

Cross-border territorial cooperation between France and Germany: evolution, convergence and perspectives

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CROSS-BORDER TERRITORIAL COOPERATION BETWEEN FRANCE AND GERMANY: EVOLUTION, CONVERGENCE AND PERSPECTIVES

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Abstract

Over the past thirty years, new forms and mechanisms of governance have multiplied in the border regions of Europe. The French-German border has seemed to distinguish itself as an early adopter of new cooperation frameworks, often instigated by developments on the European level on the one hand and by bilateral national cooperation on the other hand. This paper delivers an analysis of French and German policies for territorial cooperation, and of the evolution of cross-border cooperation between the two countries. Taking the example of the Greater Region and the Upper-Rhine Region, we scrutinise two different representations of cross-border institutionalisation in-depth. We then discuss the renewed prospects for border regions stemming from the bilateral French-German Aachen Treaty. Following this analysis, we make use of three conceptual lenses – multi-level governance, soft spaces and inter-territoriality – to reflect on the evolution of territorial cooperation across this border. In conclusion, our reflections on the French-German situation inspire recommendations for a next phase in the development of European cross-border cooperation.

Keywords

Cross-border cooperation – France – Germany – Treaty of Aachen – soft spaces – inter-territoriality – multi-level governance

1 Introduction

Since the European declaration made by Robert Schumann on 9 May 1950, France and Germany have been driving forces of the European integration process. Recently, on 22 January 2019, the Treaty on Franco-German Cooperation and Integration – The Treaty of Aachen – was signed, highlighting the ongoing collaboration and putting cross-border cooperation at the forefront by envisaging more competences, resources and faster procedures for the implementation of projects. This development encourages us to revisit the evolution of cross-border territorial cooperation at the French-German border, to analyse trends and processes of convergence, and to open up perspectives on other European border regions.

The shaping and reshaping of cooperation across the French-German border has advanced rapidly over the past decades. This has been in line with the dynamically changing European institutional and legal frameworks, but has also involved important bilateral and national initiatives that shape the understanding of regional cooperation. On the European level, pan-European policies such as the Territorial Agendas and Cohesion Policy provide the broader background for territorial cooperation goals. In this context multiple new forms and mechanisms of governance in and for border regions have emerged over the past thirty years, providing a significant background to understanding the French-German developments. European integration encouraged the progressive consolidation of networks of actors into more or less institutionalised cooperative organisations under varying names and labels such as Euroregions, Eurodistricts or Eurometropolises. The process of European integration furthered this phenomenon, in particular through the early development of Euroregions, which from 1990 have been linked to cross-border EU territorial cooperation funding programmes such as the INTERREG programmes and today are closely associated with the implementation of the EU's Cohesion Policy goals. More recently, the EU has supported integration in border regions through the provision of legal frameworks, such as the European Groupings of Territorial Cooperation, and the recent suggestion to develop a European mechanism to overcome legal and administrative obstacles in border regions (ECBM – European Cross-Border Mechanism). The development of these manifold cooperation platforms and policies provides an important backbone for cross-border cooperation, which is further complemented by bilateral initiatives.

Against this background, we aim first to analyse the evolution of territorial and cross-border cooperation at the French-German border and, second, to examine the specificities of cross-border cooperation using conceptual lenses. We then trace the evolution of cooperation across the border, which has developed within two main areas: the Greater Region and the Upper Rhine Region. Based on these elaborations we discuss the prospects for French-German collaboration ushered in by the new Aachen Treaty. Reflecting more broadly, we mobilise three main theoretical lenses: soft spaces (Allmendinger/Haughton 2009), multi-level governance (Hooghe/Marks 2001) and inter-territoriality (Vanier 2008). Soft spaces describe the co-existence of hard administrative spaces with overlapping soft areas of cooperation where stakeholders tackle specific functional relations. Such spaces can incorporate areas of 'soft territorial cooperation' (ESPON ACTAREA 2018) or 'project territories'. Multi-

level governance describes the policymaking processes across the different levels and scales of government, both horizontally and vertically. Inter-territoriality (Vanier 2008) aims for an 'optimum' of cooperation across spatial scales and governance modalities to approach certain planning issues. These three lenses, while having significant conceptual overlaps, allow the pinpointing of the particularities and varieties of French-German border regional cooperation across scales, themes, competences and narratives, thereby opening new perspectives on other border regions in Europe.

We conclude that the French-German border seems to distinguish itself from other European borders in two ways. First, it has proven to be an early adopter of new cooperation frameworks, often instigated by developments on the European level on the one hand and by bilateral national cooperation on the other hand. We argue that the French-German border exemplifies how soft forms of governance co-exist with the use of legal and administrative tools or hard forms of governance to overcome concrete obstacles, and how, furthermore, cross-border cooperation involves multi-level and inter-territorial dynamics between the local, regional, national and European levels.

