

**The European Cross-Border Mechanism as an opportunity for Dutch-German fire safety cooperation:**

**An analysis based on the *Project Crossfire* in the Twente-Achterhoek-Münsterland border region**

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June 2020

For my parents.

Thank you for all your love, support, understanding and encouragement all my life and especially during my study.

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## List of abbreviations

BRO	Border-Related Obstacles
CBC	Cross-Border Cooperation
ECBM	European Cross-Border Mechanism
EP	European Parliament
EU	European Union
MS	Member States
NRW	Nordrhein-Westfalen
TAM	Twente-Achterhoek-Münsterland
VNOG	Veiligheidsregio Noord-Oost-Gelderland
VRT	Veiligheidsregio Twente

## Abstract

The border region Twente-Achterhoek-Münsterland plans to establish a shared Dutch-German fire brigade on the border. Therefore, existing legal instruments and agreements can be used. Possibly, also the European Cross Border Mechanism (ECBM) which was presented in 2017 by European Commission could offer a solution in solving border-related obstacles in this cross-border cooperation. The ECBM allows EU border regions to apply the legislation of another Member State involved in the same cross-border project for the duration of the project. With its focus on legal and administrative obstacles the ECBM aims at supporting cross-border projects as Project Crossfire. In this thesis, qualitative interviews were used to investigate in which extent the ECBM can be an addition, compared to existing agreements, in solving border-related obstacles of establishing the German-Dutch fire station in the border region Twente-Achterhoek-Münsterland.

### KEY WORDS

Cross-border region – Euregio – EU – interregional cooperation – cross-border cooperation – CBC- border-related obstacle – fire safety – legal framework – European Commission – European Cross Border Mechanism (ECBM)

## 1 Research questions and background

Not only does the EU guarantee the free movement of its citizens, goods and services, it also promises to be the “EU that protects” (Treaty on the functioning of the EU, Article 22). However, it can be seen that various factors hinder the EU's security and safety claim, especially in border regions. This is because the border between Member States often presents legal obstacles towards emergency services (European Commission, 2017a). The specific border-related obstacles differ by border region and cross-border project, but can generally be described as of administrative, legal and cultural nature (European Commission, 2017a)

In the case of emergency service provision along the border, fire brigades see themselves confronted with multiple challenges. For instance, fire fighters are lacking exact guidelines to which extent they are allowed to cross the border to provide help in the neighbouring country. Additionally, legal questions need clarification regarding the firefighters’ insurances and tasks that firefighters are allowed to perform in the neighbouring country (European Commission, 2017a).

About 40% of the EU is made up of border regions, including 40 internal borders (European Commission, 2017a). These border regions make up about 30% of the EU population (European Commission, 2017a). The fact that major incidents such as fires or floods do not stop at national

borders pose problems for emergency services such as fire brigades. As the above numbers illustrate, European border regions represent a significant percentage of the population and land mass which leads to a large number of people possibly affected by cross-border obstacles in service provision. Still, they are lacking behind in case of fire safety due to multiple reasons.

A particularly striking example that shows how dangerous border-related obstacles can be is the explosion of the fireworks factory in Enschede in May 2000, which affected the regions Achterhoek, Twente and Münsterland close to German-Dutch border. A storage room with fireworks from the company S.E. Fireworks caught fire and eventually exploded. Twenty-three people were killed, including four firefighters, about 950 injured, and 200 homes destroyed. The explosion was the largest explosion in the Netherlands since the Second World War (NOS Nieuws, 2015). German firefighters rushed to the scene of the accident, but there was no coordinated cooperation between the German and Dutch fire brigades, rescue services, police and technical relief organisations. Also, on site there were problems with different hose connections. In addition, after the accident was cleared questions about the insurance of the firefighters came up. It was not clear to the respective insurance companies to what extent the firefighters were legally protected during their deployment (Borck, 2009).

In 2017, the European Commission published the Communication "Boosting growth and cohesion in EU border regions", in which the European Cross-Border Mechanism (short: ECBM) was introduced as a way to reduce complexity of cooperation and obstacles at the EU internal borders. The ECBM specifically addresses legal and administrative border obstacles. Under the ECBM, with the consent of competent authorities, temporarily limited voluntary projects could be implemented using the legal framework of one neighbouring Member State participating in the CBC project (European Commission, 2017a).

The border between Germany and the Netherlands alone stretches over more than 560 km, making it the longest border in the Netherlands and the third longest in Germany (Statistisches Bundesamt, 2018). Euregio, the oldest Euroregion, is situated in the Twente-Achterhoek-Münsterland (short: TAM) region on the Dutch-German border. Over the past decades, Euregio has carried out numerous projects and activities to promote cross-border public order and security. For example, a cross-border police team has been set up and a German-Dutch rescue helicopter was introduced (EUREGIO, 2019). Also, a working group of various actors and stakeholders was formed in 2018 to evaluate the possible establishment of a German-Dutch fire brigade

barrack: Project Crossfire was born. As a first activity, the Project Crossfire carried out a general feasibility study for the possible establishment of a shared fire station on the border. This thesis analyses in what extent the ECBM could offer a solution for the border-related obstacles hindering the Project Crossfire.

Since the ECBM is not a law that has already been implemented, this thesis is intended to examine how meaningful the use of the ECBM could potentially be. It is to be investigated which benefits the ECBM could represent for the establishment and use of a cross-border fire station on the German-Dutch border as part of the Project Crossfire. This thesis is looking at the feasibility of establishing a shared Dutch-German fire station on the border as well as possible border-related possibilities and obstacles the ECBM would offer. Therefore, the **main research question** is:

**“To what extent can the ECBM be a useful addition to current bilateral agreements in solving border-related obstacles in fire safety cooperation in the Twente-Achterhoek-Münsterland border region?”.**

In order to be able to adequately assess the border-related obstacles concerning fire safety at the German-Dutch border, the **first sub-question** is asked:

**“What border-related obstacles is fire safety confronted with in general when cooperating across the border?”**

After addressing this first sub-question, the **second sub-question** is focussing on legal and administrative as well as communicative, cultural and social border-related obstacles that Project Crossfire is facing:

**“What legal and administrative border-related obstacles are stakeholders confronted within the Project Crossfire?”**

After the second sub-question has identified the legal and administrative obstacles, the **third sub-question** analyses which of these obstacles could be solved with the help of the ECBM:

**“Which of the legal and administrative border-related obstacles the Project Crossfire is confronted with could be solved by the use of the ECBM?”**

As the European Commission describes it, legal restrictions at the border significantly disable the economic growth and the integration of the touched regions (European Commission, 2018a, p. 1). In an increasingly networked world and closer intra-European relations, however, the

elimination of border-related obstacles in public services, such as emergency services, can be seen as a basic part of European integration. For this reason, by providing a feasibility study on the benefits of the ECBM for cross-border cooperation (short: CBC) in the field of fire safety at the Dutch-German border, this thesis makes an important contribution to strengthen the European security community. By analysing the solution provided by the ECBM this thesis provides for the Member States and institutions involved in CBC to decide over adapting the ECBM.

Moreover, the analysis of the benefits of ECBM on Project Crossfire can serve as a model for other cross-border regions that plan to build a shared bilateral fire station or a similar project in emergency services. Additionally, because of the general context of CBC within the EU, this thesis can serve as an eye-opener for different cross-border projects in the public service sector. Finally, by providing an analysis of the benefits of ECBM on the cross-border emergency service provision, this thesis provides for the ECBM regulation.

## 2 Conceptual and theoretical framework

The theoretical framework provides in-depth information on significant keywords, variables and concepts on border-related obstacles, CBC and the European Cross Border Mechanism. Aims and limits of CBC are explained firstly. Secondly, different types of border-related obstacles and their characteristics are discussed. Followed by, thirdly, general information on the aims and design of the ECBM. Thus, this conceptual and theoretical part forms a basic background on which the later analysis is based. By placing parts of the theoretical section before the methodological part, all relevant theoretical concepts are sufficiently explained at the beginning of the thesis and the structure of the analysis becomes clear. Since, as will be explained later, the border-related obstacles are the reason for the emergence of CBC and because obstacles also occur when cooperating, the obstacles for and of CBC will be looked at first.

### 2.1 Cross-border cooperation

In short, the aim and basis of any cross-border cooperation (short: CBC) is jointly solving common problems existing for geographical, economic, cultural or political factors (Sousa, 2012). Border regions including, for example, municipalities, institutions, organizations and companies are cooperating voluntarily across the border in order to fulfill their (economic) interests and goals. Because of their economic and geographical position the border regions are strongly interdependent (Sousa, 2012). The strengthening of regions and nation states is not only in the national interest, but also manifests itself in the objectives of the EU: Art. 174 TFEU says the EU commits itself to "strengthening its economic, social and territorial cohesion in order to promote the harmonious development of the Union as a whole". This article highlights different regions within the Union, such as border regions or rural regions. This is because these regions are particularly affected by industrial and demographic change (European Parliament, 2008a).

Border regions play a key role in cross-border cooperation. Cross-border cooperation, therefore, means neighborly cooperation 'for the preservation, governance and development of their (*in this case: the border region's*) common living space, without the involvement of their central authorities' (Schmitt-Egner, 1998, p. 63). The decreasing importance of national borders due to EU measures such as the Schengen Agreement has led to a shift in the importance of borders in their functional, territorial and sectoral levels (Niehaus, 2013). A precise division of competences and tasks between these levels is not easily possible. Rather, increasing interdependen-

cies between local, regional, national and international developments are created. Thus, municipal tasks can generate external effects for other municipalities, national policy becomes internationally intertwined and social tasks can be fulfilled less and less within the competence limits of function-related institutions. Governments and administrations must cooperate with associations; markets, on the other hand, do not function without state regulation. In view of these developments, the state must adapt its institutional structures and activities to the conditions of an increasingly international and globally constituent state, at the same time to adapt to regionally and sectoral differentiated societies. The more tasks are performed decentral the need for multi-level coordination increases because of these interdependencies (Niehaus, 2013).

The ‘Madrid Convention’ of the Council of Europe from 1980 describes CBC as “any concerted action designed to reinforce and foster neighborly relations between territorial communities or authorities within the jurisdiction of two or more Contracting Parties and the conclusion of any agreement and arrangement necessary for this purpose” (Council of Europe, 1980, p. Art.2). The legal basis for the importance of the CBC for common European policy can be found in Art. 174 of the Treaty of the Functioning of the European Union (TFEU).

#### *Reasons for cooperation*

The objectives pursued by closer cooperation in the numerous collaborations are based on common border disadvantages and obstacles (Mantey, 1992). CBC is thus aiming at solving a wide range of problems of everyday tasks in ‘administrative-institutional context’ (Perkmann, 2003, p. 165). The motivation for CBC is strengthened by the assumption that border-related obstacles and problems both sides of the border are facing can be mastered more efficiently but also more effectively through the cooperation of several participants. In order to ensure effective cooperation, both or all participants must see an equivalent benefit for themselves in this cooperation (Storbeck, 2016).

Due to their decentralized location, border regions are often less accessible, economically less attractive and therefore lag behind economically, socially and culturally. In order to increase their catchment area, many border regions choose to cooperate along the border. Thus, a city located close to the border can not only increase its radius, but actually "round off" the circle.

### *Characteristics of CBC*

The areas of cooperation are complex and comprehensive. Among other things, CBC is aiming at promoting the process of understanding regarding past conflicts and removing existing barriers to cooperation in the future. Occurring problems should be defined together and a solution should be sought through neighborly action. Tasks, interests, goals, institutional context, legal framework and the problems that arise in different sectors can be seen as drivers for CBC (Niehaus, 2013). There are various forms of CBC structures. The most common structures are those at the national/regional level (government and regional planning commissions) and at the regional/local level (Euroregions, cross-border associations, etc.) (Niehaus, 2013). The border regions at the regional and local level are able to influence both the national and the EU level (Niehaus, 2013). Despite strong cooperation across the border, the organizations and authorities involved in CBC are legally not authorized to conclude international agreements. As a result, informal or quasi-judicial arrangements are used to establish legal bodies that are authorized to conclude such agreements. This procedure is also known as 'low politics' (Perkmann, 2003, p. 156).

Within the border region there can be many different actors involved from the public, private and civil sector. What these actors have in common is close geographical proximity (Scott, 2017). Concluding, it can be said that, given the long history of the Euregio and the variety of CBC, the Euregio can be seen as a border region according to Sousa (2012). According to him, CBC in border regions can be defined as a “special area of fluxes and exchanges of a social, cultural, economic and political nature, a space where the development of multiple activities takes place and where the type and intensity of transactions have evolved in time” (Sousa, 2012, p. 3).

### **2.2 Border-related obstacles in CBC**

Traditionally speaking, borders mean to separate things, people and countries from each other (Svensson & Balogh, 2018). Borders as political, administrative and territorial demarcation of the modern (nation-) state are still an unavoidable fact and they do not lose their significance when viewed globally (Hiepel, 2019). With further integration in the EU, inner borders became less effective than they used to be. The Schengen Agreement (1990) formed a remarkable step towards a united EU by abolishing internal border controls within the EU. It was done in order to ensure a single area of security and justice. However, even today, different legal systems can work as barrier to CBC, physical border crossings, entry to the labor market and security issues.

It is important to differentiate between problems that lead to CBC as a consequence and border-related obstacles that are occurring when cooperating. When speaking about border-related obstacles in this thesis we mean the last-named category. For example, the desire for more resources and faster intervention in the event of a major incident can lead to the establishment of CBC in the security sector. However, with this CBC, the parties involved face border-related obstacles. Therefore, in this thesis the obstacles that hinder the functioning of the CBC are considered.

Additionally, it should be noted that obstacles are mainly based on the people's perceptions meaning that what is an obstacle for one person may be an incentive for another (half empty vs half full glass) (Hooijer, 2010). CBC emerges from a *perceived* interdependence of border regions. Like research on obstacles shows: obstacles in CBC are only perceived by respondents (e.g. see Folgers, 2011; Hofinger, 2013; Lundén, 2018; Medeiros, 2018a).

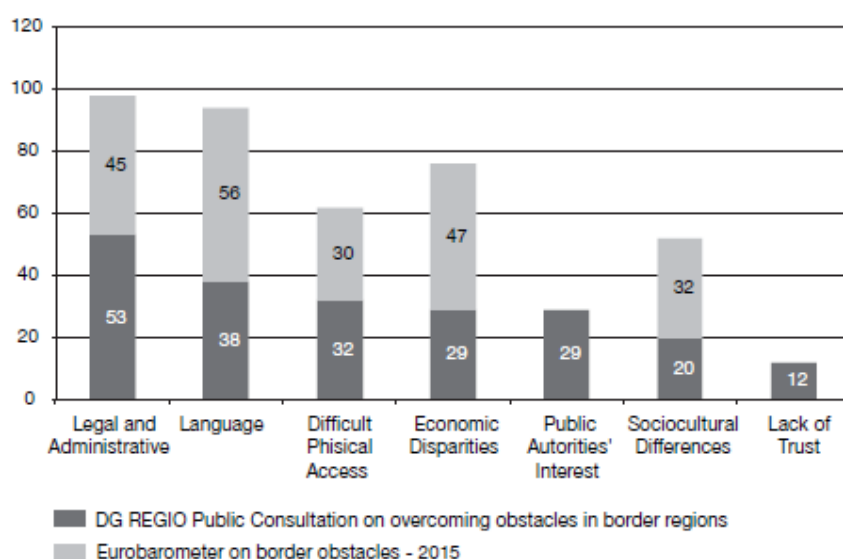
While CBC in the EU as a whole has been sufficiently examined in the literature (e.g. de Sousa, 2012; Lechevalier & Wielgoths, 2013; Medeiros, 2018b), little information is available on the border-related obstacles emerging when cooperating. Also, although existing for a longer time, border-related obstacles only entered the EU political agenda with the 2014-2020 period and the Luxembourg Presidency.

