In 2012 to 2014 the values for the districts of Cham, Schwandorf and Regen exceeded the structural indicator for Hesse, and with values of between 50 and 70 index points left the federal states in eastern Germany far behind. The value for Saarland fell from 74 index points in 2010 to 67 in 2014.

## 4 Conclusions

Neither the hypothesis that border areas are per se structurally weak and will thus always remain assisted areas nor the hypothesis that **all** border areas can be brought up to the average of the federal state through subsidies and promotion have been verified. The first hypothesis appears to be a self-serving declaration by border region

<sup>9</sup> A similar analysis for the border regions of the Czech Republic failed due to a lack of data and the delimitations of the relevant territories (NUTSIII).

politicians keen to retain access to the various funding pools despite infrastructural and economic progress. Revealing here are, on the one hand, the positive representations of economic structure and development that can be found online (cf. for example *Landkreis Passau* [district of Passau] 2017) and in marketing brochures, and, on the other hand, conflicts surrounding the thresholds and methods of calculation used to identify structural weakness.

In the two border areas with the lowest rankings it is clear that, first, the economic situation and conditions on the labour market have improved, more strongly than the federal average but not to the same extent as the Bavarian average. Second, it is open to doubt whether the location on border, which has now been open for almost 30 years, can alone explain why such regions lag behind or fail to sufficiently catch up. Another reason could be related to the large area of continuous natural landscape with low population density and occupational density on both sides of the border. It is in any case clear that the massive expansion of funding in the 2016 update of the Federal State Development Programme will not benefit these areas.

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Sabine Weizenegger, Markus Lemberger

## REGIONAL GOVERNANCE AND EUROPEAN STRUCTURAL AND INVESTMENT FUNDS ON THE BAVARIAN BORDER

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### Abstract

This article examines the implementation and effectiveness of the European structural and investment funds with regard to regional governance. The study uses the example of development processes in two border regions in Bavaria, the district of Cham on the Bavarian-Czech border and the district of Oberallgäu on the Bavarian-Austrian border. The focus is on LEADER (the EU programme for rural areas) and INTERREG/ETC (the EU programme for territorial cooperation). A case study seeks to identify indications and structural patterns of operational implementation. Although both instruments show positive effects overall along the Bavarian border regions, there are also clear indications of unintended errors in governance, leading to a loss of efficiency. In particular, non-continuous long-term funding conditions and objectives pose problems. However, within these regions creative adaptations of project ideas to the relevant topics and target strategies can be identified. Therefore, the authors call for more confidence in endogenous potentials on the regional level, including in relation to cross-border cooperation. In order to avoid frictional losses and to increase the effectiveness of the instruments, a stringent orientation towards strategies should be further pursued.

### Keywords

Regional governance – European structural and investment funds – Allgäu – Cham – border regions – regional development – LEADER – INTERREG

## 1 Introduction

There have long been measures aimed at tackling the disparities between regions or intended to compensate for certain conditions in specific types of space, e.g. in rural areas or border regions. A diverse range of instruments is available: harder, legal options and softer, persuasive instruments, monetary and non-monetary instruments, as well as instruments attached to various functional departments and developed on different spatial levels (federal state, federal and EU programmes) (cf. e.g. Chilla/Kühne/Neufeld 2016). Current examples include funding guidelines for rural development and the European cross-border cohesion funding.

Recent decades have seen a shift in management tools from formal (e.g. spatial planning, regional planning) to informal approaches (e.g. spatial development, regional management), causing guidelines and laws to move increasingly into the background. Citizens are no longer just the targets of political actions but are rather – at least in certain areas – actors that can co-shape processes and outcomes. In addition, the spatial level of the region has been positively reassessed because it is here that special (regionally specific) interests can best be considered. These two processes of change have led to approaches that became known as ‘regional governance’ around the millennium (cf. e.g. Pütz 2004; Müller/Brinks/Ibert et al. 2015). This refers to forms of management and coordination that generally do not coincide with the competence of territorial authorities and that – in contrast to state regulation – are particularly characterised by cooperation between the various stakeholders in the region within a framework of strategic coordination (Benz 2015: 404 et seq.).

In general a number of management and coordination instruments are used in any one area. In border regions the interactions between instruments are especially complex, firstly because the normal programmes are supplemented by special cross-border funding programmes (in particular INTERREG/ETC that aim to promote cross-border cooperation), and secondly because there are often different instruments for similar problems on the two sides of the border. On the one hand, the variety of instruments allows different types of problem to be tackled. On the other hand, a great degree of coordination is necessary to avoid work on certain issues being duplicated and other issues receiving no attention. Furthermore, the use of the instruments should be as clear as possible, both in terms of the structures of (higher level) policies and programmes and also for those using the instruments locally.

This begs the question of whether the actors involved in the governance processes can find their bearings in the increasingly complex funding and governance landscape and, linked to this, whether the individual programmes and measures are employed and implemented efficiently and effectively. Thus, for instance, in the special report on the EU LEADER (*Liaisons Entre Actions de Développement de l'Economie Rurale*, in English: Links between actions for the development of the rural economy) programme (Implementation of the LEADER Approach For Rural Development), the European Court of Auditors found that despite ‘examples of best practice’ the Local Action Groups (LAGs) have implemented the LEADER approach ‘in ways that limit the potential for added value’ in relation to the ‘LEADER features’ (European Court of Auditors 2010: 15). As part of the Future Forum on rural development held at the

International Green Week in 2017 there was an event entitled ‘Putting the brakes on civic projects’ (*Vollbremsung für Bürgerprojekte*). The session concluded that rampant bureaucracy was hindering rural development, and a plea was made to restart the European Agricultural Fund for Rural Development (EAFRD).<sup>1</sup>

Those responsible for EU funding policy have in the meantime made attempts to reduce complexity. Regulation (EU) No. 1303/2013 of the European Parliament and the European Council provides for the first time a joint EU regulation for the various European structural and investment funds (ESI funds) for the budget period of 2014–2020. This is intended to achieve a simplification and harmonisation of the rules of the various funds, more efficient implementation and a reduction in the administrative burden (European Commission 2016: 24).

## 2 Research questions and methods

This article examines the European structural and investment funds to determine the extent to which they are effective and efficient in relation to regional governance in border regions, whether and how they contribute towards the positive development of border regions and where there are deficits. The following questions are addressed:

- > What are the instruments and programmes and what are their focuses? The most popular instruments are examined by way of example with a focus on LEADER and INTERREG, using two areas on the Bavarian borders (Bavaria–Czech Republic and Bavaria–Austria) as case studies.
- > Who are the stakeholders that deal with the instruments and how do they interact? The stakeholders involved have been aggregated into groups (e.g. those responsible for programmes at the relevant ministries or offices, or project leads in the regions).
- > How are development processes advanced in border areas and how is cross-border cooperation improved? By tracing the course of the projects it becomes clear where there are opportunities for and hindrances to the acceptance and implementation of the instruments – and the consequences of this for achieving the objectives.

A combination of methods is used for this study. Document analysis provides basic information on the research areas and the instruments and programmes (parameters, range, focuses). Statistics and EU documents, including the relevant subordinate guidelines and evaluation reports, are also utilised. The EU funding programmes tend to be very transparent and such data is usually readily available (at least for the current and previous funding periods).

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1 Cf. <https://www.netzwerk-laendlicher-raum.de/service/veranstaltungen/dvs-archiv/2017/zukunftsforum/> (08 April 2018).

Expert interviews and interviews with the users of the programmes were initially planned in order to gain information on the views of stakeholders. However, the authors' extensive experience quickly led them to believe there was a great danger of results being distorted by people giving socially acceptable answers. This refers to the situation whereby 'due to specific fears of the consequences the actual circumstances are concealed or glossed over' (Schnell/Hill/Esser 2005: 355). For instance, if employees of the programme authorities present the positive aspects of their programmes in a biased fashion, this distorts the results. For this reason, the utilisation, acceptance and weaknesses of the instruments are investigated exemplarily through case study projects. As both authors have been active in the field of regional development and regional management both professionally and intellectually for around 15 years, they can draw on unpublished working documents and protocols as well as strategy and evaluation reports.

This exploratory approach means that the study lays no claim to present comprehensive or representative findings. The weaknesses mentioned explicitly do not apply to all sponsored or cross-border projects, but provide indications of where opportunities to improve funding policies might be examined. In addition, aspects that have attracted little attention to date are identified and publicised, so that condensed hypotheses can be formulated as findings at the end of the process.

### 3 Research areas: the districts of Oberallgäu and Cham

These questions are investigated using case studies from two areas: one on the border between Bavaria and Austria (case study on the district of Oberallgäu) and one on the border between Bavaria and the Czech Republic (case study on the district of Cham). This article also takes a brief look at the situation across the border, but the focus of the study is on the Bavarian areas (cf. Fig. 1).

The district of Oberallgäu is part of Allgäu and hence lies in the far south-west of Bavaria in the government region of Swabia. Allgäu shares a border with Austria to the south and its historical territory extends into the neighbouring federal state of Baden-Württemberg to the west. As the image and reputation of Allgäu is based on agriculture and tourism it is often overlooked that the area also has a diversified economic structure. Overall Allgäu can be said to be characterised by positive and sustainable development, even if there is a need for action or potential for improvement in certain aspects (e.g. a reduction of the high rate of land take, the extension of local public transport, an improvement in the provision of broadband) (cf. Weizenegger/Wezel 2011: 291 et seq.; *Regionalentwicklung* [Regional Development] Oberallgäu 2014b).

The research area of Cham is the most eastern district of the government region of Upper Palatinate in eastern Bavaria and borders the Czech Republic. After the eastward expansion of the EU in 2004, the immediate proximity of the Czech Republic provided the region with new perspectives and synergy effects on both sides, e.g. an increase in skilled workers from the Czech Republic in the region and numerous



business start-ups. This is the context within which the continuing increase in employees liable for social security contributions at their place of work should be understood. Other positive effects on the labour market can be noted, such as the continued low average unemployment rate of around 2%. Since 2010 the district of Cham has seen more inward migration than outward. The economic structure of the area is primarily characterised by small and medium-sized enterprises and includes enterprises from industry, commerce, the trades and services. The most prominent sectors here are electrical engineering, mechanical engineering, plastics engineering and metal products. The main weaknesses of the region are the lack of a motorway link and the lack of fibre-optic broadband or high-frequency wireless networks covering all sub-regions. Due to the size of the districts there is also some fragmentation of the settlement structures.



Fig. 1a: The research area of the Local Action Group Oberallgäu /Source: Regionalentwicklung Oberallgäu (2014a: 33)



Although the size and population of the two districts are comparable, the borders display different characteristics (cf. Table 1).

Characteristics of the research areas	District of Oberallgäu, with adjacent areas in Tyrol and Vorarlberg, Austria	District of Cham, with the adjacent districts of Klatovy and Domazlice, Czech Republic
Basic data – district	Population: 150,981 (31 December 2014) Area: 152,800 ha	Population: 125,844 (31 December 2014) Area: 152,017 ha
Border	<ul style="list-style-type: none"> <li>&gt; Border between Austria and Germany that has been politically open for many years</li> <li>&gt; Similar political system on both sides of the border</li> <li>&gt; Austria in the EU since 1995</li> <li>&gt; Austria joined the Schengen area in 1995</li> <li>&gt; Mountains as a natural barrier</li> <li>&gt; Customs union areas of Jungholz and Kleinwalsertal</li> </ul>	<ul style="list-style-type: none"> <li>&gt; ‘Iron curtain’ as a hard border between the former Czechoslovakia and Germany</li> <li>&gt; Different political systems before the fall of the Iron Curtain; dissolution of rural districts in the Czech Republic (only provinces left)</li> <li>&gt; Czech Republic in the EU since 2004</li> <li>&gt; Czech Republic joined the Schengen area in 2007</li> <li>&gt; Language barrier (for a long time one-sided, now compromising with English)</li> <li>&gt; Historical roots of double citizenship</li> </ul>
Cross-border activities	Diverse INTERREG projects, cooperation primarily in tourism and in the cultural sector, particularly with the customs union areas (examples: Allgäu-Walser-Card, ‘the highest’ with mountain railways on both sides of the border, Euregio wind orchestra); commuter connections with the region Außerfern (Tyrol)	Since 2002 regular INTERREG projects in different fields of action (competitiveness, labour markets, regional development, intermunicipal cooperation, municipal partnerships) (Examples: cross-border business portal <a href="http://www.regioport.com">www.regioport.com</a> , cross-border municipal action alliances (Integrated Rural Development [ <i>Integrierte Ländliche Entwicklung, ILE</i> ]), impuls bavaria-bohemia project aiming at the development of a joint labour market)

Characteristics of the research areas	District of Oberallgäu, with adjacent areas in Tyrol and Vorarlberg, Austria	District of Cham, with the adjacent districts of Klatovy and Domazlice, Czech Republic
Territorial categories according to the Bavarian State Development Programme	General rural area  No region with a particular need for action according to the 2013 Federal State Development Programme (the city of Sonthofen categorised as such by the 2014 resolution of the Council of Ministers)	General rural area  Region with a particular need for action according to the 2013 Federal State Development Programme

Table 1: The two research areas in comparison / Data: Bavarian State Government (2013), Lokale Aktionsgruppe Landkreis Cham [Local Action Group district of Cham] (2014), Regionalentwicklung Oberallgäu (2014a), StMFLH [Bavarian State Ministry of Finance and Regional Identity] (2014), LfS [Bavarian State Office for Statistics] (2016a), LfS (2016b)

On the border between Bavaria and Austria, the mountains create a natural barrier but there is no language barrier, and in Allgäu there are very close links in the Jungholz and Kleinwalsertal custom union areas, which belong to Austria but only have transport links into German territory. There is cross-border cooperation in various projects but the border area between Germany (or Bavaria) and Austria has been little researched. For example, the border area between Germany and Austria does not figure in the publication by the Academy for Spatial Research and Planning (*Akademie für Raumforschung und Landesplanung*, ARL) on European border area research (Scherhag 2008).

Following many years when the border between Bavaria and the Czech Republic was fairly impermeable, the border areas (particularly in the government regions of Upper Palatinate and Lower Bavaria) can now look back on more than 20 years of cooperation. In the course of the (non-public) study on the European Region of Danube-Vltava and the current border area study by the Bavarian State Ministry of Finance and Regional Identity (Grontmij 2015), stakeholders in the border area were questioned. It would be interesting to determine how stakeholders evaluated the cross-border projects after they were completed, but this was not investigated in the available studies.

The Bavarian Federal State Development Programme (Bavarian State Government [Bayerische Staatsregierung] 2013) classifies both areas as ‘general rural area’. The Bavarian-Czech border area is classified as a ‘region with a particular need for action’; the Bavarian-Austrian border area is not.

## 4 Instruments studied

### 4.1 Overview of EU regional policy/structural policy

The basic structure of the European structural and investment funds for the period 2014–2020 under the umbrella of the Europe 2020 Strategy can be systematised in line with the Regulation (EU) No. 1303/2013, as seen in Figure 2.

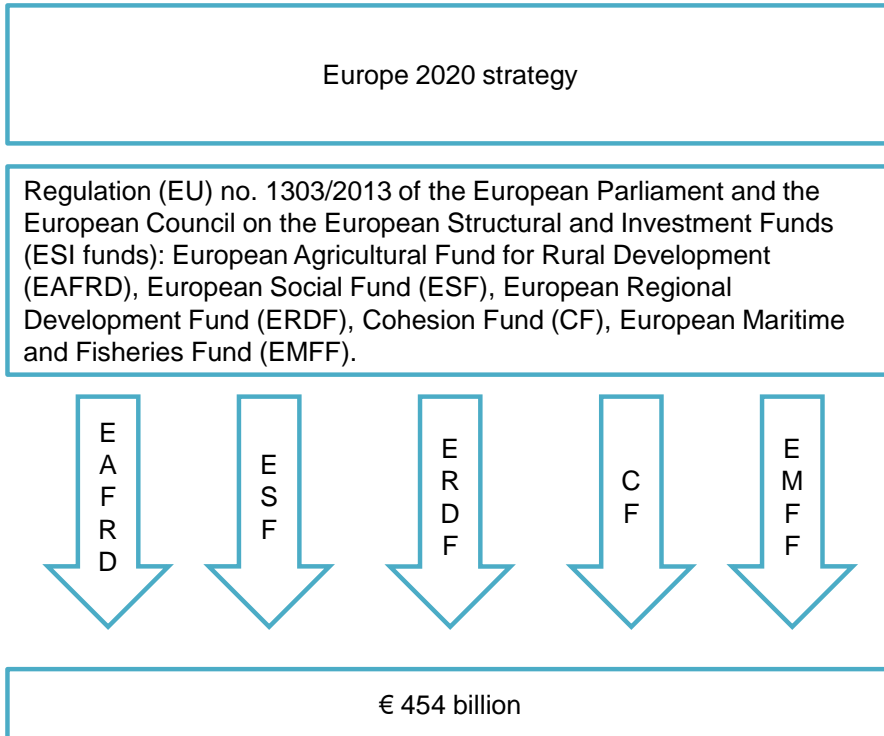


Fig. 2: Overview of the European structural and investment funds for the 2014–2020 budget period / Source: the authors; Data: European Commission (2016)

What is new in the 2014–2020 programme period is that Regulation 1303/2013 provides a single ordinance with the fundamental regulations for the five different funds. The motivation behind this amalgamation was the desire on the part of the European Commission (and certainly also many of the users of the programmes) to align and better harmonise the procedures – not least to render the instruments simpler and more effective (European Commission 2016: 24). Nonetheless, in addition to the joint stipulations there are still separate regulations for the individual funds, such as Regulation 1305/2013 for the European Agricultural Fund for Rural Development (EAFRD). On coordination and complementarity between the European Structural and Investment Funds, the Common Strategic Framework for Regulation (EU) No. 1303/2013 states: 'Member states and managing authorities responsible for the implementation

of the ESI funds *shall* work closely together in the preparation, implementation, monitoring and evaluation of the Partnership Agreement and programmes [...]’ and ‘[...] increase the impact and effectiveness of the Funds including, where appropriate, through the use of multi-fund programmes for the Funds’ (Regulation (EU) No. 1303/2013 L347: 413, emphasis added by the authors). This means that close alignment between the funds is desired but not binding.

The idea of the multi-fund programmes means that programmes can be set up that draw on several funds. The CLLD (Community-Led Local Development) approach should play an important role in implementation (cf. ENRD 2014). This approach was new in the 2014–2020 period and is described in Articles 32 to 35 of the Regulation (EU) 1303/2013 (Regulation (EU) No. 1303/2013 L347: 355 et seq.). In principle, CLLD is no different from the LEADER approach that has existed for 25 years (cf. Section 4.2), and which is now to be transferred under another name to the other European structural and investment funds. This means that not only should coordination between the funds be improved but that regional stakeholders should be given more scope in more areas of implementation – in other words, regional governance should be further strengthened. However, while Article 59(5) of the EAFRD regulation stipulates that at least 5% of EAFRD resources must be allocated via *LEADER* (Regulation (EU) No. 1305/2013 L 347: 527), there is no corresponding stipulation that the CLLD must be used for the other funds.

