

Cross-Border Impact Assessment 2020

Dossier 1: The impact of the corona crisis on cross-border regions (TEIN study)





**Institute for Transnational and Euregional
cross border cooperation and Mobility / ITEM**



Maastricht University in collaboration with the Transfrontier Euro-Institut Network (TEIN)

Cross-Border Impact Assessment 2020

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The *Institute for Transnational and Euregional cross-border cooperation and Mobility / ITEM* is the pivot of research, counselling, knowledge exchange and training activities with regard to cross-border mobility and cooperation.

ITEM is an initiative of Maastricht University (UM), the Dutch Centre of Expertise on Demographic Changes (NEIMED), Zuyd University of Applied Sciences, the City of Maastricht, the Euregio Meuse-Rhine (EMR), and the Dutch Province of Limburg.



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Abbreviations

<i>Abbreviation</i>	<i>Full name</i>
ARS	Agence Régionale de Santé (French Regional Health Agency)
BA	Bundesagentur für Arbeit (German Federal Employment Agency)
BE	Belgium
BFS/FSO	Bundesamt für Statistik (German Federal Statistical Office)
BVB	Basel Verkehrs-Betriebe (Basel public transport)
BW	Baden-Württemberg
CH	Switzerland
CNAM	Caisse nationale d'assurance (French national health insurance scheme)
COVID-19	Coronavirus
CIC	Chamber of Industry and Commerce
DADS	Déclaration Annuelle de Données Sociales (French annual social report)
DE	Germany
DG	German-speaking Community of Belgium
EC	European Commission
EFTA	European Free Trade Association
EGTC	European Grouping of Territorial Cooperation
EMR	Euregio Meuse-Rhine
EMRIC	<i>Euregio Meuse-Rhine Incident and Crisis Management</i>
FR	France
IHK	Chamber of Industry and Commerce (Germany)
NL	Netherlands
NRW	North-Rhine Westphalia
ORK	Upper Rhine Conference
ORR	Upper Rhine Council
RLP	Rhineland-Palatinate
RP	<i>Regierungspräsidium</i> (Regional Administrative Council)
SECO	Secrétariat d'Etat à l'économie (Secretariat for Economic Affairs of Switzerland)
SEM	State Secretariat for Migration (Switzerland)
SIRAC	Service d'information routière de Strasbourg (Strasbourg traffic information service)
Tozo	<i>Dutch temporary income support for the self-employed</i>
ZEV	Centre for European Consumer Protection

Dossier 1: The impact of the Corona crisis on cross-border regions

Chapter 1: General introduction, methodology and indicators

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1. Introduction

The (continued) impact of the COVID-19 pandemic can hardly be overstated. As the virus spread (during the ‘first wave’), entire regions and countries were quarantined, and borders were closed overnight. This dossier focuses on what impact early crisis management has had on (cross-)border regions. To gain insights into how that impact was felt in different regions across Europe, the research has been conducted in close collaboration with several TEIN-partners.

The dossier provides an ex post impact assessment of the various “Corona-measures” on cross-border regions, when the virus first ‘hit’ the European continent. Specific regard is had to the (non-) coordination of crisis management measures and border controls. To what extent did the focus on national figures, national capacities in healthcare and national measures influence the situation? How intensive was the cross-border coordination and what consequences did it have for the development and combating of the crisis? Such questions are key in reflecting on the extraordinary impact that the “Corona crisis” has had on cross-border regions, when many basic European principles were virtually thrown overboard from one day to the next.

The multifaceted nature of this topic is reflected in the fact that all three central research themes – European Integration, Socioeconomic/Sustainable Development and Euregional Cohesion – are covered. Firstly, the Corona measures will be assessed in light of the theme of European integration. Where and for how long were border controls re-instituted? Which travel bans existed and for how long? What were the consequences for frontier workers and students? Those and other questions will be addressed to analyse what impact the crisis had on EU citizens’ basic freedoms of movement and, thus especially, on the daily life in a cross-border region.

Secondly, the Corona measures will be evaluated through the lens of socioeconomic/sustainable development. It will be examined to what extent the Corona measures can be linked to a reduction of cross-border economic activities by companies or to worse economic difficulties. Due to the Corona-induced lockdown measures, in many parts of Europe social and economic life came virtually to a standstill. In the wake of a global recession of unprecedented scale, this dossier will zoom in on what the (dis-) coordination of early crisis response has meant for the trade and economy in selected cross-border territories. Next to the immediate impact, the researchers will also preliminarily assess what repercussions there may be for cross-border regions’ economic development in the future.

Thirdly, the Corona measures will be viewed from the perspective of Euregional cohesion. If and how did cross-border cooperation function during the crisis? Were national measures coordinated in a way to avoid frictions for the border regions? How was the cooperation in the health sector structured and how can it be structured in future? What was the impact of the closing of borders on the perception of citizens with respect to the cohesion of the cross-border territory? On that basis, the authors will analyse what lessons can be drawn for European/cross-border crisis-management in the future and for dealing with the recovery from the Corona-crisis.

Besides studying the effects on the cross-border region between Belgium, Germany and the Netherlands (Euregio Meuse-Rhine / EMR), this dossier will – for the first time – convene regional studies on the border effects in several European regions. The COVID-19 research project is a collaboration between ITEM and various partners of the Transfrontier Euro-Institut Network (TEIN), a unique network consisting of universities, research institutions and training centres dedicated to

cross-border cooperation in Europe.¹ This dossier showcases the results of the fruitful cooperation between ITEM and the following TEIN-members: the Euro-Institut (Upper Rhine region covering the cross-border region between Germany, France and Switzerland), the Centre for Cross Border Studies/CCBS (the cross-border region between the Republic of Ireland and Northern Ireland/the United Kingdom (UK)) and the B/ORDERS IN MOTION Research Centre from European University Viadrina Frankfurt Oder (the German-Polish border region and the Twin Towns Frankfurt Oder Slubice).



Figure 1: The four cross-border areas of Dossier 1, own indication in MOT’s illustration of cross-border territories (MOT, 2018).

¹ See <http://www.transfrontier.eu/>. This research cooperation started off in early 2020 with the plan to conduct a joint cross-border impact assessment on the proposed EU Directive to discontinue the seasonal change of time (DSCT) (COM (2018) 639 final). However, as the Corona-crisis began to spread across the whole globe and the researchers involved in this cooperation were experiencing first-hand the impact of the nationally and even regionally diverging approaches towards containing the (further) spread of the virus, the research team quickly shifted its focus of investigation to the on-going crisis itself where it could be even more fruitfully employed.

The dossier is organised in chapters. Next to a general introduction, this first chapter provides the necessary methodological specifications and definitions. It also gives details on the indicators that the researchers have jointly determined per research theme and that serve as a common frame of reference for the regional reports (to be outlined below).

2. Methodology and definitions

As indicated, this dossier forms the outcome of a joint research initiative between ITEM and the TEIN-partners to apply the Cross-Border Impact Assessment-method more broadly. That method has been developed by ITEM since 2016. It is for the first time that ITEM collaborates with other cross-border research institutes to test the method's applicability in other cross-border regions across Europe. In view of current events during the preparatory phase of this pilot study, the unfolding of the COVID-19 pandemic and the divergent approaches of crisis response by governments and health authorities "offered" themselves as fitting research topic. The Corona crisis indeed provides a very apt subject for cross-border impact assessment research given its unprecedented scale and, especially, considering the great variations in the gravity of its impact across Europe.

The ITEM Cross-Border Impact Assessment is still a rather new method for conducting territorial impact assessments. The complexity of cross-border research lies in exposing and analysing the intersections and interactions between different political and legal systems, multilevel institutions, cultures etc. The selection of European cross-border regions "under investigation" has therefore remained rather limited for this pilot study. It allows keeping the process of data collection and the coordination of the various regional studies "manageable" within the tight schedule of ITEM's annual 'Cross-Border Impact Assessment-cycle'. Meanwhile, it will still provide a solid basis for drawing first lessons on the enhancement of the Cross-Border Impact Assessment-method. The geographic selection of this joined dossier includes two cross-border territories in regions where political relations are characterised by significant sensitivities and two cross-border regions including three countries (one of which that is not an EU-member). The following analysis on the impact of the coronavirus pandemic on cross-border regions in the EU illustrates an interesting array of the complexities encountered by cross-border impact assessment. These insights can provide a useful source for future research, for instance, with an extended geographical scope for the assessment of cross-border effects on European border regions or focusing on certain aspects in more detail (e.g. the effect of EU crisis response measures). The European Commission has already informally expressed its appreciations for this type of joint research initiative, and encouraged the organisation of further such joint work to investigate pan-European cross-border issues within the context of the TEIN-network in the future.

ITEM, the Euro-Institut, CCBS and the Viadrina Centre B/ORDERS IN MOTION agreed to adhere to the Cross-Border Impact Assessment methodology, as developed by ITEM. The main features of the joint research framework will be set out here below.

2.1 Current or future effects: A mixture of ex-post and ex-ante

This report differs from much of the dossier research carried out in the context of the ITEM Cross-Border Impact Assessment hitherto in two aspects particularly. Firstly, a dossier usually deals with a clearly defined legislative project or an existing law by one government (or the EU) that will influence life in the (cross-)border region in the future or that has been doing so for years. In the case of the Corona crisis, however, the research focus is on government action by various national governments,

regional governments and the action of other governmental actors such as German health authorities, Dutch *Veiligheidsregios* (geographical areas of police cooperation) or an ad hoc cross-border task force. It is the compilation of crisis management measures that is under investigation and what impact that has had on each of our four cross-border regions. This involves a large number of ad-hoc regulations, quickly adopted rules or recommendations, which have not always had and do not always have a legislative character. Furthermore, it is not only these new rules formulated by national actors that have had an impact, but also their interaction. In this respect, the main challenge of this study is first of all to develop a solid picture of the measures per border region, with at times multilevel authorities from three nation states involved.

Secondly, this investigation differs in that it is not possible to distinguish clearly whether the investigation is ex ante or ex post. In July 2020, some measures such as border closures and border controls had already been lifted, so their effects from an ex post position can be examined. At the same time, many new rules, such as national financial aid to companies, are still in place or are being re-launched. This is why their medium and long-term effects will only become apparent in months or even years. The same applies to questions of European law. Some national measures in the area of restricting the freedom to travel could still prove to be in breach of EU law if, for example, there are complaints from individual citizens in the future. In this respect, the assessment of many national measures in times of crisis has more of an ex-ante character. Particularly in the area of Euregional cohesion, which puts the focus on the interconnections among citizens and businesses and the quality of cross-border cooperation between state actors, it will only be apparent in a few years' time whether, for example, relations between the actors have deteriorated considerably or even improved as a result of the crisis. This is why the subject of our joined dossier poses a particular challenge in terms of methodological delimitation: it includes both measures and legal regulations that no longer apply, others that have just been changed and again others that are currently being revised. Therefore, it remains difficult to draw a precise line between ex-post and ex-ante. The assumption is that the effects on the cross-border region are triggered by the special mix of temporary measures that have already been repealed and new measures that have been designed for the longer term.

2.2 Demarcation: Defining the geographical research area

Geographical demarcation and definition of the respective cross-border area is one of the key elements of the ITEM Cross-Border Impact Assessment. In that regard, this dossier has the following focus:

- The Euregio Meuse-Rhine, situated on the tri-border territory of Belgium, Germany and the Netherlands (ITEM);
- The Upper Rhine region, which covers both the adjacent cross-border region between Germany, France and Switzerland along the Upper Rhine (Euro-Institut);
- The cross-border region between the Republic of Ireland and Northern Ireland/the United Kingdom (UK) (CCBS); and
- The German-Polish cross-border region and the Twin Towns Frankfurt Oder Słubice (Viadrina Centre B/ORDERS IN MOTION).

In the following, each regional report will provide a more elaborate definition of the respective border area that provided the geographical scope of their investigation.

2.3. Data collection and analysis

The wide geographical scope and the relative recent effects of the COVID-19 pandemic have important consequences for the data collection. To place the research at hand into context, Annex A provides general timelines that describe the spread of the Coronavirus disease and its consequences, both globally and in Europe in particular. Annex B gives an overview of the general estimations on COVID-19 related cases and casualties. Annex C sets out a comparative timeline for each of the countries² involved in this dossier regarding Corona crisis response measures³. Annex D provides an overview of the interview partners (consulted through background talks) per region.

For practical reasons, the period for data collection has been set to 1 March until 30 June 2020. However, not all data necessary for assessing the impact of the COVID-19-pandemic may have been published by then. Certain economic analyses of the second quarter of 2020 tend to be released rather during the summer. These will be taken into account to the extent that they have been made available at the point of writing (July/August 2020). Additionally, based on previous ITEM Cross-Border Impact Assessments, it had to be expected that certain data at low level or to highlight specific cross-border 'flows' might be lacking altogether.⁴ The authors will therefore signal the peculiar limitations of data collection per region.

Moreover, given these expected constraints in the collection of quantitative data and also to test qualitative indicators (see below), ITEM and the TEIN-partners agreed to acquire further relevant information through informal talks (*Hintergrundgespräche*) with partners and stakeholders in their respective networks. This conversational input has been used to inform the narrative of the regional reports in a more qualitative way and finetune the analysis. It forms an indispensable part of ITEM's impact assessment-method, particularly because the lack of adequate quantitative data is a notorious problem in cross-border research. At the same time, this approach also pays respect to potential (political) sensitivities pertaining to the problems discussed, whereby certain 'interviewees' may often prefer an informal conversation over a formal recording of questions and answers.

3. The research themes, principles, benchmarks and indicators of the joint dossier research

In this study we also use a conceptual framework (see table 1 below) to investigate the effects of the corona crisis on cross-border regions. Three topics are paramount to the ITEM Cross-Border Impact Assessment: European integration, socio-economic/sustainable development, and Euregional/cross-border cohesion. Depending on the facts, more or less assessments can be made.

² Belgium, France, Germany, Netherlands, Poland, Republic of Ireland, Switzerland, and United Kingdom and Northern Ireland.

³ Concerning first case/first death; schools closure/ reopening; shops closure/ reopening; lockdown beginning/ end; border restrictions or closures/ lift of restrictions or reopening.

⁴ See, in particular, van der Valk, J. (2019), ITEM Cross-Border Impact Assessment 2019, Dossier 5.

Table 1: Research themes, principles, benchmarks and indicators for the evaluation of the impact of the Corona crisis responses in European cross-border regions

Theme	Principles	Benchmark	Indicators
<p>European Integration</p>	<p><u>Charter of Fundamental Rights of The European Union</u></p> <ul style="list-style-type: none"> • Respect for private and family life (Article 7 CFREU), family and professional life (Art 33 (1) CFREU) • Right to education (Article 14 CFREU) • Freedom to choose an occupation and right to engage in work (Article 15 CFREU) • Freedom of movement and of residence (Article 45 CFREU) <p><u>Union citizenship:</u></p> <ul style="list-style-type: none"> • Union citizenship (Art 9 TEU and Art 20 TFEU) • Right to free movement (Art 21 TFEU) <p><u>Free movement of workers:</u></p> <ul style="list-style-type: none"> • Promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, and a high level of education, training and protection of human health (horizontal obligation, Art 9 TFEU) - regulation EU 883-2004 art 11-13 • Freedom of movement for workers (Art 45 TFEU) • EU and MS have as objectives the promotion of employment, improved living and working conditions, and combating exclusion (Art 151 TFEU) • Workers' health and safety (Art 153 (1)(a) TFEU) • Communication "Boosting Growth in Border Regions" Doing away with obstacles for cross-border mobility 2017 	<ul style="list-style-type: none"> • Cross-border family and working lives in two countries • No control and waiting time at the border • Possibility to go to school, training centre or cultural events • Integration of regional labour markets at the national level/situation of companies and employees • No burden to access adequate social protection • Objectives with respect to the reduction of obstacles for the mobility of citizens and companies in cross-border territories 	<p><u>Quantitative</u></p> <ul style="list-style-type: none"> • Number of days with border controls & exceptions • Number of cross-border workers having a specific commuter-authorization (Pendlerbescheinigung) • Closed borders/Schengen: kilometres of traffic jams/waiting time • Number of cross-border companies that have to stop activities because of border controls or the introduction of measures by one or both jurisdictions • Number of cross-border workers potentially affected by Corona measures introduced by one or both jurisdictions • Number of cross-border pupils/students who could not go to school, and how many days (because of border restrictions/not regular closure) <p><u>Qualitative</u></p> <ul style="list-style-type: none"> • Exemptions of travel ban • (Legal) discrimination of people or companies who live, work, do business or have other activities in the cross-border region? <ul style="list-style-type: none"> ○ Laws applying only to resident people and not cross-border quarantined workers ○ Discrimination of companies, employees, self-employed with respect to financial assistance • Mutual recognition of risk assessment for border questions (e.g. on the need to quarantine) • Availability of special information for citizens of the neighbouring countries

Theme	Principles	Benchmark	Indicators
Sustainable and Socio-economic Development	<p><u>Internal Market</u></p> <ul style="list-style-type: none"> • High level protection of health, safety, environmental protection and consumer protection, evidence-based (Art 114 (3) TFEU) • Free movement of goods (Art 34-36 TFEU) <p><u>Free movement of workers/services & freedom of establishment</u></p> <ul style="list-style-type: none"> • Freedom to conduct a business (Article 16 CFREU) • Freedom of movement for workers (Art 45 TFEU) • Right of establishment (Art 49 TFEU) • Freedom to provide services (Art 56 TFEU) <p><u>Public transport</u></p> <ul style="list-style-type: none"> • Public transport = MS prerogative (except for EU competition rules, Art 106 TFEU) • Trans-European Networks (TEN) (Art 170 TFEU) <p><u>Environment</u></p> <ul style="list-style-type: none"> • Sustainable development (horizontal obligation, Art 37 CFREU and Art 11 TFEU) <p><u>Agriculture</u></p> <ul style="list-style-type: none"> • Common agricultural market (Arts 38, 39 TFEU) 	<ul style="list-style-type: none"> • Situation of integrated national markets for companies and employees • Situation of integrated territories in the field of public transport • Objectives of European and National legislation and strategies with respect to the integration of labour markets, economic metropolitan areas, infrastructure, sustainable development in cross-border territories • Supporting cross-border employment • Objectives of cross-border entities (as Euroregions, Euro-Districts, etc.) with respect to the economic, social and environmental situation of cross-border territories 	<p><u>Quantitative</u></p> <ul style="list-style-type: none"> • Reduction of GDP in border regions • Decreased turnover of shops due to reduction in cross-border shopping • Reduction of cross-border relations of companies • Reduction of benefits for public transport companies with cross-border lines • Reduction of production of local agriculture due to the lack of cross-border/foreign workers • Number of cross-border workers with compulsory work reduction/unemployment • Continuation of cross-border employment services <p><u>Qualitative</u></p> <ul style="list-style-type: none"> • Extra administrative or organisational extra burden for citizens and companies • Future development of the cross-border economy • Future development of cross-border labour market

Theme	Principles	Benchmark	Indicators
Euregional Cohesion	<p><u>Economic, social and territorial cohesion</u></p> <ul style="list-style-type: none"> • EU recognises and respects access to services of general economic interest (Art 36 CFREU) • EU and MS to ensure effectiveness of services of general economic interest (Art 14 TFEU, and Protocol No. 26) • Overall harmonious development and cross-border cooperation (Art 174 TFEU) 	<ul style="list-style-type: none"> • Deepening cross-border public administration/cross-border entities/cross-border networks • Situation of integrated territories in the field of public transport and health <ul style="list-style-type: none"> ◦ Promoting greater pooling of health care facilities • Providing, commissioning and organising services of general economic interest as closely as possible to the needs of the users and the diversity resulting from different geographical, social or cultural situations (Protocol No. 26, TFEU) 	<p><u>Quantitative</u></p> <ul style="list-style-type: none"> • number of vehicles and persons crossing the border per day in each direction in April • reduction of public transport passengers across the border • number of meetings/other cross-border activities cancelled by the cross-border institutions • Number of information requests from people and companies with cross-border activities about Corona • Number of Corona patients cared for in hospitals across the border. • Amount of exchange of medical protection material or medication imported from the neighbouring country. <p><u>Qualitative</u></p> <ul style="list-style-type: none"> • What type of CBC was still functioning during the crisis? • Role of ad-hoc cross-border crisis management teams • Role of cross-border entities (Euroregions, Eurodistricts, INTERREG Management, Benelux,etc.)/networks during the crisis • Coordination of national measures and frictions for the border regions? • Expected Impact on the quality/methods of cooperation of public administration across the border? • Impact of COVID-19 measures on the perception of citizens with respect to the cohesion of the cross-border territory? • Mobilisation of citizens through the bordering processes (lock-down, temporary border closures) • Accessibility and cooperation across the border in the health sector (patients, staff, equipment, material?) • Quality of the exchange and comparability of data (infections, death rate, etc.) across the border • Expected impact on the future of cross-border cooperation in the health sector?

These three themes serve as a frame of reference for the evaluation of cross-border effects regarding a certain subject (i.e. emanating from legislation, policy or administrative practice). For each theme, principles, benchmarks and indicators have been defined to enable the evaluation of the cross-border effects of the Corona crisis management on each of the four selected territories. *Principles* refer to the legal or political provisions that form the backdrop to the notion of establishing a positive situation in the cross-border region. They are followed by the *benchmarks*. These are standards that are compared to real life after the introduction of the relevant legislation or policy in a certain Member State. Finally, the *indicators* are established which usually provide (scales of) measurable or, at least, comparable variables. These can be quantitative (such as the passenger numbers on train usage, trade figures) or qualitative (such as the functioning of cross-border entities).

This means that, ideally, the resulting measurements and insights obtained based on the defined indicators are weighed against the standards provided in the benchmarks (e.g. a before-and-after comparison, or comparing figures from different sides of the border etc.). These findings are then discussed and evaluated in the light of each theme and the corresponding principles.

In the following, for each of the four selected cross-border regions, effects are examined with regard to questions of European integration. These include aspects such as the four freedoms enshrined in EU law, including the rights of EU citizens, for example in the area of freedom of travel or the legal basis for the coordination of social security benefits for cross-border workers. It is evident that in a situation of travel restrictions and special rules for frontier workers and companies, fundamental questions of European law are affected.

The closure of factories, catering establishments or shops has had a direct impact on the turnover and employment of businesses. This was no different in border regions than in regions which are not located on a national border. What is now interesting for this study are the effects on the economic and social development of a cross-border area which are directly related to the border. In this sense, the aim is to analyse whether the border location has had or will have a particularly negative or positive impact on economic development. In particular, the dossier will discuss whether general economic effects can be distinguished from specific border effects at all.

