

# Challenges to further up-take of the EGTC tool – a policy science approach to the critical moment of creation

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## Abstract

The chapter uses theoretical insights from policy science and public policy studies to argue that more attention should be paid to the critical moment of EGTC creation in order to understand the extent to which the EGTC instrument has been successful or not in terms of being used. The chapter reviews cross-border institutional development processes at three different borders and border sections, out of which two led to the creation of an EGTC and one did not. Zooming in on moments of institutional transformation and/or the foundation of an EGTC helps answering the question why there has not been an even higher uptake of the EGTC instrument. The examination of processes at the Slovak-Hungarian, the Romanian-Hungarian-Serbian and the Danish-Swedish borders demonstrate how the likely uptake of the EGTC format increases at times of upheaval, which can be understood as windows of opportunity. However, for institutional transformation to happen, the moment of getting current participants in the organisation to agree to the new format represents a moment of risk, and risk-averse actors may choose to rather “not rock the boat”. The presence or absence of policy entrepreneurs, in combination with political and policy events turn these times into critical junctures, casting shadows over the organisational ecology of a specific border region for considerable time.

**Keywords:** cross-border institutional path dependence, organizational ecology, policy entrepreneur, EGTC foundation, critical juncture

## I. Introduction

Border studies is an inter- and intradisciplinary field of study (Newman, 2005), the result of which can be found in academic outlets such as the *Journal of Borderlands Studies* and a steady stream of edited volumes (e.g. Paasi et al., 2019; Jordana et al., 2019; Nadalutti & Kallscheur, 2018). It comprises scholars from different disciplines, all of which can contribute to a better understanding of EGTCs, including their emergence, the legal conditions under which they operate and the effects on their social, economic and environmental surroundings. This chapter is written from the perspective of a political scientist, belonging to a discipline which with respect to border studies generally seeks to “examine the emergence of cross-border institutions and to document a certain measure of autonomy of cross-border governance networks from the state administrations” (Popescu, 2012: 129). However, political science is also multi-faceted. Taking into consideration this volume’s focus on the legal aspects concerning EGTCs, one particular sub-field of the discipline is reviewed and applied. This is the policy science (or public policy) subfield of political science, which is closely related to the field of law, since policy is the output of politics, and law is one of the most visible forms of policy. A further reason is that the distinction between policy as a field of action and politics/policy can be especially useful when attempting to understand the role of EGTCs in territorial governance (Ulrich, 2020: 58).

Just as politics is divisive, there is disagreement on what constitutes policy success versus policy failure, which has given rise to a cottage industry of conceptual and empirical research (McConnell, 2010). Ideally, policy can be evaluated against goals that were defined and articulated during the legislative processes. Indicators may be difficult to find or agree upon, though and perception of the policy may vary between various affected groups and might substantially differentiate between internal and external evaluators. The European Grouping of Territorial Cooperation instrument (EGTC) has been evaluated multiple times by key European Union institutions. It has been the subject of regular monitoring by the Committee of the Regions, the latest covering 2018-2019 (CoR, 2020a), it has been evaluated per request of the European Parliament’s committee on regional development (Zillmer et al., 2015) and perhaps most importantly, it has been the subject of two formal reports in accordance with provisions laid down in the 2006 regulation and its 2013 amendment (EC, 2011; EC, 2018). It has furthermore been assessed by independent think tanks and scholars, many of whom are represented in this volume. These have looked at many aspects, but in a simplified manner one can distinguish between two simplistic measures: 1) Has the instrument (EGTC) been used? 2) What has it achieved? While the latter is more difficult to answer and usually constitute the pursuit of research, the former will be in focus in this chapter.

The task to assess whether the uptake of the EGTC tool has been successful is more complex than it might seem at first. Since the Committee of the Regions is obliged to keep a register of EGTCs, it is relatively easy to get an overview of the overall number of EGTCs and their type, e.g. programming, project, network or cross-border cooperation (Svensson & Ocskay, 2016: 4). The first wave of EGTCs were created a few years after the adoption of the regulation, and a second wave came after the 2013 amendment. In 2020, there are over 70 of these entities (CoR, 2020b), most of which are established for local and regional cross-border cooperation purposes, and more are under negotiation. Clearly, there could be reasons for those who had hopes for this instrument to be satisfied with what has been achieved. However, it is equally clear that there would be room for more, both in a literal and a figurative understanding. If we see the metaphorical glass as half-empty, it is worth asking, why are there not even more EGTCs? Part of the explanation can be sought in the way the regulation was formulated, which also led to the amendment of the legislation in 2013, and national transposition and approval processes. However, excluding the discussion on how Member States have handled the EGTC regulation, this chapter uses theoretical insights from policy science and public policy studies to argue that more attention should be put to the critical moment of EGTC creation. The chapter examines this through case studies of three different institutional pathways at the Slovak-Hungarian, the Romanian-Hungarian-Serbian and the Danish-Swedish borders. The cases were selected to allow for analysis of two instances that eventually led to the creation of an EGTC, and one instance where this did not happen. It is the proposition of this text that a better understanding of how EGTCs emerge, or do not emerge, will help lawmakers at both European and national levels to evaluate and address the institutional contexts in which the EGTC regulation is embedded.