2 The consolidation of cross-border cooperation in the EU: policy, financial and legal frameworks

2.1 Policy, financial and legal frameworks for cross-border cooperation in the EU

Territorial cooperation between local authorities has been at the core of intense reflection between European countries for more than 30 years (Dühr/Colomb/Nadin 2010; Wassenberg/Reitel/Peyrony et al. 2015). The objective was to build networks across Europe, to improve understanding of national practices of spatial planning and find inspiration from them where appropriate, but also to cooperate with neighbouring countries and develop European policies, in particular at the cross-border scale and with the support of the EU cohesion policy (Perrin 2021).

Cross-border cooperation was led by consolidated networks of actors and enabled the establishment of more or less institutionalised cooperative organisations, such as Euroregions, Eurodistricts, Eurometropolises, macro-regions or alike. The process of European integration fostered these phenomena. The Madrid Outline Convention of the Council of Europe encouraged such cooperation as early as 1980. From 1990, building on the pioneering work of the Council of Europe in the framework of the Conference of Ministers responsible for Spatial/Regional Planning (CEMAT), EU Member States, with the support of the Commission, began an intergovernmental process in the field of spatial planning. This led in 1999 to the approval of the European Spatial Development Perspective (ESDP) and in 2002 to the creation of the ESPON programme: European Spatial Planning Observatory Network. Reiterated by the Territorial Agendas of 2007 and 2011, which were updated during the German EU Presidency of 2020 with the Territorial Agenda 2030, the discussions focused in particular on the concepts of balanced territorial development and polycentrism,

which imply in particular cooperation between cities and urban-rural partnerships. Progressively, the EU level took up these themes, with the inclusion of 'territorial cohesion' in the Treaty in 2007 and the publication of the Green Paper on territorial cohesion in 2008 (Peyrony 2014, Peyrony 2018). The urban agenda of 2015 is another indicator of EU involvement in planning and urban policies. In parallel to these dedicated territorial or regional policies, the EU advanced the cohesion goals and impacts on national and local planning decisions through funding schemes and directives in other spatially relevant sectoral policies, in particular in transport, energy, climate, maritime affairs and agriculture (Sielker 2018a).

In these policy documents and guidance, the cooperation between sub-state authorities, or territorial cooperation, is considered as a core modality to link territorial development and European construction. This is particularly the case for cross-border cooperation, which develops in response to functional issues that connect both sides of an inter-state boundary. The Madrid Outline Convention and the ESDP, for example, have been linked to cross-border and transnational EU territorial cooperation funding programmes such as the INTERREG programmes, launched in the 1990s, which have since followed an incremental evolution both in terms of budget and territorial scope. They have progressively covered three different scales of cooperation: cross-border, transnational and interregional – the latter referring to territorial networks with or without territorial contiguity. They have redesigned the European map and strengthened synergies within European regions that transcend traditional state borders. Since 2009, four European macro-regions have also developed, which aim to provide strategic guidance for a more targeted use of funding through transnational thematic cooperation (Sielker 2016).

The EU has nearly 40 internal border regions at NUTS 3 level, covering 40 % of its territory and accounting for nearly 30 % of its population (COM 2017). While there were only about 30 such regions in the early 1990s, the latest report cites more than 150 'active Euroregions' (Durà/Camonita/Berzi et al. 2018), not all of which are legal entities such as the ones resulting from the Madrid Outline convention or the EU's European Groupings of Territorial Cooperation (EGTCs). With EGTCs (COM 2006), the EU increasingly aims to support integration within border regions through the provision of legal frameworks, and most recently the proposal of a European mechanism to overcome legal and administrative obstacles (COM 2018).

The bodies that implement cross-border cooperation are only more or less formalised or institutionalised, unlike their constituent authorities that have well-defined legal statutes and competences and fixed geographical administrative borders. Territorial cooperation thus links formal and circumscribed governance units with more informal and contingent organisations that cover spaces with variable and potentially evolving boundaries. Despite the establishment of dedicated statutes such as the EGTC, these organisations do not replace the units or authorities that are members of them. Indeed, the delimitation of national borders and internal territorial organisation are fundamental attributes of the sovereignty of each state. The development of these manifold cooperation platforms and policies provides an important backbone for cross-border cooperation, which is further complemented by bilateral initiatives.

2.2 Cross-border cooperation in France and Germany

In Germany, the 16 federal states or *Länder* are the primary authorities for planning and territorial development. Nevertheless, they maintain continuous cooperation with the national departments. In 1995, 11 *Europäische Metropolregionen* (European Metropolitan Regions) were defined with the aim to adjust planning schemes or policies at the scale of functional regions (Kawka 2016). In 2011, border regions received attention when the German authorities in cross-border metropolitan regions created a network at the federal level: *Initiativkreis Metropolitare Grenzregionen* (Initiative Group of German Regions in Cross-Border Functional Regions) (BMVBS 2013). The underlying rationale is that cross-border employment and trans-European transport and energy networks have grown considerably since the integration of the European market in 1957. Territorial development can no longer be managed from a purely national perspective.

Yet, many challenges and obstacles remain. As a result, the German federal government has been working on pilot projects to contribute to cross-border territorial development. The Concepts and Strategies for Spatial Development in Germany that the federal states and the federal level approved in 2016 emphasise cross-border cooperation and highlight the potential of European cross-border integration (BMVBI 2016).

