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Institut für  
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**Impact of Covid 19 on policies regarding cross border mobility of  
France and Germany in the border region of Strassburg  
and Baden-Württemberg**

Research question: How did the Covid 19 Pandemic impacted the policies on cross border mobility in the German French border region of Strassburg and Baden-Württemberg?

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## **1. Abstract**

This thesis is about the impact of Covid 19 to cross border mobility policies. This is investigated at the example of the French and German border region of Straßburg and Baden Württemberg.

For this policy papers, newspaper articles, scientific articles and other kind of secondary data are collected and analyzed and are put into a theoretical frame.

During the pandemic the policy papers changed dependent on the situation of the pandemic. France and Germany had to implement new kind of polices to justify the regulations and measures taken in the pandemic. These policies were not advantageous for border regions and border commuters in this aera. Those regions were suffering from disadvantages in the first parts of the pandemic. During the pandemic the authorities have developed further and policies were changed in order to support border regions and commuters. In a second part of the thesis, it is analyzed, whether those changes are long term or are just short term adjustments, how other nations tackled the situation and whether more changes and policy adjustments have to be made.

The goal is to get knowledge for further problems, and to gain the ability to handle further problems in a different way.

## **Table of contents**

<b>1. Abstract</b>	<b>p.2</b>
<b>2. Introduction</b>	<b>p.4</b>
<b>3. Theory</b>	<b>p.6</b>
<b>4. Methods</b>	<b>p.10</b>
<b>4.1. Research design</b>	<b>p.10</b>
<b>4.2. Method of data collection</b>	<b>p.10</b>
<b>4.3. Method of data analysis</b>	<b>p.11</b>
<b>5. Analysis</b>	<b>p.12</b>
<b>5.1. Overview</b>	<b>p.13</b>
<b>5.1.1. Schedule of events</b>	<b>p.13</b>
<b>5.1.2. Impact on infrastructure and daily life</b>	<b>p.15</b>
<b>5.2. Policies and regulations made</b>	<b>p.18</b>
<b>5.3. Level of decision making</b>	<b>p.21</b>
<b>5.4 Comparison to other countries</b>	<b>p.24</b>
<b>5.4.1. Germany – Netherlands</b>	<b>p.24</b>
<b>5.4.2. Germany – Belgium</b>	<b>p.24</b>
<b>5.4.3. Germany – Poland</b>	<b>p.25</b>
<b>5.4.4. Germany – Switzerland</b>	<b>p.25</b>
<b>6. Conclusion</b>	<b>p.26</b>
<b>6.1. Findings</b>	<b>p.26</b>
<b>6.2. Suggestions for further research</b>	<b>p.28</b>
<b>6.3. Policy implications</b>	<b>p.29</b>
<b>7. List of references</b>	<b>p.31</b>
<b>8. Data appendix</b>	

## 2. Introduction

For people living in Europe, the European Union (EU) or countries of Schengen agreement one of the biggest improvements are the freedoms they get by living in these nations. One of these freedoms is the freedom of traveling within these nations. This means that, there are no more physical borders between these nations, only the once theoretical. People can travel within the nations without border controls and further restrictions. This is a big improvement for all people living in these areas. A second freedom, which is important for citizens of the European Union is the right to work in every member state without bigger restrictions. These two freedoms led to many special cases in border regions, where people live in one country and work in a different country. These people have to cross the border regularly and are dependent on the freedoms they have gained. There are many reasons for workers to become cross border commuters, like housing prices or social economical life.

In 2020 the Covid 19 pandemic started and had big influence to the world and more specific to the European Union. While the numbers of Covid 19 cases dramatically increased, the governments had to take measures to stop the spread of the virus and therefore to stop the spread of the pandemic. One of these measures was to close the borders within the European Union. As a result, one of the biggest freedoms within the EU, the right for free travel was limited by the national governments. Cross border commuters were strongly affected by these measures, because it was not possible for them to cross the border or only with strong restrictions like expensive covid tests or quarantines. This limited the cross border mobility totally and was a new phenomenon.

This situation affected all of the border regions in the European Union. The problem was that there was no general solution for this problem and every border region had to tackle the challenges by their own.

For the society it is important to analysis the situation of the cross border mobility afterwards the Covid 19 pandemic, so that problems can be defined and changes in policies can be found. This has to be done for every border region individually, because of the different countries, local authorities, local situations and legal basis.

In scientific this work was already done for just a few border regions, but not for all border regions. But it is important to do an analysis all of the border regions and to make some general statements. This is a huge task and a lot of work. This bachelor thesis will focus on one region, the border region of Strassburg and Baden-Württemberg. This region wasn't analyzed yet, which will be done in this bachelor thesis. This analysis will be another part of the border analysis of every border region.

Following this knowledge gap and the situation, my bachelor thesis will be about a cross border mobility analysis of the impact of Covid 19 on policies regarding the topic of cross border mobility. This study will be done for the German and French border region of Strassburg and Baden- Württemberg. The research question for the bachelor thesis will be: How did the Covid 19 Pandemic impacted the policies on cross border mobility in the German French border region of Strassburg and Baden-Württemberg?

Potential sub-questions would be:

- Was there a change at all in the policies regarding cross border mobility in this region?
- Was there a change within the Covid 19 pandemic, so between the different lockdowns?
- Are there policies that should be changed or adapted, in order to be prepared for future challenges?

With these questions the impact of Covid 19 on policies regarding cross border mobility should be analyzed in the bachelor thesis.

### 3. Theory

The first relevant concept for the bachelor thesis, is the relation between the states of the European Union, the European Union itself and the nations of the Schengen agreement. Not every country in the European Union (EU) is part of the Schengen agreement, and counter wise not every member of the Schengen agreement is part of the European Union. Ireland, Romania, Bulgaria and Croatia (Croatia is now part of the Schengen agreement, but was not at the time of the Covid 19 Pandemic -which is relevant for the thesis) are members of the European Union but not of the Schengen agreement. Iceland, Norway and Switzerland are part of the Schengen agreement but not of the EU (Friedlaender & Müller, 2023). This could be relevant, because of the different levels of negotiation and working together. While EU-nations regularly meet in Brussels, the relationship to nations of the Schengen agreement is bilateral.

The principle of the Schengen agreement is, to completely get rid of any border controls within the Schengen nation area and to only have border controls at the external borders. Within the Schengen area free travel without controls is aimed for (European Council, 2024). More than 3.5 million people within the EU are crossing internal borders every day for work, learning, traveling, etc. (European Council, 2024).