#### *Types of border-related obstacles*

CBC is striving to find joint solutions for problems that affect border regions. It can focus on solving a given obstacle itself. Legally, this can be difficult as project may not have legislative power or can itself be confronted with an obstacles again when planning the cooperation. When it comes to CBC as well as to other border crossings, different kinds of border-related obstacles pose challenges and problems for the persons and institutions involved. These obstacles can be of different nature, such as: **legal and administrative, language, physical access, economic disparities, public authorities' interests, sociocultural differences or others** (Medeiros, 2018). These six categories of border-related obstacles, mentioned by Medeiros (2018), can be found in multiple policy documents of EU institutions (European Commission, 2016a). Medeiros (2018) research was chosen as a basis for this thesis as it compares two important surveys with wide scale.

The types of border-obstacles differ in their characteristics as well as their quantity of occurrence, sometimes significantly. Figure 1 below shows the quantity of different obstacles institutions experienced, using data from the DG REGIO Public Consultation on overcoming obstacles in border regions from 2018 and the Eurobarometer on border obstacles from 2015.

Figure 1: Persisting border obstacles in Europe (Data = Agreement in %)



Source: Medeiros(2018), p.8

According to Figure 1, legal and administrative obstacles form the biggest obstacle according to the interviewed organizations. Following Medeiros (2018), three domains within organizational and professional CBC are affected by the legal and administrative obstacles namely access to employment; access and use of social security, pension and taxation systems; and lack of recognition of education and qualification. As the TAM region is a border region where this is highly interconnected regarding economic reasons, it can be assumed that legal and administrative obstacles also play a role in the fields mentioned above. In how far this actually is the case for the CBC of emergency services in general and Project Crossfire in specific, is to be examined in the following analysis (see section 5). Nevertheless, it should be noted that the literature discusses mostly cross-border processes related to citizens who cross the border for work or regionauts<sup>1</sup>. In the present study, however, the analysis is focused on the obstacles professionals describe from their perception during the establishment of a CBC.

In addition to the types of border-related obstacles, a difference can be made also between the characteristics of the obstacles. Svensson & Medve-Bálint (2016) created a grid for describing the characteristics of the border-related obstacles. This grid is subdivided into external (national and transnational) as well as local inflow factors. Svensson & Medve-Bálint (2016) also break down the obstacles according to their normative and instrumental character (see Table 1).

<sup>1</sup> "Regionauts move in both the physical and mental landscapes of a region, exploring differences in anything from the legal system to market conditions. This kind of on-the-ground region building often goes against the intentions of planners and policymakers, and may include creative subversions of existing conditions: bending rules and identifying loopholes." (Löfgren, 2008, pp. 196-197)

Table 1: Obstacles to local cross-border cooperation

<b>Obstacles to local cross-border co-operation</b>	<b>Instrumental</b>	<b>Normative</b>
<b>Local</b>	fierce competition for resources lack of sufficient own funds lack of know-how and management skills conflicting project ideas language barriers	historical tensions, conflicts (border as symbol of identity and distinction) existing stereotypes and prejudice towards the population across the border fear of competition posed by the other side (labour market, real estate market)
<b>External (national or transnational)</b>	lack of established legal framework for cross-border co-operations inappropriate external financial resources incompatible political-administrative structures lack of supportive bilateral governmental agreements	unsupportive policies of the central government conflict or tension at the governmental level between the neighbouring countries

Source: Svensson & Medve-Bálint (2016)

Table 1d distinguishes between four categories of obstacles. Obstacles can arise at the local level if there is a lack of instrumental implementation. For example, lack of financial resources, language barriers or lack of know-how can play a role here. At the normative level, however, "soft" factors such as historical difficulties or local stereotypes are represented. At the external level, on the other hand, it is more a question of external (national and transnational) factors that cause obstacles. The lack of a legal framework for CBC or the absence of bilateral agreements are mentioned as examples of instrumental obstacles. Obstacles of a normative character can also arise at the external level. For example, through unsupportive policies of the central government (Svensson & Medve-Bálint, 2016).

In this thesis, special attention will be paid to the external-instrumental obstacles. Since the ECBM plans to solve legal and administrative obstacles, normative obstacles do not play a role in answering the research question. Nevertheless, all obstacles of different characteristics

should be considered to get a comprehensive picture of the obstacles that arise in Project Crossfire. This is important in order to be able to determine later whether the existing obstacles can be solved by the ECBM or not. The later analysis of border-related obstacles in fire safety in general and specifically in the case of Project Crossfire are conducted based on the above grid by Svensson & Medve-Balint (2016) (see section 3.4).

#### *Different types of legal and administrative obstacles*

As will be explained in more detail in section 2.3, the ECBM focuses on reducing legal and administrative barriers. Therefore, this category of obstacles will be explicitly addressed below. Pucher et al (2017) analysed 239 cases of CBC within the EU based on academic and web-based literature regarding existing administrative and legal obstacles. Based on this research, three main types of administrative and legal obstacles can be identified: EU-related legal obstacles (Type 1), Member State-related legal obstacles (Type 2) and Administrative obstacles (Type 3). These three types of obstacles are caused by different circumstances: Type 1 refers to the specific status at an EU border or is caused by absent or inadequate EU legislation facilitating CBC. Type 2 obstacles are caused by national and regional legislation of the EU Member States. This mostly emerges from different national legislation for example on routines, insurances or competencies. Type 3 obstacles are caused by several factors, including lack of cooperation (asymmetric cooperation constellation) and different administrative systems and cultures (Pucher, Stumm, & Schneidewind, 2017). In other words: legal obstacles are always linked to a missing or obstructive legal framework either on EU, national, regional or general level. These three types of obstacles again can be divided into groups of subtypes as seen in Table 2 below.

Table 2: Main types and sub-types of legal and administrative obstacles

<b>Type 1</b>	
<b>EU related obstacles</b>	
I.1	Particular status given of EU border (e.g. Schengen vs. Non-Schengen)
I.2	Absence of EU regulations in policy field relevant for CBC
I.3	Existing but inadequate EU legislation (e.g. policies do not take cross-border dimension into account)
I.4	Incoherent implementation of existing EU-legislation by Member State
<b>Type 2</b>	
<b>Member State related legal obstacles</b>	
II.1	Different national legal provisions in a policy field for which only a supporting EU competence exists
II.2	Different national legal provisions in a policy field for which no EU competence does exist
II.3	Different regional/local legislation or administrative directives in policy field for which no EU competence exist
II.4	Asymmetric cross-border legal context in policy field for which no EU competence does exist
<b>Type 3</b>	
<b>Administrative obstacles</b>	
III.1	Country-internal institutional changes OR willingness to initiate solutions which tackle specific cross-border problems
III.2	Asymmetric cooperation constellation preventing specific border problems to be solved
III.3	Lack of horizontal coordination or CBC as regards the planning or delivery of national/regional/local public policies
III.4	Differences in administrative cultures of neighboring countries

Source: Pucher, Stumm & Schneidewind (2017), p.34

This above classification will be referred to in the later part specifically on the field of fire safety (see section 4.1). In addition, both studies were used as assignment cadre for the later analysis of existing obstacles in fire safety and Project Crossfire. For this purpose, it can first of all be stated that both studies complement or include each other: the three types of

administrative and legal obstacles according to Pucher et al (2017) can in turn be assigned to the categories of obstacles according to Svensson-Medve-Balint (2016). In particular: obstacles in Type 1 and 2 are external-instrumental obstacles and obstacles in Type 3 can be both external-normative and local-normative obstacles.

It is not only the occurrence of border-related obstacles that present the involved professionals with challenges, but also the handling of such a situation. As Svensson and Balogh (2018) describe: an obstacle can also be lack of competences on the local and regional level, where CBC comes into action and where the cross-border issues should be handled. In case local stakeholders are lacking competence for solving a border-related obstacle to local CBC this case is discussed on the higher hierarchical level where the case at the same time loses priority. The resulting loss of interest and priority on the higher administrative level demonstrates a “lack of appropriate structure” in the handling of CBC obstacles in the EU (Svensson & Balogh, 2018, p. 117).

Based on Lundén (2018), CBC could be hindered by administrative obstacles such as:

- Differences in social security systems;
- Differences in pension systems;
- Differences in taxation systems;
- Differences in state organizational systems e.g. unitary and federal status (Germany vs. The Netherlands);
- General complexity of administrative procedures.

Lundén (2018) names the following legal obstacles to CBC:

- Lack of recognition of education and qualifications → lack of harmonization of education and labor systems;
- Differences in technical standards (European Commission, 2016a);
- “hierarchical asymmetry” (Lundén, 2018, p. 104) → imbalance of legal authority in domestic hierarchy on both sides of the neighboring border on corresponding level.

These are only examples of possible obstacles in CBC. The following analysis of the obstacles for emergency services in general and the Project Crossfire (see chapter 5 and analysis in chapter 6) will determine to what extent these obstacles can be found in cross-border cooperation in emergency services in general and for Project Crossfire in specific.

## 2.3 European-Cross Border Mechanism (ECBM)

The ECBM is an instrument enabling cross-border regions to carry out a cross-border project by removing legal and administrative obstacles through allowing cooperating Member States to apply the legislation of only one Member State to the whole project. The ECBM was introduced by the European Commission in its Communication "Boosting growth and cohesion in EU border regions" ((COM 2017), hereinafter Communication), in which the Commission presents ways for reducing complexity at the EU internal borders. In the Communication, the Commission proposes a 10-point action plan, where three points (point 3.2 "improving the legislative process"; point 3.3 "Enabling cross-border public administration; point 3.9 "considering the legal and financial framework for cross-border cooperation") specifically address legal and administrative border barriers (European Commission, 2017a). Existing tools such as INTERREG, for example, provide financial support for cross-border projects and thus reduce financial obstacles to CBC. Institutional obstacles are addressed by the European Grouping for Territorial Cooperation (EGTC) which "facilitates and promotes cross-border, transnational and inter-regional cooperation" by setting up cooperation groups with legal personality (European Commission, 2020). Until now, however, an instrument for solving legal and administrative obstacles has been lacking (Luxembourg Working Group, 2017).

On 20<sup>th</sup> September 2017, the European Commission (EC) published the Communication "Boosting Growth and Cohesion in EU border regions", which followed an EU-wide cross border review between 2015 and 2017. In this Communication the design of the ECBM was not definitely resolved. This also explains why the definite requirements and condition for organisations that are willing to apply the ECBM to submit an application are not yet finally described. However, as a part of the Cohesion Policy legislative package, on 28<sup>th</sup> May 2018, the European Commission proposed a regulation on the ECBM tackling border-related obstacles (Sielker, 2018).

### *Central points of the ECBM*

According to the European Commission and the Luxembourg Council presidency the ECBM is needed as it closes a gap in providing instruments for overcoming obstacles to CBC (European Commission, 2017a). The ECBM is designed to solve administrative and legal obstacles as INTERREG does with obstacles including costs and the EGTC with institutional obstacles (Luxembourg Working Group, 2017).

Within the ECBM, three terms are central. Firstly, the European cross-border commitment, which describes that the committing Member State transfers its laws to the neighboring state ('transferring'). Secondly, the European cross-border statement stipulates that the respective legal situation at one side of the border can formally be applied to the other side respectively within a certain cross-border project (European Commission, 2018b). Thirdly, the so-called cross-border coordination points play a central role in the ECBM. The coordination points can be seen as administrative institutions that are responsible for coordinating the preparation of the CBC agreement. This involves the approval of the signatures of the parties and organizations involved. Subsequently, the projects are monitored by the coordination points. In addition, the coordination point should be in regular contact with the authorities involved in the cross-border project (Lierop, 2019).

### *ECBM in practice*

The proposed regulation sets the ECBM as a voluntary mechanism that is linked to a single cross-border project. This means that a bilateral agreement only applies to one cross-border project in the particular border region between exactly two Member States involved. In addition, approval by the coordination point in order to use the ECBM is limited to the NUTS-3 level (= "small regions") and national land borders (European Commission, 2018b).

In order to apply the legal provisions of a neighbouring Member State, the Commission offers two options. First, a commitment with direct effect could be concluded. The second option is a declaration, in which the Member State declares that it will amend the provision. Amending the provision the Member State is asked to complete the necessary legislative procedure. It is not mandatory for Member States to opt for ECBM. However, if a Member State does not opt for the ECBM, it must choose an existing way of removing obstacles to the implementation of a joint project in cross-border region. These ways may be for example effective agreements established by a Member State at national level or formally or informally by a Member State with one or more neighbouring Member States (European Commission, 2017a).

As a start, both Member States should reflect whether there is already a mechanism or agreement at this border. If this is not the case, the ECBM could be applied to the border. Additionally, it is also to investigate whether the ECBM could possibly add to existing agreements.

If the ECBM is applied, one Member State has to provide an initiative document describing the nature of the cross-border project, the specific legal obstacles the project is facing and present a solution that the transferring Member State's legislation could offer. This document will be

drafted by the initiator and will be sent to the cross-border coordination point. This coordination point responds with a ‘preliminary analysis’ about how far the legal and/or administrative obstacle is valid or not. The coordination point can also ask for a revised initiative document (COM (2018)373 Art. 9-11). Once finalised, the coordination point of the committing Member State prepares a statement and sends it to the transferring Member State. After both Member States agree, the cooperation is concluded and a contract is signed by the authorities on the national level in both Member States (COM (2018)373 Art. 16-17).

### *Legislative process*

After the Luxembourg Council presidency made the proposal for the ECBM in 2015 and commissioned the Cross Border Review, the European Parliament welcomed it one year later. In 2018, the European Commission published a proposal on the ECBM which was discussed by the Member States on subsidiarity until the end of July 2018 (Lierop, 2019). At the end of 2019, the European Parliament (EP) agreed to continue working on this file in the 2019-2024 term (Ghinea & Van Miltenburg, 2019).

### **3 Research design**

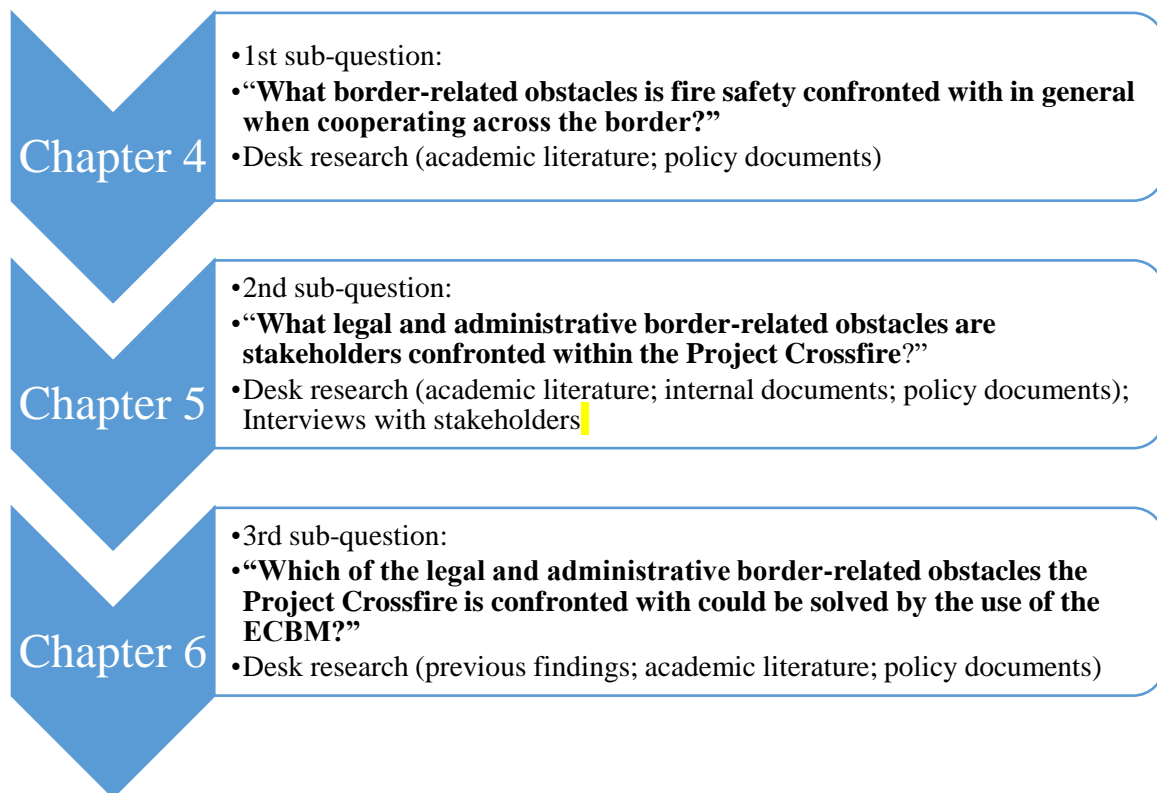
#### **3.1 Strategy and design**

Subject of this thesis is the evaluation of the situation of a certain field (fire safety) in a specific case (Project Crossfire). In order to analyse this specific case, several steps are necessary to gain knowledge about the general structures of border-related obstacles in CBC in general, in the field of fire safety and finally the specifics of Project Crossfire to answer the main research question. The analysis involves both desk research and interviews using qualitative analysis.