The French case is characterised by very progressive but delayed territorial reforms, especially regarding the creation of metropolitan government (see Demazière et al. 2022).

Three of the *métropoles* (metropolises) created in 2015 have a European cross-border remit: Lille, Strasbourg and Nice. They are required to elaborate a specific planning scheme, a *Schéma de coopération transfrontalière* (Cross-Border Cooperation Scheme) that must define a strategy and design a roadmap for cooperation and projects with partner authorities in their cross-border area. In addition, some *pôles métropolitains* (metropolitan poles, see Demazière et al. 2022) are located on borders and actively take part in cross-border strategy: Sillon Lorrain, Genevois français.

Taken together, France and Germany thus illustrate how planning requires a combination of institutional and functional approaches. Comparing these cases is all the more revealing as the two countries have developed different – but not incompatible – approaches to planning issues, and aim to link them along their common border.

3 French-German cross-border cooperation: appraisal and inflexions

3.1 Cooperation schemes and entities

Since the Bonn Agreements of 1975, the border between France and Germany has been the subject of intensive cross-border cooperation. This cooperation is structured around two Euroregions that will be analysed in more depth: the Upper Rhine Region

in the Rhine basin and the Greater Region in the basin formed by the Moselle and the Saar (see Figure 1).



Figure 1: Cross-border cooperation between France and Germany /Source: Mission opérationnelle transfrontalière, <http://www.espaces-transfrontaliers.org> (9 December 2021)

The entities involved in the cooperation thus extend beyond the French-German border, encompassing Switzerland in the case of the Upper Rhine, and Luxembourg and Belgium in the case of the Greater Region. The two areas have active cooperation bodies and stakeholders at the regional level, but also at the local level at which Eurodistricts have been set up, dating from the 2003 French-German summit that celebrated 40 years of the Élysée Treaty. Two of them form integrated urban agglomerations: the Basel Trinational Eurodistrict and the Strasbourg-Ortenau Eurodistrict. Three other cross-border bodies at local level are the SaarMoselle Eurodistrict, the Regio Pamina Eurodistrict and the Freiburg Region-Central and Southern Alsace Eurodistrict. With the exception of the Basel Trinational Eurodistrict, they have the status of EGTCs.

The Upper Rhine

The scope of institutional cooperation is identical to that of the INTERREG programme. At the local level, the four Eurodistricts are contiguous and cover almost all of the Upper Rhine territory. Finally, the Upper Rhine has a dense network of medium-sized cities. The specificity of the Upper Rhine territory is the overlapping of different cross-border perimeters and themes, as illustrated by Figure 2.

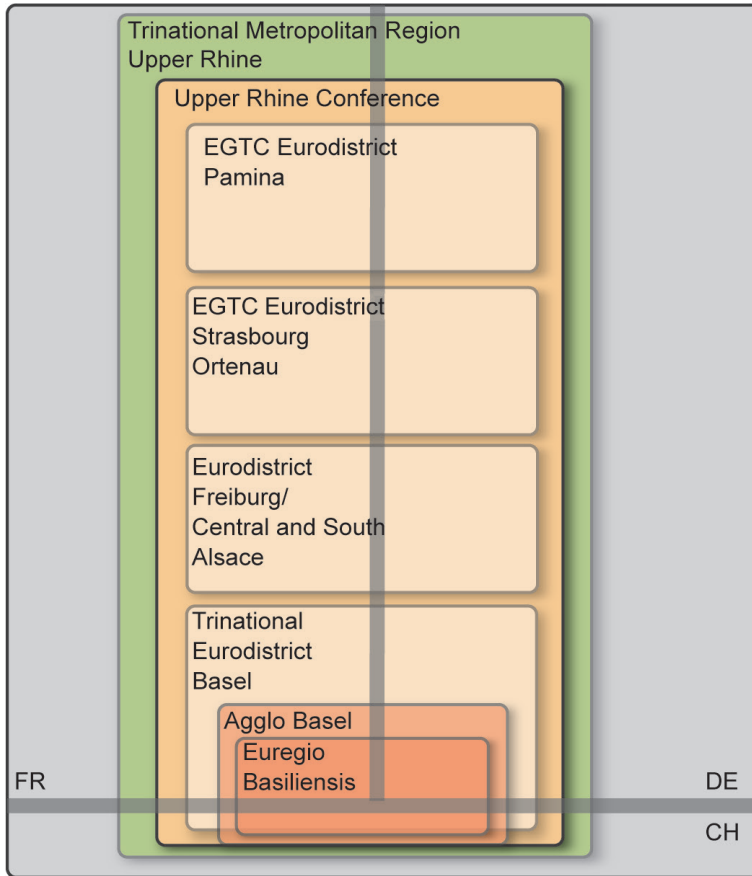


Figure 2: Institutional Mapping of Trinational Metropolitan Region Upper Rhine /Source: ESPON ACTAREA (2018)

The Trinational Metropolitan Region Upper Rhine (*Région métropolitaine trinationale du Rhin supérieur / Trinationale Metropolregion am Oberrhein*) overlaps with the Upper Rhine Conference, the four Eurodistricts, the agglomeration of Basel and the Euregio Basel. Interactions between these structures remain limited and a certain illegibility of the different bodies persists. In addition, contacts between Euroregional (Conference, Council) and local (Eurodistricts) cooperation bodies are limited. Cross-border cooperations are also weakly linked with each other, as well as with higher-level authorities or government services.