In the European Union two principles are relevant. The principle of freedom of traveling and the principle of freedom of living. "As an EU national, you enjoy the right of free movement. This means you're entitled to travel, work and live in another EU country" (European Union). This freedom guaranties every citizen of the European Union that he can live and work where ever they want. And most importantly they can live and work in different nations. So, it is possible through the regulations of the EU that citizens live in one country but work in a different country without further problems. It is the same for students for example. This is the legal basis for cross border mobility and cross border commuters.

With this legal basis more than 10 million European citizens are living in a different country than they work in (European Parliament, 2021). Reasons for that are various. The reasons depend from the housing market or financial situations to social reasons like family or social healthcare etc. (European Parliament, 20215).

Another point for the topic of the impact of Covid 19 on cross border policies in the border region of France and Germany is the duration of closed border between these two countries. In the region of Strassburg and Baden-Württemberg the number of daily commuters is approximately around 97.000. The border between France/Strassburg and Baden-Württemberg was closed for 91 days from the 16th of March until the 15th of June 2020. Kauber (2021) investigated in his article the border closers in the European region and focused on the duration of the border closers and restrictions for crossing the borders in later stages.

The border closing and border controls had a lot of effects to society. These effects have an influence on the policy making of the involved stakeholders. Effects were in all kind of social economical levels. Jakubovski (2023) did a large project on the influences of the Covid 19 pandemic on these social economical levels. In the article Jakubovski comes up with six types of influences:

1. Healthcare: the healthcare system was suffering from border closures in the border regions, because border regions are closely connected. This means that also the healthcare systems are connected across the borders. The system is split between both nations across a border, it is connected, so that for example the different institutions of the healthcare system are split and citizens of Nation A can use the infrastructure of Nation B. This resulted in a situation where not every healthcare institution is in every country. By closing the border people did not have the chance to use facilities across the border anymore which had led to problems (Jakubovski, 2023, pp:34-40)

2. Limitations in the working marked and economic structures: in the border regions everything is closely connected. And so, it is on the working marked. Workers are commuting, suppliers are commuting, (technical)support is commuting, partners and customers are commuting. In border regions everything is closely connected. With the border closers whole economical structures were stopped and the working marked was suffering from the big influences (Jakubovski, 2023, pp: 41-56).

3. Cross border commuters: cross border commuters were specially affected by the border closers. The closers had influence on their daily life. Not only coming to work or to get to the doctor were not possible. There was an influence on even the simplest tasks in the everyday life, like driving to the supermarket, kindergartens, schools, shopping, entertainment, visiting friends/family etc. (Jakubovski, 2023, pp:57-61).

4. Demographical effects: the border closers and the influence of all the economic and social problems than also ad demographical influences and changed the demographical situation. These demographical effects were highly influenced by the region and how close the border regions are connected (Jakubovski, 2023, pp:62-66)

5. Mobility: the border closers also had an influence on the mobility. Mobility infrastructure is also split in border regions, and so with the border closer, infrastructure was not available anymore. This was a problem for every type of mobility, like highways, airports, ports, train stations and train-lines (Jakubovski, 2023, pp:67-71)

6. Society and culture: society and culture were also influenced. In regions without bigger cities and own social and cultural infrastructure these structures are also split across the borders. With the border closers the social and cultural life was influenced. For example, it was not possible to cross the border to visit a cinema, theatre, a library or to go on a concert. This than also had psychological influences for people living in border regions (Jakubovski, 2023, pp:71-78).

This shows how big the influence on the border region was and what pressure policy makers had to find suitable solutions.

A further problem with the Covid 19 Pandemic and the border closing were the different levels and authorities that were discussing the measurements. In Germany the decisions were made by the government in cooperation with the federal states. Local authorities were not directly involved in the process of implementing new measurements against Corona. So, the “voice” of communities in the border region is quite silent in the whole process. The border regions are only small parts of the federal states. And it is the same in France and their political structure. Additionally France and Germany only talked in bilateral or European meetings about global measurements at first and only on the highest political level. Peyrony (2021, p.102) figured out, that small border regions were not represented and measures were only taken on national levels and did not take local border regional into.

Two concepts relevant relating to that are the subsidiarity principle and the principle of proportionality. The subsidiarity principle (Subsidiaritätsprinzip - EUR-Lex, o. D.) claims, that decisions, in a state or the European Union, are best made on the lowest level possible. A higher level of governance should only take over the decision making process, if needed and



if it is better to discuss on a higher stage. The goal by doing this is, to make decisions as close to citizens as possible, and to make the decisions work better and purposeful. A second principle often connected to the subsidiarity principle is the principle of proportionality (Subsidiaritätsprinzip - EUR-Lex, o. D.). The goal of the principle of proportionality is, that decisions, policies and regularities should not over do the purpose. Decisions should only work for the aimed goal, and should not influence other aspects.

By comparing nation states, or parts of them, it is important to know their political system. France is a centralistic state, which means that most of the power is hold by the president and the prime minister on the highest political level (Walter, 2020). Compared to that Germany is a federal state (Walter, 2020), which means, that the German nation is build out of many different federal states, that have their own governance structures and have their own political topics in which they can make policies.

There is a difference in theory between global mobility and cross border mobility. While stopping global mobility helped to reduce the spread of Covid 19, stopping cross border mobility in local border regions within Europe did not make a difference. Perony (2021, p.98) explained that because of the abstinence of border controls in the past decades the border regions are closely grown together. It is like separating cities in one country or villages. This was misunderstood by authorities and resulted in problems after closing borders in local border regions (Peyrony, 2021, p.103).

## **4. Methods**

### ***4.1. Research design***

The research question for this bachelor thesis will be: How did the Covid 19 Pandemic impacted the policies on cross border mobility in the German French border region of Strassburg and Baden- Württemberg?

This research question is about a concrete case, the case of policies regarding cross border mobility in the border region of Strassburg and Baden-Württemberg. A concrete case is always an indicator for a qualitative approach of studying. Qualitative studies are manly about single cases or a small number of data/cases, while quantitative studies are about large numbers of data or cases.

The overall method will be a case study, that will focus on the concrete case in the French German border region of Strassburg and Baden-Württemberg. Case studies are used to get an overview of a concrete topic and to analyze a few instances of a phenomenon in depth (Given, 2008). Researcher Andersons (1993) defines case studies, as being concerned with how and why things happen. The goal of a case study approach is to analyze a situation in depth and test theory on it. So, it is a theory testing approach to test or falsify research questions based on theory. Case studies are also used to understand and define new phenomena, concepts, actors or processes (Noor, 2008). There are many types of case studies, but the both most common ones are single case studies or comparative case studies (Yin, 2017). Although my study will be about Strassburg and Baden-Württemberg, it is a single case case study, because it is about the one case of cross border mobility.