## II. A theoretical framework derived from policy science

The sub-field of public policy grew out of efforts starting in the 1940s in the US to institutionalise policy sciences as an applied science seeking to help alleviate societal problems through increased focus on the output from political systems (policies) rather than the institutions (e.g. parliaments, parties). Focal events included World War II, efforts to reduce inequality, especially by eradicating poverty (the “war on poverty”) and the Vietnam War (Leon, 2008). In addition to the applied efforts through which social phenomena and their related policies were studied in order to produce improved or new policy prescriptions, i.e. analysis *for policy*, typical questions also included why and under what conditions policies change, and what are the consequences of specific policies, i.e. analysis *of policy* (Parsons, 1995: xvi; Bardach, 2012; Dye, 2005; Peters, 2015; Etzioni, 2008). Theoretical work has given different

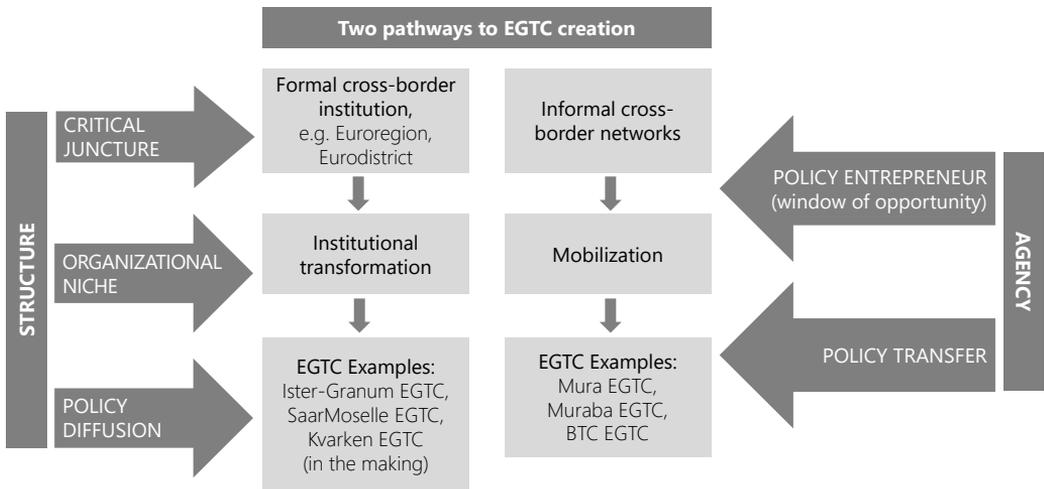
weight to *structural* factors related to the environment within which the policy is situated, and *agency*, i.e. the notion that individuals or organisations acting in unity can deliberately impact policy (Cairny, 2020: 10).

Neo-institutionalism is a theoretical approach emphasising structure that developed in the 1980s as a response to behavioralism and old institutionalism. It focused on “the rules, patterns, and relationships that influence patterns of behaviour in politics and policymaking” (Cairney, 2020: 75), and was very influential in the field. Historical neo-institutionalism emphasized the importance of past events for how a specific policy develops. The concept of *path-dependence* highlighted how choices or events related to a specific *critical juncture* will have importance down the line of events (Hall, 1992; Hall, 1996), and imply “initial unpredictability but subsequent inertia, as relatively small events and actions have large and enduring effects on institutions” (Cairny, 2020: 83). In studies of borders and border regions it has been used to study the development of Schengen (Zaiotti, 2013) and violence at the US-Mexican border (Payan, 2014). Telle and Svensson (2020) used an institutionalist approach in the study of EGTCs in central Europe by applying the concept of organisational ecology (Abbott, 2016), which explains the emergence of organisational forms through looking at their external environment, especially on whether there are *organisational niches* that can be occupied depending on what other types of organisations exist or does not exist. Organisational fit also has an impact on the potential for organisational cooperation versus competition.