## 4.2 LEADER

LEADER has existed since 1991 and stands for *Liaisons Entre Actions de Développement de l’Economie Rurale* (Links between actions for the development of the rural economy). This is not just a European Union funding programme for rural areas but also a comprehensive approach: ‘The difference between LEADER and other more traditional rural policy measures is that it indicates “how” to proceed rather than “what” needs to be done’ (European Communities 2006: 8). LEADER has the following important characteristics (European Communities 2006: 8 et seq.):

- > Characteristic 1: Area-based local development strategies
- > Characteristic 2: Bottom-up approach
- > Characteristic 3: Public-private partnerships: The Local Action Groups (LAGs)
- > Characteristic 4: Facilitating innovation
- > Characteristic 5: Integrated and multi-sectoral action
- > Characteristic 6: Creating networks
- > Characteristic 7: Cooperation



The core of LEADER has always been the participatory approach: development should emerge from the regions, and it should happen locally. The motto in Bavaria is hence ‘Citizens shape their home’ (*‘Bürger gestalten ihre Heimat’*) (StMELF [Bavarian State Ministry of Food, Agriculture and Forestry] 2017b: n. p.). The Local Action Groups (LAGs) are indispensable. They comprise public (municipal, district) and private stakeholders (e.g. clubs, societies, associations), which play a significant role in the development processes in their region. The number of Local Action Groups has risen from programme period to programme period (cf. Table 2). The most important tasks of the Local Action Groups are:

- > coordinating and motivating people in the region to seek out solutions themselves as well as providing help with funding applications and the implementation of projects; this is carried out by the LAG management.
- > choosing the projects to be funded; for this task each LAG has a decision-making committee, which EU guidelines stipulate should consist to at least 50% of economic and social partners.

LEADER phase	Local Action Groups			Integration, orientation and budgets
	in Bavaria*	in Germany	in Europe*	
LEADER I (1991–1993)	2	13	217	Trial period; Community Initiative within the framework of the EU Structural Funds; EU funding: € 442 million.
LEADER II (1994–1999)	33/45	118	906	Community Initiative; only disadvantaged rural regions; within the framework of the EU Structural Funds; EU funding: € 1,755 million.
LEADER+ (2000–2006)	45	148	893/1,153	Community Initiative; for all rural regions; shift from regional to agricultural policy; EU funding: € 2,105 million.

LEADER phase	Local Action Groups			Integration, orientation and budgets
	in Bavaria*	in Germany	in Europe*	
LEADER 2014–2020 (as of 2017)	68	321	about 2,600	LEADER remains part of the EAFRD, the approach should be transferred to the other European structural and investment funds under the CLLD (Community-Led Local Development); at least 5% of the EAFRD budget must be implemented via LEADER by all member states; for CLLD there are no such stipulations.

\* Some sources give different figures for the number of Local Action Groups. This is connected with whether the ‘collective action bodies’ were counted as Local Action Groups in earlier funding periods or not. The figures may also be affected if new Local Action Groups come into being late in a funding period.

*Table 2: Development of LEADER and number of Local Action Groups in the funding periods / Sources: The authors based on European Communities (2006), Ostheimer (2014), DVS (2017b), European Commission (2017b), StMELF (2017b) and information from Dr. Angelika Schaller (Bavarian State Ministry of Food, Agriculture and Forestry)*

Cooperation is one of the seven core elements of LEADER, although within LEADER this need not be cross-border. Before being integrated into the European Agriculture Fund for Rural Development (EAFRD) in the budget period 2007–2013, LEADER was a Community Initiative (cf. Table 2). Community Initiatives tackle issues that affect all EU member states equally. Mutual exchange between stakeholders (e.g. at workshops or via the publications of network offices) and the associated learning from one another have always played an important role in LEADER.

The current regulation for the period 2014–2020 includes the explicit goal of inter-territorial and transnational cross-border cooperation in justification for the EAFRD regulation (Regulation (EU) No. 1305/2013 L 347 (32): 494): ‘Support for LEADER local development from the EAFRD should also cover inter-territorial cooperation projects between groups within a member state or transnational cooperation projects between groups in several member states or cooperation projects between groups in member states and in third countries’. A specific article (Article 44) of the regulation deals with ‘LEADER Cooperation Activities’ and declares the following eligible for funding: ‘[...] cooperation projects between territories in several member states or with territories in third countries (transnational cooperation) [...]’ and the ‘preparatory technical support for inter-territorial and transnational cooperation projects [...]’ (Regulation (EU) No. 1305/2013 L 347: 520).

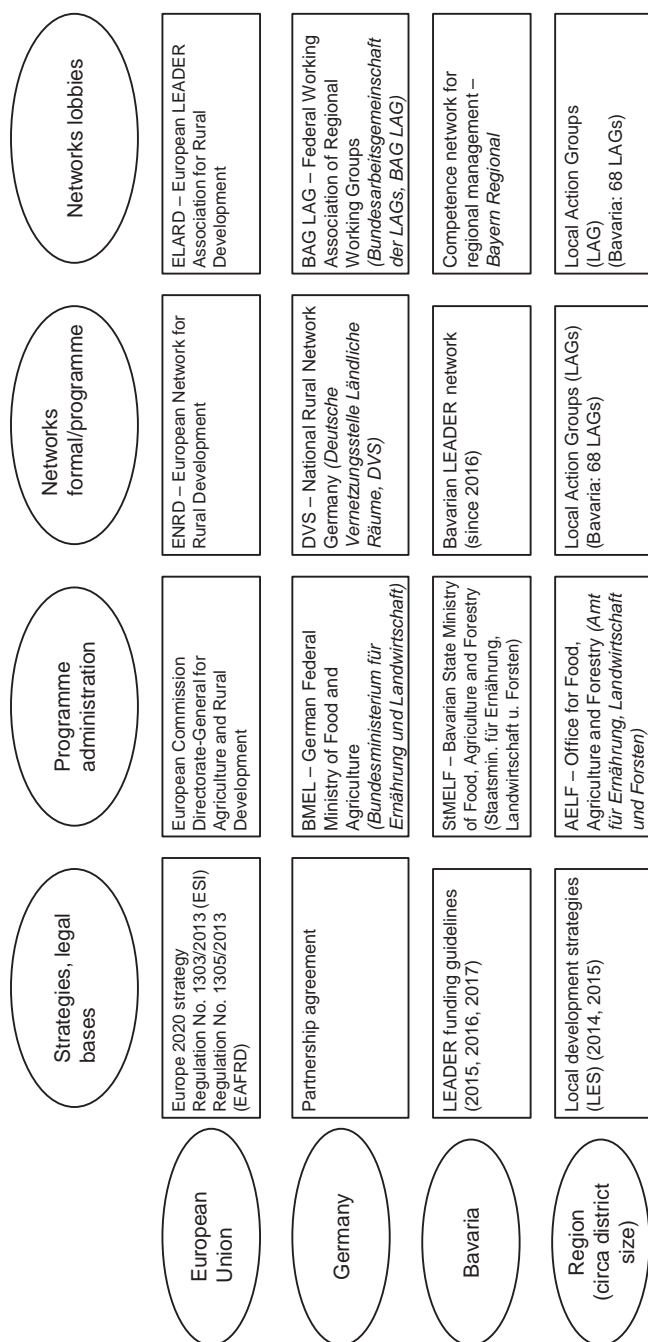
Figure 3 shows the most important legal bases and stakeholders in the LEADER programme on different spatial levels using the example of Bavaria. In Germany LEADER is the responsibility of the federal states. This means that the EU provides the framework and that the relevant agreements are made between the EU and Germany as a member state, but that the individual LEADER programmes and thus the funding guidelines differ in some cases considerably between federal states, as do the available budgets and the eligibility for funding.

The administration of the programme lies with the agriculture department – in Bavaria with the Bavarian State Ministry of Food, Agriculture and Forestry [*Bayerisches Staatsministerium für Ernährung, Landwirtschaft und Forsten, StMELF*]. Locally, the programme is supervised by the Departments for Food, Agriculture and Forestry (*Ämter für Ernährung, Landwirtschaft und Forsten, AELF*), where specialist centres for structural development and diversification are responsible for processing the funding and payment requests and there are LEADER coordinators (known as LEADER managers until 2012) providing advice and networking for up to eight Local Action Groups (*StMELF* 2017b). In this complex structure, communication and information activities are carried out via numerous networks on various levels. Here a distinction must be made between formal, programme-based networks that are financed and organised from the programme budget as technical support, and networks that are formed bottom-up by users of the programme.

The latter have, in addition to networking and communication tasks, an important lobbying function (especially vis-à-vis the programme authorities). The Regional Management competence network in Bavaria is not limited to LEADER. Since its inception in 2006 it has included various structures and organisations active in the field of regional management in the broadest sense (e.g. regional management funded via the ERDF or the IRD regions) which are coordinated by specialist groups.<sup>2</sup> This structure ensures intensive exchange between the various programmes on an operational level. In other words, in the regions the level of the non-state stakeholders has – with a small budget and great dedication – for years lived out what was formally announced in the EU papers for 2014–2020 for the middle level of EU member states and federal states and has to date hardly been implemented (only in outline form in Saxony-Anhalt) (*DVS [National Rural Network Germany] 2017a*).

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2 Cf. <http://www.bayernregional.org/wir-ueber-uns.html> (09 April 2018).



Compilation: S. Weizenegger 2017

Fig. 3: Overview of the most important documents and stakeholders from the administration and networks in the LEADER programme on various spatial levels – the example of Bavaria / Source: the authors, based on ENRD (2014), StMELF (2015), European Commission (2016), StMELF (2016), DVS (2017b), StMELF (2017a), StMELF (2017b) and the websites of the named institutions and networks

### 4.3 INTERREG/ETC

The European Regional Development Fund (ERDF) is intended to abolish inequalities between the various regions and thus improve economic, social and territorial cohesion in the European Union (cf. European Commission 2016). In Bavaria this European objective has been translated into two sub-objectives: first, investment in growth and employment with five funding areas: research, technological development and innovation, competitive small and medium-sized enterprises, climate protection, flood protection and the sustainable development of functional areas; second, European territorial cooperation, which includes the funding priorities of cross-border cooperation, transnational cooperation and interregional cooperation. The following discussion focuses particularly on the funding framework between Bavaria and the Czech Republic that is often referred to by the abbreviation INTERREG. This is a cross-border programme. There are similar applications of the ERDF in the other border areas between Bavaria and Austria and in the Alpine Rhine–Lake Constance–High Rhine region (cf. *Regierungspräsidium Tübingen* [Tübingen Regional Government] 2015). The specific goals and priority axes are found in the programme document ETC Bavaria – Czech Republic. At this point only brief reference is made to this.

The present study aims to situate and evaluate the funding principles against the background of the operational implementation of projects by those responsible. The Bavaria–Czech Republic ETC programme has a territorial focus and funding principles which determine the eligibility of projects. The funding principles are (*StMWMET* [Bavarian Ministry of Economic Affairs and Media, Energy and Technology]/Czech Republic's Ministry of Regional Development [*Ministerstvo pro místní rozvoj ČR*] 2015a: 3):

- > At least one Bavarian and one Czech partner should be involved in a project.
- > The partners name a lead partner from among their members who bears overall responsibility for managing the project.
- > Each project must be thematically aligned with a specific objective of the relevant priority axis.
- > The project must have a positive impact on the Bavarian and Czech border area.

The last criterion – ‘a positive impact on the Bavarian and Czech border area’ – can be measured qualitatively as well as quantitatively. However, there are only superficial statements guiding the evaluation of these indicators as sufficient for a ‘positive impact’. Firstly, a project must fulfil three of the four criteria listed below, whereby the first two implementation modalities are regarded as compulsory (*StMWMET*/Czech Republic's Ministry of Regional Development 2015a: 4):

- > Joint preparation (compulsory)
- > Joint implementation (compulsory)

> Joint funding

> Joint personnel

This means that each project requires at least one Bavarian and one Czech partner. The process is characterised by joint consultations, a joint application (Free State of Bavaria – Czech Republic) and the joint allocation of tasks. This is followed by the compulsory implementation phase, which is also a joint responsibility and is conducted by at least one partner from each party. Following this stipulation, each of the parties names a lead partner who bears overall responsibility for carrying out the project. Furthermore, the project in question must be in line with the specific objectives and have a positive impact on both the Bavarian and the Czech border area. Projects eligible for funding can receive up to 85% of their funding via the ERDF. A joint secretariat for cross-border cooperation between the Free State of Bavaria and the Czech Republic has been established in the Bavarian Ministry of Economic Affairs and Media, Energy and Technology (*Bayerisches Staatsministerium für Wirtschaft und Medien, Energie und Technologie*), and is to administer the tasks for the funding period 2014–2020 (*StMWMET/Czech Republic's Ministry of Regional Development 2015a: 74 et seq.*). The division of functions for the implementation of the cooperation programme is shown in Table 3.

Looking back on the previous funding period from 2007 to 2013 it is clear that the funding criteria have become stricter and thus the quality demanded of cross-border cooperation has increased considerably. The formal requirements for those running projects have also steadily increased. This increasingly leads to a situation whereby only project sponsors with large, cost-intensive projects participate.

Authority/department	Name of authority/ location of department	Description of task
<b>Administrative authority</b>	<ul style="list-style-type: none"> <li>&gt; Bavarian Ministry of Economic Affairs and Media, Energy and Technology</li> <li>&gt; Czech Republic's Ministry of Regional Development</li> <li>&gt; Intermediary departments: Ministry of Regional Development (ETC Department), Karlsbad Province (Regional Development Department), Plzeň Province (Funds and Programmes Department, Southern Bohemia Province (EU Affairs Department)</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Evaluation of the cooperation programmes in relation to the principles</li> <li>&gt; Administrative and scrutiny function</li> <li>&gt; Evaluation and alignment of regulations governing the award of funding</li> </ul>
<b>Certifying authority</b>	<ul style="list-style-type: none"> <li>&gt; Bavarian Ministry of Economic Affairs and Media, Energy and Technology</li> <li>&gt; Czech Republic's Ministry of Regional Development</li> </ul>	<ul style="list-style-type: none"> <li>&gt; The function of the certifying authority in line with Article 126 of the Regulation (EU) No. 1303/2013 in conjunction with Article 24 of Regulation (EU) No. 1299/2013 is fulfilled by the Bavarian Ministry of the Economy (delegation of tasks to the Czech Republic possible)</li> </ul>



Authority/department	Name of authority/ location of department	Description of task
<b>Audit authority</b>	<ul style="list-style-type: none"> <li>&gt; Bavarian Ministry of Economic Affairs and Media, Energy and Technology</li> <li>&gt; Czech Republic's Ministry of Regional Development</li> </ul>	> Evaluation and authorisation of the programme
<b>Substantive evaluation panel</b>	> Regional cross-border steering committee	> Operational consultation of the Czech and Bavarian administrative authorities under participation of municipal and regional holders of political offices

Table 3: ERDF/INTERREG administrative structure in Bavaria /Source: the authors based on INTERREG Austria – Germany/Bavaria 2014–2020 (2015) and StMWMET/Czech Republic's Ministry of Regional Development (2015b)

## 5 Exploratory findings

### 5.1 Case study: Oberallgäu

#### Results in figures and from evaluations

Since the establishment of the Local Action Group for the regional development of Oberallgäu in 2003 the group has been involved in about 140 successful LEADER project applications. These projects cover a diverse spectrum, with focal points ranging from tourism to agriculture to the environment to social issues. The projects are implemented by public and private agencies and sponsors and there are both investment projects and ones with management or networking focuses. In the programme period 2007–2013 alone the volume of programmes amounted to nearly €8million; funding of about €3.1 million went to Oberallgäu via the LEADER programme (*Regionalentwicklung Oberallgäu* 2008; *Regionalentwicklung Oberallgäu* 2014c; *Regionalentwicklung Oberallgäu* 2016; internal project lists of the Local Action Group).

Since the founding of the Local Action Group there have been only two transnational cooperation projects funded via LEADER that are included in the statistics (European Paths of St James [*Europäische Jakobuswege*], Alpdorf Balderschwang feasibility study [*Machbarkeitsstudie Alpdorf Balderschwang*]). In this context it should be pointed out that there are often project applications that are formally individual projects (due to the large amount of work involved in the application process or for

other reasons) but that are nonetheless implemented in a cross-border fashion. For instance, in 2008 separate applications for a project concerning the training of cultural guides were made in the Local Action Groups of Außerfern (Tyrol), Ostallgäu and Oberallgäu, but the project was at least in part implemented as a joint endeavour. This was because the stakeholders in Austria wanted to begin the project but in Bavaria a break between two funding periods meant that an application could not yet be made. It thus seems likely that there is a certain amount of underreporting of cooperation projects, such that most evaluations probably underestimate these figures.

In their comparative study of LEADER in Oberallgäu and in Vorarlberg, Mayer/Metzler/Job (2008: 155 et seq.) suggest that various things work better in Austria and link this to the greater experience in Austria – the LAG for the regional development of Oberallgäu was only a few years old when this study was conducted. However, the stakeholders in Oberallgäu itself are generally satisfied or very satisfied with the LEADER process and the activities of the Local Action Group, even if the latest survey results are somewhat less positive (*Regionalentwicklung Oberallgäu* 2007: 127; *Regionalentwicklung Oberallgäu* 2014c: 69 and 99).

In the period 2007–2013 almost € 11 million went via INTERREG to Allgäu, to Außerfern und Vorarlberg. Between 2008 and 2014 a total of more than € 330,000 (ERDF funds) was used to support 35 cross-border projects just from the small project fund of the Via Salina Euroregion, a cross-border association of these three areas.<sup>3</sup> The focus was on tourism, even if there were individual projects in other areas (such as mobility or cooperation between authorities with security responsibilities). In the current funding period there are also cooperation projects that concern telemedical services, moorland conservation, architecture, sport and philosophy.

### **Impression from project consultations – increasing complexity**

One of the core tasks of the LAG management is to advise those with ideas and support them in realising their projects. It is not uncommon for people to come to the consulting sessions with ideas that they have already discussed with other organisations or departments, or for people to be passed onto other authorities because the LEADER programme is not appropriate for their project. The map in Figure 1 (Case Study: Oberallgäu) and Table 2 show the overlaps between a number of territories, funding instruments and management offices. Despite requests by the EU to better coordinate the funding landscape, the various funding bodies all work with different contact persons, procedures and forms. For people seeking funding, the ‘funding jungle’ is becoming increasingly impenetrable: sometimes they encounter a (more or less service-oriented) advisory or management office, at other times administrators who just administer the funding (and who have numerous other tasks for which they are responsible). Some contact persons are present locally in the regions, others are located at the district authorities, in the state capital or even further away. This complexity leads to irritation not only for those with new ideas but also for the others involved, whether press officers or those with political responsibility. At times stake-

3 Author’s calculation based on <https://www.interreg-bayaut.net/projekte/liste-der-vorhaben/> (18 May 2021).

holders can no longer categorise the focus of a particular programme or even determine what function they have in a particular committee or project meeting.