### ***4.2. Method of data collection***

For my studies of the policies regarding cross border mobility in the border region of Strassburg and Baden-Württemberg there will be one of two methods of data collection. In general, there are two types of data: primary data and secondary data. Secondary data consist of existing data. So, this includes municipal data, governmental data, newspaper articles, academic

literature, in total everything that already exists. Primary data is every kind of data that is self-generated. This includes interviews.

The secondary data is mostly available online. So, the secondary data will be collected by online research. There are several sources available. Local policies and policy changes can be found on the websites of the local authorities. In Germany local communities have a tool called Ratsinformationssystem (the Ratsinformationssystem is an online tool of local communities working like an archive, in which all information's of local decision-making processes can be found, like protocols of discussions, sources, voting results etc.). In France there are similar programs. Newspaper articles can also be found online on the websites of the local and regional newspaper. Academic literature, regarding the topic can also be found online. The academic literature sometimes needs an access, which in most cases is granted via the Utwente or the University of Münster.

This data will be analyzed by a textual analysis using coding schemes and codes.

### ***4.3. Method of data analysis***

The secondary data that will be collected will be analyzed by a textual content analysis. This textual content analysis is always an interpretive one.

The way of an interpretive textual analysis works for most of the sources, but there are a few kinds of sources for that this does not work, like policy papers. In policy papers there is in general no room for interpretation, so by doing an analysis of this data it is more of a descriptive style to get the information's out of the policy papers. These descriptive data then have to be analyzed and put into a frame by the author (Smith, 2017).

To help coding Atlas.ti will be used as a tool for analyzing. In Atlas.ti coding is made simple and connections can be easily seen.

For the coding method an inductive approach will be chosen. An inductive approach of coding is always a bottom-up approach. This means that the texts will first be read for an overview and that I will then come up with codes to analyze the collected data. Then the codes will be summarized to coding groups and will then be used to find patterns, connections or systems. Coding works in multiple stages, so codes are several times reviewed and corrected to get the

best information's out of the text. The problem with coding is, that codes, coding and coding groups are always a matter of perspective. So, different scientists, can come up with different codes, coding or coding groups and so can come up with different results for the same data. This makes it important to explain the approach and why things are done like they are done, so that everyone, also them who would code different, can understand your approach and your point of view. In this way everyone can comprehend the structure of the analysis (Smith, 2002).

For analyzing the data, the data will be tasted with codes. The codes will not only be created from the secondary data but also from the topic guide for the expert interviews. A few codes can already be named from the topic guide like: border closers, influence to social life, influence to working life, influence to everyday life, decision making process, involved stakeholders, influence made by the interview partner/their organization, unsolved problems. These codes will help to get a first overview over the data. While doing the analysis of the data more codes will be added.

## **5. Analysis**

The research questions for this thesis were: "How did the Covid 19 Pandemic impacted the policies on cross border mobility in the German French border region of Strassburg and Baden-Württemberg?" and the sub-questions were: "Was there a change at all in the policies regarding cross border mobility in this region? Was there a change within the Covid 19 pandemic, so between the different lockdowns? Are there policies that should be changed or adapted, in order to be prepared for future challenges?" These questions will now be analyzed. For doing this there will be an analysis in several steps. First of all, there will be an overview of the pandemic and the events of the pandemic. Following that the impacts of the pandemic will be analyzed for that region. In a next step the regulations and policies made in the pandemic are analyzed and then the level of decision making. In a last step there will be a comparison to other countries and their regulations, policies and actions taken in the pandemic.

## **5.1. Overview**

For this analysis it is necessary to get an overlook of the events happened in the Covid 19 pandemic. It is important to look at the numbers and the order of events that happened. By looking at the time stamps, it is possible to find first indications for policy changes or adaptations. Also, it is important to look at various social indicators. With these indicators, problems and political topics can be identified, in which policy changes could have been made.

The overview of the events gives a first idea of the problems regarding the border closers during the Covid 19 pandemic.

### **5.1.1. Schedule of events**

The schedule of events can give a good overview to the events. For this, events are put on a time beam, to see whether they influence one and each other and how their relations are. For this time beam several information's are used. The important information's are the case numbers of Covid 19 infections related to the date, the dates of the border closures and the duration of the border closures and changes that were made over the time.

This time beam (appendix no.1) now gives some information's on the cross border policies in the corona pandemic. It can be seen that the first cases of Corona were registered in the countries quite early in 2020. The first case in Baden Württemberg was registered on January 3<sup>rd</sup> 2020 and the first case in France was registered on January 24<sup>th</sup> 2020. In this early stage of the pandemic there were no regulations regulating the cross border mobility of commuters. The numbers of cases than started to raise in both countries and around the world, and forced the governments of Germany and France to take actions. Germany announced on the 13<sup>th</sup> of March 2020 hard restrictions, that later were known as the first lockdown. France announced their lockdown on March 16<sup>th</sup> 2020 starting at the 17<sup>th</sup> of March. These lockdowns had huge influences to every aspect of the daily life and the living standards of citizens in both countries. Restrictions were not limited to domestic policies, restrictions were also taken for foreign policies. The border between Germany and France was closed on the 16<sup>th</sup> of March 2020. In this region ruffly 97.100 border commuters were directly affected by the measures of the

closed borders. Also, many more were affected in their daily life. The border closure than lasted for 91 days from the 16<sup>th</sup> of March till the 13<sup>th</sup> of June. In this time, it was not possible to cross the border for citizens and commuters. After the 13<sup>th</sup> of June 2020 the case numbers in France and Germany were low again and borders were reopened. For commuters there were no limitations to cross the border except of local restrictions. But crossing the border was again possible. After the summer in 2020 the Covid 19 cases started to raise again. In October 2020 the numbers of the Covid infections were a lot higher than in the time from March to June. Both countries, Germany and France, were again taken measures to prevent the spread of Covid 19 infections. Both countries were going back into a lockdown and daily and social life once again came to a stop. It now can be seen that the borders between both countries remained open in that time and border crossing was possible. The situation than cooled off again until fall 2021 were case numbers dramatically increased, and were at the peak more than 30 times larger than in the first lockdown. Even at this highest peak of the pandemic the borders remained open and border crossing was possible, but was regulated.

For the overview it is also important to take the dates of the vaccination programs into account. Germany started their vaccination program on the 27<sup>th</sup> December in 2020. France started their vaccination program just shortly after Germany on the 9<sup>th</sup> of January 2021.