In order to be able to answer the main research question, the sub-questions play an important role as they contain the variables of the main research question in more detail and by doing so build the basis for addressing the main research question. The main research question consists of three variables: agreements in the TAM region, CBC and fire safety. The answer to the main research question thus aims to draw conclusions from the general ("fire safety", "cooperation", "border obstacles", see first sub-question) to the specific ("Twente-Achterhoek-Münsterland-Region", "Project Crossfire", "bilateral agreements"). This thesis is about assessing how useful the ECBM would be for the specific case of the Project Crossfire.

The following figure (Figure 2) presents the connection between the sub-questions and describes how the sub-questions function as building blocks for answering the main research question.

Figure 2: Process of analysis within this thesis



➔ **Leading to answering the main research question**

Source: author’s own contribution

Details of the exact procedure for answering the sub-questions is given in more detail under-section 3.2 of this thesis.

### 3.2 Data collection and analysis

The research consists of two methodological parts. First, a desk research on CBC in the field of public emergency services, specifically in the field of fire safety was carried out. This desk research included information on the ECBM as well. Second, cross-border agreements on fire safety at the Dutch-German border were analysed. Thirdly, interviews about the benefits of applying the ECBM to the project were carried out with professionals from the involved organisations in the Project Crossfire.

#### *Desk research*

In the previous, theoretical chapter, CBC as well as border-related obstacles were defined by means of desk research based on academic literature, organizational publications and policy

documents. Key words 'cross-border cooperation', 'transfrontier cooperation', 'border obstacles', 'border-related obstacle/barrier', 'cross-border emergency services' serve as guidelines for the literature research. Also German and Dutch search words were used to add to the research: for example, German keywords like 'grenzüberschreitende Zusammenarbeit / Kooperation' and the Dutch counterpart 'grensoverschrijdende samenwerking' were used. The first part of the desk research aims to identify the objectives, obstacles and benefits of cross-border cooperation. In the second part of the desk research, the ECBM was studied on the basis of academic literature, but also documents from DG Regio as well as official documents of the European Parliament, the Commission and the Council. Taken together, these two thematic desk research sections form the conceptual framework on which this thesis is based.

Subsequently, the desk research on CBC in the field of fire safety was specified and therefore the **first sub-question** was answered. First, a general overview was given and problems about CBC were brought out. EU legal documents, publications of several EU institutions and academic literature were analysed. The first sub-question is intended to give a general entrance to border-related obstacles hindering public services such as fire safety.

The specific border-related obstacles at the TAM border for the Project Crossfire were analysed and discussed under the **second sub-question**. For this purpose, desk research was carried out on the basis of academic literature, legal documents and publications of different organisations and institutions. The used data involves documents and publications from the EU level, national level and publications from transnational organisations or regional organisations such as Euregio. The analysis of academic literature and legal documents leads to a more in-depth view on agreements on fire safety at the TAM border region (see section 5.1.1 for further analysis). Additionally, the specific situation of Project Crossfire and the border-related obstacles it is facing was analysed and discussed. Information about the TAM border region and the Project Crossfire was gathered using internal documents of the stakeholders of Project Crossfire, publications and information gained through the interviews.

In order to narrowing down the focus of the thesis with regard to the main research question, the **third sub-question** was answered. This third part of the analysis compared the legal possibilities of ECBM in solving border-related obstacles in general and the border-related obstacles identified for Project Crossfire in specific. Subsequently, it was analysed in what extent these both border-related obstacles are overlapping. The reference to the already existing bilateral agreements also plays an important role here, as these might overlap with the ECBM.

## *Interviews*

In order to address the second sub-question, semi-structured interviews were conducted. The aim of these interviews was to determine which specific border-related obstacles the fire brigades at the TAM border face in practice. Project Crossfire is set up by three organisations and representatives from all these organizations were interviewed: the Coordinator of CBC of Veiligheidsregio Noord-en Oost-Gelderland (NL), Head of the fire brigade in Bocholt (DE) and a German engineer from answerING Beratende Ingenieure PartGmbB (DE). Additionally, a mayor of a small city in the border region, the Dutch municipality Aalten, was interviewed on his experiences on Project Crossfire. He was interviewed based on his professional knowledge and his experience on CBC in this exact border region. The interviews are presented anonymously in this thesis and only the name of the organisation is mentioned as an interviewee. This decision was made because the interviewees are understood as spokespersons of their organisation and a traceability to the individual persons and opinions should be excluded. The analysis sometimes refers to "Dutch interviewees", which means the Dutch organisations mentioned above. The same applies for the German organisations when the term "German interviewees" is used.

The interviews are conducted and qualitatively analysed in order to both sketch the status quo of the border-related obstacles Project Crossfire is confronted with and to assess the advantages and disadvantages using the ECBM for the Project. The interview questions are essentially coming from the main research question. Also, the interview questions were formed based on the findings on border-related obstacles (in section 4.2). By categorising and typifying border-related obstacles before, to connect the interview questions accordingly with the results from the desk research. The participants were asked to name the three main obstacles the Project Crossfire is facing. Finally, they were asked to rank the obstacles based on their influence on the CBC and were also asked to give their opinion on possible use of the ECBM.

An interview plan with detailed interview questions can be found in the appendix (9.1) The interviews were conducted in March 2020 and lasted about 15-25 minutes. All interviews were conducted via telephone. Each interviewee was interviewed individually. Interviews were recorded with the agreement of respondents in order to analyse the answers. During the interviews, notes were taken. Interviewees agreed to have their answers transcribed and analysed. Semi-structured interviews were chosen in order to obtain both structured answers to the sub-questions and to have the possibility to gain more in-depth information on the subject (Griffie, 2005).

## *Analysis*

For the evaluation of the interviews, which forms the basis for the subsequent analysis, the documentary method was used (Nohl, 2006; Bohnsack, 2010). The documentary method works with successive compression and reflection of the material. In the end, however, findings from this analysis can be also categorized. The preceding discussion about border-related obstacles (in section 4.2), their characteristics and types led to a categorization before the interview was conducted (see 3.4). This categorization served as a grid for the interviews which made it possible to gather sufficient information on possible border-related obstacles in the field of fire safety from the previous desk research even before the interviews began. By doing so, a close look at the specific border-obstacles Project Crossfire as a case is confronted with.

The main steps of the documentary method are:

- Creating an overview of the thematic course of the interviews and identifying important (meaningful) passages in the interview;
- Formulating interpretation of the selected passages: Summary of the contents in own words, but still without social science / theoretical categories;
- Reflective interpretation: Subsequently, the interview passages are evaluated in terms of "what is documented in them". The main focus is on the orientation frameworks within which the interviewees act
  - (Nohl, 2006; Bohnsack, 2010).

### 3.3 Validity and reliability of proposed operationalization

In order to be able to check the interviews for their validity and reliability, it is necessary to make comparisons with official documents such as existing contracts, protocols and agreements. This procedure is needed in order to confirm or refute the correctness of the statements made by the interviewed persons (Nohl, 2006). In fact, the assessments of the interviews represent a large part of the data needed to analyse the benefits of the ECBM for the Project Crossfire.

Interviewees have their individual ideas about the meaning or goal of the interviews and that may influence their answers. The answers can also be influenced by the course of the interview (Kohli, 1978, p. 12). Although, in quantitative terms, four is a small group of interviewees, it is important to note that they all are experts in their field. Due to their personal involvement and the high level of expertise on both the work of the fire brigade and cross-border cooperation, a

valid research basis is ensured. The focus here is on the visions and perceptions of the participants in the network collaboration of Project Crossfire. The visions and perceptions of interviewees are important in assessing the effectiveness of the CBC in the TAM-region. By means of an interview, detailed information can be obtained about the visions and perceptions of the participants.

Reliability and validity are important criteria for good scientific research (Thiel, 2010). Because the verifiability and repeatability of the analysis of qualitative research is less unambiguous than in quantitative research, qualitative research usually does not speak of validity and reliability, but in terms of imitability of analyses, transferability and plausibility of conclusions. Traceability is related to repeatability (reliability), transferability with generalizability (external validity), and plausibility with validity (internal validity) (Thiel, 2010). In this thesis, therefore, the individual answers in the interviews are compared with previous desk research. Likewise, the transcripts of the interviews are in the hands of the author, so that the exact wording of the answers can also be verified.

### 3.4 Coding and categories

In order to evaluate the research results of the first and second sub-question, a classification according to Svensson and Medve-Balint (2016) and Pucher et al (2017) is used. In other words, the different border-related obstacles found in the desk research are assigned to the different categories of obstacles.

Many of the obstacles identified by desk research can be clearly assigned to the above mentioned categories. The same applies to the assignment of the specific obstacles for Project Crossfire, which were identified by the interview analysis. However, there can be overlaps, so that an obstacle can be assigned to several categories. The type of obstacle (I.1 - III.4) is showed according to Pucher et al (Pucher, Stumm, & Schneidewind, 2017, p. 34). Thus, the different obstacles can be categorized to identify which obstacles could be solved by the ECBM and which not. This categorization forms a basis for answering the main research question and to answer the third sub-question as the found obstacles can compared to the competencies of the ECBM. The results from answering the first and second sub-question (desk research & interview analysis) can thus be compared with the ECBM's competences. Many of the obstacles identified by desk research can be clearly assigned to the above mentioned categories by Svensson and Medve-Balint (2016) and Pucher et al (2017). The same applies to the assignment of the specific obstacles for Project Crossfire, which were identified by the interview analysis.

Finally, comparison between the evaluation of border-related obstacles and the possibilities the ECBM offers to the CBC projects can form a basis for further improvement of the ECBM.

### 3.5 Limitations

There are several limitations faced during conducting this research. Firstly, the European Commission's proposal on the ECBM is not yet a law but still needs the agreements of all European institutions involved. Secondly, the number of interviews is limited due to the involved project organisations. As the research question is specific to Project Crossfire, only people directly involved in the project were interviewed. In order to obtain an additional professional view of the project from "outside" but still with a corresponding reference, another expert was interviewed in addition to the representatives of the three project organisations. Therefore, statements can be made about the Project Crossfire. However, it is not possible to make directly transferable statements on other, similar cross-border projects in the same field of fire safety. Furthermore, it should be noted that Project Crossfire is a project that focused on the feasibility of establishing a shared fire brigade. The project therefore is not an ongoing project. Still, the involved organisations are cooperating and planning the building of this brigade. However, the project is lacking new impetus since the feasibility study which is why the ECBM might offer new ways for the establishment of a shared fire brigade. Finally, this master's thesis was not affected by the corona crisis. However, it would be interesting to analyse in further research on the consequences of the crisis for Project Crossfire.

### 3.6 Ethical issues

The analysis of border-related obstacles and the possibilities of the ECBM to help Project Crossfire solve these obstacles is based on interviews with stakeholders and experts of CBC and fire safety. Four experts either involved in Project Crossfire or familiar with the specific border situation were interviewed. The interviewees have been informed in advance about the purpose and content of the research and they all have given their explicit consent to the participation in the interview. The interviewees were also informed that they could revoke their consent at a later date and that the personal data will not be stored. A "green light" from the Ethics Committee of the University of Twente has been given to conduct this research.

## 4 Border related obstacles in fire safety cooperation

In the first part of the chapter, the concept of fire safety for this thesis is defined and the reasons for CBC in this field are discussed. Subsequently, specific border-related obstacles in the EU while cooperating across border within the field of fire safety and emergency services are elaborated on. By doing so, the first sub-question is answered. Additionally, the different types of border-related obstacles in the field of fire safety are analysed regarding the categories of Svensson and Medve-Balint (2016) and Pucher et al (2017) and it is assessed in what extent the ECBM could contribute to solve them.

### 4.1 Fire safety within this thesis

Following Korbes (2008), four processes play a role in the definition of fire safety: (1) the prevention of emerging fire; (2) if this is not possible, the prevention of its developing; (3) fire safety should show and provide opportunities to escape from fire; and lastly (4) fire safety should advocate extinguishing the fire. For this thesis, fire safety means the permanent, local fire brigade, which on the one hand forms a comprehensive rescue point, but can also be called out to major incidents, meeting all above mentioned points.

#### *Reasons for cooperation in the field of fire safety*

With the development of the Euroregions and Interreg, CBC has increasingly expanded in various policy fields. One of those fields is fire safety. There are several reasons for that. In the course of time, disaster relief and crisis management has received increasingly more attention (Folgers, 2011). The risk of incidents in society has increased due to the increasing interdependence between governance, ecology, culture, technology and economics. This interdependence is influenced by the changing nature of disasters. New threats, such as flu pandemics and terrorism, have extended disaster management to crisis management. In addition, the German and Dutch fire brigades, for example, continue to cooperate during the corona crisis by remaining on standby for each other (Duitslandnieuws, 2020).

The advantages of inter-organisational cooperation in the field of fire safety are the greater choice of resources, (financial) means, forces, skills, knowledge and methods about security (Hofinger, Kuenzer, Maehler, & Zinke, 2013). In the moment of crisis during the fireworks

explosion in Enschede in 2000 the lack of bilateral agreements made cooperation between German and Dutch forces difficult. It showed that combining forces on both sides of the borders would lead to an increase of safety for the region (Hooijer, 2010; Princen et al., 2016; DeWit, 2019). Thus, the topic of CBC in safety issues gained public attention and landed on the political agenda. However, it must be noted that this attention does not have to be permanent due to the loss of urgency and is also dependent on the political agenda and staffing of the organisations involved (Princen, Geuijen, Candel, Folgerts, & Hooijer, 2016). It can be said that the most significant factor for CBC for emergency services is urgency triggered by a crisis, acute danger or ‘perceived interdependency’ (Princen, Geuijen, Candel, Folgerts, & Hooijer, 2016, p. 106).

On the one hand, the high degree of industrialisation causes vulnerability of society, while on the other hand, it is exacerbated by high population density, high mobility and dependence on technical facilities (Folgerts, 2011). These (new) challenges partly explain why fire brigades choose to cooperate across borders.

It is because of their location close to the border that many municipalities feel restricted in their security situation. Cooperation on the other side of the border therefore so to speak literally enlarges the circle. Because of their geographical position close to the border municipalities do not have a round circle of possibilities around them from what they can choose as the border limits their scope. Still, criminality, safety issues and emergencies do not stop at the borders and therefore, services would be needed that are legally allowed to cross borders. CBC can therefore ease the tension between limited capacity to act and decentralised location (Princen, Geuijen, Candel, Folgerts, & Hooijer, 2016).

#### 4.2 Border-related obstacles in emergency services

The form of CBC considered in the field of emergency services is “inter-organisational cooperation” (Hofinger, Kuenzer, Maehler, & Zinke, 2013). This means that organisations, which each have their own tasks, structures and framework conditions, jointly manage a task. Within the framework of such cooperation, in addition to the problems arising from the cross-border character of the cooperation, new specific obstacles can occur related to the nature of this cooperation (Hofinger, Kuenzer, Maehler, & Zinke, 2013). Inter-organisational cooperation can take various forms: as a topic-related network, as a product-related cooperation or as a long-term collaboration, whereas a product related cooperation could also be long-term cooperation (Hofinger, Kuenzer, Maehler, & Zinke, 2013). However, all these forms of cooperation are faced by a multitude of obstacles (Hofinger, Kuenzer, Maehler, & Zinke, 2013). Problems can

arise due to differing overarching goals of the organisations, and from differences in organisational and professional cultures. As Hofinger et al (2013) describes, communication can also lead to differences, and, for example, when addressing professionals of certain rank, it can be difficult to meet the appropriate tone. In addition, cooperative action is also influenced by knowledge about and experience-based expectations towards each other.