The territories of the Local Action Groups tend to become ever larger but the number of personnel in the management and funding offices is not correspondingly increased. This means that there is often insufficient time available for intensive advice (for instance about alternative funding or financing options) or for the associated research and training. The potential applicants are left to do much of the running about themselves. They need to invest much time and energy in the choice of an appropriate funding programme and thus have less resources available for substantive project work.

### **LEADER or INTERREG? – Optimising funding from the perspective of the project sponsors**

The LAG management often receive project ideas that are still in a very early stage of development. These ideas include projects that would be feasible and useful both in cooperation with a neighbouring area in Austria and as individual projects. A decision must then be made as to whether a cooperation with the neighbouring country should be initiated or not and, if so, whether the project application should and may be made under the INTERREG or the LEADER programme.

In practice, the result of this decision often does not depend greatly on the actual substance of the project. The close links between the regions on the two sides of the border also mean that there are few hindrances in terms of language or culture. Thanks to years of the border being open and to long-term cooperation, the stakeholders involved often know one another before a project starts. The decision in favour of a particular instrument is often more dependent on an optimising logic, which involves considering factors such as the amount of funding available and the valid funding rates, the effort involved in the application and the risk of the project being rejected. If the project does not fit with the specified parameters then it will be 'made to fit' in terms of optimising funding options. Once cooperation is initiated then difficulties such as different VAT levels or other differing guidelines and legal regulations on the two sides of the border are overcome through cooperation between the funding offices. This is particularly possible for those stakeholders who already have experience of project work and the relevant funding. It can also be the case, however, that those with new ideas do not continue to pursue funding – or in some cases abandon the whole cooperation project – after the first advisory session. Figures concerning the number of project ideas that are followed through are not systematically collected. It is nonetheless certainly realistic that a not inconsiderable proportion of those organising projects shy away from the application process more than from implementing the project itself.

### **LEADER or INTERREG? – Differences and changing parameters**

In LEADER+ (2000–2006) Local Action Groups in Bavaria and Austria were able to execute cross-border cooperation projects with each other. In LEADER 2007–2013 this was no longer possible because INTERREG was given priority over LEADER, but this was again no longer the case in the 2014–2020 period. For stakeholders engaged in a great deal of cross-border cooperation and whose activities are largely based on

funding (and who thus have experience of the funding requirements and process), such changes impede strategic financial management. Furthermore, in the phase when INTERREG had priority, contacts in the neighbouring country that had been built up through the Local Action Group were lost or could only be maintained with a great deal more effort.

For cooperation projects between Bavaria and Austria the LEADER parameters are different on the two sides of the border; this also applies to the selection of projects. Naturally the Local Action Groups in Austria must also agree on the projects to be funded, but for the 2014–2020 period there is also a countrywide selection procedure for transnational cooperation projects (Ministry for an Austria Worth Living In [*Ministerium für ein Lebenswertes Österreich*] 2016: 236 et seq.) and a specific, countrywide budget for cooperation. In contrast, in Bavaria it is the LAG's own budgets that are charged – which clearly provides less incentive for cooperation than is the case in Austria.

### **LEADER and INTERREG – or: where coordination failed to work ...**

When (potential) cross-border project ideas are received then the management offices responsible for the areas in question (LAG management, Euroregion headquarters) usually coordinate with one another to determine the most suitable funding programme. Whether and to what extent this coordination occurs on a systematic basis is unknown. In the following an example is discussed where this coordination was unsuccessful.

In LEADER+ the pilgrimage routes of St James were the object of an EU cooperation project involving Local Action Groups from Bavaria, Austria, France and Poland, as well as Switzerland (using a special agreement). The main pilgrimage routes were identified, the routes agreed – especially where they cross the borders – and criteria for pilgrim-friendly services were developed. With the help of many volunteers, a small budget and the support of the LAG headquarters, the sponsors of the routes organised joint publicity in the form of flyers for the various stages of the pilgrimage routes which could be updated and printed as required. Annual plenary sessions with all partners encouraged discussion about the project but also about other regional development issues. The project was extended for the 2007–2013 period, the cooperation received a great deal of attention and was presented at the European Commission stand at the 2009 International Green Week in Berlin (*Regionalentwicklung Oberallgäu* 2008: 19; *Regionalentwicklung Oberallgäu* 2010: 7).

In 2012 new actors from Tyrol and the southern district of Oberallgäu defined a new Way of Saint James which was funded by the small-project fund of the Via Salina Euroregion (thus through INTERREG). The route runs from the Fernpass through the Tannheim Valley and into Oberallgäu in a northerly direction, and is thus contrary to the guidelines of the pilgrim communities which state that the routes of St James should take the most direct route possible to Santiago de Compostela (in a south-westerly direction). The new route was marketed using professionally designed and printed brochures. The LEADER project had always avoided this because the routes of St James were not primarily viewed as tourist infrastructure or a tourism marketing tool, but rather as a project to bring people together and improve networks. The

Local Action Group and the project lead for the Bavarian LEADER project learned about the new part of the pilgrimage route from the press. Here coordination between the various instances was unsuccessful both locally and on the level of the programme. The funding agencies for LEADER and INTERREG both supported the same project but with somewhat competing substance.

### **Interim conclusions**

With the help of LEADER and INTERREG/ETC it was possible to implement a considerable number of projects in Oberallgäu. Via LEADER in particular it proved possible to involve a broad number of stakeholders. There were, however, a number of points where friction losses occurred and the opportunities offered by the programmes were not fully realised.

## **5.2 Case study: Cham**

### **Results in figures and from evaluations**

The positive development of the Cham region can be linked not least to regional management initiatives dating back to 1993. The active participation of local residents is particularly characteristic of the commitment and solidarity found in the district. One important cross-border step was initiated as early as 1990. The municipal politicians of the time were the first in Bavaria to seek stable contacts with Czech partners and thus paved the way early on for cross-border projects, which were then initiated within the INTERREG funding framework. The language barrier and the separate histories of the two countries were the reasons why cross-border work on the Bavarian-Czech border was structurally difficult to compare with similar border areas in a Bavarian-Austrian context. The experiences of the stakeholders are on a different level and, in the end, all possible ways of optimising the cross-border projects are influenced by language and culture.

In the period up to 2020 a total of € 103.5 million was deployed in the programme area on the Bavarian-Czech border for the four funding priorities of research/development/innovation, environmental protection/resource efficiency, investment in competences and education, and sustainable networks/institutional cooperation. The largest proportion of subsidies went to the priority area of environmental protection/resource efficiency with 38.4%, followed by the priority area of sustainable networks/institutional cooperation with 26.9%.<sup>4</sup>

Between 2008 and 2014, 30 projects were implemented within the Local Action Group of the district of Cham with the help of LEADER. The total investment amounted to around €6 million, of which funding of €2.3 million was provided by LEADER in EAFRD. The proportion of national funding was 19%, which shows that many private applicants participated in the development process with concrete projects (*Lokale Aktionsgruppe Landkreis Cham* 2014: 8). The Local Action Group was also involved in the transnational project 'European Routes of St James' (cf. also Section 5.1); for the 2014–2020 phase it aims to raise its 'profile as a competitive economic and employ-

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4 Cf. <https://www.by-cz.eu/aktuelles/> (18 May 2021).

ment area on the border with the Czech Republic' (*Lokale Aktionsgruppe Landkreis Cham* 2014: 53). In the 2014–2020 period the LEADER projects received 10% higher funding rates in regions with a particular need for action than in areas that are not part of such regions (*StMELF* 2017a). With INTERREG there is no additional funding.

### **Addressing multiple funding bodies**

Project sponsors generally follow the strategy of applying to different funding bodies. When a project is planned usually all possible sources of support are applied for (e.g. Agency for Rural Development [*Amt für Ländliche Entwicklung*], LEADER, Euroregion, Bavarian State Ministry of Regional Identity [*Bayerisches Heimatministerium*], Bavarian Ministry of the Environment [*Bayerisches Umweltministerium*]). The building of a parish hall in Markt Eschlkam serves as an example here. The development of the project from the original idea to the construction of the building is characterised by thoroughly applying to all possible funding bodies and funding streams. Over the course of the funding period this led to the emergence of informal structures of communication, most of which were channelled and bundled through the 'soft' function of regional management, for instance by the district administration. This function was in part financed in advance by the district of Cham in the form of personnel carrying out non-mandatory tasks or was treated as an addition task alongside existing regional management funding. There is therefore no advisory and channelling function between the levels of the administration and the project sponsors, as would be expected in a consistent governance structure. These gaps were filled intuitively by the local stakeholders.

### **Change management for projects in the INTERREG/ETC context**

Cross-border projects are often characterised by many complex false expectations on the part of project partners, not least due to language barriers. It is therefore very common to need to make changes to projects. The implementing directives that follow a successful project application unfortunately do not provide any information about whether and to what extent changes are possible and useful. For example, with the 'impulz' project, which was intended to align the syllabuses of school subjects, there were repeated misunderstandings concerning the formulation of objectives, contents and project costs. There are regulations about changes to project costs but very little on changes to the substance of projects. The authorities responsible lack the competence to provide advice of this sort. This is often 'glossed over' and reinterpreted through the course of the project, which may well lead to a change of objectives. This in turn, can – in a worst-case scenario – lead to a rescission of the funding after the final proof-of-disposition procedure. Here too the municipalities and actors from regional development provide advice for those running the projects and serve as intermediaries and communicators, including with the administrative authorities. These actors can be seen as 'mediators of language and content' for the funding conditions.

### **A lack of professional project management**

Those running cross-border projects are often not particularly familiar with or qualified in professional project management. There are clearly agreed objectives and indicators included in project applications and latterly it has been necessary to define work packages in the application documents. Nonetheless, the level of detail and

specificity is not usually equivalent to the normal level of task definition. A rough schedule is required which becomes blurred in the cross-border context owing to language barriers, cultural barriers and institutional boundaries, such that it often cannot be fully implemented. In the run-up to the initiation of the project there is a fundamental lack of methodological and consultancy competence in the region which could help to define the objective of a project. Project outlines are drawn up but their preparation tends to be somewhat disjointed and inconsistent. The professionalisation of the project sponsors is only envisioned in passing in the governance structure of the programme documents. The administrative requirements concerning project structure are only superficially anchored in the implementation rules. In some circumstances this can lead to losses in the efficiency of the funded projects. The gap between small and medium-sized cross-border projects and large projects with transregional players complicates efficiency evaluations considerably. Neither the administrative and control level nor regional management is able to make adjustments on a short-term basis in the middle of a funding period. In future, governance structures for the cross-border promotion of cohesion, additional instruments and, in particular, advisory and support functions are therefore desirable.

### **Optimising the funding landscape for project sponsors**

The review of the project initiation phase reveals that the actions of the project sponsors are influenced by the amount of funding, the funding rate, the procedural effort involved and the requirements for proof of disposition. Past decisions were particularly influenced by the amount of funding, especially for municipal projects. The decisive factors were thus not the idea, the area of action or the overall cross-border development objective. Municipal projects are often driven by the need for the mayors to generate broad support in the various committees. Support is easier to find if a funding offer can be portrayed as substantial, simple and thus fail-safe. In the cross-border context, language and cultural barriers also play a decisive role in whether to embark on an INTERREG project with the corresponding costs of finding partners. There is rarely any consideration of whether a project idea would be more useful in a cross-border context. This phenomenon is underpinned by the fact that funding conditions and objectives are not planned in a more consistent and long-term manner. If the conditions of the funding programmes are compared in the individual periods it is often possible to identify structural breaks that force actors to react with adjustments.



### **Project innovations can emerge**

The overall programme objectives and priorities force project sponsors to at least find a thematic umbrella and to work on their ideas in the light of these objectives. In the project initiation phase these priorities are most expedient as they release creative potential among the stakeholders, those responsible for the project and possible partners. The deployment of a partner structure involves a process of innovation with many probabilities and structural considerations. If this process is systematically supported new, very exciting project objectives may emerge. But who provides this systematic support? It can be seen that on the lowest level it is those responsible for regional development who provide systematic support and voluntarily take on the role of intermediary between those who had the idea for the project and the programme authority. In numerous project loops, each of which may last an average of a year, new approaches and ideas emerge about how the project should be adapted to suit the overall priorities and thus the Europe 2020 Strategy. This process is usually effective but due to the complex cross-border partner structures it is not particularly efficient in terms of total project costs and the resulting opportunity costs.

### **Interim conclusions**

In the district of Cham, similarly to the situation in Oberallgäu, it can be seen that the quantity of projects and the quality of the substance of the projects have increased over the years. INTERREG and LEADER are necessary and important incentive structures for cross-border and regional development. The future development of the funding landscape should include an improved support infrastructure for project sponsors as this would improve the quality and thus the effectiveness of the projects.

## **6 Conclusions and outlook**

The findings in the two regions, Cham and Oberallgäu, show that with just the LEADER and INTERREG/ETC instruments numerous projects with a vast range of focuses and structures could be realised. Through these projects (especially with LEADER) it has been possible to involve a broad range of actors in development processes in the sense of regional governance and (especially with INTERREG/ETC) to initiate increased cross-border cooperation.

Since their inception the instruments themselves have continued to undergo development to ensure their targeted use in line with the overall objectives of strategies like Europe 2020. This went hand in hand with increasing complexity which has clearly impacted negatively on efficiency. Problems were observed in practice in both case studies: overlapping funding programmes and territorial eligibility are increasing, creating a 'funding jungle'. Procedural changes, different funding conditions and parameters on the two sides of the border, and increasing bureaucracy impede project work. Such developments hinder the strength of regional governance, which is principally very process-oriented.

In the past, 'Brussels' has always been blamed almost automatically for problems of this sort, but that cannot continue. At least, the European Parliament has recently commissioned a study intended to help prevent further 'gold-plating' (European

Parliament 2017). Behind this term – which is remarkably incisive of the EU – is the recognition that conditions that go beyond the original EU guidelines have been imposed on lower levels. A further sign that the problems are not necessarily located on the EU level is the lack of take-up of the good European ideas of the CLLD and multi-fund programmes. It seems clear that there are rather difficulties on the level of the federal states where the concrete programmes are formulated.

In the regions themselves certain adaptation strategies have emerged, especially among more experienced actors. On the operational project level those involved in the project often coordinate with one another, especially on an informal level, which seems to work. Such creative use of the instruments by local actors should be highlighted as a positive moment in the development of the range of programmes. It has been observed in both of the regions studied here, irrespective of the existence of language barriers and the area being part of a region with a particular need for action or not. The adaptation of project ideas to different priorities and orientations helps them to grow and develop richer content. Cross-border cooperation and learning occurs even when there are no funded projects to be found in the relevant statistics. In this context, the regional and LAG management hold key positions. They act as points of contact for those with ideas, help with the further development of such ideas, and provide contacts between actors. Furthermore, they undertake knowledge management, coordination and networking. The associated positive effects (which extend far beyond the project level) for the development processes in the region unfortunately often go unrecognised, no doubt also because they are indirect or only become effective in the medium or long term.

For municipal stakeholders in particular, it is the funding (amount and accessibility) that is of the most interest, while the management aspects are viewed as rather controlling. For actors from the administrative sphere it is more about doing things right than about doing the right things. It is thus mostly long-term participants from business and civil society who tend to follow a development path in the medium to long term and sustainable development in a comprehensive fashion. The European Union will need to continue to set the parameters for such development, giving regional management the necessary scope to manoeuvre but at the same time pointing them in the right direction. This requires a cross-programme regional strategy to help provide orientation to objectives, which is why the ‘One region – one strategy’ approach should be further pursued and linked to an advice centre in the form of a *one-stop shop*.

The particular challenge in the border areas will be linking strategies for cross-border cooperation with regional strategies like the regional development perspective or the local development strategy of LEADER. It is conceivable that the individual regional strategies on each side of the border could include a jointly drawn-up chapter on cross-border development. The content of this chapter would clearly need to fit with any higher level agreements and be negotiated between the various actors. These processes could be supervised and coordinated by regional management – assuming there are sufficient, adequately trained personnel. Another significant challenge will be to align these comparatively small-scale strategies with large-scale European macro-strategies.

As already implied, the aspects presented here do not represent final results – not least because this analysis was unable to give in-depth consideration to factors and constructs such as trust or power. Such issues need to be included in future studies.

Nonetheless, it seems clear from these findings that more trust can be placed by the programme authorities in the endogenous potential of the regions – not only because this would benefit the development of the regions but also because the funding instruments and thus the emergence of regional governance structures contribute to enhancing perceptions of the European Union on all levels. In times when countries are leaving the European Union (Brexit), the authors see this as a promising way to communicate a positive image of Europe to the regions where, in a best-case scenario, citizens live and breathe Europe and help to shape it.

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Jürgen Weber

## MIGRATION PRESSURE BY REFUGEES: THE SOUTH-EAST BAVARIAN BORDER AREAS AT THE END OF THE BALKAN ROUTE IN 2015–2016

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### Abstract

In 2015/2016 the Federal Republic of Germany and Bavaria were greatly challenged by the refugee wave from the Middle East, Afghanistan and various African states, and its management. The south-east Bavarian border areas were particularly affected due to their location at the end of the Balkan route. This article first provides an overview of the essential elements of German and Bavarian asylum and refugee policy. It then analyses the special challenges facing the south-east Bavarian border areas before addressing the spatial effects of the refugee wave in these regions. As the task of integration becomes increasingly important, a special opportunity for action-oriented bottom-up regional initiatives can be identified.

### Keywords

Refugee wave – asylum and refugee policy in Germany and Bavaria – south-east Bavarian border regions – regional management – bottom-up regional development

## 1 Introduction

The migration of refugees is not fundamentally new for the Federal Republic of Germany. The first wave of refugees to the Federal Republic of Germany was immediately after the Second World War when 12.4 million refugees and expellees came to Germany, especially from eastern Europe including former German territories, of which 1.9 million arrived in Bavaria (cf. *BayStMI* [Bavarian State Ministry of the Interior] 1950). The second and third waves of refugees arrived in the Federal Republic of Germany in the wake of the failed uprising in Hungary in 1956 and after the end of the Prague Spring in 1968. The fourth wave was triggered by the war in Yugoslavia. Between 1991 and 1999 about 1.4 million refugees arrived, mainly from Croatia, Bosnia-Herzegovina and Kosovo (cf. Grimmer 2015). The bulk of the migration was between 1994 and 1996 when between 300,000 and 350,000 refugees arrived in Germany each year. 1998 was the first time for years that net migration from these countries was negative, due to both the start of migrant returns and a decline in immigration figures. At the end of 2001 there were only just under 20,000 refugees from Bosnia-Herzegovina in Germany. The fifth wave of refugee migration occurred in 2015/2016. Between mid-2015 and the end of 2016 about 1.2-1.4 million refugees came to Germany, primarily from the war zones of the Middle East (in particular Syria and Iraq) but also from Afghanistan, Iran and various African countries like Somalia and Eritrea (cf. *BAMF* [Federal Office for Migration and Refugees] 2016; *BMI* [Federal Ministry of the Interior] 2017).