With this time beam and overview first indications can be taken. With the Schengen agreement border closures were not allowed any more and free travel was guaranteed for the member states of the Schengen agreement. Also, with in the European Union free travel and open borders are a key principle. The overview showed that the borders were closed. So, there must have been some kind of change in the policies regarding the borders and for border crossing. Additionally, it is forcefully that in later stages of the pandemic, in which Covid 19 case numbers were impressively higher, the borders were not closed again. Instead of complete closures of the borders other regulations have been taken to regulate the spread of the virus. This means that in this time the governments and local authorities must have adopted regulations or policies to regulate the cross border mobility in this area. These regulations and policies will be analyzed in a later stage of the thesis. But at this stage already it can be seen, that there were changes in the regulations and policies during the pandemic. This is a first step to answer the sub questions one and two of the thesis, whether there were

policy changes at all and if the policies changed during the pandemic. In the next steps the thesis will now have a closer look into these topics and will analyze these more in depth.

### ***5.1.2. Impacts on infrastructure and daily life***

The border regions are closely connected and no borders are visual and exist in the daily life. The Corona pandemic had huge influences on the daily life for all people. Citizens living in border areas had even harder disadvantages during the pandemic. It is important to look at these disadvantages to see whether policy changes are needed or not.

For this category, articles and texts are coded and checked for the six categories Jakubovski came up with. These codes can be seen in appendix no.2.

1. Health: Coding shows that healthcare in the border region is an important point. The schengen agreement, the open borders, the European Union and bilateral agreements connected the border regions so close, that they have a shared healthcare system. In densely inhabited areas institutions of healthcare are shared. Doctor's offices and hospitals are split and shared across borders. This is based on bilateral agreements like the MOSAR, or via official agreements and regulations from the EU. The contract of the EU has made the point in article 168 AEUV, that healthcare can and should be shared in border regions. The freedom of patient mobility is regulated in the regulation 2011/24/EU. Before Covid these regulations worked perfectly and citizens in the border region were free in the choice of healthcare and the shared system worked well. In the first phase of the pandemic the shared system totally failed. While nations made their own covid regulations, they totally forgot the border regions. Citizens were not able to use the shared healthcare institutions and had threatening disadvantages. In later stages of the pandemic the system worked again, because citizens were allowed to use the facilities again. There seemed to be a change in the policies that were made.
2. Limitations in the working marked: In the border region of Straßburg and Baden Württemberg the working marked is connected across the border. Nearly 100.000 workers are commuting across the border for work. The working marked and industry is closely connected in the border region. Workforce is shared, material is shared, supply chains are shared and the complete industry is shared. Supply chains and

support for companies can be in different countries. As well as logistic companies or transport companies. The industry is dependent from each other and relies on the support from companies across the border. The corona pandemic had as well huge influence to the working marked. The codes show, that the closure of the border nearly stopped the industry in these areas. Problems in supply chains and support was just one of the problems. But the codes also show, that the border closure was only one of the problems. The lockdown and the restrictions in France or Germany were also a threat to the industry. So, it is hard to tell which problem was more dramatic or had larger negative influence to the industry. In later stages of the pandemic again, the problems were less serious, because it was again possible to temporarily cross the border for work or good reasons.

3. Cross border commuters: As said before nearly 100.000 citizens are commuting across the border every day. People are commuting for all kind of activities. There are reasons for commuting that are more important than others but all of the reasons have influence to the daily life of the citizens. More important reasons for crossing the border are for example going to doctors or going to work. Less important reasons are for example going to the supermarket, leisure activities or shopping. Coding shows that particular the time of the first lockdown and the complete closure of the border were the biggest problem for the citizens. Not only that the lockdown stopped the life of every human, but the closed border limited the possibilities for the citizens. While anywhere else citizens were allowed to go to supermarkets, parks or etc. with restrictions, the citizens in border regions were not allowed to cross the border. There were no exceptions for those living in the border region. This means that even if it was allowed for the rest of the country to go to the nearest supermarket, commuters had huge problems if the nearest supermarket was across the border. Reliefs were coming in later stages when regulations specially for commuters were made.
4. Demographical effects: for the case of demographical effects, it was not possible to find suitable information's to answer this point. As can be seen in the appendix no text phrases were found to the codes of demographical effects. This could be, because the pandemic was not long ago and there are no sets of data yet. This is a first point of interest for further investigations and further research to find data and results for the point of demographical effects in the border region of France and Germany. This could



be interesting for understanding the influence of the pandemic and the influence of the border closure, because it is one of Jakubovski's criteria.

5. Mobility: Beside shared infrastructure, also mobility facilities are shared in border regions. Mobility came to a complete stop during the early stages of the pandemic. Highways were interrupted at the border and the possibilities to go by car were limited. Also, other forms of mobility were influenced by the border restrictions. In the area of Straßburg and Baden Württemberg for example there is no need for infrastructure on both sides of the border. Infrastructure is shared across the border. For example, the airports of Straßburg, Karlsruhe/Baden Baden or Stuttgart are shared. Depending on where you live in the border region you use the nearest airport which is across the border. The same applies for train rides and train tracks. In small communities directly at the border it is possible that the nearest connection to the train system is across the border. As in the other cases, the complete closure of the border had large negative influences, and in later stages the disadvantages were less big.
6. Society and culture: On a social and cultural level the citizens in border regions were as well heavily affected by the measures. Citizens were complaining about this point the most. Cultural points are secondary in this case. More important are the society and social influences in border regions. With the closed borders it was impossible to continue social interactions. Friends, couples or other connections were separated and did not have the chance to meet. Separated families were hit particularly hard. It was the case in some families, that one part of the family lived in the one country and the other part of the family lived in the other country. It was possible that families lived only a few kilometers apart, but were not allowed to meet because of the closed borders.

A point not mentioned from Jakubovski in his criteria's is the point of education. The coding scheme shows, that education is indeed a point in the border region of Straßburg and Baden Württemberg. In some areas children are raised bilingual and it happens that they live in the one country and go to school in the other country. Border regions are completely connected in every aspect. From pre-school up to university, in border regions education is a matter for cross border commuters.

These criteria and the coding showed a closely connected border region with shared infrastructure and living facilities. Those systems are working perfectly in times of open borders and in times without a threat. In the moment of the pandemic, France and Germany closed the borders and tried to prevent the spread of covid on a national level. By doing that they completely ignored the fact that the border regions are closely connected. This led to huge disadvantages for people living in these areas. The disadvantages were even bigger than for citizens living away from border regions. This underlines the need for shared institutions in the policy making sphere to coordinate the border regions in times of a crisis.