Following the ESPON project Metroborder (ESPO 2010), which concomitantly supported a similar strategy in the Greater Region, the trinational metropolitan region, illustrated by the green area in Figure 2, was set up to simplify and rationalise the cooperation area, to optimise governance, to improve the links between cooperation scales and to integrate the political, economic, research and civil society dimensions (Pupier 2019). This requires work on complementarity and adjustment between existing bodies by redefining their roles and scope, in particular the Rhine Council and the Upper Rhine Conference. In addition, the Trinational Metropolitan Region aims to improve multi-level coordination by taking into account networks (economic actors, civil society, Upper Rhine Cities Network) and local cooperation territories and structures (Eurodistricts).

The Greater Region

The governance of the Greater Region shows more national-level involvement than on other borders, in particular due to the involvement of the 'state-region' Luxembourg in the partnership, with several cooperation bodies formed at Euroregional scale: the Executive Summit, the Interregional Parliamentary Council, the Economic and Social Committee. The Summit, as the body representing the executives of the regions and Luxembourg, set up a permanent secretariat with a dedicated team to ensure the sustainability of initiatives beyond the rotating presidencies. The existence of a body of elected representatives and another bringing together socio-economic actors is rather rare. However, quite similarly to conditions in the Upper Rhine, the large number of structures leads to entanglements and duplication, especially on the level of working groups. This situation progressively underlined the necessity to draw up a concrete strategy for the Greater Region and to move from political intent to operational action.

The partners of the Greater Region launched the *Région métropolitaine polycentrique transfrontalière / Grenzüberschreitende polyzentrische Metropolregion* (Polycentric Transborder Metropolitan Region) project with the aim of rationalising governance and improving communication, coherence and complementarity between cooperative bodies and schemes. The ESPON project Metroborder, German domestic policy developments and the MORO projects presented above stimulated this approach. In the Greater Region, the main objective is to provide the area with a critical mass by relying on the structuring networks of medium-sized cities and on rural areas and natural spaces that offer diversified economic and socio-cultural resources. It is thus important to ensure the links between the 'greater-regional' scale and cross-border entities at the local level, like the Eurodistrict Saar Moselle or the EGTC Alzette Belval. This strategy can inform an overall vision of spatial planning and foster thematic issues such as academic cooperation in the form of the University of the Greater Region; environmental issues like river protection, cross-border water treatment plants and the promotion of biodiversity in nature parks; transport; culture and other issues.

Moreover, different views have developed in the area about whether the Greater Region should focus on dealing with the whole institutional territory of the polycentric region or concentrate on Luxembourg and its functional urban area, so as to better manage its cross-border spillovers and initiate the necessary co-development

strategy. Planning stakeholders of the Greater Region are currently involved in an INTERREG project to draw up a spatial plan for the region (*Schéma de développement territorial de la Grande Région / Raumentwicklungskonzept der Großregion*).

For around ten years it has thus been possible to observe that new approaches of cross-border polycentric metropolitan regions have developed in the two main areas of French-German cross-border cooperation. Germany took the lead with its MORO pilot projects, coordinated with European approaches, while France has so far concentrated on territorial reforms concerning regions and cities (including metropolises) with, as far as cross-border aspects are concerned, greater attention being paid to urban agglomerations, reflecting their weight in the French territorial system. These new approaches are now reinforced by the bi-national Aachen Treaty.

3.2 Renewed prospects: from the Aachen Treaty to the EU Cross-Border Mechanism

On 22 January 2019 in Aachen, Chancellor Angela Merkel and President Emmanuel Macron signed a new treaty on cooperation and integration between Germany and France. This agreement extends the Élysée Treaty of 1963 with a real strategy of convergence. It reaffirms the strength of the French-German alliance and asserts the will to give concrete form to a closer relationship and a common commitment to European integration.

The Aachen Treaty marks a real recognition of cross-border cooperation as a central element in European construction, with Chapter IV of the Treaty being entirely devoted to this topic. Its main objective is the elimination of cross-border obstacles to facilitate the implementation of projects and simplify the daily lives of border region inhabitants. To this end, 'the two countries shall provide local authorities in border regions and cross-border entities such as Eurodistricts with appropriate competences, dedicated resources and accelerated procedures to overcome obstacles to the implementation of cross-border projects'; and 'if no other instrument allows them to overcome such obstacles, adapted legal and administrative provisions, including derogations, may also be provided for' (Chapter IV, Article 13, Paragraph 2). The treaty focuses on Eurodistricts as they are products of French-German cooperation, while the two Euroregions involve other states.