With the exception of the wave of refugees and expellees that occurred immediately after the Second World War, the border areas in south-east Bavaria were particularly impacted by these migrations. The refugee movements triggered by the armed conflicts or uprisings followed a route that used the south-east Bavarian border areas to cross into Germany. This meant that functional structures for their arrival had to be set up and the distribution of refugees throughout the entire German territory had to be organised under intense time pressure, in addition to the structures that had to be provided for refugees who remained in southeastern Bavaria.

In the south-east Bavarian border areas a great deal of experience in dealing with refugees had been gathered over decades, yet this experience was of limited use in the refugee wave of 2015/2016. This was mainly due to the numbers and sudden increase in refugees, but also due to their heterogeneity. There were great differences in terms of place of origin and reason for migration, family status, age, education, language and health, but also in the traumatic episodes experienced in the place of origin or during flight.

Even these few remarks show that the refugee wave of 2015/2016 was extremely complex and was thus much more difficult to deal with than earlier refugee waves, both for the Federal Republic of Germany and in particular for the south-east Bavarian border areas. It is also scarcely possible to build upon earlier experiences when estimating the spatial impacts. The focus is thus on the particular challenges for the south-east Bavarian border areas, the regional economic effects and possible (decentralised) steering instruments for managing the refugee wave. These issues are considered in more detail in the following.



## 2 Spatially relevant state activities: German asylum and refugee policy since 2015

### 2.1 Overview

After the Second World War, the spatial impact of state activities and in particular the spatial analysis of refugee flows had a high priority within the discipline of political geography (cf. e.g. Boesler 1974; Boesler 1983). Noteworthy here is the research carried out on the first refugee wave after the Second World War, when the displaced persons who came to Germany and Bavaria were often better educated than the locals and frequently possessed entrepreneurial abilities and considerable skills in the trades. The decentralised distribution of the refugees and displaced persons throughout the country, skilfully directed by the spatial planning authorities (cf. Terhalle 1991), was a decisive factor aiding the economic upswing of Germany and especially the Free State of Bavaria (cf. Maier/Tullio 1996; Frankenberger/Maier 2011).

The role of federal state spatial planning was much less significant in the 1990s when Germany was coping with the refugee migration caused by the Yugoslavian conflict. This refugee wave brought people to us who were looking for temporary protection from the mass displacement, ethnic cleansing and genocide occurring in their country. For many of the refugees it was clear that they would return to their country after the end of the war. The measures undertaken to distribute, accommodate, (temporarily) integrate and return the refugees were in Bavaria primarily coordinated by the State Ministry of the Interior (*Staatsministerium des Innern*) and the State Ministry for Labour and Social Welfare (*Staatsministerium für Arbeit und Soziales*), at times with the involvement of other ministries. Federal state spatial planning was hardly involved at all.

While the migration from ex-Yugoslavia was primarily triggered by violent conflicts over controversial border positions and the struggle for independence of several ethnic groups and peoples, the reasons behind the migration of the people who arrived in Germany in 2015/2016 were much more heterogeneous (cf. Brücker/Fendel/Kunert et al. 2016). Involuntary migration triggered by ethnic, political and religious conflicts and wars over borders, various struggles for independence and the violent persecution and displacement of ethnic and/or religious minorities is especially relevant for people from the war zones of Syria and Iraq, and from Somalia, Eritrea, Iran and in part for those from Afghanistan. Moreover, it is undisputed that for some of the migrants economic reasons were of considerable importance, meaning the desire for a better, more economically and socially secure life. In addition, many asylum seekers do not carry valid identity papers. This means that the asylum requests of the people who come to us require elaborate, case-by-case legal assessments involving lengthy processes; the prospects and likelihood of permanent residence thus varies greatly from case to case. Furthermore, education and qualifications, including language abilities, vary greatly, as do the willingness and ability to integrate into a Western society with a highly developed, internationally networked economy. Irrespective of the above, and in contrast to the situation in the 1990s, the European states are divided on questions of asylum and security policy. This results in an

increasing number of questionable unilateral approaches to the recognition of refugees, the management of refugee flows, the protection of the external borders of the EU, and the closing of national borders within the EU.

Figure 1 gives a general overview of the links between state control of the refugee flows and potential spatial issues, and schematically depicts the process from initial flight to residence in the Federal Republic of Germany to a potential return, departure or deportation.

The lower part of the figure shows the refugees who arrived with the mass refugee wave in autumn 2015 but were not registered; they thus remained illegally in the Federal Republic of Germany or attempted to proceed on their own to the north or west of Europe. They are not further considered in the following discussion. From the perspective of the state this group represents a security problem.

For refugees who enter the Federal Republic of Germany legally via the south-east Bavarian border areas, their stay begins with the recording of their identity, a police identity check and a health check. After organising their distribution within the German territory and (initial) accommodation, an application for asylum is made at the Federal Office for Migration and Refugees (*Bundesamt für Migration und Flüchtlinge, BAMF*). Even before notice is given of the decision by the Federal Office for Migration and Refugees, according to section 61(2) sentence 1 of the Asylum Act (*Asylgesetz, AsylG*)<sup>1</sup> it may under certain conditions be possible to grant a work permit, including for vocational training. This is at the discretion of the responsible federal state's immigration authority. The process of integrating the refugees into society, the labour market and education system can thus begin long before the decision by the Federal Office for Migration and Refugees.

After a positive decision by the Federal Office for Migration and Refugees, in some cases after judicial review, the immigration authority responsible then grants a residency permit which permits the holder to pursue any gainful occupation. If a condition of fixed abode has been imposed, the refugee can move freely throughout German territory after it has been annulled. This does not prevent a voluntary return to the refugee's country of origin.

After a negative decision by the Federal Office for Migration and Refugees, in some cases after judicial review, an asylum seeker is obliged to leave the country. The termination of residence is then a fundamental priority. Nonetheless the immigration authority can permit continued residence in the Federal Republic of Germany. This can be based on application of the '3+2 regulation' (granting of exceptional leave to remain for vocational training for the remainder of a training course and entitlement to a residency permit for two more years of employment). Thereafter the immigration authority is to decide about departure or even deportation. As even after a negative decision by the Federal Office for Migration and Refugees the refugee can remain in Germany for many years, it therefore seems that integration and training measures

<sup>1</sup> The Asylum Act as notified on 2 September 2008 (*BGBI* [Federal Law Gazette] I page 1798), last amended by Article 2 of the Act of 20 July 2017 (*BGBI* I page 2780).

are advisable, if only to improve reintegration opportunities in the country of origin in the event the refugee returns there.

Figure 1 also gives examples of potential spatially relevant issues that emerge in the course of flight, residence in the Federal Republic of Germany, departure, return and deportation. Several of these issues are discussed by Postlep/Ritzinger/Spellerberg (2016), while research on other issues has recently been concluded or is still in progress. From the Bavarian perspective particularly noteworthy is the Masters thesis by Meindl (2017) at Bayreuth University, examining notions of integration in the Bavarian-Czech border regions; similarly important is Kordel/Weidinger/Pohle's (2016) study of decisions by recognised refugees about their place of residence in the rural area of Lower Bavaria.

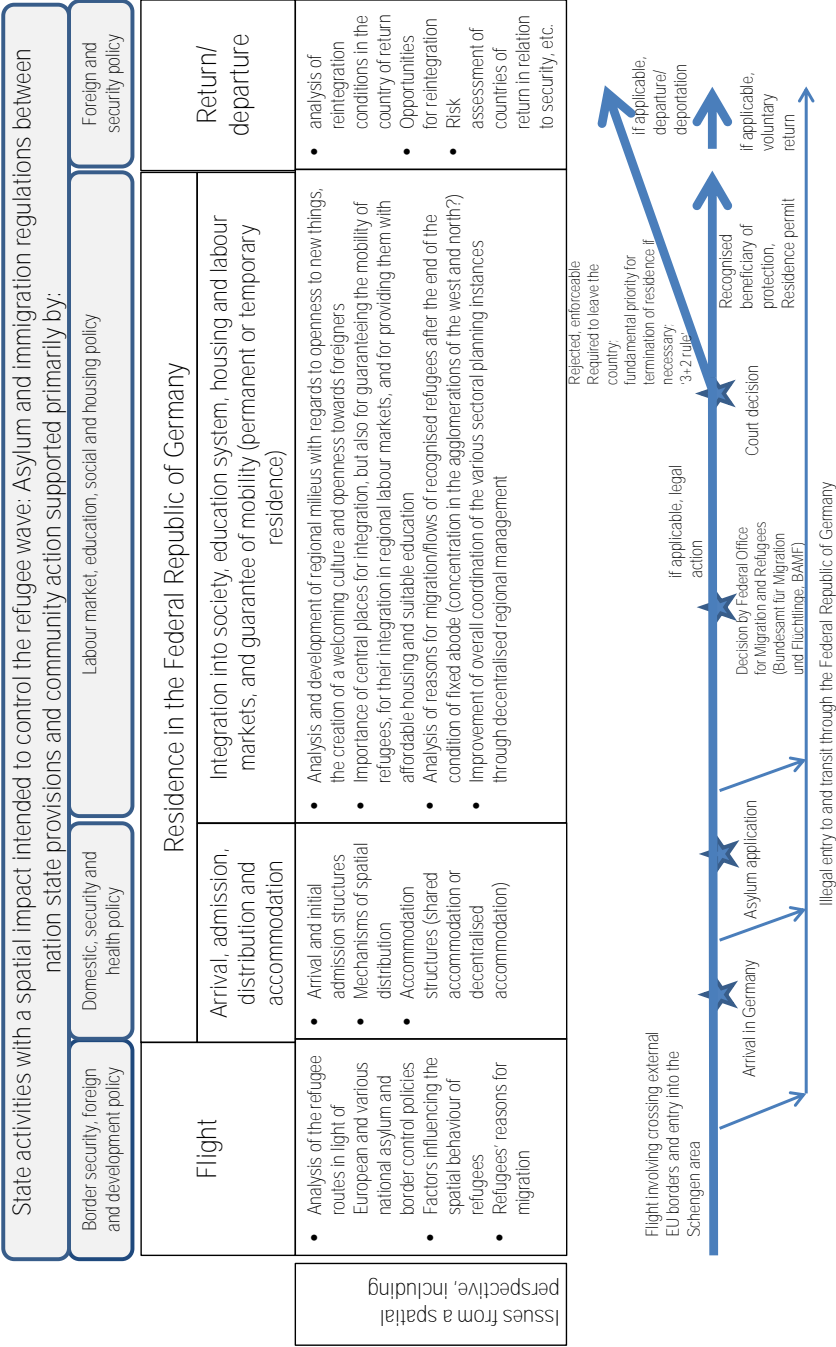


Fig. 1: Refugee migration with particular consideration of the German asylum application process – phases and issues from a spatial perspective

## 2.2 Focus: Border regions

Border regions along refugee routes are particularly affected by refugee migration, as it is here that different national regulatory systems of asylum and refugee policy, and also domestic and security policy, meet. They are subject to particular stresses connected to the admission, registration and distribution of refugees. In addition, there are the primarily humanitarian tasks related to caring for ‘stranded’ refugees whose continued journey is impossible or delayed. If the state authorities allocate refugees to an area then integration measures become necessary. In individual states the border regions also have to administer tasks related to the departure, return or deportation of refugees. The affected border regions have minimal discretionary powers, especially in relation to the processing of admissions, initial registrations, distribution and accommodation, but also departures, returns and deportations. Refugee policy, asylum policy, and security policy belong to the sovereign jurisdiction of the state such that the relevant, usually restrictive, stipulations are passed by the central governments. Difficult situations arise for the affected border regions, for instance, when the policies and regulatory systems differ between the states on the two sides of the border, as seen on the Balkan route during the 2015/2016 refugee wave. This can lead to the (temporary) unilateral (partial) closing of national borders. Difficult situations may also arise from central government making decisions to divert the refugee flow that must be implemented very quickly. Problems emerge on the external borders of the EU, for example, if border controls do not function properly or are undermined, or if controls are introduced that contravene existing treaties (e.g. the Schengen agreement). Even merely the half-hearted implementation of joint treaties (e.g. the Dublin Agreement) and/or their unilateral termination or (temporary) suspension are sufficient to create a tense situation for border areas.

In terms of activities related to refugee integration the border areas do not differ fundamentally from other sub-regions. It is generally the case that there is more scope for the local communities and administrations to shape such activities than with tasks related to the admission or departure/deportation, registration, distribution and (initial) accommodation of refugees; there are also more opportunities for civic engagement. However, the borders between EU countries are largely closed even for recognised refugees or those entitled to asylum if such individuals should, for instance, enquire about employment on the other side of the border.

## 2.3 Research questions and approach

The rest of this article firstly considers the refugee wave of 2015/2016, analysing the most important facts and providing an overview of the relevant federal and state legislation. Second, the article focuses on the south-east Bavarian border area and analyses the specific challenges and spatial effects pertaining there.

This is based on the following research questions:

- 1 Were the south-east Bavarian border areas involved in the decision to divert the refugee flow in September 2015 and how were they prepared for the arrival of the refugees?
- 2 What were the short, medium and long-term effects of the asylum and refugee policy on the regional economy of the border areas? Were there winners and losers among the economic actors in the border regions?
- 3 What are the barriers to crossing the south-east Bavarian border areas for refugees and those entitled to asylum?
- 4 Are there specific hindrances that obstruct the integration of recognised refugees and those entitled to asylum in the border area? What contribution can regional management initiatives make towards integration in the border area?

The following analyses particularly draw on participatory observation and statistical analysis.

As head of the Department of the Economy, Transport and State Development (*Wirtschaft, Verkehr und Landesentwicklung*) in the Regional Government of Lower Bavaria, the author was directly involved in implementing the decisions of the federation and the Free State of Bavaria regarding the management of the refugee flow of 2015/2016 in the border area of Lower Bavaria. He was particularly concerned with issues related to labour market integration and the involvement of regional management initiatives. The regional management initiatives run by the districts, urban districts or commercial organisations were encouraged to address the integration of refugees and those entitled to asylum. This was because experience in the border area from autumn 2015 had shown that successful integration and the creation of an open climate towards foreign nationals were tasks for regional development. Leaving such tasks to the central decision-making structures of the state hindered progress due to the insufficient coordination of the various departments and actors and the often inept or even indifferent approach to civic engagement.

Notwithstanding the above, much of the information and positions described are based on (largely internal) correspondence within the administration of the Free State of Bavaria or between the Federal Government and the state of Bavaria, and are not suitable for publication.

### 3 The refugee wave of 2015/2016 in the Federal Republic of Germany and Bavaria

#### 3.1 Facts and figures

After the borders were opened in August 2015, initially for Syrian refugees but then for all refugees on the route across the Mediterranean and through the Balkans, the flow of refugees increased considerably, peaking in November 2015. Not least due to the weather, the influx of refugees decreased month on month until March 2016. As early as September 2015 Hungary decided to close its borders to refugees, and from the beginning of March 2016 Slovenia, Croatia, Serbia and Macedonia gradually followed suit. At the EU negotiations on 9 March 2016, the Federal Republic of Germany no longer opposed Austria's longstanding views concerning the need to close its borders. This led to a continued strong decline in the flow of refugees, which has since settled at between 15,000 and 18,000 a month. While there were about 890,000 asylum seekers in 2015, this figure fell to 321,371 in 2016 (cf. Fig. 2).

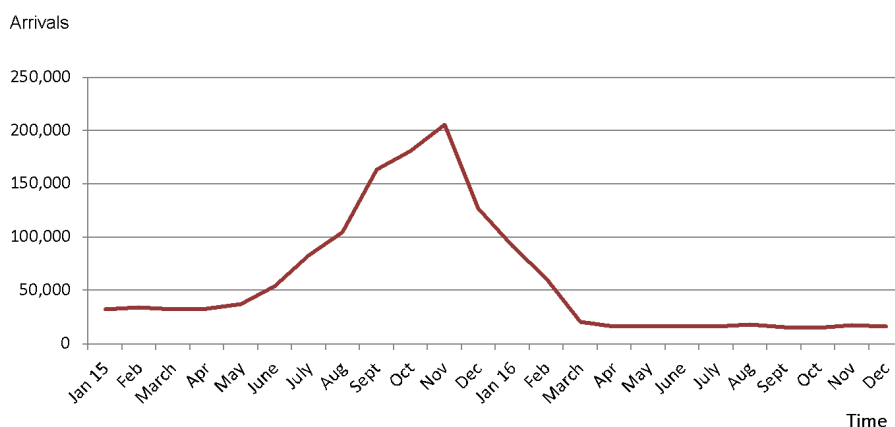


Fig. 2: Arrivals of refugees in the Federal Republic of Germany 2015/2016 according to EASY<sup>2,3</sup> / Source: data from the Federal Ministry of the Interior 2015/2016, the authors

Like the other federal states, Bavaria is obliged to accommodate the number of refugees stipulated by the distribution formula known as the *Königsteiner Schlüssel* (cf. Section 3.2) (contingent: almost 15.6%). As of the end of February 2016, 156,000 asylum applicants had been recognised, rejected or were still being processed in

2 On EASY cf. [https://www.bamf.de/DE/Service/ServiceCenter/Glossar/\\_functions/glossar.html?nn=282918&cms\\_lv2=282946](https://www.bamf.de/DE/Service/ServiceCenter/Glossar/_functions/glossar.html?nn=282918&cms_lv2=282946) (26 May 2021).

3 Note: In January 2016 the Federal Ministry of the Interior stated that the application figures were 1,091,894 in 2015 and 321,371 in 2016; the monthly figures provided here aggregate to these annual figures. However, the statistics for 2015 are particularly error-prone due to a large number of double entries. On 30 September 2016 the Federal Ministry of the Interior reduced the figures for 2015 to 890,000; there are, however, no monthly values that correspond to this corrected annual value.



facilities in Bavaria (including those living in emergency accommodation, the number of which varies greatly; figures from the city and district of Passau or from the district of Wunsiedel are lacking) (Schöffel/Kirschner 2016).

Although the Federal Office for Migration and Refugees and the Federal Employment Agency (*Bundesagentur für Arbeit, BfA*) are continually working to improve the regional data base (cf. e.g. *BfA* 2017), it remains difficult to obtain reliable estimates of the numbers of asylum seekers in Bavaria and its sub-regions who are resident, recognised, rejected or still being processed. In 2016,

- > 173,846 applications were rejected in Germany (*BMI* 2017), some of which were deported or left the country voluntarily, in some cases with funding from federal programmes.
- > Statistics from the Federal Office for Migration and Refugees (cf. *BAMF* 2017) for asylum decisions in 2016 record 87,965 other resolutions of cases (e.g. through application of the Dublin procedure or the termination of the process owing to the withdrawal of asylum applications). Despite
- > the condition of fixed abode which has been valid since 1 December 2016, a proportion of refugees has migrated in the direction of western or northern Germany or abroad, only a small proportion of which have remigrated to Bavaria. For these reasons, it can therefore be assumed that

the number of refugees resident in Bavaria has fallen considerably since mid-2017.