The literature of how policy spread across political systems has given rise to the concept of *policy diffusion*, which takes a structural perspective, whereas *policy transfer* usually gives more room for agency (Batory, Cartwright & Stone, 2018:5) and *policy entrepreneurs*. The latter concept played a key role in the multiple streams framework model (Kingdon, 1984), in which policies that will be chosen for a specific problem become less predictable due to non-rational behaviour of actors wedded to certain beliefs and action patterns (norms and ideas). While this theory had important structural elements in its view of the policy process as three streams (problems, politics and policy), it gave prominence to policy entrepreneurs as the catalysators of change when windows of opportunity opened at the intersection of streams (Mintrom, 1997; Cairney, 2018). In borderlands studies, a recent article applied the multiple streams framework to explain how the novel idea of a European Cross-Border Mechanism, a regulation through which a Member State could apply the law of a neighbouring Member State for cross-border cooperation purposes, made it up the European Commission’s agenda (Engl & Evrard, 2019). It has also been demonstrated that actors internal or external to a specific border region can serve as *policy entrepreneurs* to stimulate the creation of cross-border organisations (Svensson, 2018: 138) and also that cross-border organisations themselves can act as policy entrepreneurs (Medve-Bálint & Svensson, 2013).

With relation to EGTC creation, this is important since they are not created from a blank sheet. The EGTC is an institution that to varying degrees draws on the experiences, expectations and existing networks among the actors that are driving the process. For instance, I have, through research on the Norwegian-Swedish, Austrian-German and Hungarian-Slovak borders, showed how experience of domestic inter-municipal cooperation is a valuable asset for cross-border cooperation (Svensson, 2015). However, even taking into account that there is always a history preceding the creation of an EGTC, an important distinction can be made between the following types: (1) An EGTC with a formalised institutional history, i.e. before the EGTC there was some kind of Euregio, border committee, which regardless of legal rights and format had its own institutional identity and resources – *institutional transformation*. (2) An EGTC that is created between members that previously only had loose or informal networks among each other – *mobilisation*. Figure 1 displays how these pathways may be impacted by the factors described above.

Figure 1: Two pathways to EGTC creation and critical concepts



Source: Own elaboration

The positioning of the pathways in relation to factors of structure versus agency indicates the relative weight of these (e.g. Alexander, 2005), even though there is never an exclusive structure or agency explanation. In the next section, the framework will be applied to critical moments of institutional development in three border regions.

### III. Cases of (EGTC) creation and non-creation

Social science research often neglects “negative” or “non-cases”, i.e. contexts where something did *not* happen (Mahoney & Goertz, 2004). This chapter avoids this methodological trap by including one negative/non-case in addition to one case of institutional transformation and one of mobilisation. The case studies draw on secondary scientific literature where available, examinations of documents available on the websites of the involved institutions and 14 interviews with key actors. All but one of the interviews were carried out in 2020, mostly over digital platforms due to Covid-19 related travel restrictions<sup>1</sup>. Case selection and the framing of questions were also aided by around 200 interviews carried out by the author for previous research on European cross-border cooperation (Medve-Bálint & Svensson, 2012; Svensson, 2013a; Svensson & Ocskay, 2016).

#### III.1. The Ister-Granum EGTC at the Slovak-Hungarian border

The first case illustrates a process, in which an existing Euroregion was transformed into the Ister-Granum EGTC, which consists of 82 local governments located around the rivers Danube, Ipel and Hron at the central part of the Slovak-Hungarian border. The biggest towns are Esztergom in Hungary and Štúrovo in Slovakia, which have 28,000 and 10,000 inhabitants and are located on opposite sides of the Danube River. They are connected by the Mária Valéria Bridge, which was inaugurated in 2000 and features frequently in tourism promotion materials from the area and in the logo of the EGTC. The previous bridge had been destroyed in WWII, more than fifty years earlier, and the reconstruction was perceived as not only the necessary precondition for setting up a regional cross-border cooperation framework, but also as an important symbol of unity. It was therefore not a coincidence that a declaration of intent to set up a cross-border cooperation was signed in 2000 by the Slovakian Juzný Micro-region and the Hungarian Esztergom-Nyergesújfalu Microregional Development Association, which together covered 35 local governments across the border (Eck, Jankai & Ocskay, 2007; Ister-Granum EGTC, 2020). Local contacts and promotion of cooperation was facilitated by the wide-spread use of the Hungarian language on the Slovak side, the result of how borders were redrawn after WWI (Balogh & Pete, 2018). After the preparatory stage, the Ister-Granum Euroregion was established in 2003 with more than 100 participating local governments from Komárom-Esztergom and the neighbouring Pest county in Hungary and Nitra county in Slovakia (Ister-Granum EGTC, 2020).

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1 I am grateful to the Robert Schuman Centre for Advanced Studies at the European University Institute, Florence, for providing me with the opportunity to conduct these interviews while a Jean Monnet Research Fellow at the Centre.