The quality of life in a cross-border area depends last but not least on the quality of cross-border relations between different actors. These are, for one, public authorities, the providers of social facilities and state agencies. They maintain bilateral relations in the border region. At the same time, there are also the carriers of cross-border networks and cross-border administrations (such as the EGTC⁵ Euregio Meuse-Rhine). What effects did the crisis have on the functioning of cross-border networks and organisations? What effect did the current cross-border governance structure have on crisis management? How could crisis management measures affect the perception of the border and cross-border cooperation? How does it affect the perception of citizens and businesses?

⁵ The European Grouping of Territorial Cooperation (EGTC) was established on 5 July 2006 by Regulation (EC) 1082/2006 of the European Parliament and of the Council. It provides legal and institutional instruments for enhanced territorial cooperation; whereby public entities of different Member States can come together under a new (transnational) entity with full legal personality. For more information, see: <https://portal.cor.europa.eu/egtc/about/Pages/egtc.aspx> (last accessed 31 August 2020).

4. Outline of the regional reports

As already indicated above, the four regional reports assessing the impact of the Corona crisis on European cross-border regions comprise:

- Euregio Meuse-Rhine (chapter 2)
- The Germany-Poland border region (chapter 3)
- Upper Rhine region (chapter 4); and
- The Northern Ireland-Ireland border region (chapter 5).

Chapter 2: The effects of COVID-19 crisis management on the Euregio Meuse-Rhine

Martin Unfried
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1. Introduction and definition of the geographical area of research

On 15 June 2020, for the first time in weeks, Dutch and German citizens could cross the Belgian border again without needing a 'valid' reason. The previously unimaginable had happened in the Euregio Meuse-Rhine (EMR): national borders and national border checks had been reintroduced to control a pandemic. The Belgian border had been closed to all inhabitants of the border region since 20 March. Only those with a reason explicitly mentioned on a list of exceptions – such as cross-border work or transport – were allowed into the country, a rather drastic measure for an open-border border region. Suddenly streets were blocked, where people had been living the 'open Europe' on a daily basis. Even family visits across the border were no longer allowed. On the German side, the same thing happened: on 16 March, as per federal legislation, North Rhine-Westphalia introduced a ban on the entry of persons without a valid reason, which wasn't lifted until 15 June 2020 (German Bundestag, 2020) and which included, for example, the Belgian-German border in Aachen. Although the Dutch government had not imposed any official entry restrictions, it was trying to prevent Germans and Belgians from entering the country by making urgent appeals and issuing negative recommendations to travellers.

This study examines how to assess, even at this early stage – i.e. based on the state of research in July 2020 – the effects that the crisis has had and will probably have on the cross-border region of the Euregio Meuse-Rhine. The outcomes are based on initial empirical data and assessments of the economic development of the border region, as well as on a series of background interviews with stakeholders and experts that took place in May, June and July 2020. As the crisis, in part, caused considerable turmoil, these assessments should be seen in their temporal context. To date, the crisis has led to great uncertainty and rapidly changing information in many areas.

This study focuses on the cross-border region⁶ of the EMR. The choice for this region is the result of various considerations: the border triangle between Germany, the Netherlands and Belgium is where the national crisis measures of three EU member states meet, presumably posing significant coordination challenges. In addition, given that the EMR includes the Land (German: *Bundesland*) of North Rhine-Westphalia, the Belgian Regions of Wallonia and Flanders and the Belgian German-speaking Community, the regions play an essential role in 'regular' cross-border cooperation. This makes the EMR extremely suited for studying whether the actors of 'regular' cooperation were able to play an important role in crisis management as well. In addition, there is a significant amount of cross-border commuting between the three countries. Commuting between Belgium and the Netherlands mostly involves hospital staff who travel from Flanders to Maastricht to work in the university hospital there. This makes it all the more interesting to study the extent to which cross-border commuting was affected by the national measures. Moreover, many people in the Euregio have become cross-border commuters by moving to a neighbouring country while retaining their job or their own business in their home country. This raises interesting questions, particularly regarding the coordination of national financial support schemes. In addition, compared to other border regions, the EGTC Euregio Meuse-Rhine is a long-standing and well-established Euregional organisation⁷ with various stable cross-border networks. This particularly raises the question of whether networks such

6 For a definition and explanation of the term "cross-border region", see the methodological guide "*Manual ITEM Cross-Border Impact Assessment 2020*" and the "ITEM Cross-Border Impact Assessment 2019 - Summary", pp. 1-5: <https://itemcrossborderportal.maastrichtuniversity.nl/link/id/U8rHnsyQU5BsF9bj>.

7 See ITEM (2020): Die Integration von Akteuren der Gemeindeebene in das EVTZ Euregio Maas-Rhein. (The integration of municipal actors in the EGTC Euregio Meuse-Rhine). In parallel with this research, ITEM is currently studying the organisational conditions of the EGTC Meuse-Rhine.

as EMRIC, which has been bringing together cross-border actors from hospitals, emergency care and disaster relief for years, have had a positive effect during the crisis. Both Liège, Aachen and Maastricht have large university hospitals, so it makes sense to ask about the cooperation in times of a pandemic and the effects of that cooperation. Moreover, the EMR has seen the establishment of three cross-border information points and two joint employment agencies⁸ in recent years. This raises the question of whether these Euregio organisations were also able to make a positive contribution during the crisis. Finally, another interesting dimension is that two of the EU Member States in this border region are also members of the Benelux Union, raising the question of whether this organisation, a cross-border body in itself, has had a positive influence on the coordination of crisis management.

Figure 1: Geography and partner regions of the Euregio Meuse-Rhine



⁸ Joint cross-border offices, known as Cross-Border Employment Services, were set up in Kerkrade/Herzogenrath and Maastricht.

2. Evaluation of the theme of ‘European integration’

The national measures to halt the spread of the COVID-19 pandemic were accompanied by restrictions on public life and citizens' freedoms unknown in peacetime. The closures of private shops and public institutions ordered by the state and the bans on public events, private events and even private visits have, on the whole, curbed many of our fundamental freedoms and civil rights. Although the restrictions on border crossing and freedom of travel are not of a fundamentally different nature, they are assumed to have different effects in border regions, causing a sudden split in areas that were previously integrated across borders. Unlike in domestic regions, border closures affect daily routines in the areas of work, shopping, leisure and family life in border regions.

2.1 Restrictions on the freedom of movement and the closure of borders

Table 1 below outlines in detail, per country and per indicator, the different restrictions imposed in the three neighbouring countries (or the Land of NRW).

Table 1: Quantitative indicators of ‘European integration’ (own material)

Indicator	NL	DE/NRW	BE
Number of days with border controls	0	0	87
Border closed for travel without a valid reason (in days)	0	66 ⁹	87
Closed borders: long traffic jams/waiting times due to border controls	To NL: no official border controls	To NRW: no official border controls	To Belgium: small local traffic jams when the controls started
Need for a commuter licence	Entry NL: no	Entry DE: Not legally regulated, but a form was issued by the <i>Bundespolizei</i> (Federal Police) ¹⁰	From 22 March: entry and exit vignettes for cross-border commuters in ‘vital occupations’. Others: employer certificates (forms were issued)
Number of commuters with a licence	-	Impossible to establish	Impossible to establish
Number of cross-border businesses in the EMR forced to cease their activities due to the introduction of border controls or measures	No data	No data	No data
Number of cross-border workers potentially affected by coronavirus measures	The Euregio Meuse-Rhine is one of the most integrated border regions in Europe. It numbers approximately 36,000 cross-border workers, including around 5,000 in the healthcare sector. ¹¹		
Number of cross-border pupils/students unable to attend school due to border-crossing restrictions/non-regular border closure, including number of days	No separate data	No separate data	No separate data

⁹ To guarantee German residents adequate protection against infection (by (re-)entering travellers), the German Federal Cabinet had already decided that non-essential travel was to be avoided, i.e. that non-residents could only enter Germany for valid reasons. Against this backdrop, all federal states - including North Rhine-Westphalia - issued state regulations on entry and return travel. The NRW entry regulation came into force on 10 April.

¹⁰ The Federal Police issued a licence certificate on their website for employers to fill out on behalf of commuting employees. See: https://www.bundespolizei.de/Web/DE/04Aktuelles/01Meldungen/2020/03/pendlerbescheinigung_beruf_down.html.^{last} accessed on 22 July 2020.

Based on the data and compared to other internal EU borders, the border between the Netherlands and Germany could be considered an 'open border' during the corona crisis. Although the Dutch recommended against entering the country without a good reason, including, for example, the discouraging of holiday visits to the Dutch coast, these recommendations never had the character of a legal ban. Thus the Dutch-German border remained open, not only for the transport of goods and services, but also for the movement of people. The rules of the German government stipulated that one needed good reasons for entering Germany from the Netherlands, but unlike at the other German borders, there were no controls along the Dutch-German border. This is why Dutch residents entering Germany were hardly forced to think about whether their reasons for entry were valid – such as the daily commute to work. This is also why there were no legally complex considerations affecting sensitive areas, such as family visits (see below). Only sporadically did newspaper accounts appear of the German Federal Police actually questioning Dutch citizens about their reasons for entry (De Limburger 2020).

When comparing the exceptions to the entry ban – i.e. the valid reasons for entering – in Germany/NRW and Belgium, it is striking that the respective regulations basically include the same grounds for an exception or exemption. Although these lists were not static and were being adjusted slightly over the weeks, the main reasons for allowing entry remained very similar in NRW/DE and BE. In this sense, the border with NRW was legally no less open or closed than the Belgian border. Belgium, however, performed structural controls and imposed sanctions on violations. Thus, the Belgian border was perceived as much more closed than the German border, an image that was reinforced by the communication strategies of both governments: The governments of the Netherlands and NRW, on the one hand, maintained joint communication stressing open borders – which were indeed more open than the other German borders due to the lack of entry regulations on the Dutch side (Süddeutsche Zeitung, 2020). At the Belgian-German border, on the other hand, entry restrictions and quarantine rules were imposed on both sides that were never imposed at the Dutch-German border. Particularly the lack of structural controls along the Dutch-German border made the situation much more relaxed for cross-border commuters and other travellers with or without valid reasons. Thus, even though there were no official German controls at the Belgian border either, the effect was different because of the Belgian controls performed there. More importantly, where the increase in controls went hand in hand with potentially high fines in Belgium, there was no fining at all at the Dutch-German border; where special instruments, such as commuter licences and commuter vignettes for those in 'systemically vital' occupations, played an essential role in Belgium, these instruments were hardly deployed on the German and Dutch sides of the border. At the Belgian border, the restrictions placed on family visits – which, for a long time, constituted no valid reason to cross – proved to be particularly problematic. For the reasons mentioned above, such visits faced no legal restrictions between Germany and the Netherlands.

2.2 Impact on everyday life in the cross-border region (EMR)

Below is a qualitative assessment of how the above restrictions affected daily life in the EMR, and, more specifically, whether any national measures have led to the discrimination of citizens and businesses. The individual indicators are fleshed out in detail for all three countries in Table 2.

Table 2: Qualitative indicators of European integration (own compilation)

Indicator	NL	DE/NRW (until 15 June 2020, situation of 10 April)	BE (until 15 June 2020, situation of 30 March)
Exceptions to the entry/exit ban	•	<p>Mostly, this ban does not apply to cross-border commuters - i.e. those entering and leaving the country daily or for up to 5 days to pursue a job or training (school, university). Also exempt are persons engaged in the cross-border transport of people and goods. Further exempt are those whose activities are necessary to sustain the healthcare system and perform the duties of the state. Finally, people with a valid reason for travel are exempt. Valid reasons mainly include social reasons, such as shared custody, undergoing urgent medical treatment, taking care of children or relatives, attending funerals, weddings and the like. These exemptions apply without the need to obtain a derogation from any authority.¹²</p>	<p>Exempt are:</p> <ul style="list-style-type: none"> • trips abroad for professional activities, including trips between the workplace and home • trips necessary to continue medical care • trips to provide assistance and care to an elderly person, a minor, a vulnerable or a disabled person • trips to take care of animals • trips pertaining to shared custody • trips to collect from abroad and return to Belgium any Belgian nationals, regardless of their main place of residence; persons holding a long-term residence permit in Belgium; and persons legally resident in Belgium • trips to take abroad family members who have to carry out essential activities there (for vital reasons only) • trips by Belgian nationals to their main place of residence abroad. The exemption does not include trips to a second(ary) place of residence abroad • trips to a partner who does not live under the same roof • trips to obtain certifications (if necessary and insofar the relevant certificate cannot be awarded digitally) • trips to funerals/cremations in the immediate family circle • trips to civil/religious wedding ceremonies in the immediate family circle.¹³
Discrimination against persons or companies living, working, doing business or carrying out other activities in the border region?	Positive: rapid bilateral agreements with neighbouring countries on tax and social-security exemptions for cross-border commuters forced to work from a home office.	<p>Positive: rapid bilateral agreements with neighbouring countries on tax and social-security exemptions for cross-border commuters forced to work from a home office.</p> <p>Only nationals/persons resident in the country are allowed to enter the country without a valid reason.</p> <p>Positive discrimination of cross-border commuters and entrepreneurs: they are exempt from entry restrictions/quarantine provisions.</p>	<p>Positive: rapid bilateral agreements with neighbouring countries on tax and social-security exemptions for cross-border commuters forced to work from a home office.</p> <p>Only nationals/persons resident in the country are allowed to enter the country without a valid reason.</p> <p>Positive discrimination of cross-border commuters and entrepreneurs: they are exempt from entry restrictions/quarantine provisions.</p>

¹² See press release of the NRW state government: „Landesregierung erlässt Verordnung zum Schutz vor Neuinfizierungen mit dem Coronavirus in Bezug auf Ein- und Rückreisende, 10. April 2020“, available on <https://www.land.nrw/de/pressemitteilung/test-8>, last accessed on 22 July 2020.

¹³ See leaflet on Ostbelgienlive.be, the citizen information portal for the German-speaking Community, situation on 30 March 2020. https://www.ostbelgienlive.be/PortalData/2/Resources/downloads/gesundheits/coronavirus/200331_Informationen_zur_Einreise_nach_bzw._Ausreise_aus_Belgien.pdf, last accessed on 22 July 2020.

Laws that apply to residents only and not to cross-border workers quarantined on one side of the border	Visits to relatives in Belgium not allowed until 31 May.	Visits to relatives in Belgium not allowed until 31 May.	Family visits to NL and DE not allowed until 31 May.
Discrimination against companies, employees and self-employed persons in terms of financial support	Tranche 1 of the Dutch <i>Tozo</i> support scheme ¹⁴ was aimed at and limited to providing temporary subsistence aid to self-employed entrepreneurs established in the Netherlands.	Employees who are subject to social security and tax contributions in Germany but whose employer is not established in Germany are not eligible for the German compensatory benefits for short-time working. The German government links these benefits, which are paid out of the unemployment insurance funds, to the place of business of the employer rather than the place of work of the employee.	-
Mutual recognition of risk assessments regarding cross-border issues (e.g. the need for quarantine)	Exchange of the respective national data in the NRW/NL/BE "Corona Task Force". Infection/death rates and other data were difficult to compare across countries due to different national measurement methods. No common data for cross-border regions, such as the Euregio Meuse-Rhine.	Exchange of the respective national data in the NRW/NL/BE Corona Task Force. Coordination between BE and DE regarding quarantines and exemptions on grounds of valid reasons for travel. Infection/death rates and other data were difficult to compare across countries due to different national measurement methods. No common data for cross-border regions, such as the Euregio Meuse-Rhine	Exchange of the respective national data in the NRW/NL/BE Corona Task Force. Coordination between BE and DE regarding quarantines and exemptions on grounds of valid reasons for travel. Infection/death rates and other data were difficult to compare across countries due to different national measurement methods. No common data for cross-border regions, such as the Euregio Meuse-Rhine
Availability of specific information for citizens of neighbouring countries	The cross-border information points in Aachen/Eurode and Maastricht published information about the neighbouring countries. Regional newspapers reported on the rules in the neighbouring countries.	The cross-border information points in Aachen/Eurode and Maastricht published information about the neighbouring countries. Regional newspapers reported on the rules in the neighbouring countries.	The cross-border information points in Aachen/Eurode and Maastricht published information about the neighbouring countries The Euregio Meuse-Rhine in Eupen (BE) published cross-border news. Information from the German-speaking Community in Belgium (published in German) also helped German citizens/companies to understand the situation in Belgium. Regional newspapers reported on the rules in the neighbouring countries.

¹⁴ See: *Tijdelijke overbruggingsregeling zelfstandig ondernemers (Tozo)*, on the website of the Dutch national government: <https://www.rijksoverheid.nl/onderwerpen/coronavirus-financiele-regelingen/overzicht-financiele-regelingen/tozo>, last accessed on 22 July 2020.

Because the different national pandemic-control strategies deployed different measures, the Euregio Meuse-Rhine Euregio suffered an imbalance between the restrictions on free movement and the rights of citizens and businesses. While the entry restrictions were followed up by structural border controls in Belgium, this was not the case in Germany. While citizens who violated the travel restrictions were subject to fines in Belgium, they were not fined in NL and DE. It is noteworthy, however, that Belgium and Germany drew up a similar list of exceptions to the entry ban. The issue of discrimination became relevant in the area of family visits: While not a single country or Land had curbed the rights of family members to visit each other (except those in hospital or in a care institution), such visits were indeed restricted for those living on either side of the border in the EMR. A joint lobby campaign led, in particular, by politicians from the German-speaking Community in Belgium and the administrative committee of the Euregio Meuse-Rhine showed just how politically sensitive this inequality was in the border region (BRF, 2020). On 1 June, after the Whitsun weekend, it became possible once again to visit family and go shopping in the neighbouring countries. At the time of writing this report, it was not known whether anyone in Belgium had initiated legal action against the restrictions on family visits.

The coordination of the EMR's measures for cross-border commuters and businesses shows mixed results, depending on the measure. At no time were cross-border commuters affected by entry bans as the national travel restrictions in DE and BE provided for exceptions for this group. It is not surprising, in this context, that medical staff commuting across borders received particular support. In Belgium, this support came in the form of a special vignette, introduced to avoid the waiting times caused by the recent border controls. To what extent this vignette actually facilitated medical staff could not be assessed in retrospect. For cross-border commuters forced to work from home, national governments agreed, bilaterally and at different times, on exemptions in the area of tax liability. The competent authorities of the three countries had promised, already after a few weeks, to create exceptions to the social security contributions subject to European coordination rules (ITEM, 2020), some of which are clearer than others. For a close monitoring of these dynamic developments, please visit the ITEM Cross-border Portal¹⁵. At the time of writing (end of July 2020), the position of civil servants or quasi-civil servants working from home in their country of residence was still unclear (ITEM Cross-border Portal).

Whether, and to what extent, certain national financial support schemes have led to discrimination against cross-border commuters and cross-border entrepreneurs is controversial. Although the authorities in Belgium, Germany and the Netherlands have each set their own policies, the objectives and the form of the support measures are quite similar. The national measures can, for example, be classified according to their five different aims (see Unfried, 2020a):

- one-off compensation payments for the loss of income caused by the coronavirus measures
- payments to ensure a minimum income for entrepreneurs when turnover falls or disappears altogether
- reduction of personnel costs through a simplified application for short-time working or a subsidy on wage costs
- deferred payment of taxes and social security
- issuing of simplified and cheap loans to provide working capital.

¹⁵ See: <https://itemcrossborderportal.maastrichtuniversity.nl/p/news/50946970784628837>.

Mainly the income-support measures (i.e. the second category) have not been well-coordinated across borders. The Dutch temporary bridging regulation for the self-employed (Tozo) has proven to be particularly problematic. The Tozo scheme has been modelled on the existing regular support scheme for the self-employed and provides (1) income support for subsistence and (2) a loan for working capital. The Tozo policy instrument is linked to the residence and nationality of entrepreneurs, as well as the location of their business. Entrepreneurs who do not live in the Netherlands are not entitled to this subsistence benefit, even if they pay taxes and social security contributions in the Netherlands. This means that self-employed people who live outside the Netherlands but work in the Netherlands are only entitled to support in the form of a loan for working capital (Unfried, 2020a). Thus, the Tozo regulation results in a clear drop in income support for cross-border entrepreneurs who work in the Netherlands, as they have no entitlement to support in their country of residence, nor in their country of employment (the Netherlands). To what extent the Tozo instrument falls within the scope of European Regulation 883/2004 is contestable. The main question is whether the benefits are social *security* benefits or social *assistance* benefits. The Dutch government claims the latter. In fact (given that the measure has already expired in this form), however, these benefits were granted on the basis of a clearly defined legal situation that did not require an individual and discretionary assessment of personal needs (e.g. no asset test, viability test and/or partner income test), indicating that these are not social *assistance* benefits. At the time of writing this report, MEP Jeroen Lenaers (Lenaers, 2020) was still waiting for a response from the European Commission on whether cross-border entrepreneurs were being discriminated against in this case. Also, several individual entrepreneurs who were not eligible for Tozo were preparing legal action against the Netherlands.

Similar questions of discrimination against employees and companies arise regarding the German short-time working benefit regulations during the corona-crisis. The German government takes the view (July 2020) that only companies with a registered office in Germany are entitled to this benefit. This may mean that employees resident in Germany and subject to tax and social security contributions in Germany are not eligible for short-time working benefits, only because their employer is based abroad (e.g. in the event of secondment). This situation has also led to a question to the European Commission (Arimont, 2020), as the German position may also constitute a violation of Regulation 883/2004. These problems show that national measures are at least disputable in light of European principles.

Finally, we discuss the concrete recommendations of the European Commission during the crisis, using them as a benchmark to assess the 'Europe-friendliness' of the measures taken. On 30 March 2020, the European Commission published a Communication with guidelines for the free movement of workers in times of the coronavirus (European Commission, 2020). According to this Communication, restrictions to the right of free movement of workers might be justified under these circumstances, provided that these restrictions are necessary and proportionate. To what extent have the key recommendations in the Communication been observed by the neighbouring countries in the EMR?

The Communication includes a list of 'systemically vital' occupations. Member States must allow frontier workers and posted workers in these occupations to enter the country and grant them unhindered access to their territory. As explained, this objective was achieved in the EMR. The Commission further recommended that a specific, low-threshold emergency procedure be created to allow these workers to cross the border. This was also achieved, particularly through the pilot with the special vignette that facilitated cross-border travel to and from Belgium. The Commission also

requested that Member States allow other (i.e. non-systemically vital) frontier workers and posted workers to cross the border if the relevant host Member State allowed employees in that particular sector to come to the workplace. With the above exemptions, the requirement to regulate work from home in accordance with Article 16 of Regulation 883/2004 was also met. In principle, all three Member States (BE, DE and NL) have observed the European Commission's recommendations in this area.