Generally speaking, ‘Policy Planning and Public Services’, as it is called by Pucher et al (2017), are most hindered by Type 3 obstacles (administrative nature), and closely followed by Type 2 obstacles (national legislation). Cross-border public services are the least influenced by Type 1 obstacles (EU legislation) (Pucher, Stumm, & Schneidewind, 2017, p. 37). Administrative or legal obstacles in the field of public services can be, for example, “differences between domestic systems for civil protection and rescue/emergency services (i.e. legislation, competencies, institutional organization, operational planning, actors involved, etc.)” (Pucher, Stumm, & Schneidewind, 2017, p. 37). These border-related obstacles can hinder cross-border crisis/disaster management. Similarly, “different qualification requirements for the personnel of rescue and emergency services (e.g. ambulance crews, fire brigade, etc.), malfunctions of emergency call systems (non-functioning mobile phone networks near the border, difficulties in reaching the 112 emergency call service) and a lack of cross-border coordination” contribute to the occurrence of cross-border obstacles (Pucher, Stumm, & Schneidewind, 2017, pp. 44-46). In the following, different types of obstacles for CBC in emergency services are looked at. The structure is inspired by the categories by Medeiros (2018) (see chapter 2.2). The found obstacles were assigned to the categories according to Svensson and Medve-Balint (2016) and Pucher et al (2017). This approach allows a general classification (relatively broad categories according to Medeiros (2018) and a more detailed classification according to Svensson and Medve-Balint (2016) and Pucher et al (2017). In addition, an assessment of what extent the ECBM is able to solve these border-related obstacles is carried out. This is important for answering the third sub-question (see chapter 5.4) and though consequently the main research question.

#### *Differences in organizational structure (Administrative obstacles)*

There is no uniform organizational structure of fire brigade organizations in the EU (Pohl-Meuthen & Schäfer, 2006). The differences in the structural set-up of fire brigade organizations of different EU Member States create obstacles for cross-border cooperation. For example, in the Netherlands, the rescue service, including the fire brigade, is centralized, i.e. regulated at the national level. The individual provinces are responsible for the organisation of the schedules and supply of material (Pohl-Meuthen & Schäfer, 2006). In Luxembourg, also, rescue services

and fire brigades are uniformly and consistently regulated by law. In the Czech Republic, the fire brigade operates independently of the rescue services, is partly privatised and is made up of both professional firemen and volunteers (Pohl-Meuthen & Schäfer, 2006). In Germany, this mix of professional and a large degree of volunteers is also found in the rescue staff. Also, both the German and the Austrian (fire) emergency systems are "doctor-based systems of emergency rescue" (Pohl-Meuthen & Schäfer, 2006, S. 40). This means that fire fighters in the Netherlands are trained in medical aid and are legally allowed to deliver it. In Germany, only emergency doctors are allowed to practice (Pohl-Meuthen & Schäfer, 2006). These legal differences between the Netherlands and Germany can also lead to obstacles in CBC.

According to Lasogga and von Ameln (2010), the lack of compliance with defined structures and processes mostly lead to problems for inter-organizational cooperation. This obstacle can be influenced by lack of personnel or from implicit rules that guide the operating procedures (Lasogga & von Ameln, 2010). Particularly in the case of inter-organisational set-up, as is the case when two fire service organisations cooperate, it shows to what extent the two organisations are not structurally adapted to each other (Lasogga & von Ameln, 2010).

Different organizational structures create different obstacles. On the one hand, different levels of assigned tasks raise the question of responsibilities and the powers of the same levels at the other side of the border. Possible differences in tasks and responsibilities as well as different names for one position can lead to uncertainties in the communication between the organisations (Folgerts, 2011).

These differences at the organisational level can be assigned to the category of administrative obstacles. According to Pucher et al (2017) these are type III.4 (Differences in administrative cultures of neighbouring countries). According to Svensson and Medve-Balint (2016), these differences can be described as instrumental-external obstacles. In this category, especially incompatible political-administrative structures pose an obstacle to CBC, which therefore could be solved by using the ECBM. When opting for using the ECBM, the cooperating organisations could agree on one structure and work with this in the further process of cooperation. However, it is questionable in how far the application of one legal structure to both countries during a project to solve a Type III.4 obstacles would work out in practice (Pucher, Stumm, & Schneidewind, 2017).

### *Insufficient harmonization as an obstacle (Legal and administrative obstacles)*

The differences in organizational structure demonstrate that the organizations and thus also the security systems are not congruent within the EU. This manifests, for example, in the lack of identical assessment grids for defining disasters and uniform commands or uniform quality requirements for the material (Hooijer, 2010). Uniform regulations about material, trainings and operational requirements at the EU level could reduce or even fully eliminate these kinds of border-related obstacles. Therefore the insufficient harmonization of regulations regarding the professional work of fire fighter is a normative-instrumental obstacle according to Svensson and Medve-Bálint (2016) or Type I.2 obstacle according to Pucher et al (2017).

However, it must be noted that harmonization efforts on fire safety issues at the EU level take a long time to be implemented in the EU countries. An example is the introduction of DIN-EN-1789, which defines the regulations for fire-fighting vehicles. The adaptation of this common standard throughout the EU took about ten years (Pohl-Meuthen & Schäfer, 2006). Despite DIN-EN-1789, it remains unclear which vehicles are only used for emergency services. Therefore, different standards at the EU level remain.

However, harmonization of the EU rescue system should not be an end in itself, but rather a long-term perspective and necessity that, despite of all its shortcomings, should be considered. The promotion of the so-called Euro 112 can contribute to the harmonization of fire safety within the EU. Additionally, the uniform number could also contribute to a uniform level of safety on the means of EU-wide access to communication during crisis situations and accidents. In fact, 112 is the uniform emergency number throughout Europe, but is not used to any great extent in all Member States, which suggests an unequal level of awareness (European Commission, 2019b).

This example clearly demonstrates that the lack of harmonization in fire safety is an EU-related obstacle of the second Type (I.2, Absence of EU regulations in policy field relevant for CBC). This lack of harmonization could be remedied by uniform legislation at the EU level. According to Svensson and Medve-Bálint (2016), these unharmonized structures are external-instrumental obstacles which specifically includes the lack of an established legal framework for CBC. Although, this lack of legal framework is a legal obstacle, which partly affects the organizational administration, it is questionable in what extent the ECBM can offer a solution. Only an adjustment or improvement of the legal situation on the harmonization in the field of fire safety on

the EU level and the implementation of a supporting legal framework for CBC in the field of fire safety could ease the described border-related obstacles.

*Competencies as obstacles (Legal and administrative obstacles)*

Particularly in the case of major incidents involving different administrative levels, often there is not only a general lack of knowledge of the legal provisions regarding the responsibilities and powers of neighboring organizations, but also about how the management structures and competences are regulated in individual cases (Hofinger, Kuenzer, Maehler, & Zinke, 2013). As far as the differences in the competences of professional and voluntary fire fighters are concerned, one has to differentiate among general differences in e.g. skills or authorization in the use of certain equipment and the knowledge about these differences. It can be assumed that the knowledge about differences alone can solve some problems in CBC in advance. If all forces and professionals involved in the CBC are informed about the respective requirements and authorizations of the other side, difficulties in communication and operational planning can be avoided in advance. This general understanding for differences in the structure and competencies of the other side of the border is particularly important when applying the ECBM on a particular cross-border case.

In practice, these differences can look like as follows: as already mentioned above, the fire fighters in the Netherlands, for example, have far more powers regarding delivering medical help than firefighters in Germany (Folgerts, 2011). In Germany, only the specific emergency doctor has assigned powers to help in the case of emergency. In the Netherlands, also the fire-fighting professionals are trained to perform basic medical help in the event of an incident. This does mean that Dutch firefighting personnel is not authorized to perform medical assistance in Germany the way they legally are allowed in the Netherlands according to their professional training (Folgerts, 2011).

These different competencies of fire fighters, influenced by individual national standards, can be understood as a lack of horizontal coordination (Type III.3). According to Svensson and Medve-Balint (2016), Type III.3 obstacles are external-instrumental obstacles, which are describing incompatible political-administrative structures. Additionally, the different competencies can also be assigned to a lack of organizational harmonization in CBC (Type I.2) (Svensson & Medve-Bálint, 2016).

### *Communication as an obstacle (Language obstacles)*

As Medeiros (2018) has shown, the second greatest obstacle for CBC is language and communication. However, it is important to differentiate between language and communication barriers. If different languages are spoken within a collaboration, this can lead to problems of basic understanding. However, stakeholders consider this language barrier to be relatively low (Pohl-Meuthen & Schäfer, 2006). Moreover, in border regions the language of the neighboring country is often spoken and even taught in schools (European Commission, 2016a).

A far greater problem, however, is the communication between emergency forces from neighboring countries. For emergency forces and fire brigades, communication particularly involves radio frequencies. Special technical equipment is needed to access the national security radio frequencies. Because these frequencies are individual and thus different for all neighboring countries, in case of CBC access has to be given to the cooperating Member States. The exchange of radio equipment offers a solution to this although the general problem of lacking harmonization remains unsolved (Pohl-Meuthen & Schäfer, 2006). Using two types of technical equipment for cross border communication manifests the gatekeeping character of the border (Pohl-Meuthen & Schäfer, 2006).

Since language and communication barriers are not legal nor administrative obstacles, they can only be assigned to Svensson and Medve-Balints (2016) local-instrumental category of language barriers, but not to Pucher et al (2017) categories. Moreover, based on its defined goals and limits it can be assumed that the ECBM would not be able to solve communicative obstacles.

### *Cultural obstacles (Sociocultural obstacles)*

The most striking and detailed description of border-related obstacles in literature is of cultural differences. Hooijer (2010) notes in her comparative analysis about cooperation between German and Dutch emergency services, that it is mainly the authorities, cultural differences and different organizational structures that make cooperation difficult. Interviews conducted within this research indicate that the structure of German fire brigades is described as more hierarchical, especially by the Dutch. Hooijer (2010) interviews showed that the interviewed Dutch side, emphasized that the German fire brigade is very formal, but that this does not have to directly influence the cooperation. The interviewed German side, on the other hand, stated that such organizational differences were much less noticeable. Cultural differences such as an understanding of hierarchies within an organization can become an obstacle in CBC if the under-

standing does not correlate with the one across the border (Hooijer, 2010). The different understanding of hierarchy in Germany and the Netherlands is showed in statements such as "command is command" in Germany (Hooijer, 2010, p. 55) or the assessment that people in Germany are more interested in a high rank and status than in the Netherlands. Differences in hierarchy should not be seen as an obstacle *per se*, but they can lead to tensions in the power relationship and a lack of understanding of the other side.

Although cultural differences in general can influence the cooperation and the day-to-day work of German and Dutch fire brigade units, they play only a minor role for this thesis. Cultural differences do not fall under the category of legal or administrative obstacles that the ECBM is designed to solve. However, the subjective perception of the interviewees shows that CBC is influenced by multiple factors. As with the language barriers mentioned above, cultural barriers are not solvable by making legal nor administrative changes. They can therefore only be assigned to the local-normative obstacles according to Svensson and Medve-Balint (2016) describing the border as a symbol of and distinction. Therefore, it is questionable in what extent the use of the ECBM could solve cultural differences as in the Communication of the EC cultural obstacles are not addressed (European Commission, 2017a).

#### *Psychological obstacles (lack of trust)*

Mutual trust that is needed as a basis for cooperation. Still, it can be disturbed by factors such as prejudice towards organizations and citizens from across the border, difficult relationships with these in the past. Experiences involving these named factors can lead to a feeling of unreliability regarding the possible cooperation partner (Sousa, 2012). As fire brigade cooperation is a sensitive area of work, trust between partners is particularly important. Folgert's (2011) research suggests that trust before cooperation is strongly influenced by mutual images on both sides of the border, based on clichés, history and individual experiences. On the Dutch side, for example, it was assumed that the German fire brigade was bureaucratically organized, which made the Dutch side feel that CBC is more difficult (Folgerts, 2011). On the German side, great importance is attached to interpersonal contact, which then forms a level of trust (Folgerts, 2011).

Assigning lack of trust to the categories of Pucher et al (2017) is not possible as it is a psychological obstacle which is not included in Pucher et al's (2017) categorization of administrative and legal obstacles. According to Svensson and Medve-Balint (2016), lack of trust can also originate from the lack of supportive governmental agreements (external-instrumental) and from the local-normative aspects such as prejudices towards the other side of the border and

historical background of previous cooperation or contact. Even though lack of supportive governmental agreements is an administrative obstacle, it is questionable to what extent the ECBM would be able to provide a framework for CBC that could generate trust in the opposite cooperation partner. It is possible that the application of the ECBM may open up avenues that lead to greater mutual trust. However, the ECBM does not actually offer any instrument to counter the border obstacle of lacking trust.

#### *Degree of public authorities' interest in CBC as an obstacle*

For organizations cooperating across borders, committed professionals are needed at administrative and political level in order to drive the CBC (Princen, Geuijen, Candel, Folgerts, & Hooijer, 2016). An acute (threat) situation, as it was the case of the fireworks explosion in Enschede, generates broad political and media interest in removing possible obstacles to CBC. However, in the aftermath of this explosion it also became apparent that the commitment of individual decision-makers contributes significantly to the success of the subsequent CBC (Folgerts, 2011). With the change of decision-makers, such as, for example, ten years after the Enschede firework ramp, there can easily be a shift of interests and priorities to the detriment of CBC. In this case one of the leading professionals involved in CBC changed jobs and the dynamic of CBC changed and the frequency of meetings declined (Princen, Geuijen, Candel, Folgerts, & Hooijer, 2016).

Lack of public authorities' interest in CBC as an obstacle can be assigned to the international normative obstacles according to Svensson and Medve-Balint (2016). This normative character of the obstacle leads to the assumption that it is questionable in what extent the ECBM could offer help in easing it.

#### *Conclusion first sub-question*

Based on the conducted analysis of academic literature it can be said that the CBC of fire brigades as well as other CBC projects in the field of public services are hindered by various border-related obstacles. Especially influential to CBC are differences in organizational structures and insufficient harmonization. Research among cross-border public services (see Lasogga & van Ameln, 2010) suggest that different competencies as a subset of different organizational structures are one of the main obstacles for CBC. The different obstacles are inter-related and mutually dependent: differences in the organizational structures cause different competencies, which can influence communication between the cooperating organizations.

Also, the trust, ability and motivation of professionals on both sides as well as the political will to cooperate can be seen as influential factors to CBC. Although cultural differences hinder

CBC at a social level regarding prejudices and the mutual image, no specific cultural differences arise for public emergency services. It must be noted that even if specific cultural obstacles would exist in the field of fire safety CBC, it is questionable in what extent they could be eliminated with the help of the ECBM.

However, a different picture emerges when considering the legal and administrative obstacles that the ECBM would be introduced to solve. According to research on the impact of border-related obstacles on cross-border cooperation in public service provision, which includes fire safety, administrative differences between the EU Member States have the greatest impact on CBC (Pucher, Stumm, & Schneidewind, 2017). There is a lack of EU-wide regulations to minimize the administrative differences. With communicating on personal level and exchanging mutual knowledge the cooperation partners tried to overcome the administrative differences.

The ECBM could help minimizing these administrative differences by giving the Member States the opportunity to agree on a legal form or structure of e.g. requirements for material or training of professionals in order to harmonize the requirements with partnering countries on the EU level. As incongruence between national organisations, legal systems and requirements for public service professionals exists among Member States, more legal adjustments are needed than the implementation of an instrument as the ECBM.

Based on the research of Pucher et al (2017), Folgerts (2011) and Hooijer (2012) it can be stated that the border-related obstacles that could be solved with the help of the ECBM are external-instrumental obstacles. All other types of obstacles also influence the CBC, but the ECBM does not offer a solution to other obstacles than administrative and legal obstacles. Therefore, within the analysis of the interviews with Project Crossfire stakeholders, the focus lies on external-instrumental obstacles. However, the aim of the interview analysis is also to obtain the respondents' assessment of the extent to which legal and administrative obstacles of external-instrumental character are actually the most urgent obstacles for Project Crossfire. In this way, an assessment of the benefits of the ECBM for Project Crossfire can be given.