In 2008, Ister-Granum transformed into a European Grouping of Territorial Cooperation (EGTC). Ister-Granum was the second Euroregion in all of Europe to do so, and it therefore received considerable international attention, including invitations to its management and political leadership to speak at practitioner conferences and seminars. When the author of this chapter carried out almost 70 interviews with mayors of member municipalities, they would frequently refer to this period as a ‘golden time’ of enthusiasm around the creation of the EGTC (Svensson, 2013a). Their enthusiasm around the Ister-Granum EGTC can indirectly be linked to the creation of the EGTC tool itself, since the local cross-border institutional developments in this particular borderland had happened in parallel with a European-level advocacy and policy-making process leading up to the adoption of the European Parliament and the Council of European Union of the EGTC regulation in 2006 (Evrard & Engl, 2018). Knowledge about this tool was early passed on to Hungarian borderlands, partly because a Hungarian member of the European Parliament – István Pálfi – had been an especially active advocate, combining his belief in the European project with the promotion of cross-border cooperation at Hungary’s borders, particularly but not exclusively between Hungarian-speakers on the respective sides.

The manager of the Ister-Granum Euroregion was one of those who heard about this tool and, as he later recalled, “became curious of it” (Interview 2020-03-03). The manager played a crucial part in gathering the necessary information and leading the administrative work surrounding the establishment of the EGTC. This in combination with István Pálfi having called the Ister-Granum Euroregion the “most exemplary and most comprehensive” cross-border cooperation in the border areas surrounding Hungary (István Pálfi Memorial Website, 2012), make its early EGTC creation unsurprising. Expectations for Ister-Granum to serve as a showcase, together with personal stakes related to the usage of the EGTC legal instrument, might have accelerated the discussion process around a legal reconstruction.

A somewhat neglected part of the Ister-Granum foundation story, though, is that it also represented a critical juncture in the organisation’s existence. While mobilisation of knowledge about the new tool had been successful, the transformation still required members of the existing Euroregion to actively endorse the new organisation, something which entailed more conscious thinking and effort than simply staying on in the existing organisation. Members would take the moment of transformation as an opportunity to reflect on cost and benefits of membership. In addition, and perhaps paradoxically, the organisation’s gain in visibility also made it more vulnerable to subnational and national political power games. The introduction of the EGTC tool was supposed to give a more secure legal position, but members also expected it to improve access to European funds. As expectations of direct returns to individual local governments in the form of external funds had

been an important instrumental motivation for municipalities to take part in cross-border cooperation, some found that if such expectations had not been fulfilled it was not worth continuing to contribute even the modest membership fee and time investment required. In the case of Ister-Granum, this meant that 14 local governments never joined the EGTC, and seven more left the organisation in its first three years of existence.

This exit of members coincided with the enthusiasm of the golden time giving way for an era of turmoil, as the manager who had been the driver of the legal reconstruction was replaced under circumstances that were unclear to members and perceived as being due to personal difficulties with the mayor of Esztergom. The subsequent manager did not make visible efforts to connect to representatives of the many small settlement members, which the previous one had, and interviewees seldom indicated trust in his commitment (Svensson, 2013a). While subsequent research has demonstrated “the important role that Ister-Granum has been playing in coordinating formalised cross-border cooperation” (Balogh & Pete, 2018: 613) and established that it is one of the most mature cross-border institutions at the Slovak-Hungarian border (Törzsök & Majoros, 2015), there has also been criticism from members with regards to deficits in the integration of and service to small member municipalities, inability to overcome territorial challenges, and varying levels of engagement by the secretariat and leadership (Balogh & Pete, 2018).

This testifies to certain lingering issues surrounding the democratic anchorage of the organisation in the political bodies of its members and how it balances against the need for managerialism and action space for other stakeholders. While the decision-making procedures remain solely with the 82 members as represented by their mayors, this constrains the policy-making capacity. As noted by Engl (2016: 157), “the procedural frame to develop and implement concrete cooperation activities neither has permanent structures nor does it follow a formalised open approach that includes diverse actors and stakeholders [...] No other political representatives, either from other political institutions or from other levels of government, are included in the institutional cooperation framework.” At the same time, the members crave initiative from the managerial level, as stated by a mayor who was also the deputy chair of the Ister-Granum EGTC: “Even if we as mayors represent the EGTC, the concrete work is done by the management (the manager and two other employees). That would be their task to monitor applications, to negotiate, to decide about things and to conduct lobbying towards the national level and to represent the interests of the EGTC. It depends on their skills and contacts how this will succeed.” (Interview 2012.05.31)

Thus, the story of the Ister-Granum EGTC highlights the importance of policy momentum and policy entrepreneurs in the creation of an EGTC, even as it

demonstrates how the transformation constitutes a critical juncture with potential impact on both territorial coverage (through membership) and power balances. This will be returned to in section 4, but first we turn to a case which illustrates a different type of process, in which a new EGTC (the Banat-Triplex Confinium EGTC) was created as a complement to an existing Euroregion (the Danube-Kris-Mures-Tisa Euroregion) and both remained functional.