In comparison to 2015 it was also possible to considerably increase the number of decisions made by the Federal Office for Migration and Refugees to 695,733 decisions in 2016 (cf. Fig. 3). The number of applications for asylum remain at a high level, at 745,545 applications in 2016. Almost two-thirds of the applicants were granted residency status. Around two-thirds of asylum seekers are male. As can be seen in Figure 4, the figures for applications for asylum suggest that around two-thirds come from Syria, Afghanistan and Iraq. About a third of the applicants is under 18, about 60% are between 18 and 45, and only 7% are over 45.

Despite the easing of the situation it should not be forgotten that the international state of affairs continues to be very volatile. In 2016 over 4,000 people lost their lives on the Mediterranean. Hundreds of thousands of refugees are in Turkey, North Africa, Greece, Italy, Austria and the countries along the Balkan route, and also on the Mediterranean routes, waiting to continue their journeys. And the police continue to apprehend between 100 and 300 refugees daily on the eastern border with Austria and the Czech Republic. The relevant international treaties, such as the agreement between the EU and Turkey, seem to operate at present but are politically controversial. Predictions concerning the subsequent immigration of family members are also highly speculative. Against this background a reliable forecast of refugee figures seems currently impossible.

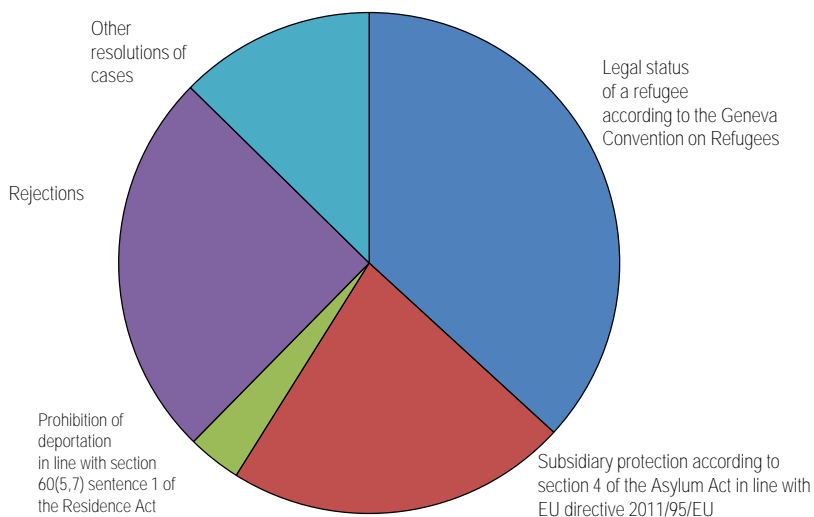


Fig. 3: Asylum decisions by the Federal Office for Migration and Refugees in 2016 (695,733) / Source: BMI (2017), the authors

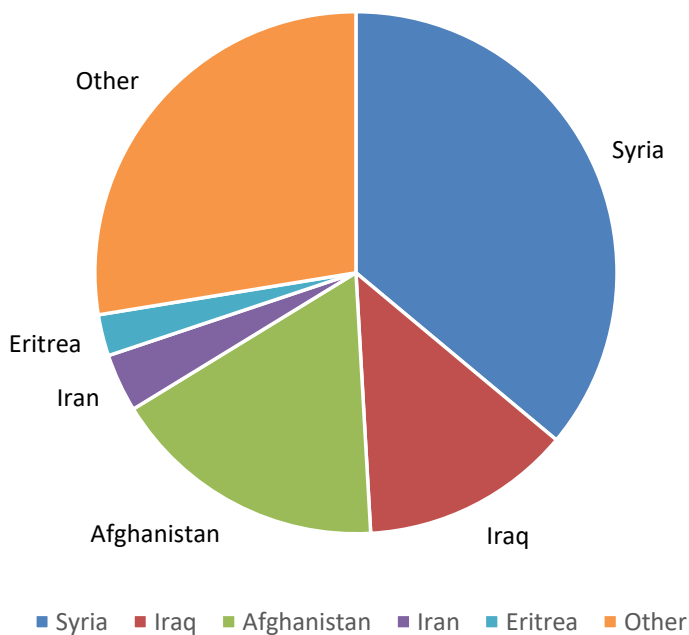


Fig. 4: Place of origin of refugees according to asylum applications in 2016 (745,545) / Source: BMI (2017), the authors

### 3.2 Mechanisms of distribution and accommodation

The procedure legislatively laid down for the distribution and accommodation of refugees provides that after refugees have made the journey, crossed the border and been subject to identity screening measures, they are registered in the EASY system. This is to occur right at the border. The high number of refugees in the second half of 2015 meant, however, that these measures could not be properly carried out immediately after they crossed the border. The distribution of refugees throughout the country was organised from the waiting areas in Erding and Feldkirchen or directly from locations along the Bavarian-Austrian border, with onwards transport by special trains or buses. When the trains or buses halted a number of refugees alighted, so that there were cases of illegal entry and uncontrolled further travel into other EU countries, particularly to Sweden, France (including for onward travel to the UK) or to the Benelux states.

The distribution of refugee families and single adults (not unaccompanied minors) among the federal states was based on the distribution formula known as the *Königsteiner Schlüssel* in line with section 45(1) of the Asylum Act.<sup>4</sup> The calculation of the *Königsteiner Schlüssel* in the previous year was based on taxation revenue weighted by a factor of two-thirds and the population of the federal states weighted by a factor of a third, and in practice was quickly accepted by the federal states. It was only at first that larger deviations from this formula were seen, which was often due to the lack of functional admission and distribution structures in the individual federal states.

The federal states usually organise the spatial distribution of refugees within their territories through specific ordinances; in Bavaria, for example, this occurs according to the Asylum Implementation Ordinance (*Asyldurchführungsverordnung, DVAsyl*).<sup>5</sup> The distribution among the government regions is stipulated in section 3(1) of the Asylum Implementation Ordinance; for further distribution among the districts and urban districts within the government regions, the contingents stipulated in section 3(2) of the Asylum Implementation Ordinance are binding.

In line with section 44 of the Asylum Implementation Ordinance and section 15a(4) of the Residence Act (*Aufenthaltsgesetz; AufenthG*), the Free State of Bavaria maintains its central reception centre in Zirndorf and other admission facilities in all the government regions (with the exception of Middle Franconia). Dedicated reception centres in line with section 5(5) and section 30a of the Asylum Implementation Ordinance were opened in Manching (near Ingolstadt) and Bamberg especially for refugees from safe countries of origin, particularly the Western Balkans.<sup>6</sup> The refugees allocated to Bavaria were placed in one of these reception centres. In

4 Cf. <http://www.bamf.de/DE/Fluechtlingschutz/AblaufAsylv/Erstverteilung/erstverteilung-node.html> (12 April 18).

5 Asylum Implementation Ordinance of the Free State of Bavaria from 16 August 2016 (GVBl. [Law and Ordinance Gazette] page 258, BayRS [Compilation of Bavarian Laws] 26-5-1-A/I).

6 Currently the initial reception centres are being developed into transit centres specialising in individual countries of origin.

autumn 2015, the reception centres, many of which had been quickly opened in response to the high numbers of refugees, reached their capacity limits so that for some of them additional containers and/or annexes had to be opened. Section 9 of the Asylum Implementation Ordinance stipulates that after temporary accommodation in the reception centres of the government regions further distribution could occur, either in response to an individual application or on grounds of public interest (known as the Bavarian equalisation [*Bayernausgleich*]). Afterwards the refugees were taken to their subsequent accommodation – whether in shared accommodation or in decentralised facilities – where they could live for up to six months so as to be constantly available for the first steps of the asylum application process. This also applied to asylum seekers from ‘safe countries’ until a decision by the Federal Office for Migration and Refugees. The governments constructed and ran shared and partially shared accommodation facilities of various sizes. In line with section 5(2) sentence 1 of the Asylum Implementation Ordinance the district administrations also opened decentralised accommodation; in addition they were obliged to support the establishment of shared accommodation in line with section 5(3) of the ordinance. Municipalities in each district were similarly obliged to support the establishment of decentralised accommodation.

After recognition of refugee status the refugees basically received the same rights and were subject to the same obligations as German citizens. Despite the freedom of movement appending to recognised asylum seekers in the Federal Republic of Germany, since the middle of last year they have under certain circumstances been subject to a condition of fixed abode (on the residence obligation cf. Dehne/Knieling 2016). This applies retrospectively for all applications granted since 1 January 2016. The details of the regulations are based on section 12a of the Residence Act. However, the condition of fixed abode has only been implemented so far by a few federal states, including Bavaria. This condition is intended to prevent disproportionate numbers of refugees from moving to the large cities, especially those in the west and north of Germany, and to hinder the emergence of ghettos.

Distribution and accommodation are undertaken in a complicated, multi-stage process, which – as demonstrated – is geared less to integration needs and much more to the financial capacity of the territorial authorities, their ability to absorb refugees and other public interests. According to research by the Bavarian broadcasting company (*Bayerischer Rundfunk*) (cf. Schöffel/Kirschner 2016), at the time of research (i.e. at the end of February 2016) the distribution and accommodation mechanisms had resulted in about 50% of asylum seekers (recognised, rejected or still being processed) having their place of residence in districts and towns in rural areas, and almost 20% of these lived in regions with a particular need for action. The other half of the refugees had their place of residence in districts and towns or cities in densely populated areas, of which two-thirds lived in the districts, towns and cities of the large agglomerations of Munich, Nuremberg/Fürth/Erlangen and Augsburg.

### 3.3 Integration

Even in the early phases of the migration process in 2015/2016, many state and municipal authorities realised that the refugee wave was not just a temporary phenomenon. Many of the people who have migrated to the Federal Republic of Germany in the last two years seem likely to remain here for a longer period of time. This brings the question of integration to the fore.

The integration of the recognised and resident refugees into life in the Federal Republic of Germany is a significant challenge for the whole of society. Ultimately this concerns making the guiding principle of the peaceful coexistence of people in our country in an open, free and democratic society a reality.

The rural areas bear just as much responsibility for this as the agglomerations (cf. Braun/Simons 2015; Geis/Orth 2016; Mehl/Meschter/Neumeier et al. 2017; Schmidt 2017). In the interest of balanced spatial development it is unacceptable that regional societies should be divided over the question of integration. Border areas, like the one at the heart of this discussion in south-east Bavaria, also cannot evade the issue.

For the integration marathon to be successful much will be demanded of all sides – not only of the refugees themselves but also of Germans. On the one hand, the refugees' commitment and motivation to pursue integration must be maintained. On the other hand, local commitment is necessary, the courage and readiness to embrace change, a common will for neighbourly coexistence, a culture of open-mindedness, openness and attentiveness, and also a willingness to change and the resources to create living and working conditions that promote integration and, not least, the ability to deal with setbacks (resilience). Alongside patience and perseverance, much flexibility will be required.

In order to improve the chances of refugees participating in social life in Germany, a major effort on many fronts is required. The integration of refugees must be planned in the medium and long-term. The involvement of the state and the municipalities is particularly called for. Better integration results can be achieved if not only the commercial sector and the administrators of the labour market but also the churches and charities are involved in appropriate ways. Civic engagement can also have a very positive impact.

Particular attention should be given to the following fields of action:

*The creation of social surroundings that are open to foreigners.* This involves opening up regional milieus, strengthening the internationality of regional and local societies, dismantling prejudice against foreigners and using the open-minded climate to further develop regional identity. In this context (political) actors and 'caretakers' are important – people who own the topic of integration. But so too are civic engagement and functioning networks between citizens, the commercial sector and the administration.

*Improving the residential situation:* The housing market, particularly the supply of serviceable, affordable residential accommodation, is a problem throughout the whole of Bavaria. This is particularly true of the (prosperous) higher-order centres. Not only the municipalities and private economy but also the federation and federal states are called upon to provide the housing market with appropriate incentives. Due to the many question marks surrounding the migratory behaviour of the refugees and the subsequent immigration of family members, forecasts of future housing demand are often uncertain and risky. It is necessary to provide potential investors with more planning certainty. Other approaches include the active management of vacant property and considerable persuasive efforts on the part of spatial development policy to designate more land for housing in the course of urban land-use planning. Better intermunicipal alignment can also help in certain cases. In the meanwhile there are many and diverse state and municipal initiatives intended to improve the housing situation. Bavaria has launched the Housing Pact Bavaria (*Wohnungspakt Bayern*) development programme with € 2.6 billion of funding;<sup>7</sup> 28,000 new state-financed or subsidised rental dwellings are to be built by 2019. On the municipal level many initiatives have also been started. For instance, the federal state capital of Munich launched a medium-term housing investment programme as early as March 2016, which is intended to provide an additional 3,000 dwellings.<sup>8</sup>

*Guaranteeing language learning and education:* Language and education are preconditions for successful integration. The education of foreign national children, young people and adults places new demands on kindergartens, schools and educational facilities. Special language lessons must be provided throughout the country (German as a second language, not only to level A2) and kindergartens and schools must be prepared for the numerous refugee children and unaccompanied minors. Here it is particularly important to expand the transition classes at the primary and middle schools and professional training at the vocational colleges. Similar adaptations at grammar schools and secondary schools have scarcely been initiated. Adult education for refugees and, in particular, the targeting of adult women must be improved here. The training and further education of the many voluntary helpers must also be attended to. Against this background it is clear that it is not sufficient to reduce the discussion to consideration of the uptake and capacity of the educational infrastructure.

*Supporting labour market integration* (cf. BAMF/EMN [National Contact Point of the European Migration Network] 2015; IAB [Institute for Employment Research] 2016; Worbs/Bund 2016): Companies in both densely populated areas and rural regions complain of a lack of skilled workers. Although the refugees often aim to obtain a job at ‘assistant level’, their qualifications are frequently not yet sufficient for such positions. Many refugees are not yet available for work on the labour market because they are involved in employment agency programmes to improve their language skills and/or professional qualifications. There is still a need for additional placements, apprenticeships and jobs. The provision of such employment opportunities requires close cooperation and solidarity between all labour market stakeholders supported

7 Cf. <http://www.stmi.bayern.de/buw/wohnen/wohnungspakt/index.php> (12 April 2018).

8 Resolution of the plenary assembly of the city council of the federal state capital of Munich on 16 March 2016.

by civic engagement and the work of local chambers and proactive business networks. Particular attention should additionally be directed towards the entrepreneurial abilities evinced by the refugees, especially in the trades. Potentials of this sort should be unlocked and activated. In the meanwhile there are numerous activities on the state-wise and sub-region levels. Thus in 2015 the Free State of Bavaria and the Bavarian Business Association (*Vereinigung der Bayerischen Wirtschaft*), the local professional associations and the regional office of the Federal Employment Agency concluded an 'Agreement for Integration through Work and Training'. In the first step up to the end of 2016, placements, training or jobs were provided for far more than the agreed 20,000 refugees. By the end of 2019 a total target of 60,000 successful labour market integrations should have been achieved in Bavaria. The agreement includes additional targeted measures for integration into training and work funded by a total of € 15.3 billion.

*Supporting local coexistence* (cf. SVR [Research Unit of the Expert Council of German Foundations on Integration and Migration] 2016):<sup>9</sup> Contacts with neighbours, involvement in associations, churches and in the fire brigade, joint celebrations, and getting to know the habits and customs help refugees to gain a foothold in Germany. However, opportunities for such encounters must be organised. Civic engagement is particularly important here. One problem, however, is that civic engagement has tended to decline in recent months. Maintaining the motivation so that volunteers continue to help with the integration of refugees is an important local task.

### 3.4 Departure/return, deportation

In contrast to the asylum application process, the federal states are responsible for decisions about the departure, return or deportation of refugees after a negative decision by the Federal Office for Migration and Refugees. Those responsible in Bavaria are the immigration authorities in the district administrations. They work in cooperation and alignment with the central immigration authorities of the governments and the transit centres, which are being established in every government region. A refugee who has received a negative decision from the Federal Office for Migration and Refugees may nevertheless be permitted to stay in Germany. Such decisions are often made when the refugee has already taken up an occupation, including vocational training. The Bavarian immigration authorities have a margin of discretion in these decisions, which is also exercised in practice.

The decentralised structure of immigration authorities in Bavaria has basically proved successful. Proper individual decisions about the continued stay of refugees who fundamentally have no residency entitlement can only be made in close discussion with the refugees themselves, the local employment agencies, professional associations and workplaces. The transfer of such decisions to the level of the federal authorities and the associated centralisation of decision-making structures, as it is currently being discussed in various contexts, is therefore viewed with scepticism.

<sup>9</sup> Cf. also issue 2.2017 of the journal *Informationen zur Raumentwicklung* on the topic of *Flüchtlinge – zwischen Ankommen und Zusammenleben* ('Refugees – between arrival and coexistence').



Independently of this, there are also cases where refugees with a positive decision from the Federal Office for Migration and Refugees and a residency permit want to leave Germany voluntarily.

The Bavarian border regions are not immediately involved in the departure, return or deportation of refugees. The federal state authorities located here have, like elsewhere, to make these decisions, but the departures themselves usually take place from international airports.

#### **4 The south-east Bavarian border areas at the end of the Balkan route**

Until the closure of the *Balkan route* (the route from Turkey through Greece, Macedonia, Serbia, Hungary or Croatia and Slovenia, and then Austria to Germany) in March 2016, the Free State of Bavaria was particularly affected by the refugee wave. By far the greatest majority of refugees reached German territory via the south-east Bavarian border (cf. Fig. 5).

The south-east Bavarian border areas particularly affected by the refugee wave comprise eight districts which are situated immediately on the border with Austria and the Czech Republic (in the Upper Bavarian districts of Rosenheim, Berchtesgaden Land, Traunstein and Altötting, and in the Lower Bavarian districts of Rottal-Inn, Passau, Freyung-Grafenau and Regen) and Rosenheim and Passau, two urban districts with a total of 1.2 million inhabitants<sup>10</sup> (by way of comparison: in 2015/2016 the same number of refugees crossed the border). Here the refugee routes from southern and south-eastern Europe cross the border into Germany. This primarily refers to the following refugee routes:

- > By train: The train lines for passengers and for freight from Italy via Innsbruck and the border crossing at Kufstein/Kiefersfelden to Rosenheim or from eastern Austria via Linz and Schärding to Passau.
- > By car, minibus, bus and HGV: From Italy along the Austrian A12 motorway from Innsbruck to Kufstein and then from Kiefersfelden on the A93 to the junction at Inntal near Rosenheim, along the Austrian A1 motorway from Vienna to Salzburg and then on the A8 towards Munich and western Germany, and from Vienna/Graz to Linz and from there on the Austrian A8 motorway to the border crossing at Suben/Passau and on the A3 to Regensburg and western Germany.

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<sup>10</sup> Cf. <https://www.statistik.bayern.de/statistik/kreise/> (12 April 2018).