The setting-up of a Franco-German Cross-Border Cooperation Committee is one of the treaty's flagship measures. It comprises 'such stakeholders as national, regional and local authorities, parliaments and cross-border entities such as Eurodistricts and, where necessary, the Euroregions concerned. This Committee shall coordinate all aspects of cross-border observation (...), draw up a common strategy for identifying priority projects, monitor difficulties encountered in border regions and elaborate proposals to address them, as well as analyse the impact of new legislation in border regions' (Chapter IV, Article 14).

While the Elysée Treaty triggered controversy about its compatibility with European structures, the Aachen Treaty insists in the preamble that French-German cooperation promotes ‘European unity, efficiency and cohesion’, and is ‘open to all Member States of the EU’ (ibidi.). This is also true for Chapter IV on cross-border cooperation. This is manifest, for instance, in the field of the cross-border monitoring that France and Germany propose to develop on all their borders, joining their efforts in a European perspective (BBSR/MOT 2019). The first implementation of the Treaty’s objectives was the establishment of the European Territorial Authority of Alsace with a specific cross-border remit, as presented below.

The renewed French-German agenda for cross-border cooperation echoes the proposal of the European Commission in its draft regulations for ‘a mechanism to resolve legal and administrative obstacles in a cross-border context’ (COM 2018). The regulation is based on an initiative taken by the Luxemburg EU Presidency in 2015 that set up, with the support of France and the MOT, a working group involving around ten states, EU institutions and stakeholders (MOT 2017). Such a mechanism would allow ‘a common cross-border region, in a given Member State’ to apply ‘the legal provisions from the neighbouring Member State if applying its own laws would present a legal obstacle to implementing a joint project’, under the control of the states concerned and for a cross-border project (COM 2018, Chapter 1). The regulation would also make it compulsory to create cross-border coordination points at national or regional level, facilitating joint action on each border to resolve obstacles and working with the existing European cross-border coordination point (ibidi.). This represents an innovation in terms of designing a multi-level architecture for overcoming obstacles. The proposal, which could represent a critical juncture in the development path of EU cross-border cooperation, still needs to be validated by the European Council and Parliament. If validated this mechanism will represent a paradigm shift, ‘empowering border areas to manage their own integration (functional-horizontal) and institutionalise a policy pathway for resolving border-specific legal or administrative obstacles (institutional-vertical)’ (Engl/Evrard 2019). Yet, since its inception the proposal has at times faced fierce critique and numerous concerns have been raised regarding legal justification, state sovereignty, compliance with the subsidiarity and proportionality principle, thematic and territorial scope, voluntariness and the administrative burden (Sielker 2018b). Though German experts were proactive in the working group that developed the ECBM concept, the position of Germany in official negotiations in the Council has so far been half-hearted (information dated May 2021), while the European Parliament has (with some changes to the legal text) agreed to take the proposal to the next step – insisting on the role of a network of cross-border coordination points. The French government has supported the initiative and the current state agenda considers that, beyond the traditional *égalité républicaine* (republican equality), differentiation and experimentation are core dimensions of territorial development and governance, including in border areas, as seen with the *Collectivité européenne d’Alsace* (European Collectivity of Alsace) (see Section 3.1).

In May 2021, after a meeting of the Council group in charge, the Portuguese Presidency concluded that a majority of Member States wished the withdrawal of the text. The Commission and the Parliament will continue the discussion. So, the exact shape and form that this proposal will take remains unclear. In this sense, the provisions of the Aachen Treaty appear to be at the forefront of such an evolution.

At the same time, the French-German case raises issues about the institutional evolution of cross-border bodies, like EGTCs for instance, which are not supposed to have specific competences. The members of an EGTC conduct their tasks within the scope of their common capacity. The perspective of further cross-border integration, such as that designed by the Aachen Treaty, raises the question of whether EGTCs or equivalent cross-border bodies should receive specific competences (for instance, to manage public services), under democratic control – as Germany always insists.

Overall, we can assert that while Germany and France share common objectives within the Aachen Treaty, they do not draw on the same background. For the German side, cross-border entities could be provided with real competences on condition that representatives were elected by universal suffrage at the cross-border level. The Karlsruhe agreement (1996)¹ already stated that German federal states can in certain cases transfer sovereign competences to local institutions of cooperation, providing the conditions of internal law are met. In France, Sylvain Waserman (2018), the French MP who drew up a report for the French government to prepare the Aachen Treaty, advocated providing cross-border local authorities with exclusive competences and their own fiscal resources (*Établissements publics de coopération intercommunale [EPCI] transfrontaliers* – Cross-border Public Body for Intermunicipal Cooperation). This proposal was not retained by the French negotiators, who objected that it would not be compatible with the French constitution.

Are functional arrangements the ultimate model for European territorial cooperation, or does this model lack a real cross-border democratic dimension? Cross-border regions are emblematic arenas to explore and test social and political evolution. Such perspectives imply a new way to look at Europe, not from the capitals but from peripheries and borders (Balibar 2009), as places to resolve contradictions between states, and to invent shared or post sovereignty. The Treaty of Aachen and the new regulation proposed by the Commission intend to tackle such issues.