## **5. Fire safety cooperation in the Twente-Achterhoek-Münsterland border region**

This chapter discusses the specific situation of border-related obstacles in CBC of fire brigades in the TAM region. To do so the Project Crossfire is used as a case. The characteristics of the TAM border region are examined and an overview of existing agreements on CBC in emergency services' provision is given. Furthermore, differences between the German and Dutch fire brigades are discussed. Finally, the interviews will be examined regarding the question which border-related obstacles stakeholders involved in the project are confronted with. Thus, the second research question is answered.

### **5.1 Specific situation of Twente-Achterhoek-Münsterland border region**

The TAM region, which is subject to this research, is partly located in the Euregio area. On the Dutch side, this includes parts of the regions Twente and Achterhoek as well as parts of the provinces of Overijssel, Drenthe and Gelderland. On the German side, the Euregio area covers the Münsterland (NRW) and Osnabrückerland regions as well as parts of Lower Saxony (EUREGIO, 2020). For this thesis the area in the border region around Bocholt (D) and Aalten (NL) will be considered because Project Crossfire is located there.

Like all border regions, also this border region is confronted with its disadvantageous geographical location when it comes to (safety) infrastructure (EUREGIO, 2017). Moreover, this region is a predominantly rural area. Nevertheless, a nationwide, rapid supply of emergency services should be guaranteed (EUREGIO, 2017). The TAM border region is characterised not only by its long history of cooperation, but also by a multitude and breadth of cooperation. For instance, shared trauma helicopters are crossing the Dutch-German border around 50 times a year and the fire brigade of Oeding (D) became an assigned part of Winterswijk (NL) because of their advantageous geographical position (Princen, Geuijen, Candel, Folgerts, & Hooijer, 2016).

### *Reasons for cooperation in this border area*

In the border area of the Euregio, German and Dutch fire brigades have been working together for decades to combat fires and accidents. This cooperation originates from local practice on the basis of informal and friendly contacts. In recent years, the cooperation between Dutch and German organisations and municipalities in this border area has professionalised, for example by concluding covenants between border municipalities. Since the fireworks disaster in Enschede in 2000, it has become clear that large-scale action also requires cross-border preparation. In the case of major incidents, the responsibility of the rescue services officially ceased at the border at the beginning of this century. The fireworks catastrophe in Enschede in May 2000 clearly demonstrated the shortcoming: German rescue teams rushed to the scene of the accident, but there was no sign of coordinated cooperation between German and Dutch helpers from the fire brigades, rescue services, police and technical relief organisation (Borck, 2009).

Due to the geographical location, the densely populated area and the establishment of a nuclear power plant in the border area, German and Dutch fire brigades have been working professionally and officially together since the 1990s in fighting fires and accidents (Princen, Geuijen, Candel, Folgerts, & Hooijer, 2016). The Dutch 'Veiligheidsregio' (in this case Veiligheidsregio Twente, short: VRT), thus a Safety Region, is a form of regional government. Set up from the mid-2000s on, their only task is crisis management (Princen, Geuijen, Candel, Folgerts, & Hooijer, 2016). Over the years the CBC between VRT and German local governments and fire safety organisations has been professionalised over the years by, among other things, concluding covenants (Folgerts, 2011).

#### 5.1.1 Agreements on CBC in the field of fire safety

##### *The EU level*

Local and regional CBC is affected by the EU legislation in the field of justice and home affairs. Additionally, INTERREG can be used to fund cooperation initiatives. Both, the EU and the Council of Europe have established formal frameworks facilitating CBC for local and regional governments (such as the EU's "European Grouping of Territorial Cooperation") (Princen, Geuijen, Candel, Folgerts, & Hooijer, 2016).

In fact, there is no EU mechanism for CBC in fire safety. Among others, this is one of the main points the organization Fire Safety Europe criticizes and aims to achieve (Fire Safety Europe, 2018). They advocate a common database and cross-border data exchange on operations. They

also call for an interdisciplinary approach to fire safety, which could also benefit the CBC in this field (Fire Safety Europe, 2018).

#### *National level*

Agreements on CBC have also been concluded at national level. The aim was to create appropriate framework conditions for cooperation. Forms of cooperation were defined as well as intentions regarding the will for cooperation were defined.

The so called “Anholter Abkommen”, an agreement between the Federal Republic of Germany, Lower Saxony, North Rhine-Westphalia (NRW) and the Netherlands on CBC between local authorities and other public bodies, was concluded in 1991. This treaty made it possible for local and regional authorities to cooperate across the border without the intervention of national authorities (Folgerts, 2011). A treaty in the form of a national agreement on assistance of the Netherlands and Germany in disaster relief and crisis management was signed in 1997 (Auswärtiges Amt, 1997; Folgerts, 2011). The core of the agreement is the possible creation of cross-border special-purpose associations: "Public authorities may, within the limits of their powers under national law, cooperate on the basis of this agreement in order to promote the economic and expedient fulfilment of their tasks by means of cross-border cooperation." (Vorschrifteninformationssystem, 1991, Art.3). On the basis of this multilateral agreement, municipalities can conclude neighbourhood assistance agreements. This usually involves mutual support in fire-fighting and assistance in the event of accidents (Ramakers, Bindels, & Wellding, 2007).

In 2018, the first Dutch-German Fire Safety Congress took place in Enschede. Within this framework, the two presidents of the respective fire brigade associations signed the so-called "Memorandum of Understanding". The aims of this are: simplified cooperation in technical work, exchange of research results, international cooperation to improve the safety of fire fighters and reduce fire hazards (Feuerwehr Magazin, 2018). This is a classic, albeit far-reaching, bilateral agreement. Unlike the ECBM, however, it does not have sufficient legal strength. Subsequently, the agreement can be seen as a letter of intent on CBC that does not give the involved organisations the power to make legal decision. Moreover, unlike the ECBM, the Memorandum does not automatically ask for the creation of an institution responsible for cooperation.

### *Regional level*

In order to be prepared for future accidents of a similar magnitude like the Enschede ramp, numerous improvements have been made to joint civil protection in the border area. As a result, Kreis Borken, Regio Achterhoek, Regio Twente and Landkreis Grafschaft Bentheim concluded an agreement in 2001 for mutual assistance in the event of disasters and major accidents. The core element is a cross-border emergency response plan involving the German counties of Grafschaft Bentheim and Borken and the Dutch regions of Twente and Achterhoek, which was supported by the Euregio (Folgerts, 2011). Essential contents of the regional agreement from 2001 are e.g. regulations on the command and control of operations, communication and supply of emergency forces and common standards for alerting and technology. In practice this means an assurance of support in the event of a disaster, the adaptation of the acoustic and optical warning signals of the rescue vehicles, improvement on the field of mutual communication, recognition of parts of the respective neighbouring fire brigade as part of their own or even the deployment of a cross-border helicopter (Folgerst, 2011; Princen et al., 2016; Pater, 2006). Thus, numerous cross-border related obstacles in fire safety in this region have already been solved through bilateral agreements.

### *Local level*

On a local level, various fire brigades from border adjacent municipalities in the regions of Twente and the Noordoost-Gelderland have formal agreements with the fire brigades of German border adjacent municipalities. For example, there are covenants between the fire brigade of 's-Heerenberg and Emmerich, Dinxperlo and Suderwick and Winterswijk and Oeding. Moreover, there are various border municipalities in the Twente region that have agreements in the field of fire safety with German border municipalities such as Enschede, Tubbergen, Haaksbergen, Losser and Dinkelland including Gronau, Nordhorn and Alstätte in Germany (Pater, 2004; Van Ettinger et.al., 2008).

## *Conclusion*

In conclusion it can be said that CBC in fire safety is seen as a local matter by national governments and at the EU level. The bottom-up approach seems to be the most appropriate working method according to stakeholders and experts at the Twente-Münsterland border (Pater, 2006). The guidelines at the EU level (EU and Council of Europe) in the field of justice and home affairs, which influence local CBC, tend to set general framework conditions. Meanwhile, local or regional agreements are used to fill gaps that have not been closed by the EU legislation. The priorities and concerns of various border regions become clear through these agreements (Princen, Geuijen, Candel, Folgerts, & Hooijer, 2016). Based on the outcomes from the researches (Princen et al, 2016; Pater, 2006) it can be considered that the ECBM could also be another building block of EU-level legislation that contributes to the success of CBC but nevertheless requires adjustments at the local level.

The different structures even within a federal state due to the organisation of the fire brigades is most likely to lead to difficulties in CBC with the Netherlands. However, it is questionable to what extent the ECBM could offer a solution to this inequality. The high proportion of volunteers in the German fire brigade cannot therefore be adjusted to the proportion of the Dutch professional fire brigade. In order to overcome differences in training and working methods joint trainings as they are already carried out between the Netherlands and Germany can help. Moreover, making mutual differences clear already leads to a reduction of border-related obstacles.

## 5.2 Dutch and German fire brigades compared

### *National laws and regulations*

In Germany, especially in the province of NRW, firefighting is regulated by the Fire Protection and Assistance Act (German: Feuerschutz- und Hilfeleistungsgesetz) (Ministerium des Innern des Landes Nordrhein-Westfalen, 2020)). For specific operational regulations, the NRW works with "Dienstvorschriften" (service regulations). In NRW every municipality has the obligation to maintain a fire brigade with sufficient strength, level of training and equipment. This is called the "Örtlichkeitsprinzip" (Ramakers, Bindels, & Wellding, Grensoverschrijdende hulpverlening in de Euregio Maas-Rijn. Wet- en regelgeving, overeenkomsten en afspraken met betrekking tot de grensoverschrijdende ambulance- en brandweezorg in de Euregio Maas-Rijn, 2007, p. 53). In the Netherlands, the Fire Services Act regulates how fire brigades work. Assistance during disasters has its legal basis in the Disasters and Serious Accidents Act (Dutch: Wet Rampen en Zwaar Ongevallen) (Raad van State, 2009). For operational regulations, the Netherlands has municipal regulations where specific powers, rights and obligations are determined (Ramakers, Bindels, & Wellding, Grensoverschrijdende hulpverlening in de Euregio Maas-Rijn. Wet- en regelgeving, overeenkomsten en afspraken met betrekking tot de grensoverschrijdende ambulance- en brandweezorg in de Euregio Maas-Rijn, 2007).

### *Organizational structure*

In the Netherlands, the rescue services, including the fire brigades, are regulated centrally. The individual provinces are responsible for the organisation of the fire brigades within their region (Pohl-Meuthen & Schäfer, 2006). With respect to the cross-border impact of major accidents and disasters, activities concerning fire safety are also governed by regional governments which are designed in safety regions. Safety regions are, according to the Law of Safety Regions (Dutch: Wet Veiligheidsregio's, short: WVR), primary responsible for all the safety issues in their respective region and supervise municipalities in their administrative processes (Raad van State, 2020). The WVR requires municipalities to cooperate together regionally. Therefore, they are partly responsible for the organizational control of the safety region. The prevention of major accidents and disasters can be imposed by joining forces and knowledge on regional scale (Klapwijk, 2012).

Dutch fire brigades are mostly consisting of full-time personnel. Only in rural regions volunteers are helping out due to the low number of assignments (Pohl-Meuthen & Schäfer, 2006). In Germany, however, the picture for the fire service is different. Here, only around 5% of the

emergency services are professional firefighters, compared with 95% voluntary firefighters (Deutscher Feuerwehrverband, 2019).

### *Competencies*

There are significant differences in the competencies of fire fighters between the two neighbouring countries. In Germany the fire fighters work with an emergency doctor system. This emergency doctor offers Advanced Life Support (ALS) but cannot transport. An ambulance arrives on site for this purpose. The ambulance is often on site earlier, but the personnel of the ambulance may only provide Basic Life Support (BLS). This system is unknown in the Netherlands. This is because they use of a system of highly trained ambulance personnel, where also the nurses can provide ALS (Ramakers, Bindels, & Wellding, 2007). As already explained in section 4.1, these differences in competences have become obstacles in CBC and can also lead to further obstacles in the future.

### 5.3 The Project Crossfire

The Project Crossfire is a working group consisting of two Dutch and two German organisations whose aim it is to establish a shared fire station at the Dutch-German border and in order to do so, have conducted a feasibility study. These organisations are Veiligheidsregio Twente, Veiligheidsregio Noord-Oost Gelderland (VNOG), the Bocholt fire brigade and a consulting engineer of the IK Bau NRW für Sicherheitstechnik.

As emergencies and damage situations do not stop at national and state borders the authorities and organisations with security tasks on both sides of the TAM border region are cooperating. It is the declared aim of the involved organisations to work together effectively and efficiently in case of emergency (antwortING, 2018). The fire brigades on the German-Dutch border have been working together since the mid-1990s (Folgers, 2011). In some cases, public law contracts exist which regulate CBC in the field of fire safety or public services. By providing personnel and material at specially designated locations, the fire brigades aim to be able to react quickly and purposefully to a fire or emergency at any time. In this way, the fire brigades ensure safety in their area of operations and beyond (Project Crossfire, 2019).

Among other things, Project Crossfire is intended to counteract the lack of personnel and promote young talent. Higher deployment figures should also lead to a stronger deployment routine of the cooperating teams. The training courses are also to be harmonised so that a comparable level of professionalization is achieved in the region. In the best case, CBC will result in im-

proved care through higher availability. By creating an international firefighting team, fire brigade assistance should become faster and better in the sparsely populated border areas. At the same time this could, according to the feasibility study, solve the problem of too few volunteers, and therefore too few occupants (Aalbers, 2020). Cooperation could also help to enlarge the supply radius of firefighting missions in the region. Finally, CBC could also bring financial benefits, for example in the procurement of materials and vehicles, training and running costs (antwortING, 2018).

When planning shared barracks at the Dutch-German border, it became clear that there is a number of obstacles such as differences in regulations regarding the construction of buildings, differences in the powers of firefighters themselves, differences in management, administration and organisation, and also a lack of harmonised procedures including differences in salaries. After having identified the above mentioned border-related obstacles and compared them with available agreements on CBC in fire safety the feasibility study concludes that the project is theoretically feasible under the conditions of the Anholt Agreements (Project Crossfire, 2019).

After a period of close INTERREG-supported cooperation within Project Crossfire in 2018, in 2019 it was increasingly lacking political and public interest. New impetus was missing. This changed in the beginning of 2020, when the VNOG decided in its "Future Vision" to further promote cooperation between German and Dutch fire brigades (Veiligheidsregio Noord-Oost-Gelderland, 2020b). This is happening against the background of budget and infrastructure cuts on the Dutch side: the fire brigade of the Dutch region Achterhoek decided to reduce the number of fire fighting vehicles by 30% (Mons, 2020). These savings are another aggravating factor for the Dutch region and can therefore be seen as another reason for CBC with the German colleagues.

## 5.4 Border-related obstacles for Project Crossfire

The following section focuses on the specific situation in the TAM border region. The Project Crossfire described above serves as a case study. The categories according to Medeiros (2018) are used to compare the extent to which the interviewed professionals and stakeholders assess the impact of the border-related obstacles. However, it is important to note that the assignment to categories as "differences in organizational structures" and "insufficient harmonization" are overlapping or even mutually dependent. That's because some obstacles are connected and can influence or strengthen each other. The structure of the analysis is based on the categories according to Medeiros (2018), although it should be noted that the subcategories such as salaries are also based on a difference in organisational structure.

### *Differences in organizational structures*

From the interviews it became clear that the differences in organizational structures are seen as most influential to CBC within Project Crossfire. This became clear when the interviewees were asked to rank the border-related obstacles. For example, both German interviewees mentioned the system differences including the ratio of voluntary and gainful employment and payment as the first and largest border-related obstacle (Feuerwehr-Bocholt, 2020; antwortING, 2020). The interviewee of antwortING described for example: *"For one thing, one obstacle is the system difference. Then there are different training requirements, that can be solved, but they are simply differences. /.../And we have a completely different personnel approach."* (antwortING, 2020).