Fig. 5: The south-east Bavarian border area / map based on: <http://www.interreg-bayaut.net/programm/programmraum/> (12 April 2018), edited by the author

The exceptional situation in which the south-east Bavarian border areas find themselves arises from the overlapping and simultaneous tasks with which they are confronted in relation to the arrival, initial recording and redistribution of refugees across the other German regions on the one hand, and the accommodation and integration of those refugees allocated to the border areas (after allocation to the federal states and within Bavaria) on the other hand. Tasks connected with the arrival, first registration and redistribution of refugees focus particularly on providing places to sleep and rest, food and warm meals, clothes and toys (especially thanks to civic engagement) and medical (first) aid. There are also administrative tasks to be performed immediately on the border, such as initial registration and security checks in the quickly erected arrival centres and the organisation of the redistribution of the refugees to other federal states, including provision of transport and transit infrastructure (special transit, busses, waiting rooms, bus station with entries and exits, etc.). After the allocation of refugees to the federal states and within Bavaria to the border districts, towns and cities, then the border areas face the same tasks as other areas. They are particularly linked to the provision of accommodation and dwellings and the integration of the refugees into society, the educational system and the labour market.

The following sections shed light on the complex and exceptional situation in which the south-east Bavarian border areas found themselves in 2015/2016 and on the specific challenges that had to be faced.

## 4.1 A complex, exceptional situation

On peak days in September, October and November 2015 up to 20,000 refugees reached the border. By December 2015 this figure had stabilised at around 2,000 to 4,000 a day due to the season. Initially the fixed admission system focused only on Rosenheim and Munich, but from the end of September 2015 it was replaced by flexible structures immediately at the border, involving border crossings in Lower Bavaria at Breitenberg, Wegscheid, Passau-Achleiten and Passau main station, Neuhaus am Inn, Ering am Inn and Simbach am Inn, and in Upper Bavaria at Freilassing, Rosenheim and Kiefersfelden. To ensure the satisfactory management of the border crossing, initial registration and accommodation of the refugees and their redistribution via special trains and busses during peak times, additional waiting rooms were temporarily established at the military bases in Erding and Feldkirchen near Straubing. In response to the numbers of refugees arriving, the federal police opened or closed the border crossing in consultation with other federal and state authorities. By November 2015 at the latest, the infrastructure necessary for this flexible process was in place. The commercial sector, utility and transport companies, charities and other helpers from church-based groups and civil society had also adapted to this approach.

The first moves towards the decision by the Federal Government to open the border between Austria and Bavaria for refugees came in August 2015. On 21 August 2015 the Federal Office for Migration and Refugees suspended the so-called Dublin Regulation for Syrians, a decisive move. Refugees were no longer to be returned to the place where they had first set foot on EU territory. Subsequently the situation on the refugee routes of the central and southern Mediterranean and on the Balkan route was partly beyond control. The decision by the Bavarian State Government to transfer the admission, initial registration and redistribution of refugees from Munich and Rosenheim to the immediate south-east Bavarian border areas was unexpected and found these areas unprepared (cf. research question 1). The decision to effect the relocation was made under great pressure, not least owing to the flood of visitors expected in Munich for the Oktoberfest. A taskforce was speedily set up on the federal state level in the Bavarian State Ministry of the Interior for Building and Transport, under the leadership of the police. The aim was to successfully tackle the organisation of the necessary tasks, particularly with regard to maintaining security, the initial registration and the redistribution of refugees to the rest of Germany. Cooperation with the authorities of other federal states and also with the relevant federal authorities like the Federal Office for Migration and Refugees, the federal police and armed forces, soon progressed constructively if not completely unproblematically. By November 2015 the crisis mode had been replaced by routine hustle and bustle.

The federal and state authorities were supported locally by the municipal administrations, by groups of helpers linked to the churches and charities, and by committed citizens. The heads of the district authorities, the mayors of the urban districts of Passau and Rosenheim, and the other mayors acted as important local decision-makers; here many different strands of the process came together. The municipal authorities helped with the initial admissions of refugees and also organised the provision of suitable accommodation to enable the necessary administrative process-

es to function smoothly, including onwards transport. They also coordinated civic engagement. Groups of committed helpers supplied the refugees with their immediate needs, especially with food and clothing, and also provided valuable social support services. Furthermore, the municipal authorities were available as general points of contact for the refugees.

## 4.2 Challenges in detail

Managing the sheer volume of the refugees, who at times arrived every hour, was a particular challenge. As Germany had not reached a sufficient consensus on refugee policies with Austria and the other countries along the Balkan route, at first the Austrian authorities send contingents of refugees of varying sizes and compositions at varying times of the day and night across the border to southeastern Bavaria, without informing the Bavarian side of their arrival. However, this practice changed after a few weeks. Coordination across the borders improved significantly with time and was further advanced by the establishment of the German-Austrian police cooperation centre in Passau.

Another challenge was preventing illegal and uncontrolled border crossings. Border controls were introduced to restore order and security at the borders, in particular to prevent illegal crossing of the green border and the unlawful marooning of refugees, especially on the A3, A8 and A93 motorways. ‘Passengers’ would be dropped off at the edge of the road by vans, frequently run by bands of traffickers. This led to considerable problems in traffic safety and border protection. Border controls are to continue until further notice on the A93, A8 and A3 motorways on the border between Austria and Germany.

The distribution of unaccompanied minors was not initially in line with the regulations described in Section 3.2. After registration, unaccompanied minors were taken into the charge of youth welfare facilities. Until the change in the distribution mode on 1 November 2015 – after which unaccompanied minors were distributed throughout Germany in a similar way to adults – the youth welfare facilities in the border districts and towns had to accommodate all unaccompanied minors. This quickly led to capacity shortages at such facilities. The costs had to be borne by the affected government regions. The numbers of unaccompanied minors have also dropped rapidly and the introduction of the countrywide distribution mechanism has further eased the situation in the border area so that conditions in the youth welfare facilities have also returned to normal. The costs for unaccompanied minors are now borne by the Free State of Bavaria.

Finally, the creation of a welcoming culture and a spirit of open-mindedness towards foreign nationals in the south-east Bavarian border area has been a great challenge. The decisions on asylum and refugee policy made by the Federal Government in August and September 2015 were not unanimously supported by those in the south-east Bavarian border area. Austria’s harsh criticism of German refugee policy was also to be heard on this side of the border. Furthermore, many committed helpers discovered through experience that by no means all migrants wanted to get to know

the Western culture of Germany and its idiosyncrasies. Personal contacts also revealed that economic motives often played a significant role in this forced migration. There were consequently considerable fears that the mood of the population in relation to foreign nationals could reach a tipping point. These fears have not yet been realised – prejudice against refugees and migrants does not seem to be greater in the south-east Bavarian border area than elsewhere in Bavaria.

There were also numerous other problems which had to be solved ad hoc, such as the difficulty of registering refugees who usually had no valid identity papers and of organising the necessary health checks in the face of major language barriers. The separation and detention of terrorist suspects also caused problems in individual cases.

If other border areas should find themselves in a similarly complex and exceptional situation they could learn from the experiences of south-east Bavaria and would be well-advised to quickly build functional decision-making and communication structures between the relevant federal, state and municipal authorities. As far as possible this should be undertaken in advance through the preparation of organisational and implementation plans. Furthermore, in such exceptional situations border areas need leadership. This means that the political decision-makers, especially the heads of the districts, the mayors and the heads of the police and emergency services have a key role to play. In addition, there should be close cooperation and a clear definition of the nature of the engagement with groups of voluntary helpers and committed citizens to avoid work being duplicated. The work of voluntary helpers and civic engagement can be very beneficial and supportive in ensuring an open-minded climate towards foreign nationals, advising refugees on their dealings with the authorities, accompanying them on visits to companies and other places of employment, and satisfying their immediate needs on arrival. Independently of this, coordination and communication across the borders must proceed properly. Unilateral national initiatives can throw a spanner in the works and ultimately overwhelm border areas.

### **4.3 The spatial impacts**

A distinction can be made between the temporary, medium and long-term spatial effects on the south-east Bavarian border region.

In particular, the regional economic effects were temporary (cf. research question 2). State and municipal expenditures intended to cope with the refugee wave led to an exceptional boom in the south-east Bavarian border area, which then had a selective impact on individual sectors of the economy. The property sector was among the particular winners. Those providing property that was suitable for shared or decentralised accommodation could make good deals and, in some case, profited excessively from the predicament in which the state and municipalities found themselves in 2015/2016. In tourist regions older buildings that had once been used as hotels and guesthouses were reused as refugee accommodation. Those who profited also included those hiring out residential and office containers, tents and air-inflated structures, as well as catering companies from the region who were awarded contracts

to provide the refugees with food. On the other side of the equation were certain wellness hotels, especially those close to the aforementioned border crossings, which suffered from booking cancellations. In addition, the introduction of border controls and the associated waiting times at the border led to a decline in cross-border day trips. For instance, the number of day excursions to the spa triangle (Bad Füssing, Bad Griesbach, Bad Birnbach) declined by up to 40% in autumn 2015. The haulage sector also reported problems caused by the introduction of border controls. As many refugees arrived by train and a number of special trains were used for their onward transport, the regular timetable of the German railways could not be maintained. Trains were cancelled and delayed, in some cases for several hours, causing problems for many and above all for cross-border commuters. This was exacerbated by the fact that it was hardly possible to cross the border by car because refugees blocked the border crossings. In the course of November 2015 the situation at the border gradually returned to normal.

Turning to medium to long-term aspects, several of the decisions that were made under great pressure in 2015/2016 can be positively evaluated. Thus the joint police work undertaken between Bavaria and Austria should be further developed and the joint German-Austrian police cooperation centre in Passau should be secured as a permanent new police authority. Moreover, the planned establishment of a training centre for special police units in the town of Freyung has received a new momentum. When complete this development should provide at least 50 permanent jobs.

Positive note should also be taken of the new state and municipal development programme triggered by the refugee wave. This is intended to stimulate house building and improve the provision of affordable housing. In the medium term this will also benefit the south-east Bavarian border areas as the housing market is difficult here in places too.

It is hard to judge the demographic and labour market impacts of the refugees in the south-east Bavarian border regions. Whether and to what extent the aging of the population in the south-east Bavarian border area has been forestalled will depend primarily on whether the refugees allocated to the Bavarian-Austrian border region remain there. The same is true for the effects on the labour market, especially for the desired contribution that the refugees may make towards addressing the shortage of skilled workers in many sectors. Although there are no exact figures available it should be noted that many refugees do not wish to remain in the border region and have either already moved on or will do so in the future.

One reason for this could be that refugees and asylum seekers from non-EU countries who have been recognised in the Federal Republic of Germany have great difficulties in obtaining a residency and work permit for Austria; they first have to be taken into the care of the Austrian state. This means that refugees cannot take advantage of the free movement of people as EU citizens can (cf. research question 3). This creates a situation whereby, for instance, a company with branches on both sides of the border cannot employ recognised refugees in both locations even if they are qualified to do the work; the same is true for apprentices. This restriction on recognised refugees and asylum seekers crossing the border also applies to their place of residence. The

problem is only resolved when the recognised refugee takes German or Austrian citizenship, which is possible after many years of residence in one of the two countries.

#### **4.4 Bottom-up regional management initiatives – promising approaches for the integration of refugees with prospects of permanent residence?**

The success of integration in south-east Bavarian border areas is not a foregone conclusion. There are a number of particular challenges that must be met. These include the fact that a refugee who is recognised in the Federal Republic of Germany is not entitled to freedom of movement into Austrian territory (and vice versa), the frequent Austrian criticisms of German asylum and refugee policy, and the aforementioned multiple burdens experienced by public administrations and civil society from the initial admission and distribution of refugees to the pursuit of integration tasks. This makes it even more important that recognised refugees and asylum seekers should be successfully integrated on both sides of the border (cf. research question 4, part 1).

Such an endeavour requires political actors who are wholly committed to the integration of refugees, who demonstrate this and in so doing set an example to others. Furthermore, ‘caretakers’ are needed who can drive forward and manage local implementation. Bottom-up regional development can make a significant contribution here (cf. Weber 2016). It is accustomed to dealing with various sectoral policies and their coordination. Bottom-up regional development also has much experience of intermunicipal cooperation and mediating between public bodies and civic engagement.

Against this background the present article calls for action-based bottom-up regional development, for instance in the form of regional initiatives, regional management or LEADER initiatives, tied into countrywide networks and supported by the IQ network (Integration through Qualification) and by the activities of local educational coordinators. Bottom-up regional management initiatives could and should be particularly worthwhile with the following:

- > Supporting a social environment that is open to foreign nationals and
- > Creating/securing living and working conditions that support integration for refugees with good prospects of permanent residence.

In the south-east Bavarian border areas three regional management initiatives for dealing with refugee issues have been adopted (cf. research question 4, part 2).

- > Regional management Passau (sponsor: Business Forum Passau [*Wirtschaftsforum Passau e.V.*]): Annual apprenticeship fairs for refugees; in addition the project Refugees–Asylum Seekers–Migrants [*Flüchtlinge-Asylbewerber-Migranten, FAM*]), which is intended to help integrate these people in the regional job and training market. In order to avoid creating duplicate structures for the compulsory classes for young refugees at the training colleges



in Passau and Vilshofen, the project focuses on older refugees between 21 and 40 who are not required to attend training college (50 participants per project year).

- > Regional management Regen (sponsor: ArberlandRegio GmbH): The Welcoming Culture in Action (*Gelebte Willkommenskultur*) project, which focuses on promoting a welcoming culture, cooperation with regional businesses, support in having qualifications officially recognised, training, support of voluntary structures and interfaces and a single local point of contact.
- > Salzburg – Berchtesgadener Land – Traunstein EuRegio: Across the border with Austria exchanges of experience between regional initiatives dealing with refugee-related issues have already begun, e.g. in the project ‘Stronger together! Participating in social space – participating in the Euregio’ (*‘wir ist mehrwert! teilhabe im sozialraum – teilhabe in der euregio’*) with the partners Lebenshilfe Salzburg gGmbH and Lebenshilfe Berchtesgadener Land, includes examples of best practice of inclusion and participation in the Euroregion with a focus on older people, migrants and refugees. The project runs from mid-2017 until mid-2018 and will be promoted in the context of the INTERREG V A-programme Bavaria/Austria.

To further motivate regional initiatives in the south-east Bavarian border areas to engage in integration projects for refugees, the exchange of experience with other regional initiatives should be intensified. Of the 48 active regional management initiatives found countrywide in July/August 2016 in the course of an internet search, half focused on this issue. These include numerous good project ideas such as:

- > Wunsiedel in the Fichtel mountains regional management (sponsor: Fichtel Mountains Development Agency): Organisation of several work placement tours for refugees.
- > Ansbach regional management (sponsor: Ansbach Regional Management GmbH): Comprehensive provision of information, intensive support for citizen engagement and cooperation with active voluntary integration officers.
- > Haßberge regional management (sponsor: Mainfranken Region GmbH): Safe Places for Refugee Children (*Sichere Orte für Flüchtlingskinder*) project.
- > Main-Spessart regional management (sponsor: the Main-Spessart district): Roundabout Main-Spessart (*Rundherum Main-Spessart*) project promoting a welcoming culture, comprehensive information provision including the Arrival (*Ankommen*) app, close cooperation with and support for voluntary asylum helpers.
- > Danube-Ries regional management (sponsor: the Danube-Ries district): Language Pilot (*Sprachlotse*) project, organising additional language lessons so children with migration backgrounds can be integrated more quickly.

There are also other, larger scale initiatives such as a regional marketing project for Mainfranken, the Lower Bavarian Forum and the metropolitan regions of Munich and Nuremberg, which have made the promotion of a welcoming culture their mission.

Interesting projects have also been conducted by other regional initiatives. For example, the Local Action Group for the regional development of Oberallgäu (*LAG Regionalentwicklung Oberallgäu e. V.*), which is a LEADER initiative, and the Caritas association conducted a joint project that was called ‘My municipality – Home for all?!’ (*Meine Gemeinde – Heimat für alle?!*) to enable all people in the region to participate equally in society (cf. Weizenegger/Ruf 2015). Initially, this project targeted people with disabilities but was later extended to include the integration of people with migration background as well as refugees and asylum seekers, etc. It comprises two measures: first, the development of social hubs to create networks of facilitators; second, the establishment of an inclusion indicator. This was an online platform that bundled offerings and examples of good practice.<sup>11</sup>

## 5 Conclusions

In summary, the following findings can be put forth:

- > The 2015/2016 refugee wave was unexpected by the south-east Bavarian border areas and found them unprepared. This was because the necessary decisions required sovereign state action. They were thus made externally by the government of the Federal Republic of Germany and the Bavarian State Government, and needed to be implemented quickly under pressure.
- > The impact of asylum and refugee policy on the border area is generally temporary and among the economic stakeholders there is considerable divergence between the winners and losers.
- > The advantages of the open cross-border residential and employment areas between Bavaria and Austria cannot be used by recognised refugees and asylum seekers because of differences between the national asylum and immigration regulations.
- > This makes it even more important that recognised refugees and asylum seekers are successfully integrated on both sides of the border. Bottom-up regional development initiatives that have emerged from exchanges of experience can make an important contribution here.

In addition, it should be noted that managing the refugee wave in the south-east Bavarian border areas now increasingly involves focal points for specific tasks rather than sovereign policy due to the increasing significance of tasks in relation to integration. When creating attractive living and working conditions for people with refugee backgrounds the sub-regional level is particularly crucial; ultimately it is this

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<sup>11</sup> Cf. [www.heimatfueralle.de](http://www.heimatfueralle.de) (12 April 2018).

level that determines the success of integration. Decentralised management and coordination and functioning intermunicipal cooperation is advantageous for integration. The coordination of voluntary work with the sectoral planning on different levels, the provision of housing and public transport, the needs-based adaptation of educational infrastructure, the training of refugees for jobs in Germany and the activation of the refugees' entrepreneurial potential – all of this can only be achieved with the significant participation of local organisations and civic engagement. A number of the action-based bottom-up regional policies in the south-east Bavarian border area, particularly in the economic area of Passau and in the district of Regen, have proved successful. This should encourage others. In the future regional management initiatives should continue to engage in refugee issues and should build networks across the country, but also across borders.

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Raymond Saller

## MACRO-REGIONAL STRATEGIES AS A CATALYST FOR THE FURTHER DEVELOPMENT OF THE EUROPEAN MULTI-LEVEL GOVERNANCE SYSTEM?

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### Abstract

Since the establishment of the partnership principle within EU regional policy in 1988, the role of cities in the European multi-level governance system has been progressively strengthened. Today, the cities of Europe are central actors with key functions in the implementation of EU regional policy. In parallel to the associated cross-border cooperation, the explicit recognition of local and regional self-government in the European basic treaties (Treaty of Lisbon, Pact of Amsterdam) politically strengthened the role of cities in the European multi-level governance system. This made it officially possible for European municipalities to cooperate with the European Commission and representatives of member states to draw up strategic position papers for future legislative initiatives. At the same time the establishment of macro-regions introduced a framework for the sectoral and geographical adaptation of policies to suit the regions in question. A key role in cross-border cooperation was thus assigned to the cities in the macro-regions. If European cities actively pursue these opportunities they have a chance to establish themselves as the fourth level in the European multi-level governance system and to strengthen their position within the national states and the European institutional framework. The adaptation of intra-state structures is seen as the most important precondition for the municipalities to be able to better express their interests as actors in the political multi-level governance system and thus to gain more influence in the EU. The City of Munich provides an example of how urban policy is, however, often slow to grasp the opportunities offered by the Urban Agenda and macro-regional strategies for European cities.