But also, it can be seen, that there was a change in the policy making over the time of the pandemic. In later stages of the pandemic the serious disadvantages were gone or limited. The policy makers seem to have made changes, restoring the order of the border infrastructures. Border regions need open borders, because of shared infrastructure and shared social life. This change in the political agenda will be analyzed in the following parts.

## ***5.2. Policies and regulations made***

For this part the question is which laws were applied in the Covid 19 pandemic to justify the closure of borders during the pandemic, and the question is which laws and regulations were implemented during the pandemic influencing the cross border mobility. A list of all the policies that are important can be found in the appendix no.3.

The first issue is about the Schengen agreement. In article 17 of the Schengen agreement the member states agree, to tear down border controls between the member states and to transfer them to the external borders. This article is the basis for open borders in the European Union. Based on this agreement European laws were made for free travel and free transfer of goods.

During the Covid 19 pandemic the Schengen agreement needed to be overridden. This is regulated in article 23ff. of the Schengen border codex. Article 23 is regulating, that in situations with a serious threat to the citizens and the inner security, member states are allowed

to temporarily suspend the Schengen agreement. This is normally allowed for a duration of 30 days. During Corona this time period was multiple times extended.

The Schengen agreement was implemented in the EU law the regulation (EU) 2016/399.

The European rights for free travel and open borders are also implemented in national constitutions. So, there have to be possibilities to restrict these rights.

In France there was no suitable legal basis for the regulations and limitations resulting from the spread of Covid. The French government formulated and implemented a new law to justify all of the Corona measures. On the 22<sup>nd</sup> of March in 2020 the government in France implemented the law “état d’urgence sanitaire”, the health emergency law. This law gave more power to the president and the prime minister and allowed the government to take actions, like lockdowns or restrictions. This law supported the centralistic system of France and disempowered local authorities.

In Germany constitutional rights can be restricted in order to protect higher rights in the constitution. To implement those restrictions there was a lack of the legal basis. So as in France, the German government needed to formulate a new law to take measures against Covid. The German government took advantage of the already existing law “Infektionsschutzgesetz” infection protection law, and changed this law to be suitable for a pandemic. This was done in the end of March in 2020 and provided the German government with rights to take measures to stop the spread of Covid. The power was distributed to the national government and the governments of the federal states.

In Germany the national government and the governments of the federal states than met in regular meetings (Bundländerkonferenz) to discuss new measures and regulations.

As analyzed in the first part, in the beginning of the Covid pandemic, the border was closed which had huge negative influences to those living in the border regions. After the first complete lockdown and the closed borders, in the second wave the borders remained open.

Germany's conference of the national state and the governments of the federal states, came up with a regulation called the travel restrictions. These travel restrictions were then also applying for commuters in border regions. In Germany the regulations were split into categories dependent on the case numbers of neighbor countries. Coming from countries with a low risk, simply a negative Covid test was needed up on arrival. Coming from a high risk

country, commuters were forced to take a 10 day quarantine, which could be exited after 5 days with a negative Covid test. Coming from an area with new variants of the virus, you are forced to take 14 days of quarantine, without the possibility to shorten this time period.

In later stages of the pandemic the French government changed their centralistic strategies and enabled local authorities to take measures for their own. This was made possible with the national law “Art. L. 2212-2CGCT”. This law enabled mayors to take harder restrictions or to take looser restrictions.

The local authorities on the French side in the region of Straßburg and Baden-Württemberg then came up with their version of travel restrictions. France also differed in categories, based on Covid case numbers. Incoming travelers were forced to take a Covid test up on arrival. Travelers coming from high risk countries were only allowed to enter with a proof of a good reason to enter France and a 10 day quarantine.

In later stages both border regions, Straßburg and Baden-Württemberg adjusted their travel restrictions and added a special section for cross border commuters. Cross border commuters were allowed to cross the border without any restrictions, firstly for 24 hours, later than for up to 72 hours. This was the first adjustment specially for the border region influencing directly the lives of the citizens in this area.

In even later stages with higher numbers of vaccinations the regulations were adjusted. Fully vaccinated citizens did not have any restrictions at all.

The European Union recommended in the beginning of the pandemic the recommendation (EU) 2020/1475. This recommendation recommends to again implement border controls and to take actions to stop the spread of the virus.

To sum the policies up, there were two kinds of policies and regulations that were made. The first kind, is the kind that makes the legal framework work restrictions and measures. The second type of regulations that were made, are those which were directly tackling and regulating situations, like lockdowns, travel restrictions and more. This kind of regulation was mostly used in the Covid 19 pandemic. These regulations were temporarily written and needed to be extended. By now all of these regulations are run out and do not exist anymore. The only policies still existing are the ones allowing governments to take measures. More particular in Germany the “Infektionsschutzgesetz” and in France the “état d’urgence sanitaire”.

For cross border commuters or border regions there are no special laws that still exist, that would give a special role to these areas.

So, if an event like a global pandemic would happen again, the nations have the legal framework to implement regulations again. But, for those living in border regions, there are no special laws securing them from huge disadvantages in the case of closed borders. But it can be assumed that in a second event the policy makers would take the knowledge from the Covid pandemic into account, and would directly make exceptions for border regions.

### ***5.3. Level of decision making***

After analyzing the different regulations and policies that were taken or changed during the pandemic, the next step is to look closer to the policy making process. More specially it is now necessary to have a closer look to the different level of institutions in the law giving process. Good and practical solutions can only be found if the subsidiarity principle is applied. For the case of the border region of Straßburg and Baden Württemberg it would be the best if local authorities of both regions would work together and would find solutions.

Both countries, Germany and France, have two separate systems. France is organized in a centralistic system, while Germany is organized in a federal system. As the results from the coding, seen in appendix no.4, there are differences in the law giving process in both countries. France is centralistic organized. This means, that the executive is powerful and the agenda setter in the law giving process. Even more, in France the political system is organized in a way, that the most power is at the highest level of governance. In France this means that the power is in the hands of the president, the prime minister and the ministers. Departemants and local communities have a deferred roll in the political system of France. The tasks of the local authorities are limited to topics like city planning, education and some other infrastructural topics. The main power in the centralistic system is at the highest national level. The government in Paris was deciding on policies during the Corona pandemic. These decisions were taken on a national level. There was no room for different rules and restrictions for areas like the border region. Straßburg had at the beginning of the pandemic little to no influence on political topics and policy making processes. The decisions were all made in Paris. In later

stages of the pandemic, there was a change. Emmanuel Macron changed his mind. In early stages of the pandemic, he wanted to have the power to decide. In later stages of the pandemic local departemants and communities gained more power, given by the government in Paris. But in these later stages of the pandemic the power for the local authorities had little to no impact. Decisions that were influencing border mobility and border commuters were still made and discussed in Paris.