The German and Dutch fire brigades differ significantly in the structure and distribution of professional and volunteer workers and their professional competencies. For Project Crossfire, this results in further difficulties in harmonising processes. In order to overcome these difficulties, within the feasibility study a comparative list of Dutch and German ranks was included (antwortING, 2018). This list makes it easier to understand the other side and facilitates communication at the appropriate levels.

Figure 3: Comparative list of Dutch and German ranks in fire safety organizations

Anerkennung der Ausbildung			
Dienstgrad NL	Funktion NL	Funktion NRW	Dienstgrad FF NRW
Brandwacht	Manschap A	Truppmann	(Ober-/Haupt-) Feuerwehrmann
Hoofdbrandwacht	Manschap B	Truppführer	Unterbrandmeister
Brandmeester	Bevelvoerder	Gruppenführer	(Ober-/Haupt-) Brandmeister
Hoofdbrandmeester	Officier van Dienst (OVD)	Zugführer	Brandinspektor
Commandeur	Hoofdofficier van Dienst (HOVD)	Verbandsführer / Führungsstab (EL)	Brandoberinspektor
Adjunct-Hoofdcommandeur	Commandant van Dienst	Leiter des Führungsstabs (EL)	Brandoberinspektor
Hoofdcommandeur	Commandant	Leiter der Feuerwehr	Stadt- / Gemeindebrandinspektor





Source: antwortING (2018), p.9

Different levels of training and professional education also result in different requirements for firefighters. In the Netherlands, every firefighter is considered fit for action if he can wear a respirator mask. If this is not the case, he must resign from duty. In Germany, on the other hand, people who cannot wear respirators perform other duties at the fire station. This results in a personnel absenteeism factor of about 300% in Germany compared to a significantly lower one in the Netherlands (Feuerwehr-Bocholt, 2020).

In summary, all four interviewees mentioned the differences in salaries between the German fire brigades (mainly consisting of volunteers) and the Dutch fire brigade (which is consisting of professionals and much less volunteers) as an obstacle. Also, the interviewees stated that this wage imbalance could continue to cause difficulties, both with the existing agreements and a possible ECBM. Due to the different levels of employment (NL: mostly professional vs. DE: mostly voluntary), difficulties may arise in the cooperation between German and Dutch forces within a joint team. All interviewees agree on this point and consider these differences in organizational structures as of the main obstacle for Project Crossfire (Feuerwehr-Bocholt, 2020; Veiligheidsregio-Noord-Oost-Gelderland, 2020; Gemeente Aalten, 2020; antwortING, 2020).

It is not only associated with different competencies and training levels, but also with differences in salaries. The following section number ... "differences in salaries" discusses this obstacle in more detail.

Structural differences in the degree of professionalization of the fire services of both countries are most apparent according to the interviewee from Feuerwehr Bocholt. There is also another factor, namely fairness to other professionals in the organisation who are not involved in the CBC: *"And what we're saying now is that we're gonna pay the German colleagues, what about their neighbors? If we look at Dinxperlo-Suderwick, for example, Suderwick as a fire station is part of the city of Bocholt. So what do you do with those other people in Stadt Bocholt? And the others, do they get paid all of a sudden? It's not possible in a town to appreciate one and not the other."* (Veiligheidsregio-Noord-Oost-Gelderland, 2020a). Above not only shows the extent to which system differences shape cooperation, but also how far-reaching changes in the administrative system would be. Also, it can be said that a decision for or against the ECBM depends on many more factors than on the possible solution to the problem.

All these organizational differences can be categorized as Type 3 administrative obstacles, mostly Type III.4 (differences in administrative cultures of neighbouring countries) (Pucher, Stumm, & Schneidewind, 2017). These national differences in administrative structures of the both organisations show that CBC in fire safety services is highly influenced by national legislation and dependent of flexible solutions to occurring border-related difficulties (Svensson & Medve-Bálint, 2016).

### *Insufficient harmonization as an obstacle*

From all interviews it became clear that one of the most influential obstacles in CBC is the lack of harmonization. Of course, the organisational systems and structures differ significantly on both sides of the border. Influenced by history, politics, culture and similar factors, the fire brigades of both countries have grown differently. Attempts to merge the two firefighting organisations smoothly and cooperatively can lead to difficulties. Insufficient harmonization, however, is in many cases not only related to different equipment, but also includes member-state-related legal obstacles (Type 2) (Pucher, Stumm, & Schneidewind, 2017).

CBC between the Dutch and German firefighting organisations is inhibited by the fact that there are different operational schedules on both sides of the border and that these schedules are not synchronized. This becomes clear, for example, when material is requested from the neighbouring country. This request procedure is complicated by a lack of bilateral agreements (Feuerwehr-Bocholt, 2020). It is important to note, however, that communicative obstacles are often resolved unbureaucratically on a small scale within the border region. If, however, the respective higher instances of a Member State are involved, the procedure of ordering material or getting information about an incident gets slowed down. The interviewee from Bocholt fire department describes the situation as follows: *“/.../But these processes then superordinate, they should actually run much faster. It is not acceptable that we first have to write a request which then runs over four digits, and in The Hague we have question marks for the time being. Let me put it this way: in practice it [loaning dutch technologocial supply] went relatively quickly, because we somehow managed it personally, but in theory it is more difficult.”* (Feuerwehr-Bocholt, 2020). This statement reinforces the impression that many border-related obstacles in CBC can be solved at the local-regional level, but that suitable communication channels and agreements are lacking at the national level. Moreover, in situations where not only the regional partners but also national institutions are involved, when, for example, requesting material, it shows that the cooperating organisations in the border region often deals pragmatically with unclear situations and obstacles.

There are no difficulties in the daily cooperation between Suderwick and Dinxperlo, whereas the handling in case of a disaster is less clear (Feuerwehr-Bocholt, 2020). For instance, one interviewee describes the situation of a flood operation a few years ago, when support and material was requested across the border. This took a comparatively long time due to inappropriate official channels and non-transparent responsibilities. So for CBC to success clear decision-

making channels are needed that connect to the respective system on both sides of the border (Feuerwehr-Bocholt, 2020)

Obstacles arising from insufficient harmonization can be categorized as Type III.4 obstacles, because the differences between the systems lead to differences in harmonization of processes needed to ease CBC. Still, the lacking harmonization is also linked to the absence of EU-regulations in the policy field of fire safety (Type I.2) (Pucher, Stumm, & Schneidewind, 2017). This circumstance is also criticized by parts of the interviewed experts as they would prefer stronger EU-legislation regarding common material, strategy and processes. In a further step of the analysis, it could also be examined to what extent the desire for EU-wide regulations is shared by both countries, as it became apparent that the views of Dutch (tending to be rather sceptical) and German (tending to be rather positive) organisations differed.

#### *Differences in salaries*

Not only competencies between firefighters differ, also their salaries show significant differences. Different levels of training and professional education also result in different requirements for firefighters. The obstacles to CBC such as differences in competencies and salaries of the staff are rooted in incompatible political-administrative structures (Svensson & Medve-Bálint, 2016). Therefore, also this obstacle can be seen as an organizational, administrative obstacle, partly influenced by the legislative system.

According to all interviewed experts the differences in salaries might form the biggest challenge for CBC within Project Crossfire (Feuerwehr-Bocholt, 2020; Veiligheidsregion-Noord-Oost-Gelderland, 2020; antwortING, 2020; Gemeente-Aalten, 2020). Volunteer firefighters in Germany do not receive a salary for their work, whereas employed firefighters in the Netherlands, who mostly work part-time or fulltime, are paid. If one now cooperates within a joint fire station, the question of a fair remuneration rises. This can easily cause disagreements or even conflicts. Also, colleagues from the same municipality that are not working within the international corps can feel disadvantaged compared to possibly paid firefighters who form a corps with the neighbouring country (Veiligheidsregio-Noord-Oost-Gelderland, 2020a).

The difficulty of shifting a problem to another area by solving one problem is also seen by the German side: *„Of course this (applying the ECBM or an agreement) does not solve the conceptual question. Because we have precisely this effect, that the difficulties continue to prevail. I've already explained the issue of payment. If we were to do it like this, how to pay the unit in Suderwick, then of course, then the discussion would no longer be at the border, but... Well, at*

*the moment it's not at the border, because it's clear to everyone that 'I'm not part of the Dutch fire brigade'. But then the discussion will take place within the city of Bocholt.*" (antworfING, 2020).

#### *Communication as an obstacle*

Communication is a challenge to CBC within Project Crossfire in two ways. On the one hand, the different languages can work as a barrier. The professionals involved in the planning speak and understand each other's language, but if you look a step further to the firefighters eventually working in international corps a different picture emerges. Although in Dutch and German border regions the language of a neighbouring country is taught, one interviewee feels like the general understanding of the neighbouring language has declined over the past years (Feuerwehr-Bocholt, 2020). The interviewee from the Veiligheidsregio even named the rising interest of younger firefighters to learn German in order to join the youth unit: *"But now you see that those children are literally dealing with German children and those German children are dealing with Dutch children. Well, great, right?"* (Veiligheidsregio-Noord-Oost-Gelderland, 2020a). Only one German interviewee mentioned language as a possible obstacle but still says that this is not a hard obstacle for the Project: *".../ Communication, language is not so much the big obstacle. As an example, we have now included two (Dutch) young people from the youth fire brigade. That actually works. Cultural differences are there of course"* (Feuerwehr-Bocholt, 2020).

Different radio systems are also a border-related obstacle to CBC. The interviewee from VNOG describes the situation as follows: *"My experience is that in the last 20 years of working on cross-border cooperation, this has actually proved to be a tricky thing. We both used, let's say, the Tetra standard. Which was very much appreciated in the Netherlands. And in Germany the Bosch-Digitalfunk. The technology behind it is the same. It was once sold as a European system, but we can't... let's say a German unit can't talk directly to the Netherlands with its own device, and I can't contact a German control room directly with my Dutch wallet. It is impossible. And that makes us there, too, of "how do you solve that? Yes, you do that pragmatically. You give each other stuff, so that you can eventually make contact with each other."* (Veiligheidsregio-Noord-Oost-Gelderland, 2020a). Based on the interviewees opinion it can be said that the technical communication between the emergency services is perceived as more hindering to CBC than language barriers. This technical communication barrier prevents contact from being established in general on both sides of the border, or makes contacting unnecessarily complicated (Veiligheidsregio-Noord-Oost-Gelderland, 2020a). Ultimately, the different radio systems

cause an expenditure of time and effort for the professionals, which could ultimately result in (avoidable) deterioration in security for citizens.

Both, the language barrier as a local-instrumental border barrier and the incompatible technical communication as a national-instrumental barrier are obstacles to CBC (Svensson & Medve-Bálint, 2016). Still, these obstacles are not directly addressed by the ECBM. In what extent they could be solved by the ECBM will be discussed in chapter 6.

### *Cultural obstacles*

The CBC in fire safety is also influenced by cultural differences between the Netherlands and Germany. If a joint fire station with a joint team should actually be set up, cultural differences can persist despite sympathies (Veiligheidsregio-Noord-Oost-Gelderland, 2020a). Such a fusion of the systems, which could possibly result in the loss of one's own identity, must therefore be consciously outweighed. It is also important to consider involving as many professionals as possible in the process to minimize cultural tensions in advance. In the Netherlands the image of the strict, hierarchical Germany often determines the perception, which is why a collaboration is also confronted with this image formation (Veiligheidsregio-Noord-Oost-Gelderland, 2020a).

The close ties that firefighters have with their organisation can lead to alienation from a newly built organisation in the event of a restructuring or dissolution of identity-forming traditions such as the appearance of uniforms, procedures, ceremonies, festivals etc. (Veiligheidsregio-Noord-Oost-Gelderland, 2020; Gemeente Aalten, 2020). Such a loss of identity should be prevented, especially in view of the shrinking membership of the fire brigade. Local-normative obstacles are difficult to solve via legislation national or transnational) as they have been growing from historical tensions and conflicts seeing borders as a symbol of identity and distinction (Svensson & Medve-Bálint, 2016). Even if the involved fire fighters would be included in all parts of the symbiotical process of the Dutch and German brigades it is questionable how much long grown perceptions of identity can be changed (Veiligheidsregio-Noord-Oost-Gelderland, 2020a).

Therefore, cultural differences play a role that should not be underestimated in the establishment of a joint fire station. However, all interviewees emphasized the initiative in which two young Dutch people are undergoing training as youth firefighters in the German fire service department. This could contribute both to a positive image of the opposite country and to the

formation of a common identity as an international team and organization (Veiligheidsregio-Noord-Oost-Gelderland, 2020a).

#### *Degree of public authorities' interest and lack of trust*

Differences in the prioritisation of cooperation are also apparent between regional and local authorities and national authorities. The interviewees would like to see better communication and support from national level. This can be seen from the German interviewees experience when ordering material during a major incident: *“So basically the units were already on site when I had the Go from the district government [of NRW]. But these procedures then superordinate, they should actually run much faster. It's not acceptable that we first have to write a request, which then runs through four digits and in The Hague you have question marks. Let me put it this way: in practice it went relatively quickly, because we somehow managed it personally, but in theory it is more difficult.”* (Feuerwehr-Bocholt, 2020). This quote not only proves that the priority given to the issue depends on the levels involved. It also shows that the CBC of the German and Dutch fire brigades can be characterized as very pragmatic way and personal.

The perception of lack of public authorities' interest in CBC in fire safety on higher levels, however, also underlines the findings from the European Cross Border Review (European Commission, n.d.). The lack of public authorities' interest can be categorized as an external-normative one as it corresponds with unsupportive policies of the central government (Svensson & Medve-Bálint, 2016). As the close contacts in the border region have been growing over years and daily life of citizens as well as professionals is influenced by border-related obstacles, local stakeholders are much more alert to solving these obstacles than national governments are.

It can be said that because of the geographical situation local institutions are far more involved in solving border-related obstacles than national governments are. The communicative difficulties between the local and national governments and institutions described above show that border regions still need to highlight their specific situation towards higher levels (Feuerwehr-Bocholt, 2020). Addressing these difficulties in CBC at a regional level involves lobbying at the higher level. Instead of being an external-normative obstacle this seemingly lack of interest of higher public authorities can also be seen as a local-instrumental obstacle regarding lack of know-how and communication at the regional level towards the higher level.

According to the interviewed experts there is no speaking of a lack of interest among the society: *“/.../ the public interest is very big. We get many requests in this regard. From a political point of view, too, it is interesting. /.../ It looks like there are synergies. But I also always say that if we initiate such a project now, we always have to take the people with us who then have to implement it. Because it's no good having a great innovative fire station and no people. I think that is a very important aspect.”* (Feuerwehr-Bocholt, 2020). Still, they experience differences between the images of firefighters and the level of recognition in the society (Gemeente-Aalten, 2020). The above interview extract points to another problem that exists on both sides of the border: the lack of skilled workers and volunteers. In the view of the German interviewee this shortage also hinders innovation. The strong power of identification with the firefighter organisation is strongly related to the performance of the group, so changes in the system could inevitably have an impact on the performance and motivation of the firefighters: *“This special problem is of course that we are working very intensively with the young people to create this identity together and to say 'you are a special, special part of the fire brigade' where we work together and then dissolve this identity. You have to be very careful, because a lot of efficiency is of course defined by this identity. So people achieve a lot more because they see themselves as part of this community. Of course, one must not intervene so massively that this sense of community is destroyed. This could lead to unpleasant surprises”* (antwortING, 2020).

Instead of just looking at what was said in the interviews, the question of what was not said is also important. In none of the interviews was a lack of mutual trust expressed. Rather, all interviewees were positive about the working method and structures of the other side as this quote from the interviewee from Veiligheidsregio Noord-Oost-Gelderland shows: *“/.../ I literally hear my own colleagues say, ‘Oh, but the way they organized it in Germany... Look what they can still do, what they are still allowed to do and we are just determined things for us from above’. While the Germans say ‘Yes but at least you have things you do together, that's almost impossible with us because we all do it individually every time’. So yeah... We also want to take some things from each other. So maybe you should look for the best of both worlds.”* (Veiligheidsregio-Noord-Oost-Gelderland, 2020a).