The overall picture regarding 'European integration' is thus complex. On the one hand, national measures have been implemented – regarding family visits, financial support, short-time working benefits – which may essentially constitute discrimination under EU law. In other areas, however, Member States have made efforts and reached rapid agreements to avoid harming cross-border commuters or businesses, e.g. regarding tax and social security exceptions for those working from home. What characterised the border triangle of the EMR, however, was the imbalance between the various border regimes.

3. Evaluation of the theme of 'socio-economic/sustainable development'

The most obvious consequences of the national measures were the drops in economic activity due to the legal requirement to cease business activities, particularly in retail, hospitality and various other sectors of industry and services. To what extent have the measures affected the sustainable economic and social development and the business climate in cross-border areas beyond the negative effects that also occurred in non-border regions? What economic development figures are available at this point, if any, and what are the forecasts for the Euregio Meuse-Rhine or its sub-regions?

3.1 Impact of the corona crisis on the cross-border economic area of the EMR in figures

Table 3 below summarises key numerical indicators and compares them across the three countries.

What has proven problematic in many of the ITEM impact assessments is also apparent in the light of the coronavirus crisis: the lack of consistent monitoring of economic data in the cross-border region of the Euregio Meuse-Rhine. As the table shows, data is available at national level and partly at regional level. In various sectors, economic development at regional/local level is still measured using surveys or assessments by chambers of commerce. The fundamental difficulty, however, in the assessment of border-related effects is that they cannot be separated from the general effects of national measures, such as the shutting down of parts of public life. In some sectors – such as public transport – the restrictions imposed on those few cross-border efforts played only a marginal role compared to the overall decline in domestic turnover.

Table 3: Socio-economic indicators (own material)

Indicator	NL	DE/NRW	BE
GDP decline in border regions	NL: According to the second Statistics Netherlands (CBS) calculation, the Dutch gross domestic product (GDP) shrank by 1.5 percent in the first quarter of 2020, compared to the fourth quarter of 2019. In Limburg, SMEs have been hit particularly hard. The impact on the hospitality, retail and transport and logistics sectors is perceived to be greater than elsewhere in the Netherlands. ¹⁶	DE: Germany's gross domestic product (GDP) fell by 2.2 % in the 1st quarter of 2020, compared to the 4th quarter of 2019 and adjusted for price, seasonal and calendar effects. ¹⁷ For 2020, NRW's GDP is expected to decline by 5.5%. ¹⁸ North Rhine-Westphalian exports already showed a significant decline in the first quarter, compared to the previous quarter, but less so than German exports as a whole (Figure 3).	BE: As a result of the coronavirus pandemic, Belgium's GDP fell by almost 4% in the first quarter of 2020, compared to the fourth quarter of 2019. ¹⁹ No separate GDP figures were provided for the provinces of Limburg and Liège and the German-speaking Community. ²⁰
Decline in retail sales due to a drop in cross-border purchases	Figures for the province of Limburg (i.e. the southern part of the Euregio Meuse-Rhine): In the first quarter of 2020, retail turnover was still 4 percent higher than in the previous twelve months. Turnover growth during the first quarter was 6.4 percent in the food sector and 0.6 percent less in the non-food sector. Business confidence in the retail sector fell at the beginning of April, reaching its lowest level since records began. ²¹ The effects of the border closures cannot be quantified here.	Overall, the North Rhine-Westphalian retail sector recorded a price-adjusted decline in turnover of 5.1 percent in April (figures by IT.NRW). ²² The first five months of 2020 showed a real increase in turnover of 1.6 percent in NRW retail trade; in nominal terms, turnover rose by 2.8 percent during the same period in the previous year (IT.NRW). No comparable data are available for the Euregio Meuse-Rhine.	
Reduction of cross-border business orders		No data for the Euregio Meuse-Rhine as a whole. According to the Chamber of Commerce and Industry in Aachen, companies in their area of competence were able to accept new and follow up on existing cross-border contracts. Although there was more bureaucracy involved, the closure of the border did not directly affect existing orders.	Voka (a Flemish employers' organisation) reports a one-third drop in export turnover among its members. Voka states that there are no concrete and specific statistics on turnover in

16 Hogeschool Zuyd (Zuyd University of Applied Sciences): Rapportage Coronacrisis MKB (Report on the corona-crisis in the SME sector), Lectureship in Innovative Entrepreneurship, Dr Steven de Groot.

17 Source: Bundesamt für Statistik (Federal Statistical Office), via Destatis.de https://www.destatis.de/DE/Themen/Wirtschaft/Volkswirtschaftliche-Gesamtrechnungen-Inlandsprodukt/_inhalt.html

18 Source: North Rhine-Westphalia Economic Report 2020 #2, published by the Ministry of Economic Affairs, Innovation, Digitisation and Energy of the State of North Rhine-Westphalia, June 2020.

19 Source: <https://www.statista.com/statistics/1116389/gdp-quarterly-change-in-belgium/>.

20 The German-speaking Community has its own economic monitor, which surveys the position of companies: Ostbelgien (Hrg.): Monitoring der Ostbelgischen Wirtschaft (Situation of 6 July 2020)

21 Quelle: Wij Limburg, Meer faillissementen detailhandel in eerste kwartaal 2020, Gaby de Graaf-Weerts, 15 May 2020, using data from Statistics Netherlands (CBS), via <https://www.wijlimburg.nl/nieuws-overzicht/meer-faillissementen-detailhandel-in-eerste-kwartaal-2020/>.

22 Figures from IT NRW: <https://www.it.nrw/umsaetze-im-nrw-einzelhandel-im-mai-um-43-prozent-gestiegen-100208>, last accessed on 23 July 2020.

			<p>the border region but reports the following experiences:</p> <p>All current orders were carried out online as much as possible; other current orders were put on hold; the acquisition of new orders was problematic.</p>
<p>Decline in turnover/revenue of public transport companies operating international lines</p>	<p>Various bus and train lines no longer crossed the border (into DE and BE) between the end of March and May.</p> <p>Decline in turnover due to a general decline in the number of journeys, not quantifiable per border.</p> <p>All public transport in the Netherlands was severely restricted between March and June.</p> <p>In March 2020, the number of daily check-ins with the public transport chip card (Translink) fell by almost 90% compared to similar days in 2019.</p> <p>From 1 June to 1 July, Arriva (a public transport provider in Limburg (NL)) operated at only 40% of its passenger capacity. The regular timetable was not restored until 1 July, making it difficult to quantify the specific border-related effects on turnover.</p>	<p>There were hardly any restrictions on traffic between DE and BE according to the German AVV (General Contract of Use for Wagons - GCU). Sometimes there were different policies in place regarding the number of passengers per bus.</p> <p>DE-NL: The exact decline in turnover caused by cross-border problems is hard to quantify as it is surpassed by the much greater loss in domestic connections.</p> <p>Overall figures of the Aachen transport association (<i>Aachener Verkehrsverbund</i>) on the decline in revenue:</p> <p>A) Occasional customers paying in cash: March: -54% April: -88%</p> <p>B) Season tickets: March: -13 April: -27%</p> <p>The border-related effects cannot be quantified separately.</p>	<p>No specific figures on regions, only general figures.</p> <p>Heterogeneous picture of cross-border lines.</p> <p>Examples from 16 March 2020:</p> <p>Buses between Hasselt (B) and Maastricht (NL), Tongeren (B) and Maastricht and Eisdien (B) and Maastricht operated by Belgian transport company 'De Lijn' no longer crossed the border.</p> <p>Arriva Arriva (NL) buses still went to the Belgian province of Limburg, including Maaseik and Kanne, near Maastricht.</p> <p>Buses of the Walloon transport company TEC from Liège to Maastricht still covered the entire route.</p> <p>Here too, it is difficult to quantify the losses due to border-related issues.</p>
<p>Drop in local agricultural production due to a lack of cross-border/foreign labour</p>	No data	No data	No data
<p>Number of cross-border workers on short-time working/unemployed</p>	No data	No data	No data
<p>Continuation of cross-border job-placement services</p>	The cross-border employment agencies in Maastricht and Aachen operated digitally	The cross-border employment agencies in Maastricht and Aachen operated digitally	The cross-border employment agency in Maastricht, which collaborates with the Flemish Regional employment service VDAB Limburg, informed and mediated between its clients digitally.

In addition, it is clearly much too early to make any statements at all on certain areas. In the area of employment, national measures – including short-time working and financial support to businesses – have so far prevented a mass wave of redundancies. But even if such a wave were to come in autumn, it would be almost impossible to determine, by way of figures, that any of the effects in the border regions were caused by the restrictions on cross-border traffic. This is due to a lack of regular cross-border data collection on jobs created by cross-border companies in the Euregio, as well as a lack of business surveys on the conditions for and obstacles to cross-border activities. More interesting, in this context, is the observation by the Chambers of Commerce in BE and DE that the free movement of goods and services was never really hindered during the crisis, despite the border restrictions, which had been an official goal in the governments' crisis-management policies. The EMR also managed to avoid creating obstacles to the movement of goods in the form of long traffic jams. In this respect, the Belgian border controls did not have any serious negative effects.

3.2 Consequences for Euregional economic development

Since the quantitative economic figures provide insufficient data on the cross-border area, as shown in the previous chapter, the qualitative assessments of economic actors are of particular importance. In several background discussions, experts from the cross-border area were asked about their perceptions and expectations regarding economic development. The individual indicators are presented in detail and compared across the three countries in Table 4 below.

Of particular interest are the respective economic actors' vastly different perspectives and assessments. The assessment made by representatives of the Aachen Chamber of Industry and Commerce is surprisingly positive, for example in its judgment of the state government's crisis management; NRW politicians had taken very swift action to ensure that the border remained open for business, even if this meant additional bureaucracy. On the Belgian side of the border, it was noted that the various measures (certificates for commuters, etc.) were not standardised, thus making the situation very confusing. Recent reports from the Dutch side of the border indicated that the border controls at the Belgian border had caused annoyance.

As regards future economic development, initial surveys by the Aachen Chamber of Commerce and Industry show that 38% of German companies in their respective catchment areas expect their business to develop very negatively, although this is not necessarily attributed to the border situation. Industry and hospitality are particularly affected. The latter sector is also hit by the closures and current constraints in cities inland. On the German, Dutch and Belgian sides, the ambiguities in the financial aid schemes were expected to cause a decline in the cross-border activities of cross-border self-employed persons and employees. These observations would mean that negative perceptions of the cross-border economic area currently outweigh the actual future opportunities across the border. Belgian economic actors also suspected that the scale of the health crisis could give their country a particularly bad image, which might deter economic actors from abroad in the future.

Interesting preliminary studies are available showing that the structures of the respective regional economies in the Netherlands seem to be more decisive for the impact of the crisis than (border) location. For example, as described in the table above, the Dutch province of Limburg is expected to suffer particularly negative effects, not because of its border location, but because of the higher share of trade, transport and catering in economic output.

Table 4: Qualitative indicators of socio-economic development 8 (Source: Background discussions of June-July 2020)

Indicator	NL	DE/NRW	BE
Additional administrative or organisational burden on citizens and businesses	According to the Dutch Chamber of Commerce (KvK), Dutch transport companies faced problems with the border controls, especially in Belgium. This led to the impression that Dutch lorries were more likely to be stopped than lorries from other countries. Although the problem is probably not structural, it is still best to observe the rules. ²³	The Chamber of Commerce (IHK) in Aachen gave the following example: Cross-border activities were possible between NL and DE, even with surprisingly little bureaucracy. Though exchanges with BE faced more bureaucracy, this did not really hamper activities.	Particularly caused by the border controls and the associated uncertainty. Issues for vital occupations allowed to travel across the border: which documents are required; which certificates; citations; agreements? Main bottleneck: no government-led standardisation.
Future development of the cross-border economy and labour market	Sectors outweigh border location: according to a forecast, the Dutch provinces of Limburg, Noord-Brabant, Flevoland and Zeeland will be facing the most economic problems. Especially the northern part of Limburg will be hard hit because of the prevalence of trade, transport and industry there. ²⁴ Other forecasts show more positive scenarios for Limburg. ²⁵ Annoyance with problems regarding financial support (Tozo and short-time working benefits) can lead to fewer activities or less self-employment across borders.	The position of farms in the Aachen region has deteriorated dramatically due to the coronavirus pandemic. Proximity to the border seems to play less of a role: 38% of companies report a negative situation, 22% are satisfied. Industry and hospitality are particularly affected. ²⁶ Annoyance with problems regarding financial support (Tozo and short-time working benefits) can lead to fewer activities or less self-employment across borders.	Problems with Belgium's negative image due to the high mortality rate (Voka) Almost no extra problems for companies operating across borders. Disappointment among entrepreneurs because the financial support instruments are in part not attuned to the border situation. Expectations are that it will be harder to recruit staff from abroad due to Belgium's image as a troubled state since the coronavirus.

23 Source: Internationaal transport in coronatijd, Kamer van Koophandel, advies en inspiratie, <https://www.kvk.nl/advies-en-informatie/internationaal-ondernemen/internationaal-transport-in-coronatijd/>, last accessed on 24.7.2020.

24 Source: Netherlands Bureau for Economic Policy Analysis (CPB) scenarios by region and sector. <https://arbeidsmarktinzicht.nl/doorvertaling-cpb-scenario-s-naar-regio-en-sector>

25 In its forecast, consultancy agency Blaauwberg predicts that the sectors in Limburg will be less sensitive to the crisis. See: <http://blaauwberg.nl/regionale-verschillen-impact-crisis/>

26 Source: Spring survey by the Chamber of Commerce and Industry (IHK) in the Aachen region, <https://www.aachen.ihk.de/blueprint/servlet/resource/blob/1960754/5d70777550feb34dad32cd39ff43341/konjunktur-region-ac-ergebnisse-umfrage-fruehjahr-data.pdf>

4. Evaluation of the theme of 'Euregional cohesion'

In addition to legal and socio-economic effects, the crisis management and interaction of national and regional measures will have an impact on the future quality of cross-border cooperation and Euregional cohesion. In this sense, the corona crisis could be considered the 'moment of truth' for cross-border cooperation. In the EU, the infection process developed across borders, raising two central questions: what sort of cross-border cooperation was possible during crisis management?; and what effects will the handling of this crisis have on future cross-border cooperation in the Euregio Meuse-Rhine?

Above all, the results show that the existing cross-border governance structures were insufficient for crisis management. Particularly at the onset of the crisis, the cross-border structures and instruments were found to be lacking considering the cross-border nature of the health crisis. While existing network structures – particularly the establishment of a robust network of Euregios and cross-border information points – have helped to put various problems on the political agenda at an early stage, they could not prevent that measures were taken at national level with no coordination between the neighbouring countries early on in the pandemic.

Table 5 below summarises the individual indicators of Euregional cohesion for the three Member States.

Table 5: Indicators of the quality of cross-border cooperation (Source: background discussions held in June and July 2020 as part of this study)

Indicator	Cross-border perspective
Which types of cooperation were still working during the crisis?	The NL-Flanders and NL-NRW structures set up years ago were not suited to coordinating the national crisis measures. The EGTC Euregio Meuse-Rhine worked well in terms of problem analysis and networking. The EMRIC emergency-response network was important in charting the state of affairs.
Role of ad-hoc, cross-border crisis management teams	Although the Corona Task Force led by NRW (including NRW, BE, NL, Lower Saxony and Rhineland-Palatinate) was unable to coordinate the national measures, it was able to resolve, or at least discuss, important problems that had arisen. It enabled Euregios and cross-border information points to analyse problems and make recommendations.
Role of cross-border bodies (Euregios, Eurodistricts, INTERREG Management, Benelux, etc.) and networks during the crisis	The Euregio Meuse-Rhine played an important role in problem analysis and in gaining access to the Corona Task Force, and indirectly to the Belgian Security Council (through the Prime Minister of the German-speaking Community, who is also a Board member of the EMR). Problem analysis was achieved through a network of cross-border information points/cooperation with Euregios. Benelux Union: role limited to background/official level. EMRIC network of important information service providers. INTERREG: ad-hoc call under INTERREG Meuse-Rhine on COVID-19.
Coordination of national measures and problems in border regions?	Lack of coordination has led to stricter entry restrictions than necessary.
Expected impact on the quality and methods of cooperation between public institutions?	Guidance on strengthening hospital collaboration. Discussion on cooperation in the areas of taxes and social security for cross-border workers working from home. Discussion on the role of the Benelux Union. Discussion on the future role of the Land government of NRW in the Benelux Union (at the initiative of the Corona Task Force).
Impact of the COVID-19 measures on how citizens perceive cohesion in the border region	Negative perception: trust in open borders damaged, national focus in pandemic control detrimental to the Euregional feeling. Damage to the region's reputation as a place for cross-border work and business. Partial relapse into national prejudices.
Mobilisation of citizens due to border events (closures, temporary border closures)	No major protests against the entry restrictions, only occasional petitions online. ²⁷
Cross-border accessibility and collaboration in the health sector (patients, staff, equipment, materials, etc.)	No structural collaboration. Dutch patients treated ad hoc in Aachen. No Belgian patients in NRW/Germany. Talks between the governments of NRW and NL about 'borrowing' intensive-care capacity (concerning about 50 patients in total). Exchange of information between bodies in Aachen and the German-speaking Community in Belgium regarding equipment/test material.
Quality of the exchange and comparability of data (infections, mortality rates, etc.) across borders	Different monitoring systems in the three countries. Data on new infections and mortality rates were hard to compare due to different testing methods. No monitoring of the situation in the EMR as a cross-border area; no structural approach to cross-border tracking and tracing.
Expected impact on the future of cross-border cooperation in the health sector?	The current INTERREG project offers the opportunity to review and reform EMR crisis management in the health sector through concrete proposals. Possible pilot project on cross-border pandemic control.

27 Particularly initiated by the German-speaking Community in Belgium, see <https://brf.be/regional/1375051/>

The main aspects of the quality of cross-border cooperation during the corona crisis are described below, with particular attention for the effects on actors within the Euregio Meuse-Rhine and the EMR as an organisation.

Border closures: caused by a lack of coordination in public health crisis management

Background discussions with stakeholders suggest that the additional restrictions on entry and exit imposed by the Belgian government were caused by a lack of coordination between national measures, especially involving those of the Netherlands. These restrictions were triggered by Belgian assessments made in March that the Netherlands was seeking to adopt a much less restrictive approach. Mayors of border municipalities, for example the mayor of Lanaken, near Maastricht, expressed concerns about commuting to Maastricht and the risk of infection. The Dutch approach was seen as incompatible with the Belgian approach (i.e. to avoid as many infections as possible). Apparently, the Dutch made no attempt whatsoever to coordinate with the Belgian national or regional governments, to allay Belgian concerns or to agree on a common approach.

In addition, the Belgian federal government was a 'new' actor, in that it had not previously been part of the various bodies promoting cross-border cooperation. Conversely, the Benelux Union was not used by either government as an organisation for coordination in those areas where it usually plays a crucial role. This lack of coordination meant that, when stricter rules were already in force in Belgium in March, Belgian actors in the Euregio believed that these rules were being thwarted by maintaining an open border with NL. One of the outcomes of this study is that the annoyance and disgruntlement that have arisen between BE and NL could have negative effects on the EMR if political support for compromises in cross-border matters suffers as a consequence in the long term. Further research is needed to analyse why the structures created in recent years for cross-border cooperation between Flanders and the Netherlands have not really functioned.

No protocol for pandemics – health policy hardly cross-border

Unlike in civil protection (e.g. accidents in industrial plants near the border), no protocols or arrangements were in place for mutual cross-border assistance – in the border region or between neighbouring countries – in the event of a pandemic. Note that this is despite the fact that, unlike most other border regions, the EMR has a well-functioning network for cross-border emergency response (EMRIC). How little this area has been harmonised or bilaterally coordinated between EU nations was illustrated by the problems that arose from the use of different monitoring systems by the EMR neighbouring countries. To date, DE, BE and NL are still using different counting methods and estimates of the number of infections and corona-related deaths. As a consequence, national figures have lost much of their meaning, especially in the border regions. Relevant data to assess the number of cross-border infections, for example, was also lacking, leaving Euregional actors unable to use Euregional data to argue against entry restrictions.

In this light, it is no surprise that there were no structured mechanisms for joint tracking and tracing of the disease and for identifying hotspots. Containing the virus was clearly a national duty that stopped at the national borders and mainly relied on national hospital and intensive care capacity. As there were no overarching bi- or trilateral agreements to exchange medical capacity or patients, policies were national in scope. Although a few Dutch patients were treated in German hospitals, this was due to ad-hoc cooperation rather than planned and structured agreements between governments.

This study shows that the systemic national orientation has occasionally even jeopardised Euregional solidarity. Cross-border networks were slowed down rather than encouraged by national regulations. Thus, a key outcome of the corona crisis is the need to establish Euregional, cross-border pandemic protocols and agreements and structure cross-border collaboration between actors in the health sector. Note, however, that this will require the full support of national and regional governments.

Task Force has had positive effects on the Euregio Meuse-Rhine

Since it had been politically impossible to coordinate the national measures in advance, a trilateral task force at civil servant level was established on 20 March, during the crisis, at the initiative of the NRW State Chancellery to discuss and, if possible, resolve the problems caused by a lack of coordination. Representatives of the Belgian federal government, the Dutch national government, their embassies, the relevant police forces and NRW's state government began meeting in April. Lower Saxony was also represented and, later on, Rhineland-Palatinate joined as well.

The creation of the Task Force has had positive consequences for the EMR. Together with other Euregios and cross-border information points, the EMR participated as one organisation, providing problem analyses and making recommendations for action. This ensured that the anticipated problems, e.g. with the taxes and social security contributions of cross-border commuters working from home, could be identified early on and alleviated by making exceptions. Other major problems, however, such as the difficulties in providing financial support to cross-border businesses and self-employed persons, could not be solved. Thus, another definite effect of the crisis has been that the "Corona Task Force" perceived the Euregios and the Cross-Border Information Points as joint actors that could speak with a single voice. This could strengthen the future political lobby of the Euregios.

There was another political constellation that turned out to be beneficial for the EMR: one of its Board members, the Prime Minister of the German-speaking Community, was also a member of the Belgian national Coronavirus Security Council (*Nationale Veiligheidsraad*). This was perceived as a major advantage in terms of information provision and access to decision-makers.

Negative public perception of cross-border cooperation

A major future problem will be how to deal with the negative public perception of cross-border cooperation that has arisen from the handling of the crisis, also in the EMR. Obstacles to the freedom of movement, roadblocks at the border, border controls and fines can harm trust in a future of 'open borders' and, consequently, the belief in the Euregio as a common living space.