## Keywords

Macro-regional strategy – cross-border cooperation – EU regional policy – role of the cities – Urban Agenda – Munich – Europe of the cities

## 1 The growing importance of cities in the European multi-level governance system

The increased significance of the role of the cities in the course of European integration can be seen in a number of circumstances. Firstly, the cities were increasingly involved in the planning and implementation of European regional policy. This began with the introduction of the partnership principle for the implementation of European structural policy (cf. Poth-Mögele 1993) and was brought to a provisional conclusion with the Barca Report of the European Parliament (Barca 2009), which attributed a prominent role to the cities in the successful implementation of the EU's regional and cohesion policies (cf. also Servillo/Atkinson/Russo 2011: 351). The Committee of the Regions<sup>1</sup> was founded in response to intensifying European integration with the Maastricht Treaty of 1992, and allowed the cities and regions of the continent to participate in EU policy for the first time – even if only in an advisory role (cf. Saller 1999: 200 et seq.). In the Treaty of Lisbon (2007) the cities were mentioned as important actors in the basic treaties of the EU for the first time.<sup>2</sup> Nonetheless, little has changed in terms of institutional anchoring in the European multi-level governance system since the establishment of the Committee of the Regions. Since 2009 the establishment of macro-regions (cf. Ahner 2016: ix) has given cities more options for participation and influence, as presented in Section 3.1. With the Pact of Amsterdam (2016) and the implementation of the Urban Agenda, municipalities were for the first time invited by the European Commission and the member states of the EU to contribute to further developing European integration in 12 strategic fields. This process is further discussed in Section 3.2. This also provided historic opportunities for political participation, which should be utilised. This is considered in more detail in Section 3.3.

In addition it can be seen that cities have become more important through globalisation, whereby they make an important contribution to economic development as *globalising cities* (cf. Amen/Toly/McCarney et al. 2011: 1). However, this shall not be discussed any further here.

Attention now turns to the partnership principle in the context of EU structural policy. This is followed by an analysis of institutional changes, which reveals the new opportunities and latitude such changes open up for cities. Building on this analysis, the two new policy initiatives – forming macro-regions and the Urban Agenda – are outlined and conclusions for the further development of the institutional framework are developed. The European Commission relies on forums in which all the relevant regional actors work together to implement the macro-regional strategies. Both

1 Referred to hereafter as the CoR (Committee of the Regions).

2 Since the Treaty of Lisbon the cities of the EU have been explicitly mentioned in the European basic treaties. At the same time the Directorate-General has established 'regional' urban policy as an independent policy area.

approaches give the cities an important role in cross-border cooperation that would not have been conceivable in earlier years (European Commission 1997: 17 et seq.). The example of the City of Munich clearly demonstrates that the role of the cities in the multi-level governance system can only be strengthened if cities use this historical opportunity and become actively involved in the political process.

## 1.1 The EU partnership principle

Generally speaking, the institutions of the European Union are obliged to adhere to the principle of non-interference in intra-state structures (cf. Saller 1999: 251).<sup>3</sup> The European Commission first diverged from this principle in 1988 with the introduction of the partnership principle (cf. Poth-Mögele 1993) in the context of the implementation of EU structural policy. By involving regional and local partners the European Commission attempted to overcome the divide between the various political levels for the local implementation of European policy (cf. Charbit/Michalun 2009). With the partnership principle the European Commission curtails the freedom of the member states by stipulating that regional and local actors must be involved in the planning and implementation of the EU Structural Fund (European Commission 2012: 3). This particularly restricts the ability of central states to autonomously implement European regional policy according to national standards.<sup>4</sup> In a study of various Hungarian regions, Huszak (2010: 78) demonstrated that the interaction of national, regional and local authorities largely determines the extent to which regions can profit from diverse European funding. In this way the partnership principle contributes to the successful implementation of European regional policy and to the uptake of European funding. The increased efficiency that results from the involvement of local actors legitimates the interference of the European Commission in the hierarchy of the member states: 'While predicated on the argument that partnerships would improve policy effectiveness, the partnership principle challenged established hierarchical relationships between central and subnational governments' (Bache 1998: 141). This also involves the decentralisation of what had been central state tasks (cf. Marks 1996: 392). However, the principle is not implemented in an identical way in all the member states. The European Commission tried to establish basic principles with a 'code of conduct' (European Commission 2016), but the enforcement of this has so far been limited to authorising the operational programmes. It is thus not surprising that even within Germany the federal states responsible for the operational programmes inter-

3 The principle of respecting the sovereignty of the member states is also emphasised in the pertinent publications of the European Commission, for instance in the 'European Governance' White Paper (European Commission 2001: 10); cf. also Keating (2008: 634).

4 There is no legal entitlement to participation and the principle is also not always stringently implemented. However, the operational programmes necessary for the Structural Fund must be presented to the European Commission for approval. In the course of the approval process the Commission often acts as an advocate for regional and municipal actors and calls for them to be given greater consideration. For example, the operational programmes of the European Regional Development Fund (ERDF) for the Free State of Bavaria initially failed to include any funding for the Munich region, but was subsequently reworked after intervention by the European Commission. In the final version actors from Munich could then also submit project proposals for reducing CO<sub>2</sub> emissions.



preted the partnership principle in very different ways. There is no recognised standard for the participation of municipalities in the implementation of EU structural policy.

Parallel to strengthening the role of the cities in the implementation of EU regional policy, the Maastricht Treaty (1994) strengthened the consultative powers of Europe's municipalities vis-à-vis the EU institutions by establishing the CoR. The European Commission thus gradually developed closer informal contacts with municipalities. This is a basis upon which the Urban Agenda can build. Since 2017 the Urban Agenda has allowed municipalities and regions to work on an equal footing with member states and the European Commission to develop political strategies for selected policy areas.<sup>5</sup>

## 1.2 The differing institutional anchoring of the sub-national territorial authorities

Europa is characterised by different state structures and administrative cultures that have developed through history. A good overview of the current situation is provided by the compilation (CEMR 2016) issued by the Council of European Municipalities and Regions (CEMR). Thus countries with cities that possess far-reaching competences, such as Germany with its federal system, can be distinguished from countries with centralised state systems, such as Croatia, where the municipalities rather resemble decentralised administrative entities. As well as all the differences between the member states, recent decades have seen a gradual tendency for intra-state structures to become more similar, as Ladner/Keuffer/Baldersheim (2015: 61 et seq.) have discussed. In particular, between 1990 and 2014 the new EU member states<sup>6</sup> have strengthened their sub-national political system and thus their regions and cities. The European Commission also speaks of an alignment of intra-state structures: 'EU member states have generally increased their decentralisation in recent decades – and this is also true of traditionally centralised countries' (European Commission 2012: 165). East European cities have especially benefited from this and have been able to extend their competences and resources. The decentralisation of intra-state structures is stipulated by the European Commission in accession negotiations. Thus the *acquis communautaire*, Chapter 22, stipulates minimum standards for intra-state structures so that European regional policy can be implemented in the new member states from the beginning of their membership.<sup>7</sup> In addition the candidate countries have to define territorial boundaries<sup>8</sup> and establish corresponding administrative entities that are in line with the European guidelines. The use of consistent specifications is intended to facilitate successful applications by member states for funding from the European Structural Fund, in line with EU guidelines – for example by

5 Cf. <https://ec.europa.eu/futurium/en/urban-agenda> (20 April 2017).

6 This refers to the countries accepted into the EU from east and south-east Europe since 2004, which are characterised by their centralised state structure.

7 Cf. [https://ec.europa.eu/neighbourhood-enlargement/policy/conditions-membership/chapters-of-the-acquis\\_en](https://ec.europa.eu/neighbourhood-enlargement/policy/conditions-membership/chapters-of-the-acquis_en) (04 May 2018).

8 In line with the Nomenclature of Territorial Units for Statistics (NUTS).

applying the partnership principle (cf. Elias 2008: 484). Both those member states affected (usually the states with structural challenges) and the European Commission have a fundamental interest in the successful implementation of EU structural policy. In the case of non-payment of EU funds then they are credited to the net contributor countries and are thus no longer available to the intended target group.

This does not lead to automatic alignment but it does give rise to political pressure as both political and administrative instances are often judged by their take up of European funds.<sup>9</sup> Despite the tendency towards decentralisation observed by Ladner/Keuffer/Baldersheim (2015) with their local autonomy index, it is not possible to speak of a general alignment of intra-state structures (cf. Hooghe/Keating 1994: 383). The differences continue to outweigh the similarities. According to Olsen (2007: 81 et seq.) there 'has been no revolutionary change in any of the national systems and no significant convergence towards a common institutional model [...]', as the EU guidelines are largely compatible with the individual national structures.

The limited assimilation of intra-state structures may also be due to the lack of penetration of European law to the regional and local levels. Jacques Delors, the former president of the European Commission, spoke of almost 80% of national laws having a European background (cited in König/Mäder 2008: 439). However, based on an analysis of German laws, König and Mäder (2008: 459) concluded that the influence of EU legislation on national regulations tended to decline after the Maastricht Treaty, with the evidence suggesting a share of 25% at most.

In addition, trends that run counter to the general decentralisation of public tasks can also be identified. Bußjäger (2010) thus points out that clear trends towards centralisation can be noted in Austria.

In the meantime, the effects of European integration have been established as an independent branch of research in political science; this research into 'Europeanisation' subsumes many different approaches (for an overview cf. Olsen 2002; Axt/Milososki/Schwarz 2007). According to Hamedinger and Wolffhardt (2011: 11), Europeanisation leads to 'generating new opportunities for local policy actors', a notion that should be further explored.

## 2 The influence of cities on European integration

Even in federal countries like Germany the federal states act as 'custodians of municipal interests' (Saller 1999: 42). Neither the Basic Law (*Grundgesetz, GG*) nor the constitutions of the federal states include an explicit regulation giving municipalities competences in the area of foreign affairs. Article 32 of the Basic Law divides competences in the area of foreign affairs exclusively between the federal and state levels. The cities are left with limited options to exercise influence on federal and state

<sup>9</sup> The European Commission provides national political actors with a basis for argumentation here by regularly publishing the take-up rates and referring to successful examples of projects financed by the EU; cf. [https://ec.europa.eu/regional\\_policy/en/](https://ec.europa.eu/regional_policy/en/) (06 May 2021).

policy; their interests are primarily communicated to the German federal parliament and federal government or to state parliaments and federal state governments by their respective associations (Association of German Cities [*Deutscher Städtetag*] or the associations on the level of the federal states) (cf. Arthenstaedt 2011: 17).

This contrasts with the situation on the European level. Despite the aforementioned heterogeneity of intra-state structures in the EU member states, the cities have more options to get involved in European politics. Europe's cities celebrated the Maastricht Treaty (1992) as a historic success, as this was the first time they were mentioned as actors in a treaty and were able to officially submit their opinions through the Committee of the Regions (CoR) to the European institutions. Nonetheless the Committee of the Regions (CoR) should not be overrated; indeed, Isensee (1993: 103) described it as a 'folkloric showcase'. Since its foundation in 1994 it has failed to develop its position in the European institutional landscape. The differing constitutions of the members of the CoR helps explain its relatively weak position. It includes representatives of the German federal states – which have a status equivalent to that of nation states – but also representatives of cities, which are no more than decentralised administrative entities with no independent competences. The committee thus has little scope for a dedicated representation of the unique interests of cities with resources and competences (Saller 1999: 250). The formal opportunities for cities to influence European policy therefore remain limited. For this reason it has actually been more effective to strengthen municipal positions in the 'shadow of the hierarchy'. Cities with greater competences thus rely more on the informal options offered by the European multi-level governance system with its numerous opportunities for intervention by state and private actors.

The cities therefore primarily make particular use of the opportunities for involvement provided by consultations, participation in conferences, and (not to be underestimated) direct contacts with members of the European Commission and the European Parliament. The gradual strengthening of the position of cities in the European institutional landscape has been supported in recent years by the former city councillor of Vienna Johannes Hahn and by the former mayor of Leipzig Wolfgang Tiefensee. Both these individuals used their positions as European Commissioner for Regional and Urban Development and as German Federal Minister for Transport, Building and Urban Development and President of EUROCITIES to pave the way for the further development of the European Commission's 'Communication on Sustainable Urban Development in the European Union – a Framework for Action' (European Commission 1998) to the Leipzig Charter on Sustainable European Cities. In this way the cities could gradually strengthen their position in the European multi-level governance system in parallel to strengthening their task-oriented role in the area of cross-border cooperation.

Generally it can be stated that the municipal level increasingly developed from 'a passive to an active actor in the European multi-level system' (Münch 2006: 280). Schultze (2003) similarly argues that the cities mutated from 'policy takers' to 'policy makers'. The European multi-level governance system led to the gradual strengthening of the position of the sub-national levels, especially the cities (cf. Marks/Hooghe/Blank 1996: 346). Since 2009 and the establishment of macro-regions, European

Commission policy has had a stronger territorial focus. This involves – as will be demonstrated – pressurising member states to establish decentralised institutions to implement European regional policy. Macro-regions are a new form of geographically bordered cooperation that focuses on common needs to improve living conditions, environmental conditions and economic conditions. Sielker (2017: 8) argues that this stimulates ‘the development of new policy agendas, new styles of policy making and politics of scale’<sup>10</sup>. The territorial focus should be linked to an intensification of cross-border cooperation, which should then have a positive influence on the involvement of regional and local actors in the European policy process (Sielker 2017: 14). Municipal and regional actors will be more systematically and intensively integrated in the political process on the European level and territorial issues will be increasingly considered by European institutions in their decision-making processes (Stahl/Degen 2014: 191).

The Pact of Amsterdam (2016) with its Urban Agenda<sup>11</sup> introduced a new model of European policy development. The Urban Agenda gives municipalities the opportunity to participate in the further development of European policy through themed platforms. The cities were explicitly invited to work in the committees via their European associations, the Council of European Municipalities and Regions (CEMR) and EURO-CITIES. For the municipalities in particular the establishment of themed platforms provided new opportunities for cross-border cooperation. Platforms of this sort were established Europe-wide in the context of the Urban Agenda and also on a smaller scale as networks of metropolises in the Danube and Alpine regions (cf. Hix/Goetz 2001: 11). The macro-regions (Section 3.1) and the Urban Agenda (Section 3.2) are considered in more detail below.

### 3 New impetuses through the establishment of macro-regions and the implementation of the Urban Agenda

The municipalities were invited to become actively involved in the development of European policy with the development of platforms as part of the 2015 EU Strategy for the Danube Region and throughout Europe with the introduction of the Urban Agenda in 2016. This is in clear contrast to the 1980s when municipal involvement in other (European) countries was still viewed as being ‘in breach of competences’ and problematic (Heberlein 1989: 54). Marks/Hooghe/Blank (1996: 346) attribute this change to the fact ‘that states receive something important in return’, referring to the financial support of the EU. This encourages member states to strengthen sub-national actors so that EU funds can actually be used for successful regional development (Piattoni 2010: 19). This interpretation is supported by the way in which Bavaria promotes the involvement of Bavarian municipalities in cross-border activities through the programmes of the Bavarian Research Alliance (*Bayerische Forschungsallianz, bayfor*) and the ‘Start Transnational’ programme. There are similar initiatives on the

<sup>10</sup> The term ‘politics of scale’ describes new, spatially bordered styles of politics that open up opportunities for participation for local actors thanks to external influences; cf. also Heeg (2008: 256 et seq.).

<sup>11</sup> Cf. <https://ec.europa.eu/futurium/en/urban-agenda> (20 April 2018).

federal level, e.g. administered by the Federal Institute for Research on Building, Urban Affairs and Spatial Development (*Bundesinstitut für Bau-, Stadt- und Raumforschung, BBSR*),<sup>12</sup> and presumably in most EU member states. The purpose of the activities of the federal states and the Federal Institute for Research on Building, Urban Affairs and Spatial Development is the stronger participation of local and regional actors with the aim of acquiring EU funding for the regions.<sup>13</sup>

The following section considers the extent to which the establishment of macro-regions and the Urban Agenda have provided and could provide new opportunities for municipalities to become involved in cross-border cooperation and in other areas of political involvement. The starting point for discussion is the opportunities linked to the establishment of platforms from which municipalities, regions and member states can pursue institutionalised cooperation with representatives in specific fields.

### 3.1 Macro-regional strategies as a catalyst to upgrade the position of the cities?

2009 saw the start of ‘a macro-regional Europe in the making’ (Gänzle/Kern 2016a) with the establishment of the Baltic Sea macro-region. Macro-regions provide a framework for close territorial cooperation. They represent geographically bounded territories within which the various EU member states cooperate. They are based on the existing policy programmes and funding instruments of the EU. Similar to the EU Structural Fund, the member states are obliged to enable cross-border cooperation between the various political levels and actors and to implement policy with the involvement of the relevant regional actors as partners (cf. Gänzle/Kern 2016b: 3). The macro-regions are characterised by the formulation and implementation of policy via platforms. This includes platforms that are initiated with the active participation of the municipalities. In addition to the Baltic Sea macro-region, similar macro-regions have also been established for the Danube region, the Alpine space and the Adriatic Sea.

With their cross-border nature, these new forms of cooperation clearly go beyond the forms of participation that were previously possible, especially for municipal actors. In addition it is possible that the integrative process initiated by the EU will be used by cities to establish an urban network to develop spatial strategies and solutions. Sielker (2016: 92), for instance, believes that the EU Strategy for the Danube Region (EUSDR) is suitable ‘[...] as a platform to “build”, “increase”, “activate” or “strengthen” networks’. According to Hooghe and Marks (2008: 114) the objectively-oriented cross-border cooperation will lead to impetuses to enable the areas to work together by first aligning competences and resources.

12 The Transnational Cooperation (*Zusammenarbeit Transnational*) programme.

13 These notions were emphasised by Thomas Bonn from the Bavarian Ministry of Finance at the announcement of funding decisions within the ‘Start Transnational’ programme on 23 January 2016.

Gänzle and Kern (2016b: 4) see this as opening up new perspectives for regional and local actors. This offers municipalities, especially those with few independent competences, the opportunity to influence European policy on the regional level.