#### *General ranking of border-related obstacles for Project Crossfire*

The four interviewed professionals were asked to rank the border-related obstacles occurring in Project Crossfire according to the influence on the project. They were supposed to rank the

obstacles independently, but after speaking about the obstacles for the project in general in advance.

The three most frequently cited border-related obstacles were differences in salary system, training requirements and organizational differences. All these categories are indirectly related and therefore difficult to consider separately. Based on the interviews it can be said that it is not only the aim of Project Crossfire to build a shared fire station and to find the suiting legal and administrative context. The cooperating organisations are rather aiming at finding a solution that is satisfactory for all parties involved instead of only solving one problem without taking into account possible consequences for the organizations as a whole. However, this makes the situation correspondingly more difficult, as it can be assumed that the existing problems will only shift along the border or within the organisation as explained above (antwortING, 2020).

Nevertheless, it should be noted that all interviewees emphasised the role of the organisations' identity as a motivation for employees. According to the German fire station in Bocholt, the fire brigade, as a traditional organisation, has the duty engage all fire fighters of a brigade and work inclusively (Feuerwehr-Bocholt, 2020). The creation of a uniform identity, or rather its preservation, is the basis of performance (antwortING, 2020). Closely connected with this is the emotional connection that goes along with it: *".../ soft side, the feeling, the emotion is perhaps the most difficult part of that story"* (Veiligheidsregio-Noord-Oost-Gelderland, 2020a).

## 6 Benefits of the ECBM for Project Crossfire

In order to assess to what extent the ECBM could be beneficial for the Project Crossfire, it will be examined below in terms of its possibilities and limitations for solving the obstacles encountered in Project Crossfire.

In its communication about the ECBM the European Commission defines ‘legal obstacles’ as ‘any legal provision with regard to the planning, development, staffing, financing or functioning of a joint project that obstructs the inherent potential of a border region when interacting across the border’ (European Commission, 2018a, p. 17). This definition is rather broad and leaves room for questions regarding characteristics of these obstacles. How exactly the actual recognition of legal obstacles within the framework of the ECBM will proceed is therefore not clear. After agreeing to apply the ECBM for Project Crossfire, it is therefore not yet clear which conditions this project must fulfil. The characteristics the obstacles have to meet in order to be solved by the ECBM need clearer definition as generally speaking only legal and administrative obstacles are referred to in broad terms (European Commission, 2018a). However, it has to be taken into account that the coordination points managing the application of the ECBM are not willing to give the entire NUTS 3 region an advantage over the nation state (e.g. through a change in tax law). Applications supposing to favour border regions over other regions are rejected by the national governments even before an application is submitted to the Commission and ECBM coordination points (Sielker, 2018).

Another point of criticism on the ECBM that should be taken into account when deciding for or against application of the ECBM is the fact that it is a relatively large instrument at the EU level. Compared to applying for INTERREG funding for example, much more steps should be taken and requirements for the project to be met (Sielker, 2018). Due to the very pragmatic approach to problem solving of border-related obstacles in the examined border region, it is also questionable to what extent the institutions involved would actually decide to apply for the use of the ECBM.

As already described in the above paragraph on differences in salaries, legal adjustments in this case in favour of the professionals involved in CBC can lead to conflicts within the core organisations. Although the ECBM could be used to resolve this classic obstacle: it is a legal and administrative obstacle that could be solved by choosing a legal system. To what extent this would have the agreement of all organization members and whether this could lead beyond that

to a loss of identity, however, remains a risk according to the interviewee's opinions (Feuerwehr-Bocholt, 2020; Veiligheidsregio-Noord-Oost-Gelderland, 2020; Gemeente Aalten, 2020; antwortING, 2020).

In addition, the statements of Veiligheidsregio Noord-Oost-Gelderland, for example, indicate a high degree of satisfaction with previous agreements (especially the Anholt Agreement): *“/.../ that framework of the Anholter Abkommen offers us a lot of possibilities and in my opinion at the moment enough to be able to organize a lot of things.”* (Veiligheidsregio-Noord-Oost-Gelderland, 2020a). Given that the region is traditionally accustomed to making joint agreements and finding solutions to common challenges, which then also meet the social and cultural wishes of those involved, it is questionable to what extent the ECBM offers an advantage. Ultimately, the CBC in this region demonstrates the desired form of the principle of subsidiarity. This principle will be discussed in more detail below.

For cultural and communicative obstacles, the ECBM does not offer a solution as it is designed addressing legal and administrative obstacles (European Commission, 2018a). Nevertheless, these obstacles were included in the analysis, as they were mentioned as a significant point by the interviewees. Therefore, it should also be pointed out that even if legal or administrative obstacles are solved, the success of CBC is influenced by other, soft factors. The interviewees' opinion on the ECBM also supports this multi-layered character of influential factors on CBC (Gemeente-Aalten, 2020; Veiligheidsregio-Noord-Oost-Gelderland, 2020). Still, communicative obstacles (including technical communication as well) might be solved with local or national initiatives. Hooijer (2010) notes in his research that difficult cooperation in disaster situations not so much the result of unwillingness, but of differences in the organisational culture and of communication problems. Professionals involved in CBC would speak different technical language and also think from different organisation's point of views. These communication problems could be solved by specific training on organisational differences between the two organisations (Hooijer, 2010).

### *Opinion of interviewees regarding ECBM*

The Project Crossfire experts are sceptical about the ECBM's benefits for the project in two reasons. To begin with, they assume that the conceptual problems in CBC will merely shift elsewhere and, secondly, they assume soft obstacles such as culture cannot be solved by the ECBM due to the strategic aim of the ECBM.

Furthermore, it is also remarkable that the question of the conceptual solution by the ECBM was mentioned by the German respondents, whereas the Dutch respondents were more critical of the cultural and emotional side. This clear distinction between the two countries is interesting against the background of possible cultural differences. It is true that mentality plays no role in this thesis as far as the analysis is concerned with the legal and administrative side of cooperation. However, the interviewees' opinion showed the strong influence of cultural factors such as mentality on the CBC. Therefore, in a further step of future research it might be interesting to examine to what extent the mentality of both countries influences the perception of obstacles in CBC.

The German side criticised, for example, that some problems (the differences in salaries in general) could be partly solved for the Project Crossfire. However, for example the interviewee from antwortING assumed that problems could merely shift. For instance, this could be the case when it comes to solving the obstacle of salaries for international firefighting teams as a solution for one team could possibly lead to discontent within teams from the same municipality that are not part of the international teams (antwortING, 2020). Subsequently, it can be said that there is no generally satisfactory solution to the cross-border obstacles within the ECBM framework (antwortING, 2020). In addition, different operational requirements presented difficulties for cooperation. In Germany, for example, the precautionary service regulation states that safety troops are required for breathing protection operations. This is not the case in the Netherlands. Similarly, the requirements for training and wearing of respiratory masks, as described above, differ vastly so that it is questionable to what extent new requirements can be adapted by simply applying legislation from the other side of the border (Feuerwehr-Bocholt, 2020). Both German respondents therefore plead for uniform European requirements rather than using the ECBM (Feuerwehr-Bocholt, 2020; antwortING, 2020).

In general, the Dutch respondents were far more concerned with the soft obstacles such as culture and identity than the German respondents. The Dutch interviewees were most concerned with cultural and emotional aspects when asked about the possible use of the ECBM

(Veiligheidsregio-Noord-Oost-Gelderland, 2020; Gemeente-Aalten, 2020). One Dutch interviewee states that the ECBM offers no solution for *"the feeling, emotion, let's say the soft side of the story"* (Veiligheidsregio-Noord-Oost-Gelderland, 2020).

In addition, the generally increasingly Eurosceptic attitude in the Netherlands is also mentioned as a reason for local and regional agreements and fewer regulations from Brussels (Veiligheidsregio-Noord-Oost-Gelderland, 2020a). When asked about possible solutions or regulations at EU the level, one interviewee points out that fire brigade organisations in the EU Member States sometimes differ greatly. If these organisations were to be given a uniform label, the impression could arise that the individual organisations were being over-regulated. The interviewee refers to Great Britain, for whom this sentiment was decisive for the Brexit (Veiligheidsregio-Noord-Oost-Gelderland, 2020a). Moreover, a Dutch interviewee calls European guidelines a "strong intervention" (Veiligheidsregio-Noord-Oost-Gelderland, 2020a). In addition, the VNOG's interviewee emphasizes the role of the identity-forming character of the fire brigade organisations: *"I'm just saying the way it is, fire safety organisations are extremely conservative. Preferably as few changes as possible. Often a close-knit club, but very attached to their own little world and every change is often quite a challenge. So it's hard to get that done. If you then say 'we're going to make it all European at once' I would almost say that I'm not going to make it alive."* (Veiligheidsregio-Noord-Oost-Gelderland, 2020a). This quotation also shows the scepticism towards the ECBM on several levels: national culture, will to use EU legislation and organisational identity.

#### *Anholt Abkommen as a solution to border-related obstacles for Project Crossfire*

To the border region around Bocholt, where Project Crossfire is mainly located, the Anholt Agreement is the basis for all cross-border activities in fire safety. This agreement allows the recognition of common training and the agreement on common ranks (antwortING, 2018). Accordingly, the basis created by the Anholt Agreement also forms the basis for the outcome of the feasibility study on Project Crossfire with the result that a joint German-Dutch firefighting barrack is legally possible (antwortING, 2018).

The Anholt Agreement and the feasibility study on Project Crossfire can help to resolve inequalities at the organisational level, such as different levels of training and responsibilities. This theoretical knowledge about differences will not synchronise the requirements for professionals or standards on material of the two cooperating countries, but can contribute to mutual understanding which are relevant to CBC. However, knowing different standards and requirements

from both cooperating states could also contribute to the reduction of obstacles in communication. The grid comparing the different job titles from German and Dutch fire brigades within the feasibility study for Project Crossfire can be an example for this, ultimately leading to not only greater understanding of mutual structures, but more effective communication (antwortING, 2018).

Another administrative and legal obstacle is the unequal degree of professionals and volunteers in firefighting between the two countries (described in 4.2). It would be conceivable that a team with equal employment would be formed within the joint fire station. For this, however, the ECBM is not necessarily needed, taking into account the possible special purpose association created by the Anholt Agreement (see 5.1.1). Within the feasibility study a way to organize the CBC strategically and structurally was introduced, explains the interviewee from antwortING:

*“We then came to the conclusion that it is more sensible to integrate the operational personnel of one side into the unit of the other side, because this of course eliminates all the legal challenges that play a role, for example by making the necessary arrangements with the Dutch authorities. The personnel will be integrated into the German unit as far as they are on standby and will then be part of the German fire brigade, for example.”* (antwortING, 2020).

Additionally, the ECBM does not provide a straightforward solution for removing obstacles caused by insufficient harmonisation. As described above, different levels of responsibility, schedules and requirements for professionals lead to difficulties in CBC. However, if only the regulations of one Member State were to be adopted here, all professionals would have to be trained together. Joint training is also possible within the framework of a joint organisation, which can be concluded through the Anholt Agreement. Thus, it can be argued that there is no advantage created for Project Crossfire by the ECBM.

Another point in favour of applying the Anholt Agreement is the principle of subsidiarity. Article 5 of the Treaty on the European Union states that the EU “shall act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level” (Eur-Lex, 2008). The answer to the research question is therefore directly linked to the principle of subsidiarity. If existing agreements such as the Anholt Agreement offer sufficient competence to solve border-related obstacles, the application of further regulations at the EU level is overdue. This is the case for Project Crossfire. This was proven by the feasibility study of 2018 (antwortING, 2018). Also, on the basis of the answers to the interviews it can be stated that the Anholt Agreement not only

provides support for the organisations involved, but actually offers solutions for the majority of all administrative and legal obstacles to the CBC.

In summary, it can be said that the ECBM does not offer significant advantages for Project Crossfire compared to other bilateral agreements used so far in this particular border region. This insufficiency is caused by several reasons: to begin with, the definition of legal and administrative obstacles that the ECBM addresses is vague. This vagueness in definitions leads to the fact that it is not clear from the Commission's Communication from 2018 which requirements are actually placed on a project to be supported by the ECBM (European Commission, 2018a). According to the Commission, whether a given border-related obstacle meets the requirements of obstacles to be possibly solved by the ECBM will only be decided after the relevant Cross Border Points have submitted their application (Sielker, 2018).

For the border regions, however, submitting an application without first being able to adequately assess whether the obstacles meet the requirements of the ECBM may also result in unnecessary additional bureaucratic work. The impact of such a bureaucratic handling should not be underestimated for CBC. The strength of the closely cooperating border regions lies in their pragmatic and problem-solving nature: 'cross-border problems and issues were often resolved along the way without the need for major institutional change' (Hansen & Serin, 2010).

Another factor that should not be neglected in the case of Project Crossfire is the social and cultural aspect. In contrast to other cross-border projects, where the ECBM may be able to solve technical problems in administration or similar, the cooperation of two organisations with different cultural backgrounds creates further difficulties. The ECBM offers no solution for these. Although its use could contribute to greater understanding, the interviewees suggest that the fire fighters identify strongly with their respective organisations and the processes and rules associated with them. Overlaying other rules could therefore be counterproductive for the CBC.

## 7 Conclusion

There are numerous cross-border cooperation projects along the Dutch-German border. One of these is the so-called Project Crossfire based in the TAM border region. This project aims to establish a joint Dutch-German fire brigade team and fire station at the German-Dutch border. A feasibility study carried out in 2018 confirmed that the project is realizable based on existing agreements. However, as the European Commission stated in its Border Review published in 2017, cross-border projects in the EU are hindered by numerous border-related obstacles. In order to reduce these obstacles, the Commission introduced the European Cross Border Mechanism (ECBM) to enable the adoption and application of the laws of one participating EU Member State for both project partners.

These developments formed the basis for the central research question of this Master thesis:

***“To what extent can the ECBM be a useful addition to current agreements regarding the fire safety cooperation in the Twente-Achterhoek-Münsterland border region?”***

In order to answer this main research-question the benefits of possible use of the ECBM solving border-related obstacles for the cross-border Project Crossfire were analysed. The existing border-related obstacles in general in fire safety and specifically for the Project Crossfire were analysed. Additionally, the existing agreements on CBC as well as the advantages the ECBM offers for the project were compared. The aim was to assess the extent to which the ECBM could give Project Crossfire an advantage over existing agreements in this exact border region. To answer the main research question, three sub-questions were established each of which was discussed in a separate chapter of this thesis. To answer the sub-questions and subsequently the main research question two research methods were used. Desk research was conducted to categorise typical border-related obstacles in the field of fire safety cooperation and analyse the existing agreements on CBC in the field. Subsequently, stakeholders of Project Crossfire, i.e. representatives of the three organisations involved plus one municipality in the border region, were interviewed about their experiences and opinions on possible opportunities and limits of the ECBM for Project Crossfire.

#### *Addressing the first sub-question*

The first sub-question was ***“What border-related obstacles is fire safety confronted with in general when cooperating across the border?”***. A desk research based on academic literature was carried out to address this research question (see chapter 4.2).

This desk research brought forward that when fire safety organisations decide to cooperate across borders this CBC can be hindered by the following obstacles: different organizational structures (including trainings, salaries, tasks, and responsibilities), insufficient harmonization (including material, technical equipment, communication channels) and cultural differences. These culture differences mean that the border still frequently represents an identity boundary, which seems to be difficult to overcome. This means that the national as well as different organisational cultures can be seen as an obstacle when merging two fire brigades.

The desk research has also shown that the various obstacles named above are partly interrelated and can be mutually dependent. For example, cultural differences cause different systems, which in turn can lead to difficulties in communication. This complexity also plays a role in the application and actual success of the ECBM in solving the existing obstacles in CBC.

#### *Addressing the second sub-question*

In chapter 5.4 the second sub-question focused on the specific obstacles for Project Crossfire when cooperating across the Dutch-German border. It asked: ***“What legal and administrative border-related obstacles are stakeholders confronted within the Project Crossfire?”***. These border-related obstacles were described by four interviewees involved in Project Crossfire.