Euregional actors and institutions may also face public criticism for having been meaningless during the crisis. While this does not correspond with the facts in the EMR, as outlined above, it is nevertheless unclear to businesses, citizens or cross-border commuters where exactly the political decision-making takes place.

As a result, it may become more difficult to promote cross-border work and business. The problems surrounding financial support, for example, have been widely published and may lead to a decline in cross-border activities. Systemic national reflexes in pandemic control, in particular, have undermined cross-border thinking. As such, healthcare appears to be a key sector, in that robust structures for cooperation in healthcare already exist in the EMR. In this light, a pilot project for cross-border pandemic control could be forward-looking and trigger positive effects.

5. Summary and recommendations from a Euregional perspective

5.1 The corona crisis as a turning point

The corona crisis can be seen as a major turning point for the Euregio Meuse-Rhine. Many previous certainties – such as open borders and the unhindered movement of citizens and entrepreneurs – have been shattered. The clash of three different crisis-management strategies with different measures in three states has led to a very peculiar sort of complexity. In particular, it has become clear that, in the face of a pandemic, essential instruments and structures for cross-border crisis management are lacking. Public perception might be vulnerable to the impression that the present cross-border collaborations – such as the Euregio Meuse-Rhine – couldn't do much during the crisis, as difficulties were particularly caused by uncoordinated or poorly coordinated national measures. Unresolved questions concerning the financial support of cross-border commuters and entrepreneurs have also led to the impression that the very pioneers of free movement in the border region were particularly hard hit by the crisis. It is too early to assess to what extent this negative perception will impact the cross-border economic area in the near future. What it means, in any case, is that actors and institutions involved in cross-border cooperation must prove, now more than ever, that cooperation can really make a difference and improve people's lives in the border region, especially in crisis situations.

5.2 Better monitoring of economic data as a prerequisite for assessing socio-economic effects

National measures to combat the pandemic have also restricted various economic activities in the Euregio Meuse-Rhine. As in inland regions (i.e. not situated on a national border), the negative effects on economic performance and employment will only become fully visible in the near future. So far, the available quantitative data does not allow for a distinction between general effects and specific cross-border effects. In addition, as this study shows, there is a lack of specific data collection on Euregional economic activities, as well as regular, specific surveys of Euregional entrepreneurs on the status of cross-border activities and the problems they encounter. One recommendation is therefore to consider the implementation of this type of monitoring and to think about the proper format. A key objective should be the ability to identify, much more precisely than today, specific border-regional obstacles that are clearly distinguishable from the general effects of national or regional policies.

Rather surprising were the positive findings regarding the border obstacles, as outlined by the Chambers of Commerce in the background discussions. They claim that cross-border economic traffic was barely impeded for existing orders and that border controls did not lead to long traffic jams and waiting times. In terms of administrative burden, however, the conclusion was different. It is no surprise that this burden was heavier at the Belgian border than at the Dutch-German border. Like in other regions, the measures have affected the different economic sectors to vastly different degrees. Thus, it seems reasonable to assume that the prevalence of particular sectors in the EMR determines whether the crisis will hit the cross-border area of the EMR harder than other regions. As stated earlier, initial studies are already predicting disproportionate effects for the province of Limburg (NL) as a sub-area of the EMR. Note, however, that these findings are not transferable to the EMR as a whole, since the various sub-regions have very different economic structures. Any comprehensive follow-up analysis of the economic effects of the corona crisis should build on a cross-border analysis of sectoral composition within the EMR. Specific and highly local border effects can only be analysed as a second step.

5.3 Clarification needed: were/are the national measures compatible with EU law?

What are the effects of the national measures on the basic principles of European integration and EU law? This presents quite a mixed picture. With the help of the Corona Task Force mentioned above, some of the problems facing cross-border commuters in the areas of taxation and social security were alleviated through bilateral exemptions, including, for example, those of cross-border commuters who had to work from home.

On the other hand, as described above, there were unprecedented encroachments on the freedoms of travel and movement at the German and Belgian borders, which also affected people in other regions. Note, however, that these encroachments had a different impact in the border region than in the national territory; questionable restrictions were imposed on residents of the border region, particularly on family visits near the Belgian border, as well as on certain financial support schemes for the self-employed and for employees. As late as August 2020, it was still unclear, for example, whether the interpretations of eligibility for the Dutch Tozo bridging regulation for the self-employed and for the German short-time working benefits were compatible with EU law. Both cases may constitute discrimination and disadvantage, particularly affecting the very pioneers of cross-border economic activity. Given the small number of cases and the limited financial consequences, a more generous interpretation of eligibility would have been appropriate. The inconsistencies have led to much negative publicity and great frustration among those affected in the cross-border area of the EMR. Once it becomes legally clear which applicants are eligible, the granting of swift and unbureaucratic financial support would be an important signal to many employees and self-employed persons working across borders.

5.4 Major challenges for cross-border cohesion

A crucial question for the future governance model is how the crisis will affect the quality of future cross-border cooperation and Euregional cohesion. The present cross-border governance structures have proven inadequate for crisis management, as shown by the outcomes of this study. Especially at the onset of the crisis, there was a lack of cross-border structures and instruments to handle a cross-border health crisis. The background discussions with stakeholders suggest that the additional restrictions on entry and exit imposed by the Belgian government were caused by the lack of coordination between national measures, especially those involving the Netherlands. It is essential that the annoyance and disgruntlement between BE and NL be resolved at national level in order to avoid future negative effects on the EMR. These are likely to occur if the mutual annoyance has damaged the political support for reaching compromises in cross-border matters in the long term.

A setback for the general cohesion of the cross-border area was the fact that there were only occasional exchanges of medical capacity, intensive care beds, protective gear and test materials. This was due, not so much to the lack of contact between the Euregional actors, as to the national orientation and handling of crisis management. This crisis has revealed that cross-border networks have not had enough room to develop. This raises the question of whether it is time for a fundamental reorientation and deepening of the collaboration between actors and institutions in the healthcare sector. The EMR has a particular need for cross-border protocols and agreements that describe and structure the cross-border collaboration of healthcare actors in the event of a pandemic or health crisis. In this sense, a further strengthening of the structure of the EMR as an EGTC with closer involvement of networks and municipal actors could also be an important step. If the EMR can make

cooperation in this area crisis-proof, this could be a significant positive signal to citizens in the border region. Note, however, that this will require the full support of national and regional governments.

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Annex (EMR) – Duties of the EGTC during the coronavirus crisis (info flyer)



EN

Duties of the EGTC during the Corona crisis

Responding to citizen requests

The Office will respond to requests from citizens, received either directly, through the partner regions or via the Cross-Border Information Points.

Resolving cross-border problems

These problems are related to the various measures:

Requests for exceptions to the vital reasons that border residents need to cross the border, as laid down by Belgium, and the creation of certification and communication systems for border controls.

Regular reporting to the authorities

On the situation at the borders, for example by the cross-border Corona Task Force. These reports include regular updates from EMRIC and the Cross-Border Information Points on the situation at the borders.

Representing the interests of the EMR vis-à-vis the competent authorities

In order to solve the problems of cross-border commuters. So as to achieve the re-opening of borders.

Supporting crisis (management) centres and partner regions

Developing cross-border partnerships, for example for the purchasing of PCR tests and the freeing of lab capacity in Germany on behalf of Belgium. Support when purchasing medical equipment that is lacking in one country but is in sufficient supply in another.

Source: <https://euregio-mr.info/>

Chapter 3: Impact assessment of the challenges and successes in coordinating the COVID-19 crisis on the German-Polish border

Examples from the Euregion Pro Europa Viadrina, the Frankfurt- Słubice Cooperation Centre and the southern part of the Euregion Pomerania

*Dr. Peter Ulrich*²⁸

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1. Introduction

Using a territorial case study, this dossier constitutes an impact assessment of the challenges and successes in coordinating the COVID 19 crisis on the German-Polish border. It examines the period of Europe-wide national closures of the EU-internal borders, with special focus on the German-Polish border. With only minor deviations, this period was roughly identical throughout Europe, running from mid-March to mid-June at most EU-internal borders. The German-Polish border, unlike the other German border regions, was not closed by Germany but unilaterally by Poland from 18 March to the night of 12 to 13 June. This means that the border reopened one or two days ahead of many other EU-internal borders. The abrupt border closures in 2020 have shown that there is indeed an intact cross-border Euregional governance network at the German-Polish border, the cross-border interdependence of which is mostly described in the literature in terms of economic relations. The closures further demonstrated that social and societal relations exist across borders and that civil society is present, visible and effective in times of crisis and border closures. At the same time, the Corona crisis has also highlighted the interdependencies between Poland and Germany in education and training, and particularly on the labour market. While echoes of old stereotypes and historical conflicts between Germany and Poland resonated at national level during the Corona period, at sub-national level, at least, aside from brief isolated conflicts, it was mostly about seeking common ground, collaboration and the mobilisation of cross-border civil society.

The following pages contain an *ex-post* Territorial Impact Assessment (TIA) of the national border closure processes and (the lack of) coordination in national pandemic control in the course of the Corona crisis. The assessment is based on the situations at the German-Polish border in general, with particular attention for the Euregion Pro Europa Viadrina, the cross-border twin cities of Frankfurt (Oder) and Stubice, and further parts of northern Brandenburg as well as the northern part of the voivodeship of Lebus. The analysis focuses on three main areas: *European integration, sustainable and socio-economic development* and *Euregional cohesion*.

2. Objectives & Methodology

2.1 Current or future effects: *ex post* or *ex ante*?

This dossier uses a case study of the German-Polish border to record and assess *ex-post* the consequences of national measures, cross-border (lack of) coordination and the border closures in the course of COVID-19 pandemic control between March and June 2020. This is an early *ex-post* assessment, as the economic impact will be felt for months and years to come. Quantitative data on economic and socio-economic factors were difficult to obtain, however, since data collection took place between May and August 2020, and authorities and institutions usually collect these data with a time lag. This makes before-and-after comparisons relatively difficult. Although there may still be political implications for the development of cross-border pandemic-control in 2020 or the year after, it is nevertheless impossible to call this an *ex-ante* impact assessment. Fundamentally, this study remains an *ex-post* assessment of the cross-border effects of national legislative or policy initiatives.

A further aim of this dossier is to apply the so-called *Cross-Border Impact Assessment* method and toolkit – developed by our coordinating research partner, ITEM – to the German-Polish border. The *Cross-Border Impact Assessment* is an innovative model that is standardised, so as to allow for the comparison of different border areas.

Accordingly, this dossier seeks to extend its scope to other internal European border areas and study their cross-border coordination during the border closures during the Corona pandemic, including the effects of these closures on these territories. We hope that doing so will contribute to a mutual knowledge transfer from the German-Polish border to other border regions and vice versa.

2.2 Classification: Defining the geographical research area

As described above, this analysis assesses the short and medium-term territorial impact of the Corona-induced border closures between March and June 2020 on the area along the approximately 470 kilometres of German-Polish border²⁹. The analysis cannot provide a detailed picture of the entire German-Polish border, and the demarcation of the geographical research area is based on territorial as well as institutional/Euregional logic.

Although, at a higher level, this study covers the entire German-Polish border, its detailed territorial focus is on the geographical centre of the border region.

On the *German side*, the focus is on the rather sparsely populated eastern part of the federal state of Brandenburg and the eastern part of the northern federal state of Mecklenburg-Western Pomerania. The southern federal state of Saxony is not included in detail in the analysis, primarily because the interviewees were actors from business, public administration and Euregional institutions in the central and northern parts of the border region rather than the south. Frankfurt (Oder), with approx. 58,000 inhabitants and a territorial and populational focus on Germany, was analysed as a cross-border urban area, insofar as there was a direct connection to Słubice, its Polish twin with approx. 16,000 inhabitants. Other urban agglomerations in the region that are situated close to the border but lack large twin agglomerations on the Polish side are the cities of Cottbus (approx. 100,000 inhabitants, approx. 20 km from the border) and Schwedt/ Oder (approx. 35,000 inhabitants, including the Lower Oder Valley National Park, which separates – or connects – the German and Polish sides). As stated above, southern cross-border urban centres, such as Görlitz, have not been included in this analysis in detail.



▪ Figure 1: AVerON map of the German-Polish border region, Source: Euregion Pro Europa Viadrina

On the *Polish side*, the focus is on the two westernmost voivodships of Lubuskie (Lebus) and Zachodniopomorskie (West Pomerania), which also affect the central and northern part of the German-Polish border on the Polish side. Here too, the southern Polish voivodeship of Dolnośląskie along the German-Polish border was left out of the study. Along the central part of the German-Polish border (i.e. between Brandenburg and Lubuskie), there are two cross-border urban areas with a territorial and populational focus on Poland: the fortified former border town of Kostrzyn (Küstrin), located in the Lubuskie voivodeship (approx. 18,000 inhabitants, with Küstrin-Kietz on the German side) and - south of Słubice – the town of Gubin (approx. 16,000 inhabitants, with its twin Guben on the German side). In the north, on the Polish side, there is the town of Świnoujście (DE: *Swinemünde*) on the island Usedom, but also the metropolis of Szczecin (DE: *Stettin*), which has a strong impact on the German-Polish border region, given its more than 400,000 inhabitants and its location approx. 10 km from the border. This is truly a highly urbanised agglomeration. The region as a whole lies between the metropolises of Berlin and Szczecin and covers about two-thirds of the approximately 470 km-long border. Note, however, that there are only a few bridges along this rather long border strip that cross the border river Oder, since the region is very sparsely populated and structurally weak, despite its proximity to the above metropolises. Figures 1 and 2 show the region under study.

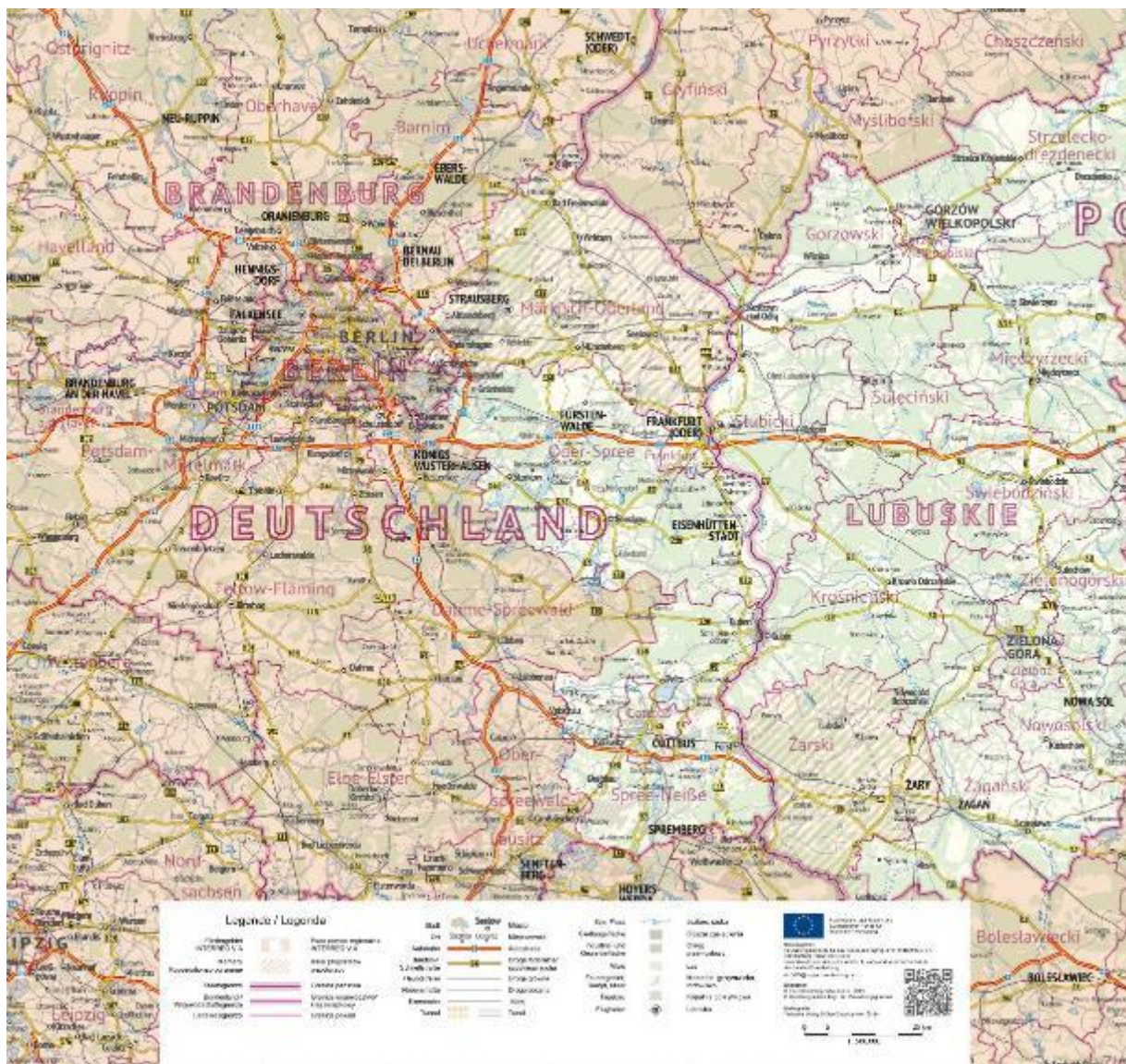
Complementary to the *territorial* approach, the *Euregional institutional* focus is rather on the Euregion Pro Europa Viadrina and the twin cities of Frankfurt (Oder)-Słubice as the centre of cooperation. Alongside an exchange of quantitative data, qualitative interviews were conducted with representatives of these two cross-border Euregional institutions regarding the effects of the Corona pandemic. Since the Euregional and institutional qualitative data were derived from these interviews and institutions, any Euregional conclusions should be confined to the above twin cities and the administrative districts of the Euregion Pro Europa Viadrina, e.g. Brandenburg Märkisch-Oderland and Oder-Spree. This means that less study went into Euregional issues in the other, more northerly Brandenburg districts of Barnim and Uckermark, as no interviews were held with representatives of the Euregion Pomerania, to which these districts belong. In addition, there have been no interviews with the office of the Stettin Metropolitan Region, which was not established in Anklam until the beginning of 2020. There have been attempts, however, to collect economic data, however scanty, in all subregions of the area under study or to request such data from the relevant institutions.

Based on this specification, the report thus examines the central and northern parts of the German-Polish border region. The subregions studied are shown in Table 1 below:

- Table 1: Sub-regions studied in the central and northern parts of the German-Polish border region

In Germany	In Poland	Euregional institutions
Federal State of Brandenburg: <ul style="list-style-type: none"> - County of Spree-Neisse - County of Oder-Spree - County of Märkisch Oderland - County of Barnim - County of Uckermark - City of Frankfurt (Oder) - City of Cottbus 	Lubuskie voivodeship Polish West Pomeranian <i>(Zachodniopomorskie)</i> voivodship	Euregion Pro Europa Viadrina Frankfurt- Stubice Cooperation Centre Euregion Pomerania (indirectly)
Federal State of Mecklenburg- Western Pomerania: <ul style="list-style-type: none"> - County of Vorpommern- Greifswald 		

- Figure 2: Geographical research area: the Brandenburg-Poland border region, source: esab-brandenburg.de



2.3 Qualitative and quantitative survey methods, context information

The data collection to assess and analyse the impact on the cross-border territory was carried out using a *mix of quantitative and qualitative methods* between May and August 2020. The quantitative data were mostly taken from official statistics at state (DE: *Land*) or voivodship level and from the cross-border institutions, whereas the qualitative data was derived from interviews with experts from the institutions in the border region.

The collection and study of official *quantitative statistical data* proved to be extremely difficult: Either the public institutions, chambers of commerce and cross-border institutions had very little up-to-date data (e.g. economic data) available on issues such as shop closures, border closures or the numbers of people and cars unable to cross the border during the Corona crisis; or the experts were relying on ‘gut feeling’ or providing estimates based on commuter numbers and trade figures from previous years. An additional difficulty is that these figures are usually collected by the authorities at state (DE: *Land*) level (e.g. by the state statistics office, the state economic development agency, etc.) and published with a time lag. Moreover, for some of the indicators defined in this study, there has never been any data collection whatsoever, nor will there be. Overall, the data-collection procedure revealed that data on the predefined indicators were limited.

Interviews with experts from economic, public and Euregional institutions served as input for the qualitative analysis. During the crisis, in May and June, expert interviews were conducted with representatives of the Chamber of Industry and Commerce of East Brandenburg and the Frankfurt (Oder)-Słubice Cooperation Centre, as well as with actors from civil society. At the time, all three categories of institutions were very strongly involved in providing aid and support for the population at large, for business and for civil society. The Frankfurt (Oder)-Słubice Cooperation Centre, for example, provided legal support in the form of a ‘citizens’ telephone hotline’ for companies and citizens affected by cross-border discrimination due to the border closures. Although the East Brandenburg Chamber of Commerce and Industry (*IHK Ostbrandenburg*) did not provide state-wide business support – which the Potsdam Chamber of Commerce and Industry did – it was very supportive in resolving cross-border issues, and it also offered a business hotline. Since these actors were so deeply involved in providing support, their participation in the interviews, despite their workload at the time, is highly commendable.

Note, however, that qualitative expert interviews, while providing insight into political processes, are often based on personal opinions and perspectives. For this reason, these actors were asked to provide further statistical data on the indicators developed in this study. Some of these requests were met, but for most indicators there was simply hardly any data available or none at all. In a further round of interviews in August 2020, a representative of the Euregion Pro Europa Viadrina was interviewed, as well as various representatives from the more northerly regions on the German side of the border, including, for example, the city administration of Schwedt/ Oder and the Neubrandenburg Chamber of Commerce and Industry. A full overview of the institutions interviewed can be found in the Appendix.

2.4 Application of common research themes, principles, benchmarks and indicators

This dossier (on the challenges and successes in the coordination of the Covid 19 crisis on the German-Polish border during the border closures between March and June 2020) assesses the territorial impact of the handling of the Covid-19 crisis in line with the three predefined themes: *European integration*, *socio-economic and sustainable development* and *Euregional cohesion*.

3. Impact on European integration

This chapter examines how the national measures and border closures during the Corona pandemic have impacted the area of 'European integration' in the German-Polish border region. It does so by comparing the data collected for each indicator with the relevant benchmark values as set in the general introduction of the dossier. The results are then evaluated against the previously defined principles of European integration.