### **III.2. The Danube-Kris-Mures-Tisa Euroregion and the Banat-Triplex Confinium EGTC at the Romanian-Hungarian-Serbian border**

The roots of today's cross-border cooperation at the trilateral border area where Romania, Hungary and Serbia meet go back to the 1990s. At that time, Romania and Hungary transitioned from communist economic and political systems to market capitalism and liberal democracy, whereas Serbia emerged as a single state (with Montenegro) from the Yugoslav wars. In 1997, a cooperation agreement was signed between three regions in Hungary (Bács-Kiskun, Békés and Csongrád), four regions in Romania (Arad, Hunedoara, Caraş-Severin and Timiș County) and one region in Serbia (the Autonomous Province of Vojvodina) in what was then the Federal Republic of Yugoslavia (DKMT Euroregion, 2020). This territory includes the second or third-largest cities of the participating countries (Novi Sad, Szeged and Timișoara), and is within relatively easy reach of two capitals (Budapest and Belgrade). Nonetheless, there is unrealised potential for the cross-border region to develop a knowledge-based economy with the help of government policy and technical and financial support from the European Union (Pal, 2014: 26).

The signing of the treaty in 1997 had been preceded by five years of contacts between the different regions, going back to a cooperation agreement between Timiș in Romania and Csongrád in Hungary from 1992, when Csongrád region in Hungary signed a cooperation agreement with the Romanian Timiș region. Discussion about establishing a Euroregion started two years later, by which time additional regions in Hungary and Romania took part in the discussions, as did Vojvodina in Serbia (Cretan, 2006: 63; Badulescu et al., 2015). The latter has a significant Hungarian-speaking minority, which is not unimportant for the cooperation, but also has a diverse ethnic composition and a multicultural past. The latter can be argued to contain an element of a proto-Europeanism that is conducive for Europeanisation (Đukićin & Milanković, 2011: 96). There are also Hungarian-speaking minorities in the four Romanian participating regions, although of varying sizes and unevenly dispersed.

In starting a cooperation, the regions of the three countries undertook to “develop and broaden relationships among local communities and local governments in the field of economy, education, culture, science and sports – and help the region to join the process of the European integration” (DKMT Euroregion, 2020). The

Euroregion officially functions under the leadership of a president-in-office, elected among by the General Assembly, with a Secretariat attached to it. Although it is an association of regions it also has civil society representation and municipal representation, since Szeged (Hungary) is represented in the assembly as a city with county-status, as is Subotica (Serbia) and some civil society organisations. However, day-to-day work is carried out by a public utility company, which was established in 2003 by the eight regions to conduct this work (Interview 2020-07-27). By having a legal personality, the Danube-Kris-Mures-Tisa Euroregion Development Agency Public Utility Company could more easily hire staff in order to manage and prepare development programs. As argued by Fejes (2013: 98) this helped the Euroregion integration progress, the efficiency of which was otherwise hindered by different political and administrative systems. The DKMT Euroregion maintains active links with other European border regions through its membership in the Association of European Border Regions, where its managing director is a member of the (large) executive committee.

While the DKMT Euroregion thus consolidated its working processes, and Hungary and Romania became European Union members in 2004 and 2007 respectively, the EGTC tool was prepared and adopted in Brussels, and soon thereafter incorporated into Hungarian legislation (Soós, 2012: 385). As seen in the case of Ister-Granum, numerous local and regional actors discussed this new possibility, especially in Hungary. The DKMT Euroregion had informal discussions about the possibility of transforming into an EGTC, but key actors did not see the added value and they were wary of the restrictive possibilities to include non-EU members (Interview 2020-07-27). However, one who was both well aware and attracted by the new possibility was the mayor of Mórahalom, a small town close to Szeged, who was at the time also a Member of Parliament and its Committee on European Affairs. Looking back at why he and others saw an opportunity in this he says:

*“We saw this [the EGTC instrument] as a European and a domestic decentralised institution. And since there were huge expectations from this institution, the mayors and the municipalities trusted in this format for cross-border cooperation.” (Interview 2020.03.05b)*

The Banat-Triplex-Confincinum (BTC) EGTC was thus initiated by the local government of Mórahalom in Hungary and the Romanian local government Jimbolia, but a range of other local governments, including some in Serbia, were also interested. They came together to form the Banat-Triplex Confinium EGTC, which started its activities in 2009 at a meeting of 50 mayors who declared their intent to cooperate (Soós, 2012: 388). Eventually, 74 Hungarian and Romanian municipalities joined the EGTC, while the local governments in Serbia could not officially join. First this was due to the EGTC instrument not allowing non-EU members and

later, after the EGTC regulation had been amended, because of Serbia not enacting legislation that would make it possible. The EGTC was approved by the Hungarian Approval Authority, the Ministry of Public Administration and Justice in 2010 and was registered by the Budapest Metropolitan Court in 2011 (Soós, 2012: 389). Serbian partners received observer status, but the ambition has always been that they should eventually become full partners. As of spring 2020, the EGTC has 76 member municipalities and the situation with the Serbian members is not resolved, although the issue is moving forward (Interview 2020.03.05a).