The implementation of regulations and policies in France is done by authorities that are under the control of the government in Paris.

Germany compered to France is not a centralistic state, but is instead a federal state. The state is consisting of many federal states. Those federal states have their own governments and their own decision making processes. In the case of Germany, the 16 federal states were responsible for corona regulations and policies. In Germany the responsibilities for political fields are split between the federal governments and the national government. In the pandemic there was a new kind of level for decision making processes. A conference of the federal states, the national government, the affected ministers and experts, called the Bund Länder Konferenz. This conference was deciding on policies and regulations in the corona pandemic. Some decisions were made in this conference were valid for the whole nation, other decisions were done separately by every state of the federal system. Federal states in this way were much more in charge for regulations and were able to adjust those regulations for their situation in their state. Local communities and local authorities were able to get more in touch with the decision makers, because the way in hierarchy was shorter. Local authorities are working on a daily basis together with the institutions of the federal state, and were able to explain and influence those institutions. The authorities were able to explain the situation in their local area and were able to explain what they need and what had to change, from their point of view.

In later stages of the pandemic, the local authorities on the German side, gained more influence and leeway for own actions. With this increased level of opportunities, the local authorities of the border regions gained power to better react to the border situation. The local authorities were enabled to choose out of a catalogue of actions to react to the Covid virus, based on the case numbers. But the local communities were allowed to choose from this catalogue and were than able to be flexible for the local situation.

Comparing both systems, the centralistic and the federal system, these systems make it complicated for cross border policy making in the border regions. In our example of the border region of Straßburg and Baden Württemberg, the communication between the local authorities on both sides of the border is complicated. The two sides of the border region were not able and allowed to directly interact and to make policies to work in that border region. This is problematic, because in this closely connected border areas it would be important to find solutions locally together to maintain the normal daily and social life. Instead, the local authorities had to take a long way of institutions to get changes. The communication from a law giving perspective worked on two ways.

The one way was in the European Union in Brussels, where the leaders of the European countries met on a regular basis. Beside these meetings, where general decisions were made for the EU, it was always time to meet and discuss regulations.

A second way to find policies together was in bilateral communications and agreements made on a transnational basis on the highest level between both governments.

In both cases the chain between local problem and decision making was long. On both sides of the border the local authorities had to get through all levels of governance and had to put their issues on the agenda on their nations highest political level. Then their issues had to be recognized and put into the nations position and then an agreement between France and Germany had to be achieved. Particularly in the early stages of the pandemic it was nearly impossible to find regulations that perfectly fit for local circumstances.

On the German side the chain between authorities was a little bit better, because local communities were closely connected to the federal state. The federal state was able to make their own agreements and regulations, and were at the same time more powerful in discussions with the highest level of the nation. But nevertheless, it was a long way to get suitable solutions for local problems.

In later stages of the pandemic the situation was a bit better, because local authorities on both sides were able to decide on issues. They had space to act, but only in the limitations of the regulations of higher levels. The authorities were not allowed to find own policies.

## ***5.4. Comparison to other countries***

At this stage of the thesis, it is useful to compare different situations between Germany and other countries. This is useful and necessary to answer the question, whether further policies or regulations should be changed or adapted to be better prepared for future situations. For this it is helpful to have a look to other nations and other border regions and how situations were tackled there. By doing this many things can be learned. For this the border regions of Germany and the Netherlands, Belgium, Poland and Switzerland are compared and coded to see how the situation was in those areas. The codes can be seen in appendix no.5.

### ***5.4.1. Germany-Netherlands***

Between Germany and the Netherlands, the border was not closed during the Covid 19 pandemic. There were no official border controls or restrictions, except of travel restrictions (for high risk areas or variant areas). The Netherlands were the only neighbor country to which no border controls were installed. This is unique and was a big relief for all the commuters and citizens living in the border regions. They did not suffer from any restrictions and the border regions had quite a normal life.

The Netherlands are a constitutional monarchy, in which the power is divided to the parliament and the prime minister. But also, the local authorities have quite a lot of power. This could be one of the reasons, why the borders between Germany and the Netherlands remained open. In general, the Netherlands are liberal and more open in a political perspective.

### ***5.4.2. Germany-Belgium***

The border between Germany and Belgium instead was closed during the pandemic for 87 days. So, there were controls at the border and for the normal people it was forbidden to pass the border. Belgium is a federal state like Germany, and power is split from the nation state to the federal states. Federal states in Belgium have power and can make policies and decisions



on their own. That is one of the reasons why there were extra regulations for those living in the border regions and those regularly commuting across the border. For Germans commuting from Germany to Belgium there were extra regulations already in early stages of the pandemic. For citizens living in the border regions there were local rules and regulations. These allowed the citizens on the German side of the border to commute to Belgium during the closed borders. This was a huge relief for those living and being dependent in the border region. For citizens in Belgium, it was also possible to commute to Germany. There were no restrictions for Belgium's to commute to Germany. So, summarized between Germany and Belgium there were border controls, and the border was closed, but citizens of the border region had the ability to cross the borders anyways. This helped the citizens of the border region in their daily life's.

#### ***5.4.3. Germany-Poland***

Between Poland and Germany, the border was closed for 89 days. The situation in this area was the most complicated. Poland is a presidential system with little power for local authorities. Additionally in the time of Corona the leading party in Poland was anti European and anti Corona. This led to high case numbers and no uniform corona policies. Instead of special regulations for border region commuters, the authorities implemented harder restrictions than in other border regions. In times of high case numbers there was quarantine duty for commuters. This duty highly influenced the living quality in the border region. Additionally, the duty for quarantine caused huge traffic jams and chaotic situations in the border regions.

#### ***5.4.4. Germany-Switzerland***

Germany and Switzerland are a special case, because Switzerland is the country that is part of the Schengen agreement but is not part of the European Union. The border between the both countries was closed for 90 days. Switzerland is a direct democracy and power is separated to the federal areas. For citizens and tourists, the border was closed. For citizens living in the border regions there were once again special regulations from an early stage of the pandemic. For commuters from Switzerland to Germany there was a commuter certificate which citizens

could apply for. With this certificate commuters were allowed to cross the border. For commuter coming from Germany going to Switzerland there was a border crossing certificate which was valid in addition to a valid employment contract. With these documents commuters were allowed to cross the border without any further restrictions.