4 Reflections on the French-German cross-border experiences through three conceptual lenses: soft spaces, multi-level governance and inter-territoriality

These policy orientations and territorial evolutions were informed and influenced by diverse theoretical inputs from different academic fields with, on the one hand, some key concepts from planning theory and political science, and, on the other hand, the formation of the cross-cutting scientific field of border studies. The evolution and outcomes of the Franco-German cooperation illustrate three conceptualisations in particular, all of which have been repeatedly taken up by practitioners and urban academics or territorial thinkers of various disciplines to theorise cross-regional and cross-national collaboration: soft spaces, multi-level governance and inter-territoriality (see Table 1).

¹ [https://www.euroinstitut.org/fileadmin/user_upload/02_Ueber_Uns/Struktur/Accord_Karlsruhe_Karlsruher_Ubereinkommen.pdf_\(14.12.2021\)](https://www.euroinstitut.org/fileadmin/user_upload/02_Ueber_Uns/Struktur/Accord_Karlsruhe_Karlsruher_Ubereinkommen.pdf_(14.12.2021)).

	Multi-level governance	Soft spaces	Inter-territoriality
Origin in field of research	Political science	Spatial planning	Spatial planning, political geography
Key message	<p>Differentiation between two types of multi-level governance, overriding the dominance of government on administrative scales:</p> <p>I: Small number of nested jurisdictions serving a general purpose in a hierarchical order (Russian doll set) and with responsibility towards mutually exclusive territories, (institutional).</p> <p>II: Task-specific cooperation, fluid, with intersecting memberships aiming to solve problems or provide services, functional arrangements with many, often overlapping units (functional approach).</p>	<p>Soft spaces describe the co-existence of hard (administrative) spaces and fluid, functional, relational spaces.</p> <p>Spatial planning, a discipline which ultimately is linked to legal specifications over use of space, did not follow the presumption that relational and networked spaces are the future. Instead, the argument developed that both types of spaces will co-exist.</p>	<p>Combination of the territorial and relational approaches to planning spaces and areas. Attempt to reconcile and combine 'fixed' territories (of policies) and 'mobile' networks (of life).</p> <p>Pluralities of both experienced and perceived territorialities. Daily lives cross residential, professional, recreational or service areas and places.</p> <p>Interconnection between these diverse spatial occupations and usages has been facilitated by the improvement of mobility and communication.</p> <p>The interweaving of life and policy territories calls for a reconfiguration of planning systems with more coordination and linkages between stakeholders and institutions to implement common policies in a relevant common area.</p>

	Multi-level governance	Soft spaces	Inter-territoriality
Foundation in theoretical debates	Governance, authority over jurisdictions, distribution of policy competence, European integration.	Territoriality (relational, network and territorial, administrative conceptualisations)	
Key authors	Hooghe/Marks 2001	Allmendinger/Haughton 2009	Vanier 2008
Commonalities	Reflection on the co-production of government and policies across scales Role of spatial planning and territorial cooperation to respond to a situation of cooplexity: adjust policy schemes to multi-scale and multi-actor ensembles that bridge institutional boundaries without changing institutional and policy prerogatives.		

Table 1: Overview of theoretical concepts / Source: authors' elaboration

4.1 Soft spaces

The concepts of 'soft spaces' (developed by Allmendinger/Haughton in 2009) and 'soft planning' are particularly insightful when considering cross-border ensembles with fuzzy boundaries, which are set up at diverse scales or for specific development operations and which often overlap administrative or institutionalised hard boundaries. Soft spaces refer to a flexible and potentially evolving delimitation of regions, depending on the objectives pursued and the partners involved (Allmendinger/Haughton 2009; Allmendinger/Chilla/Sielker 2014). These overlap with the existing hard spaces and may be temporary or may 'harden' (Metzger/Schmitt 2012). It did not take long until the concept of soft spaces was used to explain developments at the European scale. Paasi (2012) argued that border studies were being reanimated through debates on soft spaces, overcoming the traditional territorial-relational divide. Faludi (2013) and Sielker (2014) used the concept to explain macro-regional cooperation across the EU. Sielker (2014) raises the argument that, building on the soft spaces literature, one can understand borders as 'soft borders', where new, sometimes flexible borders develop alongside territorial or national ones.

Allmendinger, Chilla and Sielker (2014) argue that soft spaces offer an opportunity for re-territorialisation, and that actors on the European scale use these fuzzy frameworks for agenda-setting activities. Yet, taking a relational view towards territory and cross-border cooperation, following Nienaber and Wille (2019), continues to be of help for understanding the nexus between networks, governance and territorialisation in informal cross-border planning activities in particular. These concepts can be applied to European cross-border or transnational regions whose limits and fields of action are not stabilised compared to institutionalised territorial units.