It has been claimed that one reason for the foundation of the BTC EGTC were the “structural problems with the DKMT Euroregion” (Fejes, 2013: 99), but it can also be argued that it was the void left by the regional composition of the existing DKMT Euroregion that was the main driver. The new EGTC was to become a vehicle for small to mid-size local government cooperation.

*“The EGTC and the Euroregion belong to different planning levels [...] a Euroregion at one level, while we have an EGTC, through which we can integrate the territorial processes. In one way you could say that the Euroregion gives a framework for us. [...] In fact, it is a really good situation for us here that we have both a Euroregion and an EGTC, in some places they don't have either.” (Interview 2020.03.05b)*

While it has been said that the BTC EGTC “builds upon the experiences and structures laid down by the three-party collaboration in the Danube-Kris-Mures-Tisa (DKMT) Regional Cooperation” (Göllner, 2014: 118), it can also be seen as a new organisation filling a territorial niche and thereby fitting into the organisational ecology of the area.

*“The difference is that they consist of regions and we consist of local governments, and they focus on large strategy projects, while we rather go for smaller projects. [...] We attend the same events. [Interviewer: so you can say that there is a bit of competition and at the same time a bit of cooperation between the two organisations?] Yes, absolutely.” (Interview 2020.03.05a)*

*“Our cooperation [with DKMT] is excellent. But we directly did not want the regions or cities with regional rights [e.g. Szeged] in the EGTC, so that there would be no overlapping memberships. We have territorial overlaps, but this we can deal with without problem. We are partners, but do not have joint members. We focus on the smaller municipalities, whereas the DKMT is built upon the regions. In this way the different formats are not mixed up.” (Interview 2020.03.05b)*

Thus, for the actors within this organisational ecology, a Euroregion came to denote one level of cooperation and an EGTC another, with a mutual relation of complementarity combined with occasional rivalry. We now turn to the next and final case, which illustrates a process of a well-established cross-border cooperation

organisation going through an institutional transformation that could have led to the adoption of an EGTC, but where the organisational format instead stayed that of an association registered on one side of the border.

### III.3. The Greater Copenhagen Committee at the Danish-Swedish border

The island Sjælland, where Denmark's capital Copenhagen is located, and the most southern part of Sweden, Scania, have historically close bonds. The narrow water strait of Oresund was easy to cross and served as a geographic bonding item rather than separation. The Nordic Passport Union of 1954, enabling the citizens of the Nordic countries to travel without passports or ID cards, simplified exchanges, as did other policy agreements on labour movement. However, as noted by Olesen and Metzger (2016), deindustrialisation, economic crises, and lack of the infrastructural and technological tools that are now available hindered cross-border integration development until the late 1980s, when planning for a bridge between Sjælland and Scania became serious. The completion and opening of the bridge between Sjælland and Scania in 2000 proved to be the milestone its advocates had hoped for. Since the 1990s, more than 20 different cross-border institutions facilitated cooperation, most importantly the Oresund Committee (Wissing Madsen, 2017). Notably, none of these has taken the format of an EGTC, which may be seen as surprising given the long-standing reputation of the Oresund region as somewhat of a "poster child" for cross-border cooperation, with recognition of the European Commission as a "best practice" in the field (Hospers, 2006).<sup>2</sup>

This lack of EGTC is not for lack of opportunities or consideration. The introduction of the EGTC tool in 2006 was not unnoticed in Scandinavia. In 2010, ten years after the inauguration of the bridge, a public policy expert representing a private sector firm published an op-ed in southern Sweden's most important daily newspaper arguing that an EGTC in the region could provide a stronger mandate for cross-border solutions in areas such as transport, health, education, and environment (Brunk, 2010). A year later, a report by Nordregio, the Nordic Centre for Spatial Development, highlighted Oresund as one of the regions where it had received thorough attention (Hörnström, 2011). The same year, the region Scania commissioned a team consisting of a political scientist, a regional policy specialist and two legal scholars to analyse the possible implications of adopting the EGTC format for various cooperation initiatives from political and legal perspectives.

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2 Even so, it was clear that there was a discrepancy between the successful branding of the spatial area and identity-formation among citizens. As noted at the time in a study by Gert-Jan Hospers, "the conurbation is branded as an exciting Euregional hub, whereas the region's inhabitants still cope with many day-to-day problems of cross-border integration" (Hospers, 2006: 1015).

The result was published in one concise English version targeting an international audience and one longer Swedish version (Engström et al., 2011a; Engström et al., 2011b). The main objection to the usage of the EGTC for the Oresund Committee was concerns with legitimacy.