The comparison of the different countries showed, that the situation for citizens living in border regions was depending on various conditions. On the one hand, the conditions were depending on the political system of the states. States with a political system, in which local regions and authorities have more power and possibilities are more likely to find solutions for people living in border regions and commuters. On the other hand, it is shown that it is possible to find local regulations.

Local regulations were helpful for citizens in border regions, because the enabled citizens to take part in the social live. Border regions are always points of conflict, when borders are closed, but local regulations can help to overcome problems.

## **6. Conclusion**

At the ends of this thesis the findings are summarized, suggestions for further research ill be done and practical implications will be given.

### **6.1. Findings**

After finishing the analysis now, it is time to answer the research questions. The first question was: How did the Covid 19 pandemic impacted the policies on cross border mobility in the German French border region of Strassburg and Baden-Württemberg?

The Covid 19 pandemic impacted the cross border mobility in different ways. In a first step it was regression of policies in favor of cross border mobility. Fundamental rights, like open borders, and the right for free travel were limited and cross border mobility was reduced. In later stages of the pandemic the rights for cross border mobility were slowly redeveloped by authorities in the affected areas. After the pandemic the regulations are back at the level from

pre- Corona. Except from the point, that there are now regulations in the constitution of France and Germany, that easily justify closed borders.

The second question was: Was there a change at all in the policies regarding cross border mobility in this region?

For this question it is a big yes. As explained in answer one, regulations were adopted and discarded. So, yes there was a change at all.

The third question was: Was there a change within the Covid 19 pandemic, so between the different lockdowns?

And it is also a yes for this question. The regulations changed from wave to wave and from lockdown to lockdown. While in the early stages cross border mobility came to a complete stop, in later stages cross border mobility was again possible.

And the last question was: Are there policies that should be changed or adapted, in order to be prepared for future challenges?

Yes. Right now, there are no regularities preparing border regions and cross border mobility for the unlike event, that something like Corona happens again. But this question will be answered more in chapter 6.3.

Beside answering these questions there were some more interesting findings from this thesis. First of all, the impression is gained, that the nations were not properly prepared for events like a pandemic. The impression is that nations were reacting instead of acting. No one thought about problems with closely connected border areas and nobody thought about problems that could be one day. The system of open borders, shared and closely connected border regions, in which citizens commute completely free, is only working in terms when everything is fine. In the situation with Covid, the complete system failed.

Because of this closely connected regions, the citizens of the border regions were hit particular hard by the closed borders. Shared infrastructure is also a threat. Citizens in the border areas were not allowed to go a few meters across the border to simply live their daily live.

Another point that is seen in the analysis is, that the success of good border mobility policies is dependent from various factors. It is not only the border region that has an influence, it is also about the political system, the direction of commuting and the power of local authorities.

This work showed that there is a trend, that border areas, in which policies and regulations are made on a low and local level of institutions are more likely to have better results. In this case the subsidiarity principle can be applied. Best decisions are made on the lowest and most local level (until it is not possible any more). This is a trend that can be seen from this analysis, and which is worth it to be proven in further research.

## ***6.2. Suggestions for further research***

After finishing the analysis a few points can be seen that seem to be interesting for further research.

One interesting point for a bigger research project would be, to investigate every local border region in every country of the European Union and/or the Schengen area. The moment, when policy making processes and regulations are done on a local base, the situation seems to be tackled better, because of the vicinity to the problem. Border regions are than better represented than in a centralistic system, in which decisions are only made on the highest level. But it can not be said for sure until every border region in every country was analyzed. By doing so, connections and pattern could be found and better predictions and suggestions could be made. In this context it would also be interesting to add some variables to the investigation.

It would be interesting to do research on how the political system influences the policies in the border regions, or how parties or associations influence the decision making process in favor or against policies and regulations. It could be investigated whether the local communities themselves have influence to the border mobility policies. Are economical wealthier and more relevant areas more likely to get regulations for cross border mobility and commuters?

A further point to investigate are border regions themselves. Border regions are unknown structures that are not often investigated. Border regions share a lot. They share infrastructure, economical structures, workforce and social facilities. All this is running good as long the borders are opened. But what happens when borders are closed? Do those areas need more support?

Always an interesting point, while studying EU member states, is to ask the question about the role of EU institutions. Do they need more competences and influence or do they need less?

And as a last idea, it could be interesting to compare border regions to non border regions in terms of standard and quality of living during corona. Are there correlations between border commuters and variables, like home office ratio, compared to communities that are not close to a border?

### ***6.3. Practical implications***

At the end of the thesis there are three main points I would recommend to check for practical purposes. The first implication would be to create some kind of rules or regulations, that border regions work closer together and have structures to work together. In the unlikely event, that borders have to be closed again, it would be helpful to have working structures, that help border regions to formulate their needs and their problems. By doing so border regions could benefit from the first second on, and problems in border regions could be prevented.

A second point would be to stick more to the subsidiarity principle. The thesis showed, that decisions that were made on a more local base, were more successful. So, for border regions it is not helpful when decisions are made far away and when national governments are not working together. It is more useful when policies are made in the region. The subsidiarity principle works very well and is successful. In federal states like Germany, it would be easier to apply such changes, while in centralistic systems like in France it would need more change and political power, to improve the political role of local authorities.

And a last point is about border regions in general. Border regions share so much. They share infrastructure, economies, social factors and many more points. Maybe it would be useful to consider those areas as one and to find a special system for those regions. This means that areas of joint infrastructure have their own rules and regularities to ensure a smooth process of the daily life in any situation. The land should still belong to each country, but it could be worth to think about a new way of bilateral partnerships. In those partnerships areas of joint infrastructure would be seen as one working unit and policies, regularities and so on are only allowed to be taken if both sides of the border are taken into account. This could be a new and

innovative way of how border regions work together. This also, could have a bunch of advantages beside those in crisis situations. Maybe the economy, the social life and other parts could profit from this kind of joint infrastructure group.