In Section 3 we illustrated the manifold territorial cooperation structures that are more or less formalised at the Franco-German border. As at other European borders, and despite the establishment of EGTCs, these organisations are not intended to replace the units or authorities that are members of them. Indeed, territorial organisation and planning competences remain a fundamental attribute of the sovereignty of each Member State. Yet, the overlapping project territories and ‘areas of soft territorial cooperation’ (ESPON ACTAREA 2018) that shape the border regions offer a variety of spaces to tackle specific problems and include the stakeholders needed for specific tasks. For example, the Eurodistricts may be institutions to manage funds. However, they constitute scales to meet common challenges. So far Eurodistricts do not manage large funds or process significant investments (e.g. the Strasbourg–Kehl Tram) but in the most advanced cases of Basel or Geneva, the Eurodistricts or equivalent bodies play an essential coordinating role. The question is whether the French and German sides would be willing to increase their competences (with cross-border democratic control). Ultimately, the issue concerns how soft and hard governance forms can be combined. Some softer forms of cooperation such as the Trinational Metropolitan Region may also serve the purpose of coordinating transport policies or other sectoral planning approaches. We conclude that the French-German border illustrates the increasing co-existence of soft forms of governance and the use of legal and administrative tools or hard forms of governance to overcome concrete obstacles.

4.2 Multi-level governance

The concept of multi-level governance, developed by Hooghe and Marks (2001) to explain the functioning of the EU, also proves insightful to analyse cross-border governance arrangements. The ability of actors to adjust their interests, to implement collaborative approaches, is a key variable for the operationality of such arrangements. The cooperative dynamics of governance systems is all the more important in cross-border unconventional spaces that integrate new and changing combinations of actors from different national systems. In this sense cross-border cooperation embodies a situation of ‘cooperativity’, which characterises many planning operations and refers to the combination between complexity – of spatial and governance configurations – and cooperation – between involved stakeholders (Perrin 2022).

The French-German border illustrates such intertwined coordination amongst multiple layers of government. To truly foster cross-border integration, coordination is needed on a horizontal as well as on a vertical level. The various cooperation forms presented above show that the border reality calls for a coordination mechanism to link the levels of French and German authorities that deal with similar topics and themes. The Eurodistricts are a prominent example. Yet, it is not always sufficient to coordinate between territorial stakeholders on the vis-à-vis level. Rather, for territorial coordination and integration such stakeholders also need to coordinate with the levels above and below. All together a picture appears where bilateral approaches serve the purpose of informing the national level, e.g. through GIS platforms, while cooperation platforms instigated by European developments serve the purpose of coordination with the EU level, e.g. through INTERREG implementation. Border regions are there-

fore in particular need of human resources to organise cross-border multi-level integration. The Treaty of Aachen is a new development that explores the competences needed for further integration at this point, and instigates new multi-level governance perspectives.

4.3 Inter-territoriality

The concept of inter-territoriality (Vanier 2008) specifies and adapts multi-level and multi-stakeholder governance approaches to territorial and planning issues. Like in the soft space approach it takes the planning analysis beyond the territorial-relational divide. It draws on the fact that more and more territories have become plural and overlap in everyday life, between residential, professional, recreational or service functions. Interconnections between these lived territories is made easier by the improvement of mobility and communication capacities. This territorial intertwining implies a reconfiguration of planning mechanisms to better coordinate and articulate the concerned actors and institutions, to combine fixed territorial policies with variable territorial usages. This approach assumes that the network and cooperative dimension of territorial organisation will progressively prevail over the logics of division and fixed boundaries. The challenge is less to change the institutions' legal or geographical perimeters, in other words to look for a 'territorial optimum', and rather to improve their capacity to cooperate. This vision is particularly relevant in France, in a context of so-called 'horizontal' decentralisation in which the hierarchy remains weak between the different territorial authorities and their groupings, many of which have relatively limited budgets and relatively unspecialised prerogatives, while the state and its services remain transversal actors in public policies. However, the inter-territorial approach applies to various domestic or transnational planning contexts that must respond to a situation of 'complexity', which as we saw particularly concerns cross-border cooperation.

Similarly to cross-border cooperation in Europe in general, the French-German border tackles an immense diversity of themes relevant for territorial development, as represented by innovative governance structures embedded within the existing stakeholder landscape. The identification and implementation of joint cross-border agendas is unique to every border despite the common set of tools offered by European territorial cooperation. Inter-territoriality helps us to understand the amendments of the different units of cooperation to the issues at stake, and ultimately suggests that the picture seen today is bound to change with the topics and agendas of the future.

All in all, these three lenses indicate that the French-German border specificities involve developing ever more nested arenas of cooperation, which are prone to constant amendments and re-evaluations.

5 Conclusion and recommendations

In a context of growing Euroscepticism, cross-border cooperation between France and Germany can play an important role in promoting the potential of border territories and their contribution to European integration.

A high-level political agenda and concrete initiatives confirm these perspectives. The Aachen Treaty represents an important step since it dedicates a specific chapter to cross-border cooperation, which acknowledges the role of Eurodistricts and installs a bi-national, multi-level, cross-border cooperation committee. It could be the forefront of a generalisation in cross-border mechanisms, as proposed by the European Commission. Additionally, this new framework is concomitant with the creation of the European Collectivity of Alsace.