3.1 Chronology of border closures and development of national measures

With the increase in the number of Corona cases in many European countries, especially Italy, Spain, France and Germany, in February/March 2020, many EU countries imposed national curfews, quarantines or slightly more moderate contact bans, like Germany. In order to stop the international and transnational spread of the coronavirus, many EU countries started carrying out intensified border controls, mostly directed at their neighbouring countries or neighbouring border regions with higher incidence rates than at home. The number of Corona cases in Germany, for example, was relatively low compared to France and the Alsace border region, so Germany unilaterally introduced border controls to stop the transmission of the virus (see the Upper Rhine case study). The reverse situation occurred in the German-Polish border region, where there were still very few cases on the Polish side in mid-March, while Germany was already showing significant exponential growth in the number of cases.

The *Polish government* responded on 15 March 2020 by closing the border for an initial period of ten days, imposing personal data checks and collection, as well as health status checks at the border. This period was subsequently extended. Foreigners with no permanent residence in Poland were not allowed to cross the borders, while returning Polish citizens and foreigners living in Poland had to go into quarantine for two weeks upon return.

Note that these measures were adopted despite the very low infection rates on the German side in the immediate vicinity of the Polish border (e.g. in the state of Brandenburg). The border closures were thus probably spurred by the proximity of Berlin, where the infection rates were increasing quite rapidly, but also by the potential danger of Poles returning home from all over Germany and possibly beyond. The first case in Poland turned out to be a Pole from the vicinity of Słubice, who was infected in the West German district of Heinsberg during carnival and then carried the virus home.

Initially when the Polish border was closed, exceptions were made for cross-border commuters, which were then lifted on 27 March. For more than a month, it thus became impossible for people from both sides to cross the border daily for school, study and work or to visit friends and family, given that Polish citizens were subject to an automatic two-week quarantine upon their return to Poland. The German federal response was not to close the border to Poland but to engage in a discussion of how to jointly

coordinate pandemic control on a cross-border basis. The unilateral closing of the border was fiercely criticised in Germany, while it was also noted that a 'hotline to Warsaw' was lacking during the Corona crisis, since the Federal Commissioner for Poland – Prime Minister of Brandenburg Dietmar Woidke – had no Polish counterpart.³⁰

3.2 Measures between regions

The political approaches and ways of handling the coronavirus even differed across regions on the same side of the border – though more so on the German side than on the Polish side. Due to the German federal structure, decisions on handling the coronavirus were made at state (i.e. *Land*) level, albeit always in close consultation with the Federal Government. These states (*Länder*) included Brandenburg and Mecklenburg-Western Pomerania. Brandenburg, for example, adopted a regulation on measures to first contain and then control SARS-CoV-2³¹, while the government in Mecklenburg-Western Pomerania adopted a regulation to first control the spread of the virus and then provide permanent protection³². The *Bund-Länder Beschluss* (joint decree of the federal and regional governments) of 26 May, which included extended contact restrictions at federal level, gave the Länder the authority to decide on issues such as the compulsory wearing of masks and the organisation of large-scale events.

In Poland, national Corona coordination was more centralised and tended to leave local authorities less room for manoeuvre. The reintroduction of internal border controls was extended by the Polish government to the entire territory "in accordance with Article 28 of the Schengen Borders Code from 14 April to 3 May 2020 at the internal land, air and sea borders with the Czech Republic, the Slovak Republic, the Federal Republic of Germany and the Republic of Lithuania"³³, as announced by Polish Prime Minister Mateusz Morawiecki.³⁴ Poland had already declared "a state of epidemic threat due to the infection with the SARS-CoV-2 virus" on 14 March, and shortly before that, on 13 March, "a Regulation temporarily suspending or restricting cross-border traffic at certain crossings" had entered into force.³⁵ The Polish Law on the Protection of the Polish State Border of 1990 reserves the possibility of ordering partial border closures and traffic restrictions in the event of a threat to the State and society. This law was also referred to during the unilateral border closures ("in § 3(2)(6) of the Regulation of the Minister of the Interior and Administration of 13 March 2020 on the temporary suspension or restriction of border traffic at certain border crossings, as amended by the Regulation of 17 March 2020"³⁶).

³⁰ See <https://www.moz.de/nachrichten/brandenburg/polenbeauftragter-kein-heisser-draht-von-potsdam-nach-warschau-49396222.html>, last accessed on 15/4/2020.

³¹ Ordinance on **measures to contain** the novel coronavirus SARS-CoV-2 and COVID-19 in Brandenburg (23 March 2020, various amendments), then Ordinance on **the handling of** SARS-CoV-2 and COVID-19 in Brandenburg of 12 June 2020, applicable between 15 June and 16 August.

³² Ordinance of the *Landesregierung* (State Government) on **measures to combat the spread of** the novel coronavirus SARS-CoV-2 (23 March 2020, various amendments), then Ordinance of the *Landesregierung* on **permanent protection** against the novel coronavirus of 12 June 2020.

³³ <https://uv-bb.de/2020/04/polen-verlaengert-grenzkontrollen-bis-03-05-2020/>, abgerufen am 15.4.2020.

³⁴ https://www.rbb24.de/politik/thema/2020/coronavirus/beitrag_neu/2020/04/polen-grenzen-laenger-geschlossen-ihk-auszahlung-pendler-entschaef.html, abgerufen am 15.6.2020.

³⁵ <https://www.roedl.de/themen/covid-19/corona-polen-epidemische-bedrohung-auswirkungen-arbeitgeber>, abgerufen am 15.6.2020.

³⁶ <https://www.roedl.de/themen/covid-19/corona-polen-epidemische-bedrohung-auswirkungen-arbeitgeber>, abgerufen am 15.6.2020.

Both courses of action reveal the difference in approaches to national pandemic control. In principle, one might say that pandemic control was significantly better coordinated at national level than in a cross-border context.

3.3 Civil society awakening and borders reopening

Once the shock of the closing of the border between Germany and Poland had subsided, protests against the very strict border controls grew ever louder. At the end of April, there were increasing numbers of protests at different locations – mostly border crossings or bridges – on the German-Polish border, for example in Hohenwutzen, Kostrzyn and Frankfurt (Oder). The loudest protests came from the metropolitan area of Szczecin, notably at the Linken-Lubieszyn crossing in the direction of Löcknitz in Mecklenburg-Vorpommern,³⁷ and from the twin cities of Frankfurt (Oder)-Słubice.

On 24 April 2020, for example, citizens on both sides of the *Stadtbrücke* bridge joining Frankfurt (Oder) and Słubice organised a peaceful protest for the relaxation of the restrictions and the early reopening of the border crossing. Note that such protests were mainly directed against the closure of the border for border residents. Even before, there had been signs of cross-border solidarity in the German-Polish border region, such as the blue-green banner attached to the *Stadtbrücke* bridge on 22 April, which carried the bilingual message *‘Im Herzen vereint und gemeinsam stark. Wir sehen uns bald wieder! Razem łatwiej przetrwać najtrudniejsze chwile. Do zobaczenia wkrótce! (United at heart and strength in unity. We’ll meet again soon!). In addition, ‘stay healthy’ signs were put up in the other city centre, reading ‘Tęsknie za wami’ in Frankfurt (Oder) and ‘Bleibt gesund, Freunde’ in Słubice.*

The protests and expressions of solidarity on both sides of the border also seem to have made an impact: On 4 May 2020, the state border reopened for commuters, pupils and students thanks to an amended order of the Polish Ministry of Health lifting the quarantine obligation for these groups.

When the final Polish reopening decree came, there were midnight celebrations at various border crossings on the night of 12 to 13 June. When both mayors of the twin cities, Mariusz Olejniczak (Słubice) and René Wilke (Frankfurt [Oder]), finally embraced, this was widely covered by the media, and it sparked a new sense of optimism in German-Polish relations.

3.4 After the Corona border closures - joint pandemic control?

In this new spirit of optimism since the reopening of the border, various models of cross-border civil protection with a focus on pandemic control have been put forward – both in practice and in academia.³⁸ In practice, there have been cries for better preparation for such crises in future. On the Brandenburg side, a Poland strategy is currently being devised, in which the current developments will certainly play a role.³⁹

The German-Polish border was closed in mid-March and reopened in mid-June. Thus, the border remained partially closed for almost exactly three months, although its degree of openness had varied over time: In response to the corona pandemic, the Polish government introduced temporary health

³⁷<https://www.ndr.de/nachrichten/mecklenburg-vorpommern/Erneut-Protest-gegen-polnische-Grenzschliessung.coronavirus1854.html,15.6.2020>.

³⁸ See also Norbert Cyrus’ blog entry on the Viadrina Center B/ORDERS IN MOTION Corona blog: „Grenzen und Ordnungen in Bewegung in Zeiten der Corona-Krise. Analysen zu Region und Gesellschaft“: <https://bordersinmotion-coronablog.com/2020/06/25/grenzen-ziehen-in-krisenzeiten-temporare-krisengrenzen-statt-nationaler-staatsgrenzen/>

³⁹ See <https://mdfe.brandenburg.de/cms/detail.php/bb1.c.657870.de>, last accessed on 23/5/2020.

checks and personal checks at the border on 15 March 2020. Germans and other foreigners with no permanent residence in Poland were not allowed to enter the country. Polish citizens returning from abroad had to go into immediate quarantine for 14 days. Initially, daily cross-border commuters were exempt, but this exemption was lifted on 27 March. At that time, the border became an insurmountable barrier. As described above, the Polish Ministry of Health only partially reopened the border for commuters and students on 4 May, before the general reopening on 13 June. In summary, there were two different border closures: one of 89 days between both countries (excluding border commuters and the border population) and an intensified closure of 37 days (including the border population). In these 37 days, no exceptions were made for people with work certificates, which meant that no private or professional border crossings were possible. Although practically no one could cross the border during this period, bus and goods transports continued, provided there were no passengers on board.⁴⁰ One respondent reports that, while regular traffic jams on the Frankfurt *Stadtbrücke* bridge to Poland were up to 60 km at the end of March, there were hardly any traffic jams on this bridge in April. The traffic jams on the *Stadtbrücke* could be followed in real time via a live camera on the Stubice website.⁴¹ At the same time, the COVID-19 section on the Sixfold website allowed users to monitor the waiting times at the German-Polish border crossings in Frankfurt (Oder) (Güldendorf)-Słubice, Görlitz-Zgorzelec, Klein Bademeusel-Jaglowice (near Cottbus) and Nadrensee-Kolnaskowo (near Szczecin).⁴² As already stated, these were very long at the end of March 2020.

At the height of the border closures in May, the waiting times from Frankfurt (Oder) to Poland were up to 5 hours. From Berlin in the direction of Poland, traffic jams of up to 60-70 km formed at the border crossings in Frankfurt (Oder), Szczecin and Cottbus. Many pupils, students and employees were unable to go to (high) school or work for over a month. On 18 March, there was an 8-hour, 33km-long traffic jam at the border crossing near Görlitz,⁴³ and in some cases there were traffic jams of up to 18 hours on the motorway.⁴⁴ Already on 15 March – before the actual closure of the border – there was mention of a 40km-long traffic jam.⁴⁵

The European cross-border labour market with EU-wide freedom of movement for workers was hardly a palpable reality and almost non-existent at the time of the national border closures. The figures for cross-border commuting before the Corona crisis varied between the different locations on the German-Polish border. According to the Federal Office for Building and Regional Planning (*Bundesamt für Bauwesen und Raumordnung – BBR*), about 72,000 Polish cross-border commuters entered Germany in 2019, over 5% of whom via Frankfurt (Oder) or Teltow-Fläming.⁴⁶ Estimates of Polish commuters in the German border region vary: a total of 14,000 workers⁴⁷ from Poland are estimated to commute to Brandenburg, while 25,000 Poles are estimated to commute to the Berlin-Brandenburg region as a whole.⁴⁸ In the Brandenburg border towns, 1,250 Polish citizens commuted from Poland to

⁴⁰ IHK-Ostbrandenburg <https://www.ihk-ostbrandenburg.de/zielgruppeneinstieg-gruender/corona/grenzuebertritt-nach-polen-4735588>, last accessed on 27/3/2020.

⁴¹ The live cam was available at <https://www.youtube.com/watch?v=RgEgeDMTsNU>

⁴² See <https://covid-19.sixfold.com/>

⁴³ See <https://taz.de/Staus-durch-Grenzkontrollen-in-Polen/!5672510/>

⁴⁴ See <https://taz.de/Grenzschiessungen-wegen-Corona/!5672296/>

⁴⁵ See <https://www.dw.com/de/eu-schlie%C3%9Ft-die-au%C3%9Fengrenzen/a-52813399>

⁴⁶ See <https://www.bbsr.bund.de/BBSR/DE/Home/Topthemen/2020-grenzpendler.html>, last accessed on 28/4/2020.

⁴⁷ See https://www.rbb24.de/studiofrankfurt/panorama/coronavirus/beitraege_neu/2020/04/corona-wirtschaft-grenze-polen-pendler.html, last accessed on 15/4/2020.

⁴⁸ See <https://www.niederlausitz-aktuell.de/brandenburg/81763/quarantaene-fuer-polnische-berufspendler-brandenburg-zahlt-uebernachtungspauschale.html?rCH=2> and <https://www.berliner-zeitung.de/politik-gesellschaft/berufspendler-aus-polen-fehlen-massive-probleme-in-kliniken-und-auf-feldern-li.79607>, last accessed on 15/4/2020.

Frankfurt (Oder), 1,000 to Guben and 200 to Forst every day in the pre-Corona period.⁴⁹ Many of the commuters from Poland work in the health sector or in agriculture as seasonal workers. Note that, while around 90% of the seasonal workers on the German side of the border now come from Romania or Bulgaria, about 1,000 Poles still work in agriculture in Brandenburg. In addition, many Poles work in hospitals near the border, for example in Frankfurt (Oder)-Markendorf or the hospital in Schwedt / Oder, which alone employs 50 commuters from Poland.⁵⁰ In Schwedt/ Oder, one of the few industrial growth centres on the German side of the border, important companies, such as Leipa, Butting, PCK and Recon-T, as well as key sectors, such as logistics and care services, were also severely affected as around 400 Polish commuters were unable to come to work.⁵¹ In Mecklenburg-Western Pomerania, there were about 3,000 Polish commuters in total before the Corona crisis⁵², while Saxony allegedly employed as many as 10,000.⁵³ According to the Employment Agency, the German labour market as a whole numbered around 430,000 Polish workers in January 2020.⁵⁴ In Brandenburg, Polish commuters were offered daily flat rates of EUR 65 in financial aid to encourage them to remain in Germany for as long as the border was closed.⁵⁵ The initiative met with marginal enthusiasm, however, receiving only around 300 requests.⁵⁶

Although fewer in number, many Germans had settled on the Polish side too.

It is difficult to calculate the number of affected pupils in the border area: the Euregion Pro Europa Viadrina includes 142 schools on the German side and 167 schools on the Polish side, with about 42,000 pupils in each country.⁵⁷ It is difficult to establish how many of these pupils actually and regularly need to cross the border for schooling and were therefore affected by the border closures.

As demonstrated above, certain EU citizens' rights, such as the free movement of labour, could no longer be upheld due to the border closures. The resulting loss of labour was felt in various places and sectors in the German-Polish border region. On the Polish side, state support for enterprises to cushion the negative effects on the economy in the wake of the Coronavirus pandemic was provided by the central government. In the form of a number of "rescue packages", state aid comprised both equity injections and deficiency aid to companies in Poland. It also included tax-relief measures. On the German side, on the other hand, the different Länder employed different funding methods to support the economy and its various sectors. In Brandenburg, the *Investitionsbank des Landes Brandenburg* (Brandenburg State Investment Bank - ILB), among others, granted various emergency-aid packages, such as the *Soforthilfe Corona Brandenburg* (until 31 May); emergency aid for non-profit associations and institutions resorting under the Brandenburg Ministry of Education, Youth and Sports (*Ministerium*

⁴⁹ See <https://www.moz.de/nachrichten/brandenburg/artikel-ansicht/dg/0/1/1793394/>, last accessed on 1/4/2020.

⁵⁰ See <https://www.moz.de/nachrichten/brandenburg/artikel-ansicht/dg/0/1/1793394/>, last accessed on 1/4/2020.

⁵¹ See <https://www.moz.de/lokales/schwedt/corona-pandemie-grenze-schliesst-fuer-mehr-als-400-pendler-in-schwedt-49382536.html>, last accessed on 1/4/2020.

⁵² See https://www.t-online.de/region/id_87600642/landesregierung-unterstuetzt-polnische-berufspendler.html, last accessed on 1/4/2020.

⁵³ See <https://www.mdr.de/sachsen/corona-lage-sachsen-grenzen-pendler-raststaetten-100.html>

⁵⁴ See <https://statistik.arbeitsagentur.de/Navigation/Statistik/Statistik-Themen/Migration/Personen-nach-Staatsangehoerigkeiten/Personen-nach-Staatsangehoerigkeiten-Nav.html>

⁵⁵ See <https://www.ihk-ostbrandenburg.de/zielgruppeneinstieg-gruender/corona/aufwandsentschaedigung-fuer-grenzpendler-aus-polen-4745590>, last accessed on 26/3/2020.

⁵⁶ See https://www.rbb24.de/studiofrankfurt/panorama/coronavirus/beitraege_neu/2020/04/corona-, last accessed on 15/4/2020.

⁵⁷ See Euregion Pro Europa Viadrina analysis „Schulen in der Euroregion Pro Europa Viadrina“.

für Bildung, Jugend und Sport – MBSJ); Corona cultural aid from the Brandenburg Ministry of Science, Research and Culture (*Ministerium für Wissenschaft, Forschung und Kultur - MWFK*); microgrants for freelance artists*; or, as of 7 April, emergency aid in the fields of agriculture, horticulture, fishery and forestry (until the end of 2020).⁵⁸ The State of Mecklenburg-Western Pomerania adopted a more holistic approach by creating the *RetteringsringMV* (lifeline MV), a platform for municipal business-development agencies that takes requests for the federal and state-level financial support of companies.

4. Impact on the socio-economic development of the border region

The socio-economic situation in the German-Polish border region has deteriorated significantly as a result of the Corona crisis. The border region is economically highly intertwined, as can be seen from the many businesses (in logistics, tourism, etc.) that have settled along and are active across the border. The 50-70 km-long traffic jams on the motorways are a further indication of the strong economic and commercial ties between the two countries. Due to the border closures, many companies were forced to cease their activities in the border region and found themselves unable to occupy their staff in the short term. In addition, many cross-border retailers, selling on Polish markets in the immediate vicinity of the border or via retail shops in the larger border towns on the German side, such as Frankfurt (Oder), Schwedt and Görlitz, had to forego customers from the other country. Another, more relevant economic factor was seasonal work, for example in agriculture, gastronomy, tourism and the health sector. In these sectors, especially on the German side, large numbers of staff from Poland were absent for long periods of time.

As stated above, around 50 people in the Schwedt/ Oder hospital are commuters from Poland, which clearly demonstrates how much the health sector depends on the contributions of Polish commuters. According to the German Institute of Economic and Social Research (*Wirtschafts- und Sozialwissenschaftliche Institut – WSI*), all relevant districts on the German side showed an increase in unemployment rates in May 2020. For Brandenburg, the following figures were released: in Cottbus, the Corona-related increase in the unemployment rate was 1.5%, with unemployment at 8.6% in May and 7661 persons reported in short-time work (in March and April). In Frankfurt (Oder) the respective figures are 1.4%, 9.2% and 5249 persons; in Barnim 1.1%, 5.9% and 13652 persons; in Märkisch Oderland 1.4%, 6.2% and 12016 persons; in Oder-Spree 1.1%, 6.6% and 14813 persons; in Spree-Neiße, 1.1%, 6.9% and 9583 persons; in Uckermark, 1.7%, 11.2% and 7910 persons; and in Vorpommern-Greifswald, 2.2%, 9.7% and 22631 persons. The relatively high figures in Vorpommern-Greifswald can be explained by the fact that this is a larger district, which also explains why the absolute number of people in short-time work is so high by comparison. The high unemployed rate can probably be further explained by the decline in Baltic Sea tourism. In Poland, the economic downturn has had little effect on the labour market, in that unemployment figures have not risen significantly since.⁵⁹

In general, however, little statistical information was available on the economic effects, especially in a cross-border context and including on unemployment on the Polish side. Many of these data are collected by the authorities and published with a time lag. In addition, it is likely that the economic

⁵⁸ <https://www.ilb.de/de/covid-19-aktuelle-informationen/aktuelle-unterstuetzungsangebote/>, abgerufen am 15.6.2020.

⁵⁹ <https://polen.diplo.de/pl-de/02-themen/02-3-wirtschaft/02-wirtschaftslage-polen/-/2313784>; Stand Juli 2020.

effects of the Corona crisis on businesses and employees in the German-Polish border region will only become measurable and noticeable in the long term.

5. Impact on Euregional cohesion

Euregional cohesion in the German-Polish border region, for example in the four relevant Euregions or within the Frankfurt-Słubice Cooperation Centre, has proven to be very robust, collaborative and close to the citizens during the Corona crisis and the border closures. Many cross-border institutions have set up bilingual citizen telephone lines. The Frankfurt-Słubice Cooperation Centre proactively promoted support in cross-border economic, social and private issues and received a total of over 500 enquiries from its citizen telephone line during the period under review. The East-Brandenburg Chamber of Industry and Commerce also received over 600 enquiries in Polish and German from companies and Polish employees, while Enterprise Europe Network received more than 150 specific enquiries about the entry conditions during the Corona period.

The Cooperation Centre was itself affected by the border closures, as staff who were living on the Polish side could not come to the office for over a month. In response, the Cooperation Centre managed to organise certain events digitally, while other physical events had to be cancelled. For the Euregion Pro Europa Viadrina, the closures were more harmless: as none of the employees lived in Poland, the institution itself was not affected, the office was always occupied, and only a few events had to be cancelled.

The Frankfurt (Oder) - Słubice Cooperation Centre carried out many other tasks alongside operating a citizens' telephone line. A representative of the Cooperation Centre states that it became 'the headquarters for cross-border communication between the two cities, [participating] in the organisation of video conferences, virtual meetings between city councillors, joint political manifestations, etc.'. Since the Cooperation Centre falls directly under both mayors of the twin cities, it became the hub for both virtual and regular communication between the two cities.

The representative of the Cooperation Centre claims that, while domestic pandemic control went smoothly, the cross-border collaboration had several shortcomings:

'Domestic crisis management has worked well: the measures were taken and implemented swiftly. Cross-border management was poor, however: there was a lack of information, competent contacts, [and] procedures for cross-border crisis management.'

The effects of the uncoordinated border closures that he identifies include a breach of trust, but also 'a lot of potential for the development of collaboration'.