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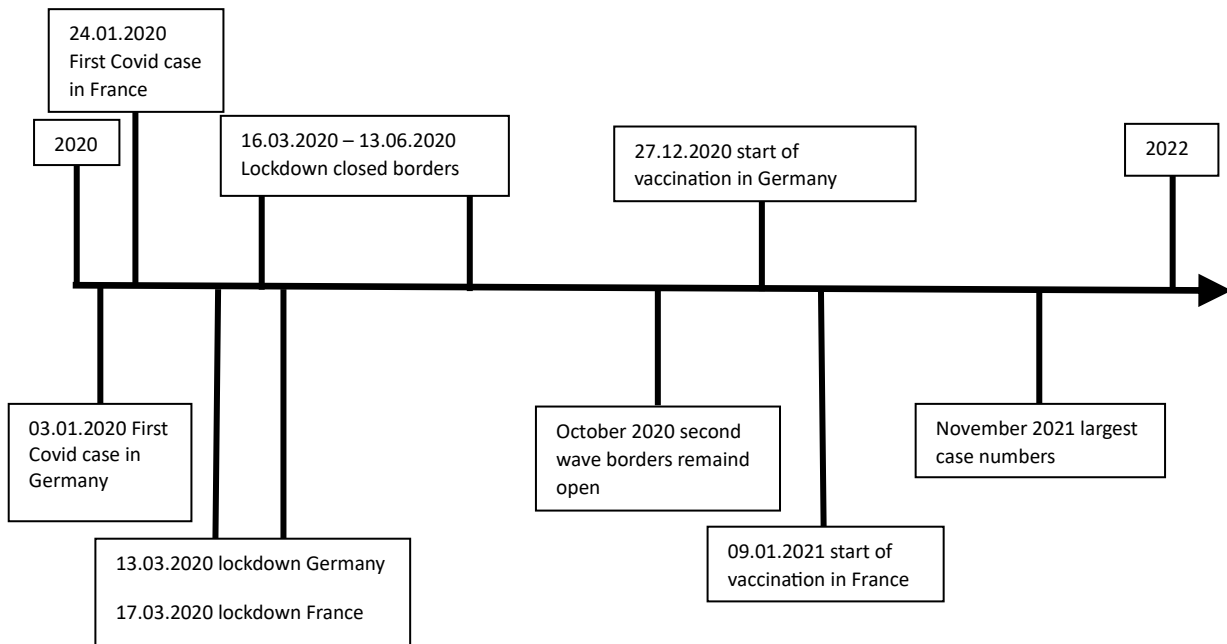
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## 8. Data appendix

### No.1



#### Dates:

03.01.2020 → first Covid case in Germany

24.01.2020 → first Covid case in France

13.03.2020 → Lockdown in Germany

17.03.2020 → Lockdown in France

16.03.2020-13.06.2020 → closed borders between Germany and France

October 2020 → second wave; borders remained open

27.12.2020 → start of vaccination in Germany

09.01.2021 → start of vaccinations in France

November 2021 → largest Covid case numbers; borders remained open

#### Implications:

There was a change in policies, borders remained open despite higher case numbers

## No.2

Impact of Covid to the border region based on Jakubovski's criteria's:

Code-group	Codes	Description	Findings
Health	Hospitals, doctors' office, health system, cooperation	How is the health system organized in this border region?	Problems in health system, closely connected, shared institutions
Working marked	Working marked, disadvantages, supply chains, cooperation	What were the influences to companies and factories in this area?	Huge disadvantages, closely connected, supply chains stopped, no support, shared infrastructure
Commuters	Commuting, reasons to commute, disadvantages and problems	Why were people commuting?	People commuting for all kind of activities, huge influence to daily life, problems of all kind
Demographical effects	Age structure, birth rate, death rate, demographical structure,	What were the influences to the demographical structure?	Nothing in the academic literature for that area, first inspections for other areas
Mobility	Airports, train stations, highways, mobility, travel	How is mobility organized?	Shared infrastructure, mobility was affected, disadvantages for all who rely on infrastructure

Society and culture	Families, activities, culture, institutions, free time	What was the influence to social and cultural life?	Social life came to a stop, harder for people in border regions, friends and families were separated, no possibilities for activities
Education	Universities, schools, education, bilingual, cooperation	How was education influenced?	Disadvantages in education, shared infrastructure, disadvantages for commuters in education

**No.3**

<b>Law</b>	<b>Purpose</b>
<b>Article 17 Schengen agreement</b>	Break down of national borders and creation of a combined area without internal borders
<b>Article 23 ff. Schengen agreement</b>	Regulates the suspension of article 17 and the reintroduction of border controls. Only possible for good reasons
<b>EU regulation (EU) 2016/399</b>	Implements the Schengen agreement into EU-law.
<b>état d'urgence sanitaire</b>	Is the French national law, that allowed and regulated all following regulations and limitations to stop the spread of the corona virus
<b>Infektionsschutzgesetz</b>	Is the German national law, that allowed and regulated all following regulations and limitations to stop the spread of the corona virus
<b>Corona-Einreiseregeln</b>	Local law, that regulated the entry of foreigners into Germany. Later the law regulated the border crossing for commuters and people living in the border region.
<b>Art. L. 2212-2CGCT</b>	French law, giving local communities more power and influence, and the ability to form laws and regulations for their own regarding Covid. Swap in the centralistic system of France
<b>EU recommendation (EU) 2020/1475</b>	EU recommendation to all member states, requiring measures to stop the spread of covid, and to find solutions for border commuters in border regions



#### No.4

Code-group	Codes	Description	France	Germany
Political system	Federal state, centralistic, political system, decision making	The role of the political system	Centralistic state	Federal state
Division of power	Level of decision making, local politics, division of power, center of power	Who is in charge and where are decisions done?	Power is in Paris, local authorities nearly no power	Power split between nation, federal states and local authorities
Policy making	Law giving process, agenda setting, influence	How was the policy making process?	Policies were made in Paris by national institutions, later sometimes locally	Policies were done together with nation and federal states, later locally
Influence of local authorities	Role of local politics, result, influence, participation	What was the role of local authorities and how was their participation?	little to no influence	More influence to the federal states

## No.5

Code-group	Codes	Description	Findings
Germany-Netherlands	Border closure, case-umpers, political system, local politics, commuting, border controls	Goal is to find similarities, and check for variables for policies on cross border mobility	Zero days of border controls, constitutional monarchy, local politics with a lot of responsibility, liberal, no controls
Germany-Switzerland	Border closure, case-umpers, political system, local politics, commuting, border controls	Goal is to find similarities, and check for variables for policies on cross border mobility	90 days of closed borders, direct democracy, not in the EU but member of Schengen, power in local areas, to Germany commuter certificate, to Switzerland border certificate and employe contract
Germany-Belgium	Border closure, case-umpers, political system, local politics, commuting, border controls	Goal is to find similarities, and check for variables for policies on cross border mobility	87 days of border controls, federal system, to Belgium local controls to the beginning later no controls, to Germany no restrictions

Germany-Poland	Border closure, case-umbers, political system, local politics, commuting, border controls	Goal is to find similarities, and check for variables for policies on cross border mobility	89 days of border controls, presidential system, anti european, covid opponent, part time quarantine restrictions, caused proplems, huge traffic jams at the border
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