Based on the outcomes of these interviews, the following obstacles were most mentioned for the CBC at the DE-NL border in the field of fire safety to be influential: cultural and social aspects, insufficient harmonization and different organizational structures. It is important to note that the weighting of which obstacle was considered the largest by the interviewers differed.

However, it can be stated that these above obstacles were mentioned by all interviewees. Furthermore, all interviewees mentioned the different levels of salaries for professionals (at the Dutch side) and volunteers (mainly in Germany) as one of the main challenges for Project Crossfire.

### *Addressing the third sub-question*

In the last analytical step (see chapters 4.2 and 6), the third sub-question was addressed: ***“Which of the legal and administrative border-related obstacles the Project Crossfire is confronted with could be solved by the use of the ECBM?”***. The criteria that the border-related obstacles have to fulfil in order to be addressed and potentially be solved by the ECBM were compared based on the Border Review’s definition of obstacles. This comparison of the interview answers regarding the obstacles with the approaches of the ECBM revealed a gap: the focus of the ECBM is on the solution of legal and administrative obstacles. However, the interviewees largely addressed the influence of cultural and social differences in the CBC. As the criteria for a possible application of the ECBM are vague and the mechanism is not offering an option for solving cultural obstacles many obstacles described in desk research and in the interviews as obstacle for CBC in fire safety generally and for Project Crossfire could possibly not be addressed by the ECBM. This calls into question the usefulness of applying the ECBM, as solving one legal or administrative problem could create new barriers to CBC at another area (e.g. on a social level) within the project.

It was noticeable that the respondents are satisfied with the CBC as well as with the legal framework that makes this cooperation possible. When asked about the possible application of the ECBM the German side was clearly in favour of a stronger regulation of harmonisation at European level than of applying for the ECBM. However, this preference was largely related to the harmonisation of processes, training, requirements and technical material. This call for harmonisation at the EU level does not point out a general discontent with the current CBC.

The Dutch respondents, however, considered the existing bilateral agreements to be sufficient. In their view, the CBC and the amalgamation of the German and Dutch firefighters were hindered to a large extent by cultural obstacles, but not because of gaps in the existing agreements on CBC that had already been concluded. Particularly, the Dutch side emphasized the role of cultural and social aspects, which represented a significant obstacle to cooperation, but one that the ECBM is not seeking to solve. The Dutch side also mentioned that Euroscepticism and the conservative culture within firefighting organisations could stand in the way of the ECBM being applied and therefore considered the scope of the Anholt Agreement to be more promising.

### *Addressing the main research-question*

After having conducted both desk research and the analysis of the interviews carried out with involved stakeholders the main research question (“*To what extent can the ECBM be a useful addition to current agreements regarding the fire safety cooperation in the Twente-Achterhoek-Münsterland border region?*”) was answered in chapter 6. Based on the answers to the sub-questions including the outcomes of the analysis, the main research question can be answered as follows: the ECBM could be an addition to existing agreements in some legal areas solving for example training requirements and competencies that firefighters in the two countries have or do not have. However, it should be noted that the existing Anholt Agreement offers sufficient possibilities to address and solve existing border-related obstacles for Project Crossfire. This can be seen from the interviewees’ opinion on the benefits of the Anholt Agreement as well as the feasibility study on Project Crossfire. Rather than applying the ECBM as a large EU instrument, a pragmatic, solution-oriented approach, including different levels of German and Dutch organisations on a small scale might be the solution to the existing obstacles.

The extent to which interviewees could imagine using the ECBM for Project Crossfire was viewed critically by all. The German interviewees were rather in favour of harmonisation at European level than of the ECBM. They all emphasized the complexity of the obstacles for Project Crossfire. For example, the problem of unequal salaries for firefighters could not be solved by the ECBM, as this could lead to displeasure for other colleagues in the same station. As mentioned above, it was therefore assumed that the ECBM could be used to solve some administrative problems for example the different salaries for cooperating professionals. Consequently, this could lead to other, partly social and psychological problems, which in turn could become an obstacle for CBC.

### *Limitations of this master’s thesis*

It would go beyond the scope of this master's thesis to make an actual recommendation on whether it would be useful for Project Crossfire to apply the ECBM. In addition, the focus on the Project Crossfire and the small number of interviewees limits the possibility to make general statements for similar projects EU-wide. The small number of interviews is due to the limited number of organisations involved in the Project Crossfire. Still, all involved organisations were involved in the interviews. Thus, this master’s thesis is specifically focused on Project Crossfire, which, however, allows only limited conclusions to be drawn about other similar projects. Even more, as border regions are individual in their characteristics, each possible project must assess the use of the ECBM individually. Nevertheless, the thesis can make a contribution to

the decision-making process, as weaknesses of the ECBM with regard to the definition of border-related obstacles were discussed. Nevertheless, this master thesis can provide a contribution to the decision process of Project Crossfire for or against the application of the ECBM. The interviews as well as the desk research can be seen as an element in the analysis of the status quo for the project.

It should also be noted that the ECBM is not yet an implemented but a proposed law. As a result, the definitions of the legal and administrative obstacles that the ECBM is able to solve are still vague. It is therefore a hypothetical issue, and no case studies or other proposals could be used in comparison. Just as ECBM is not yet implemented law, Project Crossfire is not an ongoing project collaboration. Indeed, all the organisations involved continue to meet and plan the construction of the shared station. However, it should be noted that in 2018, Project Crossfire's initial focus was on the feasibility study. An actual plan for implementation and form of cooperation is not yet officially available as of June 2020.

#### *Future research*

Further research could be conducted to analyse **similar CBC projects** in the light of applying ECBM. It might also be interesting to look at the obstacles and opinions about CBC from a **cultural studies perspective** in order to highlight the extent to which national identity influences the perception of CBC. Additionally, the **role of organisational identity** (see 4.2 and 5.4), which the interviewees consider to be important for CBC, could be researched in more detail. Moreover, it could be examined to what extent a **new regional identity** is already being formed through mergers and cooperation within the border region. The basis for this could be, for example, the CBC of the youth fire brigade in Bocholt.

Furthermore, the question could be further explored to what extent the use of the ECBM meets the **EU desire for subsidiarity**. In this context, different border regions could also be compared with regard to their CBC in order to examine to what extent the pragmatic approach typical for Project Crossfire and the German-Dutch relationship is represented in other border regions.

Although this master's thesis was not directly influenced by the **Corona Crisis**, it may be interesting in a next step of research to analyse to what extent the crisis changed the conditions for CBC. In this context, a changing focus of CBC in the event of a crisis could also be addressed: e.g. to what extent was the CBC between Germany and the Netherlands evaluated as helpful in times of crisis according to several stakeholders? In this respect, one could compare

this exact border region and the CBC in the field of fire safety with border regions that had closed their borders during the Corona Crisis.

#### *Final remarks*

Cooperation between states in the field of fire safety can be seen as a complex construct that is subject to legal and administrative rules, but is also strongly influenced by cultural differences between cooperating states and organisations. As a result, the application of the ECBM is tied to many factors. The analysis of the border region between Achterhoek, Münsterland and Twente shows that a pragmatic approach to problems has been established through years of cooperation. The European ideal of subsidiarity is practiced here. Precisely this pragmatic, small-scale approach contributes to the high quality and frequency of CBC in this border region and can be seen as an argument against the application of the ECBM.

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## 9 Appendix

### 9.1 Ethical Review

UNIVERSITY OF TWENTE.

FACULTY BMS

#### 200106 REQUEST FOR ETHICAL REVIEW

Request nr: 200106  
Researcher: Hieß, F.W.  
Supervisor: Jaansoo, A.  
Reviewer: Jansen, G.  
Status: Approved by commission  
Version: 2

##### 1. START

##### A. TITLE AND CONTEXT OF THE RESEARCH PROJECT

###### 1. What is the title of the research project? (max. 100 characters)

The European Cross-Border Mechanism as an opportunity for Dutch-German  
fire safety cooperation?

###### 2. In which context will you conduct this research?

Master's Thesis

###### 3. Date of the application

13-02-2020

###### 5. Is this research project closely connected to a research project previously assessed by the BMS Ethics Committee?

No/Unknown

##### B. CONTACT INFORMATION

###### 6. Contact information for the lead researcher

###### 6a. Initials:

F.W.

###### 6b. Surname:

Hieß

###### 6c. Education/Department (if applicable):

M-ES

###### 6d. Staff or Student number:

2083582

###### 6e. Email address:

f.w.hiess@student.utwente.nl

###### 6f. Telephone number (during the research project):

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+4915750614292

6g. If additional researchers (students and/or staff) will be involved in carrying out this research, please name them:

-

6h. Have you completed a PhD degree?

No

7. Contact information for the BMS Supervisor

7a. Initials:

A.

7b. Surname:

Jaansoo

7c. Department:

BMS-PA

7d. Email address:

a.jaansoo@utwente.nl

7e. Telephone number (during the research project):

+31534891434

8. Is one of the ethics committee reviewers involved in your research? Note: not everyone is a reviewer.

No

C. RESEARCH PROJECT DESCRIPTION

9a. Please provide a brief description (150 words max.) of the background and aim(s) of your research project in non-expert language.

In 2017, the European Commission presented a legal instrument named European Cross Border Mechanism (ECBM) that allows EU Member States to apply the legislation of another Member State involved in the same cross-border project for the duration of the project. The European Commission assumes that the usage of the ECBM will reduce border obstacles of legal and administrative nature. In this thesis, qualitative interviews are used to investigate the extent to which the ECBM can actually solve border-related obstacles during the establishment of a cooperative German-Dutch fire station in the border region Münsterland-Twente.

9b. Approximate starting date/end date of data collection:

Starting date: 2020-02-14

End date: 2020-03-30

9c. If applicable: indicate which external organization(s) has/have commissioned and/or provided funding for your research.

Commissioning organization(s):

Not applicable

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Funding organization(s):

Not applicable

## 2. TYPE OF STUDY

Please select the type of study you plan to conduct:

I will be collecting new data from individuals acting as respondents, interviewees, participants or informants.

## 4. RESEARCH INVOLVING THE COLLECTION OF NEW DATA

### A: RESEARCH POPULATION

20. Please provide a brief description of the intended research population(s):

The interviewed persons are professionals who are involved in Project Crossfire within their work for an organisation.

21. How many individuals will be involved in your research?

Approximately four individuals will be interviewed.

22. Which characteristics must participants/sources possess in order to be included in your research?

professional involved in project crossfire and therefore expert in cross-border cooperation of fire brigades

23. Does this research specifically target minors (<16 years), people with cognitive impairments, people under institutional care (e.g. hospitals, nursing homes, prisons), specific ethnic groups, people in another country or any other special group that may be more vulnerable than the general population?

No

24. Are you planning to recruit participants for your research through the BMS test subject pool, SONA

No

### B. METHODS OF DATA COLLECTION

25. What is the best description of your research?

- Interview research

26. Please describe the activities that participants in your research will perform, max. 2000 characters, including spaces:

The participants will be answering questions. These questions are specifically on the project crossfire they are involved in. It is the aim of the interviews to gather insights on the obstacles Project Crossfire is confronted with when cooperating across borders. Therefore, the participants are asked to speak about the three biggest obstacles the project is facing in their opinion and then also indicate which one is the biggest.

How much time will each participant spend (mention the number of sessions/meetings in which they will participate and the time per session/meeting)?

max. 20 min per session (only one meeting is needed)

### C: BURDEN AND RISKS OF PARTICIPATION

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27. Please provide a brief description of these burdens and/or risks and how you plan to minimize them:

As the interviews are taking place at a professional level and no emotions should be involved it can be assumed that there should not be psychological risks or burdens. However, before starting the interviews me and the participants will talk about the circumstances of the research in order to ensure them that the meetings are confidential.

28. Can the participants benefit from the research and/or their participation in any way?

Yes

Please Explain:

As I am researching chances the use of the ECBM could offer for the Project Crossfire the outcomes could lead to new perspectives for the project as well as similar projects in cross-border cooperation of fire brigades or emergency services in general

29. Will the study expose the researcher to any risks (e.g. when collecting data in potentially dangerous environments or through dangerous activities, when dealing with sensitive or distressing topics, or when working in a setting that may pose 'lone worker' risks)?

No

#### D. INFORMED CONSENT

30. Will you inform potential research participants (and/or their legal representative(s), in case of non-competent participants) about the aims, activities, burdens and risks of the research before they decide whether to take part in the research?

Yes

Briefly clarify how:

When asking the participants whether they are interested in contributing to the research I already explained the aims and described the interviews briefly. Before actually conducting the interviews, the participants will be handed a description of the general set-up.

32. How will you obtain the voluntary, informed consent of the research participants (or their legal representatives in case of non-competent participants)?

Oral (recorded) consent

33. Will you clearly inform research participants that they can withdraw from the research at any time without explanation/justification?

Yes

34. Are the research participants somehow dependent on or in a subordinate position to the researcher(s) (e.g. students or relatives)?

No

35. Will participants receive any rewards, incentives or payments for participating in the research?

- No

36. In the interest of transparency, it is a good practice to inform participants about what will happen after their participation is completed. How will you inform participants about what will happen after their participation is concluded?

- Participants will receive the researcher's contact details, so that they can contact the researcher if they have questions/would like to know more.
- Participants who indicate they are interested will receive a summary of the research results.

#### E. CONFIDENTIALITY AND ANONYMITY

37. Does the dataset contain personal identifiable information that can be traced back to specific individuals/organizations?

Yes

38. Will all research data be anonymized before they are stored and analysed?

Pseudonymization

39. Will you make use of audio or video recording?

Yes

- What steps have you taken to ensure safe audio/video data storage?

The audio data will be stored in the researcher's personal computer and not be shared with other researchers or institutions. It will only be used to transcript and form a basis for the analysis of the interviews.

- At what point in the research will tapes/digital recordings/files be destroyed?

The files will be destroyed after finishing the research.

#### 5. DATA MANAGEMENT

- I have read the UT Data policy.
- I am aware of my responsibilities for the proper handling of data, regarding working with personal data, storage of data, sharing and presentation/publication of data.

#### 6. OTHER POTENTIAL ETHICAL ISSUES/CONFLICTS OF INTEREST

40. Do you anticipate any other ethical issues/conflicts of interest in your research project that have not been previously noted in this application? Please state any issues and explain how you propose to deal with them. Additionally, if known indicate the purpose your results have (i.e. the results are used for e.g. policy, management, strategic or societal purposes).

Possibly a conflict could arise from the fact that the interviewed participants are seen as representatives of their organisations. However, the whole organisation may not agree with the views that the participant shares. This could lead to disagreements after a possible publication. In addition, different project participants are

interviewed separately. It is possible that conflicts may arise among them if points of criticism are mentioned regarding the cooperation with each other.

#### 7. ATTACHMENTS

-

#### 8. COMMENTS

-

#### 9. CONCLUSION

Status:           Approved by commission

The ethical committee has assessed the ethical aspects of your research project. On the basis of the information you provided, the committee does not have any ethical concerns regarding this research project. It is your responsibility to ensure that the research is carried out in line with the information provided in the application you submitted for ethical review. If you make changes to the proposal that affect the approach to research on humans, you must resubmit the changed project or grant agreement to the ethical committee with these changes highlighted.

Moreover, novel ethical issues may emerge while carrying out your research. It is important that you reconsider and discuss the ethical aspects and implications of your research regularly, and that you proceed as a responsible scientist.

Finally, your research is subject to regulations such as the EU General Data Protection Regulation (GDPR), the Code of Conduct for the use of personal data in Scientific Research by VSNU (the Association of Universities in the Netherlands), further codes of conduct that are applicable in your field, and the obligation to report a security incident (data breach or otherwise) at the UT.

## 9.2 Declaration of plagiarism

Hereby I assure that the present work has been independently written by  
\_\_\_\_\_Frauke Willemina Hiess\_\_\_\_\_,

that no other sources and aids than those indicated have been used and that the places of the work, which have been taken from other research and literature - also electronic media - according to the wording or sense, have been marked as borrowed in any case with indication of the source.

11.06.2020



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(date, signature)

I agree to a comparison of the work with other texts in order to find matches and to a storage of the work in a database for this purpose.

11.06.2020



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(date, signature)