*“Through the perspective of legitimacy, the question may be raised if EGTC is ready to solve problems related to decision-making in today’s cross-border programs – when all parties must be unanimous. EGTC does not approach the problematic power of civil servants, who have an extensive role in the EU and today’s cross-border collaborations.” (Engström et al., 2011a: 20)*

The Swedish version of the report did mention that the format could be suitable for specific policy cooperation, statistics collection or for twin town cooperation (Engström et al., 2011b). It also recognised the potential symbolic value of the EGTC format along with the value for managing EU funds, but for the all-purpose cross-border cooperation Oresund Committee it pointed to current arrangements working well, which meant that such a significant change would not be necessary (Engström et al., 2011a: 20).

However, a few years later it turned out that status quo was *not* preferred after all. In 2016, the Oresund Committee was transformed into the Greater Copenhagen Committee, with expanded membership to more regions and local municipalities, a more focused policy agenda prioritising growth and the labour market, and a new and slimmed-down secretariat (Interview 2020-06-22; Interview 2020-06-23a; Interview 2020-06-23b; Interview 2020-06-24; Interview 2020-06-25; Interview 2020-07-01a; Interview 2020-07-09). After an additional membership expansion in 2019, it now includes four regions and 85 municipalities, operating within the framework of the same Danish-registered association as before. It is run by a Board consisting of nine elected officials from each country, aided by a coordination group consisting of high-level administrators from the board members’ region or municipality, and a secretariat located in Copenhagen (Greater Copenhagen, 2020).

This pronouncedly metropolitan initiative, done in the name of adhering to modern norms around ‘place branding’, was pushed for mainly by Danish actors (Interview 2020-06-26; Interview 2020-06-24; Interview 2020-06-25<sup>3</sup>). An early analysis of activities that were undertaken within the framework of this institution showed that Danish actors continued to lead (Berg, 2017). The initiative for transformation

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3 Scepticism to the prominence of Danish leadership in the transformation were expressed by a civil servant working with cross-border cooperation for one of the Danish municipalities and regional municipal associations (Interview 2020-06-23a) and by a representative of the Greater Copenhagen Committee, who stressed that even if that might have been true in the beginning, they are past any bickering about who drove the transformation by now (Interview 2020-06-23b)

followed the agreement of a strategy for development and growth of the Danish capital, which developed slower than competitors such as Oslo and Stockholm, and there was therefore a willingness to allocate funds from state, regional and local levels for this purpose (Interview 2020-06-24). Several interviewees also indicate that the managerial secretariat of the previous Oresund Committee had become too independent and that the transformation entailed a means for member regions and municipalities to “regain control” through strong political leadership (Interview 2020-07-01a; Interview 2020-07-09).

The author of the 2010 op-ed favouring the adoption of an EGTC in the Oresund region still believes that this could have accommodated the expectations of the involved actors (i.e., renewal, limit the number of policy areas and prominence to political leadership by the member organisations). It could also have been one way to ensure that actors can meet at a more equal footing and address “the multi-level mismatch” of borderland governance (see Evrard, 2016: 517), due to the possibility to include national-level institutions in an EGTC. “On the Swedish side the local governments are regions that are drivers, but then they encounter the national level government at the Danish side, where local governments and regions are weaker.” This could have been done without threatening democratic legitimacy. “As it is now, in the end someone always has to turn to a minister in Stockholm [or Oslo] to get something done.” (Interview 2020-06-22)

However, all who were interviewed for this chapter confirm that the EGTC possibility did not make it to the table of negotiations at the time. Several professed unfamiliarity with the instrument, whereas others indicated some level of knowledge. While not discussed, the interviewees saw disadvantages in an EGTC creation in terms of extra administration and lack of political control.

*“There were no in-depth discussions around the EGTC format. It would just have added extra administration, since there are functioning channels through which to work with the cross-border cooperation and the issues that they wanted to pursue had already been identified. Therefore, that format was not in question and not discussed.” (Interview 2020-07-01a).*

*“The background to our work is the principle of voluntary participation. That other format (EGTC) is a more fixed legal format, but, as I said, I don’t know whether it was discussed.” (Interview 2020.06.23b)*

Access to EU funding rarely came up, but one interviewee expressed scepticism to the idea of using the EGTC in Oresund as a managing authority for EU funding, whereas another did mention the advantage of access.

*“If you would change and put more on a specific separate entity, one might lock in the power over the agenda. Now more players have a chance to influence, there is an*

*equality when one comes to the negotiation table.” (Interview 2020.06.25).*

*“We have an office in Brussels, so we know what it means. Sometimes it is seen as sort of a dream since you might have more direct access to financing. But it was not really discussed, even though since it is an ambition to use EU financing, one could have done it. An EGTC could have meant advantages since the general structural funds are not designed for cross-border cooperation, and we only have Interreg. If an EGTC had helped to access general structural funds, it would have been a good idea.” (Interview 2020.06.24)*

Despite this one quote mentioning European funds, it is clear that access to money was not a driver of the transformation or the current cooperation. Moreover, European integration in general did not feature as often in interviews as did references to the Nordic traditions of cross-border cooperation.