The cases of France and Germany thus show that cross-border cooperation can advance and reinforce an innovative path, in spite of very different state territorial and policy organisation. They signal more general dynamics of spatial and territorial Europeanisation. With the development of territorial cooperation in a constantly top-down and bottom-up process, European policy guidelines and programmes help promote renewed meta-geographical references and normalise innovative bodies on transnational and cross-border scales. Europeanisation is also observed in the interaction between the French-German bi-national agenda for cooperation and the EU proposals for a cross-border mechanism. The French-German situation furthermore shows that state capacity remains a significant variable in the advancement of territorial and cross-border cooperation, be it a central or federal state, or in the frame of the European Council.

Cross-border cooperation between France and Germany also confirms both the complex and 'intermediary' situation of cross-border schemes. In the Upper Rhine and the Greater Region, the vitality of cooperation led to the multiplication of bodies, based on diverse and evolving arrangements. Currently we observe trends towards a certain rationalisation and 'de-complexifying' of the cross-border schemes, with the projects of *Région métropolitaine trinationale du Rhin supérieur / Trinationale Metropolregion am Oberrhein* (Trinational Metropolitan Region Upper Rhine) and *Région métropolitaine polycentrique transfrontalière / Grenzüberschreitende polyzentrische Metropolregion* (Polycentric Transborder Metropolitan Region). Such dynamics question the institutional capacity of cross-border bodies, which so far remain in a sort of 'in-between' functional and institutional situation: between soft spaces of cooperation, flexible and low intensity governance schemes, and hard perimeters and the effective capacity of the authorities that compose them. Indeed, cross-border coordination and development is dependent on a border-based mix of soft forms of governance and uses of legal and administrative tools, or hard forms of governance.

The joint action of Germany and France can represent a step further in cross-border European construction. If they coordinate their efforts, the two states have the capacity to promote the approach defined by the Aachen Treaty, and they can set up

joint pilot projects, such as those of cross-border metropolitan regions. In this sense, the evolution of cross-border cooperation between France and Germany during the forthcoming 2021-2027 programming period can achieve significant inflexion and represents a salient experiment for the future of EU territorial integration.

The Franco-German experience can inspire developments in other cross-border cooperation areas. We suggest three main directions:

Recommendation 1: Institutional and civil empowerment of cross-border cooperation

- > Transfer of appropriate capacity, dedicated resources and accelerated procedures for border and cross-border authorities to overcome obstacles to the implementation of their cross-border projects, with a flexible combination of institutional (hard) and functional (soft) approaches. The terms of the Aachen Treaty, or the project of ECBM, can inspire such institutional evolution.
- > Full and systematic involvement of citizens through civil fora or generalisation of people-to-people projects. This evolution can be a first step towards a more formal democratisation of cross-border bodies, like the cross-border elections of representatives.

Recommendation 2: Streamlining and normalisation of cross-border cooperation

- > Reinforcement and streamlining of the monitoring of cross-border cooperation into a multi-level harmonised mechanism, which could jointly coordinate cross-border affairs on each border at all levels: within each state (inter-ministerial coordination and coordination with territorial authorities), between states and territorial authorities, and with EU authorities. Such a mechanism could be in charge of coordinating the transposition of EU directives and regulations (particularly the potential ECBM regulation), contribute to the co-elaboration of EU or intergovernmental policies (cohesion policy, other EU policies, territorial or urban agendas) and coordination of EU programmes, coordinate cross-border observation, define a common strategy for choosing priority projects, and monitor the difficulties encountered in order to find solutions. The French-German Cross-border Cooperation Committee can act as a first model to inspire the creation of such a mechanism.
- > Systematic inclusion of cross-border issues in the national or any other domestic planning documents and policies. This calls for systematic coordination between the concerned authorities and stakeholders of a common border area.
- > Better contribution by the European territorial cooperation programmes (2021-2027) towards identifying territorial priorities and obstacles, and fostering an appropriate cross-border governance and development strategy on a specific border, defined in collaboration with the concerned stakeholders, including the citizens.

Recommendation 3: Observation and scientific support for cross-border cooperation

- > Better capitalisation and dissemination of the immense amount of work and studies on cross-border cooperation at national and European level, via the network of cross-border contact points, with the financial support of national and European technical assistance and network programmes (Interact, Urbact, ESPON...). The mobilisation of this corpus can support and orientate the institutional evolutions recommended above.
- > Setting up an operational system of cross-border observation, linking local, national and European observation apparatuses at the service of cross-border data production and analysis. This project can draw on French and German initiatives like the Cross-border Strategic Committee (CST) on observation or the Memorandum for a European Network for Cross-border Monitoring (BBSR 2019). Sharing better common knowledge on cross-border dynamics can allow narratives to be shared and a common narrative to be built, which, beyond institutional or functional evolution, represents another crucial issue for European and cross-border integration.

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