In terms of Euregional cohesion, Euregional and cross-border ties were severed. Cross-border mobility was inconceivable between March and June. The cross-border bus line between Frankfurt (Oder)-Słubice 983, for example, which crosses the border every hour, was interrupted during this period. Cross-border traffic came to a standstill and traffic jams formed on both sides of the border. Unlike in the Franco-German border area, there was no exchange of Corona patients due to the strict border closures and quarantine regulations.

Overall, several cross-border institutions and civil-society networks were involved in organising protests against the border closures at various locations along the border (e.g. on 24/4/2020) and in

propagating and 'living' Euregional social and interpersonal cohesion. Ultimately, their activism may have contributed to the partial reopening of the border on 4 May.

6 Conclusions and recommendations from a Euregional perspective

In the German-Polish context, the abrupt border closures have hit the economic sector hard and exposed economic interdependencies (e.g. traffic congestion on the motorway, staffing problems and shop closures), but they have also ultimately strengthened cross-border, social and interpersonal relations while, at the same time, (in)directly furthering cohesion. Although the abrupt closure of the border had initially damaged trust among the cross-border institutions, its reopening sparked a lot of enthusiasm about closer collaboration. Furthermore, it has laid bare the great need and potential for coordination on the German-Polish border, revealing three aspects in particular:

Firstly, German-Polish relations are by no means solely shaped by economic interdependencies, but also by social and interpersonal ones. Secondly, cross-border territories – i.e. cities and regions – have a logic of their own in terms of international, daily coexistence, which is far removed from that of their respective capitals. The intrinsic logic of these interwoven border regions soon prevailed over the isolationist tendencies based on epidemiological considerations. Thirdly, crises and transformations in the relationship between Germany and Poland (such as after the Oder flood) have always reinvigorated hope for closer cross-border cooperation, so as to create a peaceful, sustainable and crisis-resistant future for the relevant Euregions, the border regions and the twin cities.⁶⁰ This means that the region will be looking ahead to the coming years, when further cooperation and coordination between Germany and Poland will become necessary at various levels. This may include cross-border pandemic control.

⁶⁰ See also <https://www.moz.de/lokales/frankfurt-oder/corona-die-deutsch-polnische-grenze-zwischen-frankfurt-und-slubice-im-krisenmodus-50381175.html>, last accessed on 3/7/2020.

Chapter 4: Impact assessment of the challenges and achievements in coordinating the COVID-19 crisis in the Upper Rhine region

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1. Introduction and definition of the geographical area of research

This report examines the trinational area of the Upper Rhine (DE: *Oberrhein*; FR: *Rhin Supérieur*). The Upper Rhine region consists of the following subregions:

In France	In Germany	In Switzerland
Alsace = <i>Départements</i> of <i>Haut-Rhin</i> and <i>Bas-Rhin</i> Parts of the <i>Grand Est</i> region	The <i>Mittlerer Oberrhein</i> (Middle Upper Rhine) and <i>Südlicher Oberrhein</i> (Southern Upper Rhine) regions, as well as the <i>Landkreise</i> (districts) of Lörrach and Waldshut in the federal state of Baden-Württemberg: The Southern Palatinate region including the districts of <i>Südliche Weinstrasse</i> and Germersheim, the town of Landau and the municipalities of Dahn and Hauenstein in the federal state of Rhineland-Palatinate	Northwestern Switzerland: the 5 cantons of <i>Basel-Stadt</i> (Basel-City), <i>Basel-Landschaft</i> (Basel-Country), Aargau, Solothurn and Jura

Table 1: Subregions of the trinational area of the Upper Rhine.

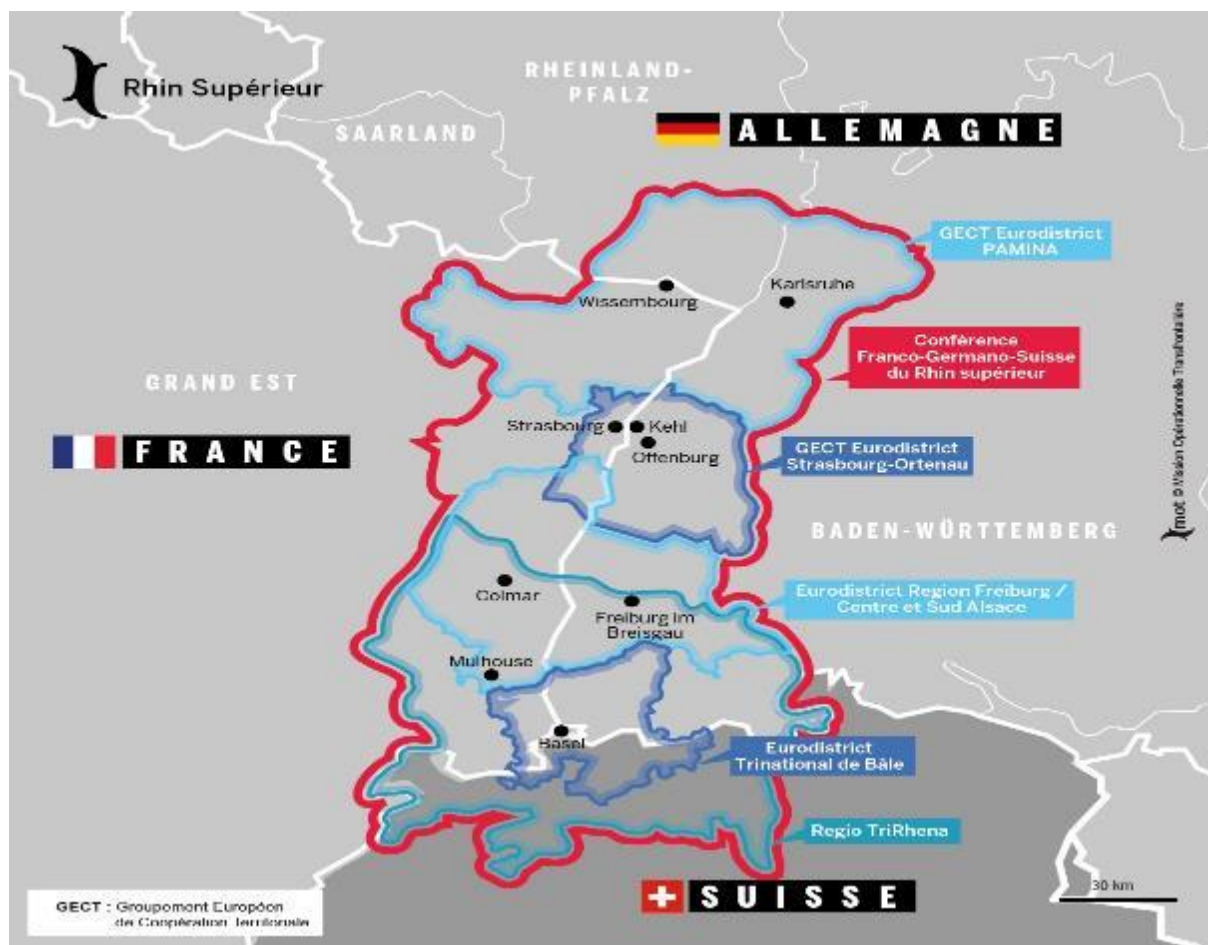


Figure 1: Location of the Upper Rhine region (*Oberrhein / Rhin Supérieur*), with the respective mandates of the cross-border Upper Rhine Conference and Upper Rhine Council in blue and yellow. Source: MOT (FR).

In addition, the Upper Rhine region includes the territories of four Eurodistricts, where local cross-border collaboration takes place. Depending on the availability of data, we examined the impact at Upper Rhine regional or local level by way of examples. We interviewed public actors in Alsace, Rhineland-Palatinate, Baden-Württemberg and north-western Switzerland, as well as local and regional cross-border institutions, advice centres for citizens, employment agencies and representatives of the business community.

The statements on the coordination of border controls or on cross-border collaboration generally have a broader geographical scope, in that they pertain to the entire Franco-German border (including e.g. Saarland) or the Swiss-German border (including e.g. Lake Constance).

The Corona measures taken depended on the course of the pandemic in the subregions. South Alsace (Haut-Rhin) was already severely affected by the end of February, with the acute phase lasting until mid-May. Least affected by the spread of the pandemic spread was in Rhineland-Palatinate, leading to early relaxations there, but also causing fear of being infected by those entering from Alsace. The pandemic followed a roughly identical course in Baden-Württemberg and Switzerland, with sufficient hospital capacity in both areas. Following a sharp increase in COVID-19 cases in the French subregion of Alsace, mutual border controls were introduced in Germany, France and Switzerland.

Several interviewees pointed out that the topic had had personal consequences for them, for example through the illness of acquaintances or colleagues, problems with childcare, lack of experience with video conferencing, a curfew, problems crossing the border or separation from relatives. There was always the risk of falling ill oneself, which fortunately did not materialise.

We would like to express our thanks to our interviewees for their 24/7 commitment, the discussions and the information provided in preparation of this study.

2. Evaluation of the ‘European integration’-theme

One of the Corona measures in the Upper Rhine region was the **reintroduction of border controls between France, Germany and Switzerland, effectively restricting the free movement of persons**. Other regional and national measures also helped to create temporary differences between citizens and companies in the same trinational region.

Before assessing whether the border controls complied with or derogated from the principles of free movement and EU fundamental rights, we will outline their chronology and scope. Finally, we report on coordination aimed at better compliance with the fundamental rights of citizens to be informed about border controls.

2.1 Chronology and scope of the border controls in the Upper Rhine region

On 28 February 2020, the German Federal Police increased the number of random controls in the 30-km border corridor, further intensifying these controls on 10 March 2020 (including inquiries about COVID symptoms, fever detection, etc.). From the onset, these internal border controls were introduced as **administrative checks to verify whether travellers had a valid reason to cross the border**.

Figure 2: Own presentation of the Euro-Institute based on official government pages or regulations and on information from the Federal Police (DE) and the Customs Office (CH)⁶¹

Germany – internal border controls	Switzerland - internal border controls	France - internal border controls
France, Switzerland, 16.03. - 15.06.	France, Germany 17.03. - 15.06.	Germany, Switzerland 18.03. - 15.06.
Entry always allowed for: citizens, residents and frontier workers the movement of goods foreign health professionals involved in containing the spread of the COVID-19 virus.	Entry always allowed: for citizens, residents and cross-border commuters for professional reasons or for carrying out professional activities involving the performance of contractual services for the movement of goods on reasonable grounds, on a case-by-case basis according to individual circumstances (including medical treatment, family deaths).	Entry always allowed: for citizens and residents, and for frontier workers for the movement of goods in case of absolute necessity (e.g. deaths, medical treatment, reuniting married couples ...).
Systematic controls until mid-May in Rhineland-Palatinate and Baden-Württemberg.	Systematic controls until mid-May at the borders with France and Germany.	random checks at the border with Germany from April to mid-June.
Relaxation of the 'valid reasons' and random checks from 16 May.	Relaxation of the 'valid reasons' and random checks from 11 May and 16 May. Opening of all border crossings on 16 May.	Relaxation of the 'valid reasons' from 25 May.
196,266 people rejected ⁶² , 193,082 of whom at the national borders.	112,049 people rejected.	Not specified.

For up to two months, it was no longer possible to cross the border at certain road crossings, even with a valid reason.

Figure 3: Own rendition by the Euro-Institute, based on the official webpages of the Federal Police and the Swiss Confederation and on the Geo Rhena map of border crossings, 2017⁶³

Road Traffic	Border crossings before 16 March and after 16 May (regular numbers)		Border crossings on 20 March 2020 (closed borders)	
	Road/Ferry	Pedestrian bridge	Road/Ferry	Pedestrian bridge
National borders in the Upper Rhine area				
France - Germany	25	3	9	0
Germany - Switzerland	18	8	13	0
France - Switzerland	19	0	15 ?	0

⁶¹ <https://www.bmi.bund.de/SharedDocs/pressemitteilungen/DE/2020/03/festlegung-grenzuebergangsstellen.html> [14.08.2020].

⁶² There are no records of the numbers of persons checked at each border crossing.

⁶³ <https://www.bmi.bund.de/SharedDocs/pressemitteilungen/DE/2020/03/festlegung-grenzuebergangsstellen.html> [14.08.2020]. https://www.georhena.eu/sites/default/files/Cartes/03_2017_240.pdf.

2.2 Impact on European fundamental rights in the Upper Rhine region

The following figures illustrate the impact of the border controls on the Upper Rhine region.

Indicator	France	DE: BW and RLP	Switzerland
Number of days with border controls	89	91	90
Kilometre-long traffic jams / waiting times at the border	To FR: detours	To DE: detours, small local traffic jams at the onset of the controls	In CH: detours
Mandatory commuter certificate	Entry FR: yes, various French documents	Entry DE: yes, signed by employer; since 18 March	Entry CH: cross-border commuter permit
Number of commuters with certificate	Not determinable	Not determinable	Not determinable
Number of companies in the Upper Rhine region forced to cease their cross-border activities	No data	No data	No data
Number of cross-border workers potentially affected by the Corona measures⁶⁴	1,300 from DE, 100 from CH	26,200 (50% industry) from FR, 500 from CH	33,100 from FR, 35,900 from DE
Number of cross-border pupils/students⁶⁵	432 pupils (effect of border restrictions unknown)	1,409 pupils (effect of border restrictions unknown)	324 pupils (effect of border restrictions unknown)

Figure 4: Own rendition by the Euro-Institute.

The idea was not to achieve a general border closure but to limit mobility to those who had valid reasons to leave or enter the country. Thus, the movement of goods and labour – i.e. the entry of cross-border commuters – was allowed in principle from the very beginning, though not without limitations (elaborated under A immediately below). Non-economic reasons for mobility were not accepted for a long time, however, thus severely impairing cross-border daily life (elaborated under B below).

A. Freedom of labour and the right to work

→ **Freedom of movement for commuters⁶⁶ guaranteed.**

In the Upper Rhine region, 97,100 workers commute to the neighbouring country every day.

As early as 6 March, the free movement of commuters from France was restricted, in that employees living in France who were located in Alsace were the first to be sent to their home offices or given time off by their employers. The state of Baden-Württemberg and the district offices (*Landratsämter*) had

⁶⁴ Based on the 2018 EURES-T labour market monitor⁶⁴: the total number of cross-border workers does not reveal whether these workers actually crossed the border.

⁶⁵ Based on school statistics of 2019, excluding vocational education.

⁶⁶ Art. 15 EU Charter of Fundamental Rights.

already implemented these isolation measures for their own employees and recommended them to other employers before the *Grand Est* region was classified as a risk area on 12 March. The reason was that the chains of infection from Alsace (especially *Haut-Rhin*) could no longer be traced and the cross-border tracing of COVID-19 cases had not yet been set up. Primary school teachers from Strasbourg, among others, were sent home before the primary schools in the Ortenau region were forced to close. This situation of disparity lasted for 1 to 2 weeks, when the Corona control measures were synchronised across the Upper Rhine area, including, for example, a preference for teleworking, crisis-related short-time work and the closure of schools and shops for non-daily needs.

From the first day of the border controls, the national and federal ministries of the interior had laid down exceptions for cross-border commuters (DE: *Grenzgänger(innen)*; FR: *travailleurs frontaliers*). Otherwise, many systemically vital activities (in healthcare, food production, energy production, etc.) would no longer have been carried out. The entry regulations and recommendations of Baden-Württemberg and Rhineland-Palatinate also exempted cross-border commuters or persons who had only been in France for a short time from the quarantine obligations that had been imposed on returnees from risk areas until then.

Due to the lockdown, many ‘non-systemically vital’ cross-border commuters stayed at home, like their colleagues, which raised new questions. As of 16 March, **the authorities and advice centres made many efforts to clarify and protect the rights of cross-border commuters during the Corona crisis.**

In addition, at the initiative of France, the Ministries of Labour and Foreign Affairs very quickly **reached general agreements on social and tax law**, allowing frontier workers who were participating in short-time working schemes or working from home to retain their status despite the Corona crisis and saving them additional administrative burdens. Concrete problems arose afterwards, however, the resolution of which sparked intensive debate between the local and national authorities (of France-Germany, Germany-Switzerland and Switzerland-France).

→ While frontier workers were eligible for financial aid, they were not treated equally in certain cases.

First of all, each country has its own method of calculating short-time working benefits. In contrast to unemployment benefits, short-time working benefits are calculated according to the system of the country of employment. This yields the following income situations for each country:

Germany	Switzerland	France
60% of the flat-rate net loss of earnings per calendar month	80 % of the wage for the working hours lost	70 % of the gross hourly wage
67 % for parents of underage children ⁶⁷		

Figure 5: Own rendition by the Euro-Institut, based on the Infobest homepage.

⁶⁷ New regulation effective as of 15 May 2020: Employees forced to reduce their working hours by at least 50% receive an increase in short-time working allowance to 70% (or 77% for persons with at least one child) of the flat-rate net remuneration from the fourth month onwards and to 80% (or 87% for persons with at least one child) from the seventh month onwards. Source: EURES-T Upper Rhine.

Unemployment, insolvency and short-time working benefits are all taxed in the state of residence (notably, the place of residence, except for civil servants). This system, which has been in force since 2016, was affirmed by the consultation agreement between France and Germany on 13 May 2020⁶⁸. While unemployment benefits are payable by the state of residence, short-time work benefits must be claimed in the country of employment. During the Corona crisis, the question of the so-called 'double taxation' of short-time working benefits arose again: In Germany, all wage-replacement benefits for cross-border commuters are paid out according to a notional net salary, and cross-border commuters must pay tax in their country of residence on the income received in Germany. This means that cross-border commuters from France to Germany actually receive less than their German colleagues, even if not a single penny goes to the German tax office. While this problem could not be solved, it was placed on the agenda of both the German and French national Ministries of Labour.

In addition, there was no smooth compensation procedure for loss of earnings, nor were all of the issues resolved by the end of July 2020. Cross-border commuters ran into financial difficulties in the event of quarantine measures, as employers were not obliged to continue to pay wages and the respective national compensation schemes were not designed for the classic cross-border commuter scenario. For example, entitlement to compensation still depends, among other factors, on France and Germany's mutual recognition of each other's quarantine orders and sick leave arrangements (the *arrêt de travail* and *Krankschreibung*, respectively). The coming weeks will have to reveal whether cross-border commuters into France with a German quarantine order and cross-border commuters into Germany on French sick leave will still find themselves without entitlement to benefits and whether it will be harder for them to claim these benefits.

Another special case was the **discrimination of employees whose employer was not liable for social security contributions in the country of employment**. In principle, a person is entitled to short-time working benefits in the country where the insurance contributions are payable. Though not directly related to the crisis, this problem resurfaced during the Corona crisis. Companies that have no headquarters or branch office (i.e. plant, production plant, etc.) in Germany and Switzerland are not eligible for short-time working benefits for their employees there. France already adapted its stance by the end of March, allowing only posted workers who already lived in France to work there.⁶⁹ German companies without a permanent establishment in France can apply for short-time working allowance (FR: *chômage partiel*) for their French employees with the French employment agency.

→ Freedom of movement restricted to the professional activities of workers for the first time

In addition, the fact that commuters, as a group, were authorised to enter the neighbouring country has raised questions regarding the equal treatment of residents of a country⁷⁰. Their entry was not regulated by federal law but by state regulations⁷¹.

⁶⁸ Consultation Agreement between the Federal Republic of Germany and the French Republic of 13 May 2020.

⁶⁹ Ordonnance n° 2020-346 du 27 mars 2020 portant mesures d'urgence en matière d'activité partielle. (Ordinance No. 2020-346 on emergency measures regarding part-time work activity.)

⁷⁰ Article 21 of the Charter of Fundamental Rights of the European Union - Non-discrimination

⁷¹ Corona-Verordnung Baden-Württemberg vom 17.03.20 in der 4. Fassung des 28.03.2020, dann Corona-Verordnung Einreise 10.04.2020 des Sozialministeriums Baden-Württemberg, Erste Coronabekämpfungsverordnung Rheinland-Pfalz (1. CoBeVO) vom 19.03.20. (Baden-Württemberg Corona Ordinance of 17/03/20, 4th version of 28/03/2020, and the Corona Ordinance on Entry of 10/04/2020 of the Ministry of Social Affairs of Baden-Württemberg, First Corona Control Regulation Rhineland-Palatinate (1. CoBeVO) of 19/03/20.

Paragraph 3 of the Corona Ordinance of 10 April 2020 on entering the state of Baden-Württemberg contained a controversial section until 10 May 2020: *"Interruptions of journeys, in particular for shopping or leisure purposes, are prohibited. Excepted are necessary interruptions, such as refuelling stops or toilet visits"*. A similar section (Section 10) was struck from the Rhineland-Palatinate Corona Control Ordinance (*Coronabekämpfungsverordnung*) on 17 April 2020.

In Rhineland-Palatinate and Baden-Württemberg, **French and Swiss commuters considered the requirement to cross the border for work purposes only, without interrupting their journey, to be discrimination on the basis of nationality**. However, the German state regulations **did not differentiate according to nationality but according to place of residence**.

The local press reported on several cases in which commuters from France were fined for shopping abroad. The authorities were unable to provide objective figures on the number of commuters with Alsatian or Swiss licence plates actually sanctioned by the local police. Switzerland and France had no shopping bans for cross-border commuters.

→ **The free movement of services was restricted.**

Various companies and self-employed persons in the Upper Rhine region regularly carry out cross-border activities.

Service providers or seconded employees found it more difficult to carry out their work in the neighbouring country. For businesses, the restriction constituted an infringement on the right to provide services in the EU or Switzerland, thus causing a loss of turnover.

In France and Switzerland, service provision from abroad was not a valid reason to enter the country until 25 March and 11 May respectively. In Germany, however, persons from abroad with no employment relationship there (i.e. in Germany) could enter the country for occupational purposes. In all three countries, the decisive factor was whether the relevant activities could be postponed, which was subject to different interpretations.

Our study suggests that there was no discrimination regarding state financial aid in the event of loss of turnover as long as the company's headquarters and the employee's place of residence were in the same country. Both companies and self-employed persons succeeded in receiving financial aid by reporting the turnover losses suffered in their country of headquarters/residence and in the neighbouring country. **Self-employed persons residing in one country and commercially domiciled in a neighbouring country, however, faced much more difficulty in accessing financial aid.**

Commuters were officially allowed to continue working in the neighbouring country if their employers agreed. Cross-border commuters from France to Germany, in particular, had fewer rights than their colleagues at the place of work in terms of freedom of movement in the neighbouring country, entitlement to financial assistance and effort required to cross the border.

The right of German companies to provide services in the Schengen area was not observed for 2 months. New postings to France or Switzerland were not considered a valid reason for crossing the border. Conversely, however, employees from FR or CH were allowed into Germany for postings or business trips that could not be postponed.