In general, it can be observed that this is accompanied by increased pressure on eastern European states to adapt their intra-state structures to the EU guidelines '[...] as they can only enjoy monies from the Structural Funds with an EU-optimised institutional apparatus' (Huszkak 2010: 24). It is possible here to describe the member states as having an asymmetrical negotiating position vis-à-vis the EU which can be linked to the structural problems of the states (Marks/Hooghe/Blank 1996: 361). In order to use the opportunities that the EU offered the municipalities, and particularly in order to take up EU funding, eastern European member states, which are traditionally characterised by centralised state structures, were forced to adapt their intrastate structures (Ladner/Keuffer/Baldersheim 2015: 10). Börzel and Risse (2000: 2) argue that the member states find themselves forced for rational reasons to organise their structures to be 'Europe-fit' so they can profit from EU funding in the European-wide competition between cities and regions: 'Thus, the logic of rationalist institutionalism suggests that Europeanization leads to domestic change through a different empowerment of actors resulting from a redistribution of resources at domestic level.'

Through the macro-regional strategies the European Commission uses European funding to promote municipal participation in the implementation of the corresponding strategies by the member states, but also actively supports the member states. In addition, the nation states are forced to transfer competences and resources – for example for the co-financing necessary for taking up European funds – to the regional and local levels and, following the partnership principle, to enable these sub-national actors at least a minimum of participation in the implementation of European regional policy. Ignoring these minimum standards hinders the ability of regions to take up funds, as seen in Italy and Hungary, and in a worst case scenario can prevent member states from taking up urgently required European funds. Piattoni (2008: 78) is also of the opinion that the European Structural Fund is not only a funding instrument but also provides the European Commission with a way of influencing intra-state structures. The political leaders of the cities also receive official recognition when they become active in the macro-regions and are no longer viewed as 'annoying' competition to the federal states and countries. The explicit involvement of the cities in cross-border cooperation allows the municipalities to enjoy certain freedoms vis-à-vis the nation states in the shadow of the hierarchy: 'Macro-regional strategies with their fuzzy governance arrangements, described as soft spaces, serve as a tool for stakeholders to operate alongside the existing multilevel governance system' (Sielker 2016: 94).

### **3.2 The Urban Agenda and the growing importance of cities in the European multi-level governance system**

In the context of the Amsterdam Pact on the Urban Agenda representatives of urban regions should be better integrated in national policies and EU policy. This gave the

cities a leading role for the first time. Thus the Urban Agenda prioritised 12 topics that should be addressed by the European Commission together with the member states and interested municipalities within strategic partnerships: sustainable use of land and nature-based solutions, innovative and responsible public procurement, the energy transition, climate adaptation, air quality, inclusion of migrants and refugees, housing, digital transition, jobs and skills in the local economy, circular economy, urban mobility and urban poverty. Since then, the cities have had the opportunity to contribute to the further development of European legislation and to influence European policy in these areas. The CEMR and EUROCITIES are directly involved in the partnerships. Both organisations were entitled to propose municipal representatives. They are also partly responsible for the involvement of other municipalities and the dissemination of interim results.

The level of participation of German cities is, however, disappointing. Only the city states of Hamburg and Berlin and the cities of Karlsruhe, Bielefeld, Erlangen and Weinheim have expressed their willingness to become involved. No German city has taken a lead in any of the abovementioned topics.<sup>14</sup>

### 3.3 Missed opportunities?

The strengthening of the role of the cities is limited firstly by the vague implementation of the guidelines from Brussels in the member states, and secondly by the passive behaviour of the sub-national actors involved. The former is demonstrated by the example of the implementation of the partnership principle in Germany. The way in which opportunities are missed is then illustrated by considering the Bavarian state capital of Munich.<sup>15</sup>

The basic idea of the partnership principle is that local and regional stakeholders should be involved in elaborating the European Structural Fund in a timely and comprehensive fashion. When the operational programmes are drawn up the European Commission ensures that sub-national actors participate, but the member states are nonetheless left with considerable scope for interpretation. A survey of the German members of EUROCITIES 2012 (cf. Saller 2012) revealed that the more urbanised federal states ensured the timely involvement of the municipalities in the elaboration of the EU Structural Fund, in line with the principle.<sup>16</sup> On the other hand, the more extensive and less densely settled non-city states like Bavaria and Saxony interpreted the principle very vaguely so that the municipalities had scarcely any opportunities to exercise influence. The relevant municipal actors are often not directly involved from the very beginning. It is rather the case that the ‘umbrella organisations’ (European Commission 2016: 10) such as the Bavarian or German association of cities are considered during elaboration. There is also no legal necessity

<sup>14</sup> Cf. <https://ec.europa.eu/futurium/en/urban-agenda> (20 April 2018).

<sup>15</sup> The author can draw here on over 20 years of experience he gained working for the state capital of Munich in the field of European affairs.

<sup>16</sup> Before the start of the 2014 funding period, the then Minister-President of North Rhine-Westphalia invited the cities to a specially organised Round Table in the state chancellery.



to identically replicate the guidelines of the European structural regulations in the individual national operational programmes. For example, the stipulation that 5% of the ERDF finance must be spent on urban areas<sup>17</sup> is only binding on the level of the member states, so individual federal states are free to diverge from this. The European Commission is aware of this problem and it is also considered in the relevant documentation of the Commission. Thus the 'European Governance' White Paper calls for 'stronger interaction with regional and local governments and civil society' (European Commission 2001: 2). European policy clearly follows the principle of protecting intra-state structures here, even if reference is made to the responsibility of the member states for implementation.

Such ordinances are thus unable to exercise pressure to give cities more of a say in European policy. This confirms the notion that the support of cities is also dependent on lobbying vis-à-vis the nation states. The European Commission is likely to find itself in a weaker bargaining position vis-à-vis the richer member states as far as imposing the partnership principle is concerned and is thus to a certain extent dependent on their willingness to apply EU law. A great deal thus depends on the level of engagement of the relevant actors. Critical attention must be directed towards whether the cities are aware of the associated opportunities, as is well-illustrated by the state capital of Munich.

The Bavarian state capital of Munich would have had a good chance of making a successful application for official membership or even the lead of one of the platforms of the Urban Agenda in the areas of sustainable mobility, recycling and strengthening employment. However, the municipal departments responsible cited capacity constraints and a lack of political support as the main reasons why such an application was not made. Engagement in European policy is a voluntary municipal task in Germany. This in turn implies that the fulfilment of this task requires a certain amount of political will or appropriate incentives. The example of the state capital of Munich shows, however, that there may not be much political will to become active on the European stage.

An example was given by the Forum Alpinum which was organised by the Free State of Bavaria. In October 2010 the Free State of Bavaria invited political representatives, especially the mayors of towns and cities in the Alpine region, to meet in Munich at the Forum Alpinum, with the aim of agreeing on an intensification of intermunicipal cooperation in the EU Alpine region. Of all people, the mayor of the host city, Christian Ude, was unable to attend due to other important appointments. A similar picture is gained from consideration of the foreign activities of the urban administration of Munich as revealed by their air travel. It can be clearly seen that the city leaders are greatly underrepresented in terms of the number of flights in comparison to the administration. The present author believes that this indicates a lack of political engagement, for instance in Brussels (cf. State Capital Munich 2018).

Ultimately, no political representatives of Munich have participated in events relating to the Danube region (EUSDR) or the Alpine region (EUSALP) that have been held

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17 Cf. ERDF Ordinance (EU) No. 1301/2013 from 20 December 2013, Article 7(4).

outside of Munich. The political leaders of the state capital of Munich have foregone the opportunity of influencing the policies and strategies of the macro-regions. It was only at the EUSALP conference, which was held in the Bavarian state capital, that political representatives of the City of Munich were present. This means that the involvement of the administration is also limited. The state capital of Munich only contributes the activities of the EU-sponsored project 'Landscape and Open Space Development in Alpine Metropolitan Areas' ('Los Dama') to Subsection 7 in the EUSALP. The Bavarian state capital clearly fails to make full use of the opportunities for urban development and lobbying that arise from political involvement on the European level.

As Munich is less dependent on EU funding than other European cities,<sup>18</sup> this seems to support the arguments of Peter John, who suggests that municipalities are less interested in political influence and more interested in funding as 'any public authority becomes alert if it can access pots of money, and for many this is the main advantage of engaging with Europe' (John 2000: 879).

The example of Munich shows that the significance of the Urban Agenda will be limited unless it is possible to make use of its opportunities in local policies. Greater political engagement would require the cities to be more concerned, additional financial incentives or a stronger European awareness. Without more political engagement in Europe it will hardly be possible for the cities to institutionally underpin the increased political importance that they have gained. On the other hand, macro-regions, especially in regions that are lagging behind<sup>19</sup>, can develop their own momentum because topical interests and financial subsidies may act as catalysts and lead to corresponding institutional reforms. However, topic-based cooperation can only develop this momentum in policy areas where actors are directly impacted. It is therefore to be feared that such topic-focused cooperation will remain limited to the macro-regions and that no spillover-effects can be expected.

## 4 Conclusions

Firstly, it seems clear that Thomas Conzelmann is right when he says that the 'nation state still seems to serve as the foremost frame of reference' (Conzelmann 2008: 11). Andrew Moravcsik's theory of intergovernmentalism, which states that the member states continue to have the final decision, thus continues to be valid (Moravcsik 1998: 472). Similarly, Stead/Sielker/Chilla (2016: 112) also believe that 'the nation state remains crucial'. Le Galès (2004: 110) suggests that 'there is no such thing as a Europe of regions or cities in the making'. However, Moravcsik (1998: 489 et seq.) also emphasises that the state does not govern autonomously, but rather adapts to the pressure brought to bear by and the demands of inner-state business and social lobby

18 For instance, Birmingham initiated the European network EUROCITIES to gain better access to European funding (Saller 1999: 101).

19 After the United Kingdom, a net contributor, exits the EU it is to be expected that EU funding will be increasingly targeted towards promoting innovation and regions with a particular need for action. This is likely to result in fewer opportunities for funding for more prosperous municipalities and regions.

groups. Furthermore, economic interactions and dependencies force the state to coordinate its own policies with those of other states.

Thus the creation of macro-regions in particular can lead to new momentum because ‘the more border regions that exist the greater the importance of cross-border cooperation and thus the freedom of action of sub-national entities’ (Dieringer 2010: 363). This also involved a strengthening of sub-national territorial authorities.

The opportunities available to cities change due to the ‘shift from territorial towards functional regions’ (Gänzle/Kern 2016b: 12). Functional problem solving is always tied to a specific area, which determines the competences and resources available to the actors involved. It was both functional, domestically interlinked necessities and European integration that triggered the reform processes in the former EU candidate countries in central and eastern Europe. The European Commission evaluated the readiness of the candidate countries for accession and thus acted as a push factor. The fact that there was a prospect of funding being distributed as part of the European regional policy can be described as a pull factor (Dieringer 2010: 360). ‘Pull factor’ means that the member states have their own interest in its realisation. It thus seems reasonable to suppose that the involvement of the nation states in European decision-making processes could lead ‘to a change in the national political institutions, their administrative practice and their competences, as well as in societal decision making’ (Dieringer 2010: 361). This can trigger processes with their own momentum that may contribute to an upgrading of the local and regional levels (Hix/Goetz 2001: 23); which should not be equated with an alignment of intra-state structures among the EU member states (Conzelmann 2008: 11).

The European Commission must react carefully and cautiously here to avoid encountering resistance from the nation states. Olsen (2005: 26) emphasises that the nation states are still very reserved about granting the sub-national levels greater latitude (cf. also van den Berg/Braun/van der Meer 2007: 425). Thus the strongest involvement of the sub-national territorial authorities must occur in the ‘shadow of the hierarchy’. Conzelmann (2008: 12) speaks here of ‘less visible, but nevertheless sweeping institutional transformations’. This largely corresponds with Franziska Sielker’s analysis, who attributes the successful establishment of macro-regions to its gradual character: ‘An Austrian administration representative argued the concept succeeded because it was precisely a “concrete concept, but **diffuse enough to avoid discussions on competences**”’ (Sielker 2016: 93).<sup>20</sup>

The secret of the success of such a gradual strengthening of municipalities and regions undoubtedly lies in the provision of financial incentives. Thus Beate Kohler-Koch underlines that rather than following a strategy of developing the political multi-level governance system, the European Union influences its structures through funding and strengthening legitimacy, thus building upon the individual interests of the actors (Kohler-Koch 2014: 194). In order to obtain European funds the member states must optimise their structures and programmes, because ‘without an EU-compliant administrative structure [it is] difficult or even impossible to manage the

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<sup>20</sup> Emphases by the present author.

application process, the selection of projects, the administration of funds, project supervision, etc.’ (Huszk 2010: 77). On the other hand, this can lead to a certain institutional momentum: ‘European policy making provides domestic actors [...] with additional resources which enables them to circumvent or bypass their national governments by gaining direct access to the European political arena’ (Börzel 1999: 576).

However, the trend towards alignment described here is not automatic: ‘Strong movements in europeanization as well as strong adaptational pressure do not necessarily translate into domestic structural change. These forces must pass through and interact with facilitating and/or obstructive factors specific to each country’ (Risse/Cowles/Caporaso 2001: 2). In the long term the integration of elements of the centralised state government structures in functional regions can restructure the national political order and transfer more competences to sub-national actors (Olsen 2005: 26 et seq.).

Although Ladner/Keuffer/Baldersheim (2015: 61 et seq.) suggest that a trend towards convergence can be observed, most comparative studies take a critical view of this and find very little evidence for alignment of any kind (cf. Hooghe/Keating 1994: 383) (Börzel 2000: 229). Indeed, Johan Olsen believes that the causality of the effect of Europeanisation is by no means as clear as most authors claim. In his opinion it operates in both directions, which means that the institutional structure of the European Union also adapts to the different intra-state structures. He speaks here of an ‘ecology of mutual adaptation’ (Olsen 2002: 926). If this is so then this would indeed fit with the hypothesis put forward here that the cities could for the first time have the opportunity to emancipate themselves from the nation states and to consolidate their role in the European multi-level system.

‘If mayors ruled the world’ is the title of the book by Benjamin Barber (Barber 2013) in which he describes how local politicians could assume responsibility for international tasks. In reality however – and Munich is a good example – it can be seen that mayors are elected by citizens to take care of local concerns. That is the measuring stick against which they are measured. Their European activities are therefore subordinate to their local responsibility. The question remains whether they will actually make use of the historic opportunity that the macro-regions and the Urban Agenda present. This discussion has made clear that municipal engagement in European politics is linked more to financial opportunities and necessities than to political ambitions. Or, as an employee of the city of Haarlem puts it: ‘If we were eligible for EU funds, we would be more active in EU affairs’ (cited in de Rooij 2002: 464).

Balme/Le Galès (1997: 162) have distinguished between cities and regions that are ‘shining stars’ and those that are ‘black holes’. Only if the cities begin to ‘shine’ beyond the macro-regions will they be able to take a more active role in the context of European integration and to improve their institutional position. This means that they need to actively pursue and fulfil their role and not remain passive spectators.

However, to ensure the effective representation of municipal interests the position of the CoR should be strengthened (Hobe/Biehl/Schroeter 2004: 81). If the cities actually made use of the opportunities offered by the macro-regions and the Urban Agenda this could lead to an alignment of intra-state structures. This could also open up new perspectives for the Committee of the Regions. To date, the heterogeneity of the members of the Committee prevents an effective representation of municipal interests, as suggested by the group theory developed by Mancur Olsen.<sup>21</sup> This would rekindle discussions about a sub-committee of cities within the Committee of the Regions, which could then develop its own institutional momentum.

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21 In his theory of groups, Olson (2004: 43) indicated that certain social groups have particularly good opportunities to influence political processes if they are of homogenous character and are thus able to make clear political demands. This principle can also be applied to the municipalities (cf. Keating 2008: 633).

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Raymond Saller (b. 1966) is responsible for the organisation of urban European policy in the Department of Labour and the Economy of the state capital of Munich. In the course of his work he traces European legislative initiatives relevant to municipal policy and formulates the interests of the city vis-à-vis the European institutions. He was involved in the development of the Alpine and Danube macro-regions from the very beginning and maintains intense contacts with other municipalities in the regions.



## ABSTRACT

### Cross-border spatial development in Bavaria

There are a number of reasons for considering the cross-border dimension of Bavaria's spatial development at the present time. First, there is a new awareness of cross-border development issues on the level of the federal state of Bavaria. This is particularly related to the border between Bavaria and the Czech Republic, which is so historically and politically complex that it has long been difficult to address on the Prague-Munich diplomatic level. Tangible developments have recently been seen here on the 'middle level'. At the same time the start of the macro-regional strategy EUSALP has led to increased discussion of spatial development instruments in the Alpine region.

Second, the significance of borders was placed on the political agenda with unexpected force by the flows of refugees that largely began in 2015. After many years of widespread talk of a 'borderless' Europe, debates about refugee policies and border controls have made clear that the internal European borders still have considerable political significance. In Bavaria this mainly affects its border region with Austria.

Third, a new impetus in cross-border cooperation on the European level can be identified: in recent years the focus was on activities in the immediate border area based on INTERREG-A and Euroregions. These remain important, but there is also a new impetus on the higher level, where macro-regions and numerous bilateral and multi-lateral forms of cooperation are creating new constellations. In Bavaria this can be seen particularly in the relatively new European Region of Danube-Vltava and through involvement in the Danube and Alpine macro-regions.

Against this background, in 2015 the Bavarian Regional Working Group of the Academy for Spatial Research and Planning (*Akademie für Raumforschung und Landesplanung, ARL*) formed a subsection on cross-border spatial development in Bavaria. This large and exceptionally international group spent three years working on numerous facets of the topic at hand. Both the subsection and this publication aimed to find answers to the following questions:

- > How are these current developments changing the constellations of actors and institutions in regional development and spatial planning?
- > What is the significance of borders as spatial elements in the context of the dynamic developments?
- > What are the opportunities and challenges presented by the new instruments and trends for planning and regional development practice?

### Keywords

Borders – regional development – cross-border spatial planning – Alpine region – Austria – Czech Republic





There are a number of pertinent reasons for considering the cross-border dimension of Bavaria's spatial development at the present time. First, it is possible to identify a new awareness of issues of cross-border development on the Bavarian level. At the same time the start of the macro-regional strategy EUSALP has led to increased discussion of spatial development instruments in the Alpine region. Second, the significance of borders was placed on the political agenda with unexpected force by the flows of refugees that largely began in 2015. This affects Bavaria especially along the border to Austria. Third, it is possible to identify fresh impetus in cross-border cooperation on the European level. In recent years the focus was on activities in the immediate border area based on INTERREG-A and Euroregions. These remain important, but there is also new impetus on the higher level where macro-regions and numerous bilateral and multilateral forms of cooperation are creating novel constellations.

Against this background, in 2015 the Bavarian Regional Working Group of the Academy for Spatial Research and Planning (ARL) formed a working group on cross-border spatial development in Bavaria. Both the working group and this publication aim to find answers to the following questions:

- > How are these current developments changing the structures of actors and institutions in regional development and spatial planning?
- > What is the significance of borders as spatial elements in the context of the dynamic developments?
- > What are the opportunities and challenges presented by the new instruments and trends for planning and regional development practice?