When writing this chapter in 2020, the Greater Copenhagen Committee is well-established and organisationally is seen by its members as working well within its focus areas, despite external challenges in forms of repeated border restrictions and border closures that have been initiated at the national level of the two countries with reference to migration, the need to fight terrorism and criminality, and the spread of Covid-19. While it is clear that the politicians on the board and their administrative staff in the coordination group are leading the cooperation, the secretariat may again gain a stronger role, with a new director recruited in 2020 and talks about increasing the number of employees within the secretariat. (Interview 2020-06-24; Interview 2020-07-01a; 2020-07-01b). Any new window of opportunity for adopting an EGTC seems very unlikely, although the possibility that the EGTC format may be adopted for other and very specific types of cooperation still exists. Developments at the participating country’s other borders may influence this, such as the ambition of a Danish-German initiative to use the EGTC instrument for cultural cooperation between museums (Interreg, 2020) as well as the process of turning the Swedish-Norwegian-Finish cross-border cooperation Kvarken into an EGTC (Kvarken Council, 2018).

#### **IV. Critical moments compared and concluding remarks**

The preceding section reviewed cross-border institutional development at three different borders and border sections, zooming in on moments of institutional transformation and/or EGTC creation. The purpose was to enable an inquiry into whether using a policy science approach that combines structure and agency perspectives can enhance our understanding of why there has not been an even higher uptake of the EGTC instrument. An analytical framework was applied to three cases. First, the examination of how the Slovak-Hungarian Ister-Granum Euroregion was transformed into one of Europe’s first EGTCs revealed that this

process was aided by the involvement of (at least) two policy entrepreneurs that skilfully utilised an opened window of opportunity (Kingdon, 1984). Although the attempt was successful, the creation itself became a critical juncture with a significant number of local governments leaving the cooperation, and the organisation subsequently suffering from a period of turmoil. Second, the cross-border institutional development at the trilateral border area of Romania, Hungary and Serbia demonstrated how the existence of an organisation that caters primarily to one level of governance and is not interested in institutional transformation, can favour an argument that an EGTC is especially appropriate to fill a niche in the organisational ecology of that particular territory. Instead of replacing a Euroregion (the DKMT Euroregion), the BTC EGTC was created in parallel. Thus, the critical juncture left lasting legacies in the form of beliefs among involved actors that one form should serve one level (regional) and the other local governments (sub-national) although there is nothing in the EGTC tool itself saying that (almost a third of all EGTCs, have only or mostly regional members, see Evrard & Engl, 2018). Third, the Danish-Swedish Oresund region was analysed in order to understand why an EGTC transformation did not happen, despite the institutional cross-border cooperation structure going through a significant transformation in 2016. The transformation was driven by forces that favoured place-based branding in the context of growth promotion (hence the renaming to “Greater Copenhagen”), but it was also carried out as an attempt to regain more political-democratic control over the cross-border collaboration process. While an EGTC may have suited this, that particular moment had no policy entrepreneurs to spread knowledge about the tool, which led to relatively little knowledge and scepticism at least partially based on this lack of knowledge. The relative absence of linkage between Europeanisation in this area compared to other border areas is a likely hindering factor for both policy diffusion and policy transfer (see Svensson 2013b).

To sum up, to fully understand the extent to which the EGTC has been successful or not in terms of being used, attention to the moment of creation was proven helpful to expose other issues that matter, besides the legal intricacies of the instrument and how national governments and authorities have handled the implementation. The three reviewed cases demonstrate how the likely uptake of the EGTC format increases at times of upheaval, which can be understood as windows of opportunity or critical junctures. However, for institutional transformation to happen, the moment of getting current participants in the organisation to agree to the new format represents a moment of risk, and risk-averse actors may choose to rather “not rock the boat”. The presence or absence of policy entrepreneurs, in combination with political and policy events turn these times into critical junctures, casting shadows over the organisational ecology of a specific border region for considerable time.

It is important to emphasise that the adoption of the EGTC instrument is not an end in itself. Ultimately, it was created in order to enable and facilitate cross-border cooperation and integration to an extent which would not be possible without it. Nonetheless, as argued in the beginning, uptake of the instrument is one side of the coin that needs to be evaluated. What this chapter demonstrates is that whether EGTC will happen and what the composition of it will be is contingent on local knowledge levels and organisational ecology, pointing to awareness-raising as well as attention to organisational fit being important for the future of this instrument.

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