B. Restrictions on the fundamental rights and daily lives of citizens

The continuity of the economy, the movement of goods and the cross-border mobility of those in systemically important occupations were key determinants in the border arrangements. Initially, the fundamental rights of citizens in the border areas were not observed, but from May onwards they were increasingly taken into account thanks to the mobilisation of local authorities and politicians.

→ The rights of families were restricted.

All of our contacts reported first and foremost on families whose rights had been disregarded⁷². In this context, the Corona crisis illustrated the **great importance of cross-border relations**.

Parents with shared custody, couples without a marriage certificate or vulnerable persons were initially disregarded⁷³ at national and federal levels, in that they could not meet each other until the end of April. It is difficult to determine the precise extent of the discrimination against vulnerable persons in need of care, as visiting conditions were not only set through regulations, but also by the nursing homes and hospitals involved.⁷⁴ As part of the first wave of domestic relaxation, between the end of April and the end of May (including e.g. the relaxation of the contact ban⁷⁵ and the end of the curfew), the list of valid reasons was extended to reflect some of the family constellations in the Upper Rhine area and respect the associated familial needs.⁷⁶

The families of cross-border workers fundamentally enjoyed the same social security protection as before the Coronavirus outbreak. However, the crisis caused new problems, such as a lack of childcare facilities, business closures, etc. Most families were not entitled to emergency childcare for weeks, and parents had to look after their children themselves while working from home or even having to interrupt their professional activities. The various countries organised assistance for parents who faced loss of income. Cross-border commuters living in Germany or France and working in Switzerland were entitled to Swiss wage loss compensation if they had to stop working because third-party care for their children could no longer be guaranteed. Parents working in Germany, on the other hand, were not entitled to wage-loss compensation if their children could not attend a nursery or school in France. Likewise, there were no benefits for parents living and working in Germany whose children attend school in the neighbouring country. As of 1 May, frontier workers employed in France were entitled to sickness benefits or short-time working benefits, even though there was no definitive solution for double claims yet in July and the competent authorities had not yet been designated.

⁷² Charter of Fundamental Rights of the EU Art. 7 - Family life / Art. 24 Direct contact of children with both parents / Art. 33 Legal, economic and social protection of families

⁷³ The Corona Ordinance on the Entry of Baden-Württemberg of 10/04/2020 exempted these persons from quarantine obligations. Nevertheless, the Federal Police would not let these persons enter the country until the end of April and sometimes failed to interpret the assistance of a relative during a doctor's visit as assistance to a vulnerable person.

⁷⁴ Rhineland-Palatinate allowed one-hour visits to old people's and nursing homes under hygienic conditions and after pre-registration on 07/05, Baden-Württemberg on 18/05, France on 11/05 (with relaxations on 05/06), Aargau on 11/05, and Basel-Stadt on 08/05.

⁷⁵ During the curfew from 16 March to 10 May, French residents could only see domestic relatives in the event of an emergency or when in need of assistance. From 11 May to 1 June, this was limited to relatives living within a radius of 100 km. In Rhineland-Palatinate, meetings in public places were limited to 2 persons until 27/04, and in Baden-Württemberg until 10/05. In Switzerland, no more than 5 people were allowed to meet until 07/06.

⁷⁶ Press releases of the German Federal Ministry of the Interior on the continuation of border controls after 04/05/2020 and on the relaxations envisaged as of 16/05/2020. Press release from the French government of 22/05/2020.

→ **The right to education was less affected by border closures than by school closures.**

Locally, students from France were sent home in early March before the reintroduction of border controls. Very quickly, all schools throughout the Upper Rhine region were closed and distance learning was set up, thus ensuring access to education for all children and young people. However, children from risk areas (in France) were excluded from attending the emergency care facilities in nurseries and primary schools in Baden-Württemberg and in Rhineland-Palatinate until 9 April 2020 and 24 April 2020, respectively.⁷⁷ We have not heard of any specific cases, as children usually attend the nursery at their parents' place of residence rather than their place of work.

When the schools partially reopened, cross-border pupils received equal treatment. Education was seen as a valid reason to cross the border. For example, Baden-Württemberg and Rhineland-Palatinate were granting exemptions from the quarantine obligations to foreigners visiting educational institutions, studying there or training there, before these institutions were once again allowing physical attendance.⁷⁸ On 24 April, the FAQ webpage of the German Federal Police already contained information for schoolchildren. On 25 May, France started to take account of parents who live abroad and take their children to a French school.⁷⁹ Nevertheless, cross-border school attendance remained more difficult than before the Corona crisis due to the cancellation of public transport lines.⁸⁰

A particular problem concerned attending cross-border training or fulfilling placements in the neighbouring country. This was due less to border controls, however, than to the general precautions taken inside companies. As a result, many trainees and students were unable to complete the practical part of their training in the spring of 2020.

→ **The free choice of medical treatment was also restricted.**

Only urgent medical treatment always remained officially recognised as a valid reason to cross the border, in line with EU law. From mid-March to the end of April, however, access to non-urgent medical treatment was at the discretion of the border police or the doctor's office. Medical treatment or examination in the neighbouring country was not in principle considered a valid reason for entry if the same treatment could be had domestically. The matter never became a big issue due to the drop in accidents during the lockdown. There are no records, however, of how many people refrained from visiting a doctor abroad for fear of being turned away or of how many people succeeded in keeping their doctor's appointments abroad. Theoretically, cross-border commuters were only allowed to go to work; although there have been no accounts of penalties being imposed for visiting a doctor abroad,

⁷⁷ Verordnung der Landesregierung Baden-Württemberg über infektionsschützende Maßnahmen gegen die Ausbreitung des Virus SARS-Cov-2 (Corona-Verordnung - CoronaVO) §1 (5) 17.03.2020, 22.03.2020, 28.03.2020 / 3. Coronabekämpfungsverordnung Rheinland-Pfalz, die am 24.04 von der 4. ersetzt wurde, §6. (Ordinance of the Government of the State of Baden-Württemberg on infection-protective measures against the spread of the SARS-Cov-2 virus (Corona Ordinance - CoronaVO) §1 (5) 17/03/2020, 22/03/2020, 28/03/2020 / 3rd Corona Control Ordinance Rhineland-Palatinate, which was replaced on 24.04 by the 4th Corona Ordinance, §6.)

⁷⁸ Corona Regulation Entry Baden-Württemberg 10.04.2020, 4th Corona Control Regulation Rhineland-Palatinate 24/04/2020.

⁷⁹ Decree of the French Prime Minister of 20/05/2020. On 22/06 and 02/06 more schools were allowed to offer face-to-face lessons.

⁸⁰ See [Chapter 6](#) on Euregional cohesion.

there were more stories of cross-border commuters⁸¹ who had never before seen a doctor in their place of residence. On 16 May, Germany officially recognised medical treatment, including physiotherapy, as a valid reason to enter the country.

→ **Daily cross-border private life was disregarded.**

Cross-border access to culture (e.g. music schools, media libraries), sports (e.g. sports club, gym), social life (e.g. visiting friends) or the basic freedom of movement were not taken into account until the reopening of the border on 15 June 2020, although these rights had already been restored at home by the relaxation of the restrictions.

The discussions and the information documents provided to us by the Centre for European Consumer Protection, as well as a resolution of the Upper Rhine Council of 29 June 2020, reveal that **further problems arose due to the closure of the border:**

- Cars parked in paid parking spaces in a neighbouring country before the closure of the border could not be collected after the closure, resulting in immense costs.
- Already planned relocations across the border were allowed on grounds of a change of residence, but only the person or persons wishing to move could enter the country. This meant that friends and acquaintances could not help with cross-border transport. As a result, relocations were cancelled/postponed and, in some instances, rent was paid for unoccupied accommodations because the relocation could not take place.⁸²
- Another problem concerned consumers from France and Switzerland who had ordered a car in Germany before the crisis and were not allowed to pick it up after the closure of the border, even though they needed it for professional purposes. Similar situations occurred involving expensive consumer goods, such as furniture, ordered in Germany, which consumers from the neighbouring country could not collect, but which could not be delivered across the border either.

The fundamental rights and the freedom of movement were severely restricted. Cross-border families, in particular, were separated due to the border closures. Beyond the legal framework, the differences in the discretionary powers of the police on the French, German and Swiss sides of the border have further fuelled feelings of discrimination and of disregard for their fundamental rights among border residents.

2.3 Coordination for better observance of fundamental rights

A. Agreements on the conditions for crossing the border

The section on Euregional cohesion describes how coordination was achieved during the crisis. Decisions within a country were the result of compromises between the Heads of State and Government, the ministries of the Interior, the ministries of Health or Social Affairs and the ministries of Foreign Affairs or the bodies responsible for cross-border relations.

⁸¹ It is easier for commuters (than for other population groups) to visit a doctor in their country of employment because of their cross-border commuter status, because they are insured there or because the doctors speak their mother tongue (e.g. Germans living in Alsace and working in Baden). However, they are also allowed to see a doctor in their country of residence and must register with their local health insurance company.

⁸² Until 11 May, however, relocations with the support of private friends were prohibited anyway due to the curfew. After that, the obstacle was due to the closure of the border.

Nevertheless, the intense technical and political discussions between the local, regional and national levels have led to real coordination and changes to relax the free movement of persons. The main issues discussed were:

- the opening of additional border crossings to avoid detours;
- the consideration of new valid reasons for entry that better reflect the reality of life in the Upper Rhine region;
- clarification of the necessary forms and proofs⁸³;
- patient transfers;
- respect for the rights of frontier workers;
- agreement on a date for the reopening of the border: 15 June 2020.

On 16 May, Germany and Switzerland, along with Austria, agreed on a joint self-declaration form for visitors or landowners⁸⁴ because their valid reasons for crossing the border were the same. Coordination of such a list between France and Germany failed, leaving the police with great discretionary powers in both countries. Thus, persons living in Alsace, for example, were allowed to visit their relatives in Germany by the end of May but could not invite them back to Alsace unless there were valid reasons for entry.⁸⁵ It was only on 3 June that **a Franco-German self-declaration form** was introduced in both languages. However, the four reasons listed there (work, family, healthcare and education) were still interpreted differently by each country.⁸⁶ Moreover, the self-declaration form was hardly ever used as citizens had grown used to the previous forms.

Much of the coordination work facilitated the crossing of the border. Initially, from the end of April, coordination took place via instructions to the police on a case-by-case basis. By mid-May, coordination became more official through amendments to regulations and forms. Most of the fundamental rights described above were thus restricted for 1 to 2 months rather than 3 months, while the disregard for everyday needs in cross-border life lasted until the end of the border controls on 15 June.

B. Informing the public about border controls and the lockdown

It is further noteworthy that the emphasis was always on the quality and importance of the networking by the individual cross-border institutions that provided information to citizens and cross-border commuters. There was a regular exchange of information for publication at a central point, or agreements were made as to which institution would publish which information. In a border region, it is crucial not merely to transfer information, but particularly to issue that information in different languages, so as to prevent the spread of wrong information (i.e. fake news).

⁸³ The [chapter on socio-economic development](#) outlines the obstacles faced by employees and employers before the relaxation.

⁸⁴ Maintenance of properties and allotment gardens, agricultural, hunting or forestry areas, as well as animal care (e.g. horses) in Germany and Switzerland.

⁸⁵ Childcare, continuation of school attendance, couples living separately, visits to parents in need of care, urgent family reasons.

⁸⁶ Each person had to sign the following statement: "I am aware of what constitute valid reasons in this context and under the relevant national law, including the fact that I must provide proof through supporting documents".

The homepages of local authorities or state authorities were often monolingual.⁸⁷

Many of the institutions interviewed provided extensive information to cross-border commuters as well as citizens in the Upper Rhine region via social media or in the form of specially created **FAQ sections** on the Coronavirus. These institutions include the four advice centres Infobest, the *Frontaliers Grand Est* portal, the Centre for European Consumer Protection and the EURES-T advice centre for cross-border commuters. Throughout the crisis, which is ongoing, these institutions have provided information by telephone and via e-mail in German and French, and in some cases even English. The **Eurodistricts provided crucial translations** of key official documents, such as the regulations of the state of Baden-Württemberg or the communications of the Federal Police.

TRISAN, the Euro-Institute's competence centre for trinational health projects, also provided information in both languages on its website and referred to official declarations and regulations of the individual countries.

In addition, it seems interesting to investigate **local traffic signs or announcements in public transport**. On cross-border tram line D, between Strasbourg and Kehl, for example, the announcements about the compulsory wearing of masks and keeping a safe distance were made in three languages. At Strasbourg's main railway station, on the platform where the trains to Kehl depart, the French-speaking travellers were reminded that they could not cross the border without a valid reason.

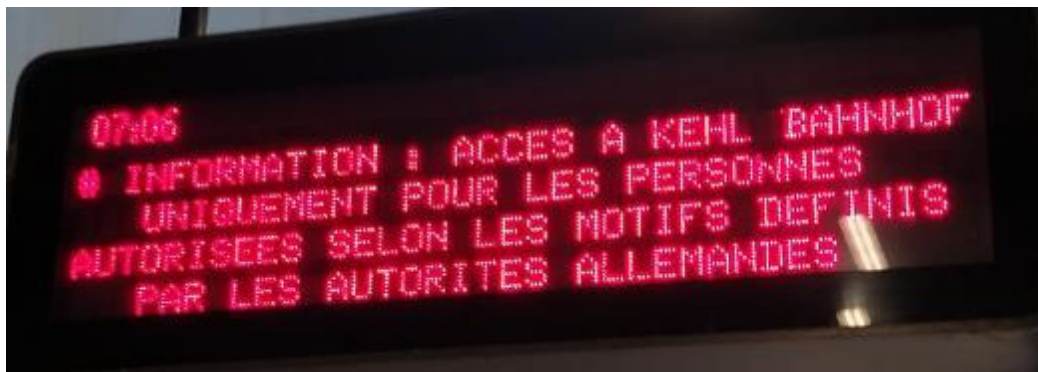


Figure 6: Sign at Strasbourg Central Station: "Notification: Access to Kehl station only for authorised persons for the reasons defined by the German authorities". - 02.06.2020 - Photo Louise Weber, Euro-Institute.

Once the Kehl-Strasbourg tram line had reopened, however, the media reported on many individual cases in which people from Strasbourg, who had been unaware of the ban despite all of the information provided, were sent back to France after police checks. It was indeed easy to get confused if you weren't performing a targeted information search.

⁸⁷ Switzerland can serve as a model of bilingualism here; all information on the cantons of Basel-Stadt and Basel-Landschaft was available in two languages. The picture was different on the German side: The information on the websites of the regional councils of Karlsruhe and Freiburg was available exclusively in German. The information on the website of the Federal Police was in German, and the telephone number of the information line (starting with 0800) was not available from abroad. **The homepage of the city of Kehl**, on the other hand, **regularly provided information in German on the current situation in Strasbourg**. The ordinances of the state of Baden-Württemberg were also translated into various languages.

A similar picture emerges on the French side. The homepage of the City and Eurométropole of Strasbourg provided only very rudimentary information in German. All further links always required command of the French language. The most complete websites were those of the prefectures of Bas-Rhin and Haut-Rhin in Alsace, which provided useful information in German about the general curfew in France.

In conclusion, the great strength of the border region (in terms of access to information) lay in its **dissemination of information and advice to the population**, which all of the interviewees described in positive terms.

3. Evaluation of the ‘Socio-economic/Sustainable Development’-theme

This section examines the short-term and long-term effects of the Corona crisis on the European internal market in the Upper Rhine region. Note that the interviewees found it difficult to identify the exact causes: was it the border controls, the administrative burden or the lockdown in general?

As mentioned in the chapter on European integration, the cross-border movement of goods and labour was officially allowed; but how did mobility and economic exchange change in times of border controls?

After analysing the developments in public transport and freight transport, we outline the effects on the cross-border labour market and the economic activities in business and agriculture. Finally, we address the long-term consequences for economic integration.

3.1 Effects on cross-border mobility in the Upper Rhine

In this section, we take an economic perspective to assess the development of cross-border traffic.

A. Local public transport

While the regional public transport lines limited their services, **several cross-border lines were completely interrupted**. Thus, commuters and pupils could not attend work or school or were forced to take the car. Had the cross-border lines not been interrupted, cross-border commuters and other authorised persons could have used more environmentally friendly means of transport to their destinations, and the number of cars crossing the border would have been lower.

From mid-March mostly to the end of May, lines were partially closed or service was limited.

Between France and Germany, for example, the Strasbourg - Offenburg railway connection was the only operational cross-border line, which was later joined by the bus line between Erstein (FR) and Lahr (DE) on 4 May. German regional trains no longer crossed into Switzerland or Alsace until 25 May, except for Basel and Strasbourg, and the French tram service no longer went to Kehl.

Trams and buses continued to operate in the trinational conurbation of Basel. By comparing the domestic public transport lines (the *ÖPNV-Linien*) of the Basel public transport company (BVB: *Basler Verkehrsbetriebe*) with its cross-border lines, it is possible to distinguish between the effects of the lockdown (i.e. the fear of contagion) and those of the border controls. The following diagram contrasts demand on BVB's domestic lines and cross-border lines between January and May 2020 with demand during the same months of the previous year. It also shows **by how much mobility to and from Switzerland had shrunk at the peak of the crisis**, reporting a respective decline of 93% and of 76% in the number of passengers on tram line 8/bus 38 from Germany and tram line 3 from France.

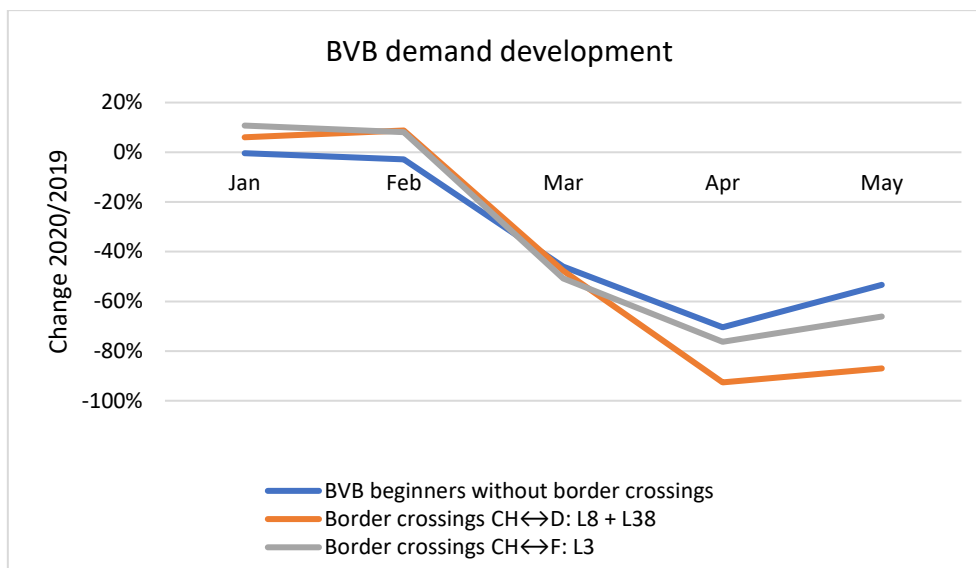


Figure 7: Development of travel demand at Basel's public transport company BVB - comparison 2019/2020. Source: Medienstelle BVB.

B. Lorry traffic

Although cross-border trade in goods was legally allowed, there was a decline. The obstacles do not seem to have been specific for border regions, however, given that the transport of goods decreased domestically as well. **It can therefore be assumed that lorry traffic decreased, not only because of border controls, but also due to supply shortages.**

The figures on lorry traffic could only be collected on the Franco-German regional roads; this means that national/federal highways, such as the Europa bridge between Kehl and Strasbourg, are excluded.

	Number of trucks – year 2020			
	Week of 02.03 before lockdown and border controls	Week of 27.04 In lockdown With border controls and border closures	Week of 04.05 (x % compared to week 27.04) In lockdown With border controls	Week of 11.05 (x % compared to week 02.03) after lockdown, with border controls
Total Haut-Rhin	Approx. 200.000	Approx. 125.000	Approx. 140,000 (+ 12 %)	Approx. 182,000 (- 9 %)
Vogelgrün Bridge	4.911	4.139	4.312 (+ 4 %)	4.915 (+ 0 %)
Palmrain Bridge	5.154	3.491	3.852 (+ 10 %)	4.397 (- 15 %)
Total Bas-Rhin	203.951	114.725	123.955 (+ 12 %)	167.779 (-18 %)
RD4 Roppenheim	30.864	14.598	16.589 (+ 14 %)	20.908 (- 32 %)
RD2 Gamsheim	9.930	4.778	5.430 (+ 14 %)	7.302 (-26 %)

Figure 8 : The Euro-Institut's own rendition based on data from the *Départements Bas-Rhin* and *Haut-Rhin*

In the *Département Bas-Rhin*, in particular, the figures indicate that the volume of goods transported across the border via regional roads fell more steeply than that transported domestically. In addition, three border crossings remained closed until 1 May, concentrating border traffic at only three crossings.⁸⁸ On the other hand, as of week 11 of 2020, there was a significant decrease in the number of lorries by up to more than 60% compared to the same period in 2019. This is an important indicator of the **decline in economic relations** between France and Germany.

Although the transport of goods and commuting were considered valid reasons to cross the border into Germany, France and Switzerland, the associated traffic fell sharply. The interruption of public transport lines made it more difficult for commuters to get to work. In some cases, lorry traffic decreased more on cross-border regional roads than on domestic roads. The curfew in France, the reintroduction of border controls, the supply bottlenecks caused by drops in production and the decrease in cross-border activities may to some extent explain the decline in heavy transport. It is still open to what extent these four factors have individually contributed.

3.2 Effects on the cross-border labour market

This section discusses the consequences of the pandemic for cross-border commuters and provides insight into the development of the labour markets in the respective subregions of the Upper Rhine.

A. Obstacles for workers

Representatives from the business community assert that the national corona measures had a particular impact on cross-border commuters. The number of documents required to cross the border was mentioned several times in this context.

The variety of certificates caused uncertainty, as the requirements regarding which documents to carry when crossing the border changed regularly during the border-control phase. For example, border crossers living in France and working in Germany needed up to **four certificates to cross the border in a regular way**. These included a document proving their identity, the German commuter certificate and French proof of professional activity. Between 8 April and 15 June 2020, they also needed the French (re-)entry permit to cross the border from Germany back into France, as (re-)entry was subject to random checks. To go shopping in France on their way home, for example, they needed the French permission to leave the house.⁸⁹

To cross the border into Switzerland, workers had to present a cross-border commuter permit or a delivery note for goods.

The numerous changes in the required travel documents between Germany, France and Switzerland posed a particular challenge for cross-border commuters in the Upper Rhine region.

Since only four major border crossings were open in the Upper Rhine region on 16 March 2020 and smaller crossings only gradually started reopening from the end of April, cross-border commuters sometimes had to make long detours to reach their workplace in the neighbouring country. The controls also led to traffic jams, which were not as severe as in other parts of Europe, however, except

⁸⁸ D87 Beinheim, D426 Gerstheim, D424 Marckolsheim closed until 01/05, Pont de l'Europe, D2 Gamsheim and D4 Roppenheim always open.

⁸⁹ Press release from the Upper Rhine Council, 10/04/2020.

on some days and in the north of Alsace, for example in Breisach and Weil-am-Rhein (where there were 45-minute delays). Both the media and the Chambers of Commerce and Industry have reported on employees arriving late for work, but no objective data are available. Longer commuting distances due to traffic congestion constituted an obstacle or a stress factor for both employers and employees and thus affected the cross-border economy.

B. Development and comparison of the unemployment rates and the numbers of short-time workers

There is insufficient information on the development of the unemployment rates and the numbers of short-time workers among cross-border commuters. The **following figures refer to all employed persons, both cross-border commuters and domestic workers, and were determined on the basis of statistics from the Federal Employment Agency, the State Secretariat for Economic Affairs in Switzerland and French employment agency *Pôle emploi***. Short-time workers are not included in the unemployment rates because they are still under contract.⁹⁰ Nevertheless, it should be noted that not all employees are entitled to short-time work benefits; the conditions vary from country to country.

→ Unemployment is up in the Upper Rhine region.

The unemployment figures offer an overview, which can, to some extent, help to illustrate the development of unemployment in the subregions of the Upper Rhine region. In general, between February and May 2020, the number of unemployed in Alsace increased by about 5.4%.

The graph below shows the development of the number of unemployed registered with the French employment service in Alsace⁹¹. The number of unemployed in Alsace rose dramatically between

⁹⁰ In the event of short-time working (in France "*chômage partiel*"), the employment relationship continues. According to the German Federal Employment Agency: "Unemployed persons are persons who are temporarily not in an employment relationship or who are only employed for less than 15 hours per week (unemployment), who are looking for employment subject to compulsory insurance for at least 15 hours per week (personal effort), who are available for the placement efforts of the *Agentur für Arbeit* or the job centre, i.e. are allowed, willing and able to work (availability), live in the Federal Republic of Germany, are no younger than 15 years of age and have not yet reached the age limit for retirement, have personally registered as unemployed with an *Agentur für Arbeit* or a job centre." Glossary - Definitions Federal Employment Agency. <https://statistik.arbeitsagentur.de/Statischer-Content/Grundlagen/Definitionen/Glossare/Generische-Publikationen/Gesamtglossar.pdf>.

The French Employment Agency distinguishes 5 categories, the first three of which correspond the most closely to the definition of the Federal Employment Agency; the last two categories refer to persons who are not obliged to find a job. Category A includes unemployed persons who are obliged to proactively look for work, who are looking for a job regardless of the type of employment contract (i.e. permanent, fixed-term, full-time, part-time, temporary or seasonal). Category B covers persons who have been/were employed for no more than 78 hours per month, who are obliged to proactively seek (additional) employment. Category C includes persons who have been/were employed for more than 78 hours per month and are obliged to proactively search for a job.

Direction de l'information légale et administrative (Directorate of Legal and Administrative Information)
<https://www.service-public.fr/particuliers/vosdroits/F13240>.

According to the State Secretariat for Economic Affairs (SECO):

"Unemployment statistics include all persons registered with a regional employment centre, have no job and are available for work immediately (i.e. within a set period). It is irrelevant whether or not these persons are receiving unemployment benefits."

Registered unemployed persons are "persons who are registered with a regional employment centre, have no job and are available for immediate placement. It is irrelevant whether or not these persons are receiving unemployment benefits". <https://www.arbeit.swiss/seco/de/home/menue/institutionen-medien/statistiken/definitionen.html>. [14.08.2020].

⁹¹ Working districts: Haguenau, Molsheim-Obernai, Saverne, Sélestat, Strasbourg, Wissembourg, Colmar, Mulhouse and Saint-Louis

February and April 2020 – from 148,380 to 156,200. This shows that the Alsatian economy has been affected by the crisis from February onwards. The month of March 2020 is particularly significant, as the French curfew began on 16 March with the closure of shops, restaurants, etc.

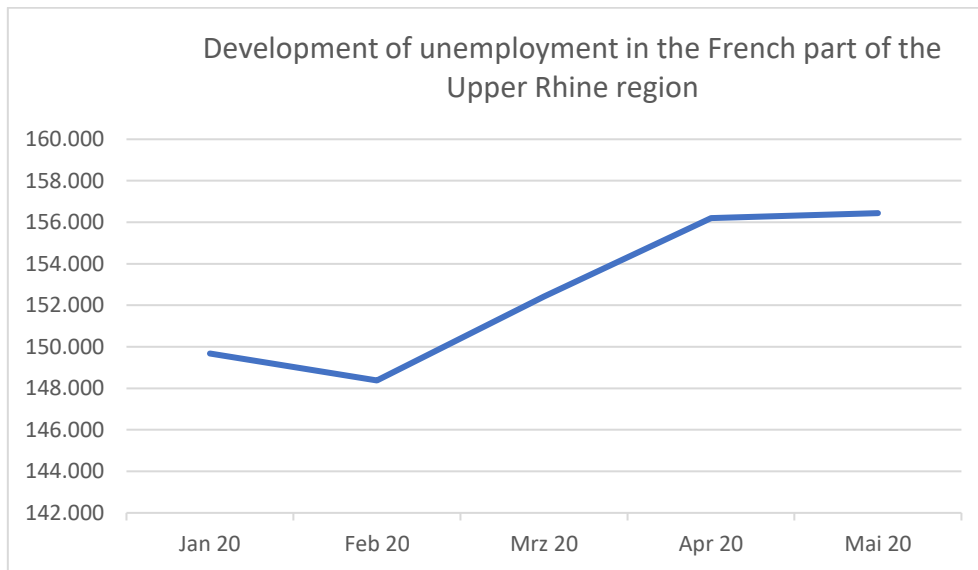


Figure 9: The Euro-Institute's own rendition of the development of unemployment in the French Upper Rhine area, based on figures from French employment office *Pôle emploi*.

The next graph shows the total number of registered unemployed persons in the German part of the Upper Rhine region (+ 14,393)⁹². Note that the increase only began in mid-March 2020.

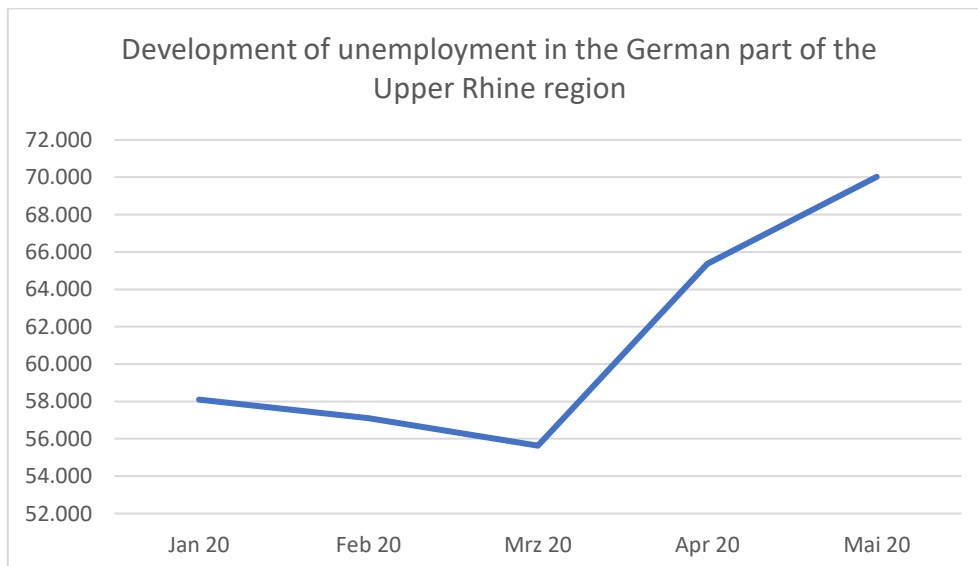


Figure 10: The Euro-Institute's own rendition of the development of unemployment figures in the German part of the Upper Rhine area, based on figures from the Federal Employment Agency.

⁹² Registered unemployed persons in the employment agencies of Landau in der Pfalz (independent city), Germersheim, Südliche Weinstraße, Dahn (city), Hauenstein, Baden-Baden (city), Karlsruhe (city), Karlsruhe, Rastatt, Freiburg im Breisgau (city), Breisgau-Hochschwarzwald, Emmendingen, Ortenaukreis, Lörrach and Waldshut.

Finally, the graph below shows the development of the unemployment figures in the north-western Swiss cantons of Solothurn, Basel-Stadt, Basel-Landschaft, Aargau and Jura. Overall, the number of registered unemployed rose by 5,681 between January and May 2020, particularly between March and April 2020.

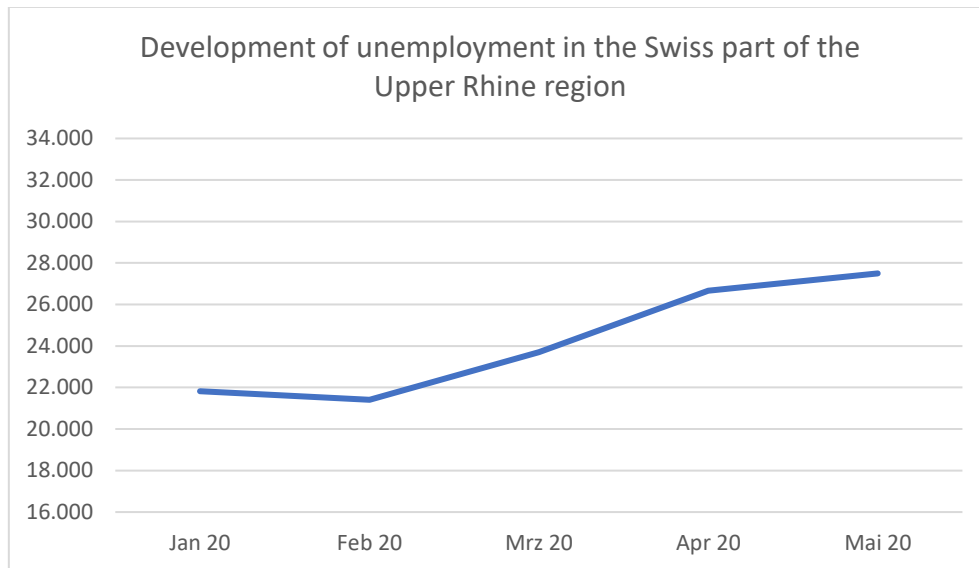


Figure 11: The Euro-Institute's own rendition of the development of unemployment figures in the Swiss part of the Upper Rhine area, based on figures from the State Secretariat for Economic Affairs.

Between March and June 2020, there was a noticeable increase in the unemployment rate in all German rural and urban districts and all Swiss cantons in the Upper Rhine region. In southern Germany, unemployment rose by 0.6 to 1.6 points, reaching 6% in the larger cities.⁹³ In Switzerland, it rose by 0.3 to 0.5 points, remaining between 3 to 4.6%.⁹⁴ Information on the French monthly unemployment rates between March and June was not yet available.

Unemployment mainly affected those without permanent or long-term employment contracts and thus not entitled to short-time work benefits. **In addition to redundancies, the economic slowdown has led to a sharp drop in the number of new jobs created and new businesses set up in the Upper Rhine region and elsewhere.**⁹⁵

However, there is no proof that the general increase in the unemployment rate or the number of unemployed was caused solely by border controls or a lack of coordination. **National pandemic-control measures seem to be the main explanation for the increase. Elected officials often cite the border controls as the main reason for the crisis.**

⁹³ Figures of the Federal Employment Agency

⁹⁴ Figures of the State Secretariat for Economic Affairs

⁹⁵ DIRECCTE: Données mensuelles des demandeurs d'emploi inscrits à Pôle Emploi GRAND EST (Monthly data of jobseekers registered at Pôle Emploi GRAND EST) – May 2020, S.3. (PDF file).

→ **No clear differences between the Upper Rhine area and other regions regarding the effects on unemployment.**

A comparison of the unemployment rates in border towns in the Upper Rhine region and those in other towns in Rhineland-Palatinate and Baden-Württemberg did not show any particularities. Also note that not all international businesses are located in border regions, so that restrictions on international activities would have broader geographic effects.

This section is therefore merely an illustration of these effects.

City or rural district (DE)	Unemployment rate 2020	Unemployment rate March	Unemployment rate June 2020	Short-time work advertised April 2020	Short-time work advertised May 2020
City of Karlsruhe (BW)	4 %		5.2 %	41,552	4,547
City of Tübingen (BW - no border area)	2.7 %		3.5 %	19,126	2,086
Landkreis Südliche Weinstraße (county) (Rlp)	3.8 %		4.6 %	7,489	601
Rhein-Hunsrück-Kreis (district) (RLP - not a border area)	3.5 %		4.4 %		
City of Koblenz				21,493	1,629

There is also a general increase in the unemployment rates in the Swiss cantons. This extends to all cantons, whether they are located in border areas or inland. For example, the unemployment rate in the canton of Lucerne rose from 2% in March to 2.4% in May 2020, then fell to 2.3% again in June 2020.

→ **A lack of data makes it difficult to compare the figures for short-time work within the Upper Rhine region and across other regions.**

Many employees retained their jobs thanks to short-time working, which has thus slowed down the rise of unemployment in the three countries, at least temporarily.

Some of the monthly figures on the numbers of short-time workers were available for Germany and Switzerland but not yet for France, making an objective comparison impossible. Furthermore, these figures should be treated with caution, as there is a difference between the number of short-time working hours applied for and those accounted for. The figures for short-time working hours *applied for* refer to the number of employees for whom short-time working benefits were requested, whereas the figures for short-time working hours *accounted for* reflect the number of employees who have actually received these benefits. This discrepancy seems due to the fact that some companies that applied for short-time working benefits never made use of these benefits in the end.

In the **border region of the Upper Rhine area, as well as in other areas of southern Germany, the reported number of short-time workers rose particularly in April** and started falling again from May onwards.

So far, Swiss data only reach until April 2020. **In all cantons of the Upper Rhine region, the number of employees in short-time work schemes accounted for rose in March and April 2020.** The respective

figures for Basel-Land and Solothurn, for example, are 16,271 and 23,001 for March and 23,606 and 29,088 for April.

Finally, the exact impact of the obstacles to cross-border activities on the number of employees currently in short-time work schemes remains unclear. Ultimately, the increase in short-time work seems to be a general problem caused by the crisis, affecting border and non-border regions alike.

The number of newly registered jobseekers and short-time workers has increased in the three Upper Rhine states, though there were no significant differences with other regions. By the end of February, the French labour market showed early signs of rising unemployment figures, ahead of the German and Swiss labour markets.

The available figures only give an overview. Further research is required using additional data, which are not yet available. These figures also fail to take into account the economic realities of each subregion. After all, a subregion dominated by one large employer in the industrial, service or commercial sectors is more likely to have to apply for short-time work than a subregion where agriculture is predominant. At present, however, there is no way to compare the numbers of unemployed or short-time workers across regions, since only part of the information is available and there is the general problem of comparing border regions with non-border regions. Above all, the criteria that would allow for such comparisons need to be developed.

3.3 Impact on cross-border activities

The national measures implemented by the respective countries have generally had a strong impact on cross-border activities. This section identifies the consequences for businesses, as well as the difficulties that they have encountered. It also sheds further light on the measures introduced for the entry of seasonal workers.

A. Impact on businesses

The 400 German branch offices in Alsace and 300 French branch offices in Baden-Württemberg were particularly affected. In construction and industry, companies are heavily dependent on exports to, imports from and distribution taking place in the neighbouring country. There are about 53,500 small and medium-sized enterprises (SMEs) in construction and industry in the Upper Rhine region⁹⁶. About 30% of these companies – around 16,000 – were potentially restricted in their activities due to the border controls. In order to measure the concrete impact on the economy, further data on cross-border commercial activities would be helpful.

Findings show that the cross-border economic activities of businesses were particularly affected by the national measures regarding border controls, both in terms of the posting of staff and the provision of services⁹⁷. For example, the wording of the travel certificate to France of 18 March 2020 left no room for cross-border activities such as after-sales services or assembly work. Similarly,

⁹⁶ Source: Statistics Offices. The average of 30% is based on the result indicators 2016 and 2018 of the INTERREG V A Programme Upper Rhine.

⁹⁷ Article 56 of the Treaty on the Functioning of the EU - free movement of services. The posting of employees to France was already considered problematic before the introduction of the border controls, since employers must register their employees via the French national SIPSI internet portal and designate a legal representative for them in France.

businesses that were not transport companies could not cross the border to (re-)supply themselves. Similar problems arose when collecting consignments from French suppliers.⁹⁸ Particularly companies operating across the border with France saw their activities limited due to the French certificates.⁹⁹ Face-to-face contacts between German and Swiss parent companies and their French branch offices were impossible, as were business relations between companies.

On several occasions, business representatives in the Upper Rhine region, such as the Chambers of Industry and Commerce, issued joint calls for relaxation of the measures regarding border crossings or postings, so as to support the cross-border activities of the many businesses concerned. These demands were forwarded to the state and national governments.

The introduction of border controls also shrank the market for businesses and retailers, as customers from neighbouring countries could only enter the country for specific reasons. As a result, significant segments of the market remained closed for several weeks, leading to a collapse in sales. No information is available on the turnover losses in retail or gastronomy in the Upper Rhine region, nor could any figures be produced at local level. However, trade associations have confirmed that the losses in turnover were generally high. It should be noted that only a certain proportion of these losses – which cannot be quantified – was caused by the lack of customers from neighbouring countries, given that the local curfews in the respective subregions also significantly affected retail activities. On the other hand, the border controls had a temporary positive effect on the retail sector in Switzerland as they prevented shopping tourism to the southern Baden or southern Alsace regions for several months.

B. Impact on agriculture

Agriculture was also affected by the national measures, as Germany, France and Switzerland had different rules for seasonal workers in. At the end of March, the European Commission called for the facilitation of the free movement of workers and for the classification of seasonal workers as systemically important.¹⁰⁰

However, the entry conditions for seasonal workers differed noticeably from country to country, as did the quarantine measures imposed on these workers.¹⁰¹

Cross-border coordination of agricultural production seemed lacking in the Upper Rhine region. To counteract the shortage of seasonal workers, platforms for extra farmhands were set up in the respective countries. The entry of foreign workers was organised very differently, leading to incomprehension on the part of Alsatian farmers¹⁰². Meanwhile, the media reported on fears of production shortages and the challenge of finding qualified seasonal workers.

⁹⁸ IHK letter of 23/04/2020.

⁹⁹ Letter from the Chambers of Commerce and Industry to the French Minister of the Interior dated 23/04/2020.

¹⁰⁰ §10 of the Communication from the Commission - Guidelines for the exercise of the free movement of workers during the COVID 19 outbreak of 30/03/2020.

¹⁰¹ Verordnung des Sozialministeriums Baden-Württemberg zu Quarantänemaßnahmen für Ein- und Rückreisende zur Eindämmung des Virus SARS-Cov-2 vom 10. April 2020, Rundschreiben des französischen Premierministers von 20.05.2020 spezifisch zu Saisonarbeiter*innen / allgemeine Bestimmungen für Arbeitnehmer*innen in der Schweiz
Ordinance of the Ministry of Social Affairs of Baden-Württemberg of 10 April 2020 on quarantine measures for entering and returning travellers to contain the SARS-Cov-2 virus; circular of the French Prime Minister of 20/05/2020 specifically concerning seasonal workers / general provisions for workers in Switzerland

¹⁰² Press release from the Pamina Eurodistrict, No. 05/2020.

It was impossible to quantify either the impact of the lockdown or that of the border controls on companies. Note, however, that the Chambers of Commerce and Industry, political representatives or citizens' advice centres have strongly spoken out against the disregard for the cross-border dimension of everyday economic life in the Upper Rhine region that led to the requirements – and the ensuing burdens – for cross-border workers, as well as to the curbing of the freedom to provide cross-border services. In general, quantification would require additional data on the economic interdependencies in the Upper Rhine region.

Unlike in other regions of Europe, agricultural production was not jeopardised by the Corona crisis. The rules for seasonal workers were not uniform, however, and there was no systematic cross-border planning to secure the food supply.

3.4 Outlook and expectations

A. Development of the Upper Rhine economic region

"The Presidium still agrees that an economic upturn in the Upper Rhine area can only be achieved together and also sees the current crisis as an opportunity for even closer collaboration within the framework of the Upper Rhine Trinational Metropolitan Region 2030 strategy".¹⁰³

While it is currently impossible to measure the final impact on the Upper Rhine economy, the region has doubtlessly been economically affected. Stakeholders are calling for increased collaboration in the area to support economic development. The interviews conducted also revealed a desire to strengthen the Upper Rhine region's competitiveness in the field of innovation.

In interviews, business representatives mentioned the risk of losing economic momentum due to significant losses in turnover. The difficulties that the various economic actors have encountered may have a **strong impact on their willingness to continue to operate across borders**. For example, a company that has encountered difficulties in posting workers may be less inclined to resort to posting in the future, thereby reducing the diversity and scope of cross-border economic activities.

In addition, governments are currently providing various forms of financial assistance and tax relief to support companies.¹⁰⁴ When the governments discontinue these support schemes, however, this will probably bring about an increase in the number of new registrations for short-time work benefits. **Claims that frontier workers are more affected than domestic workers cannot be substantiated.** These are risks that could affect anyone working in the Upper Rhine region.

As part of the tax-relief measures, companies no longer have to pay trade tax for a certain period of time. As a result, **municipalities must forego part of their revenues, which might lead to budget freezes**, in turn causing investments to be postponed and ongoing projects to be put on hold. It is also

¹⁰³ Press release from the Upper Rhine Conference of 26/05/2020.

¹⁰⁴ For example:

Leaflet of the Ministry of Economics, Labour and Housing for companies in Baden-Württemberg, 25/03/2020.

Prefecture of the Grand Est region, 'Note sur les plans de relance suite à la crise du Covid-19' (Note on recovery plans following the Covid-19 crisis), 10/06/2020.

Federal Council press release of 25/03/2020.

Corona Checklist of the Koblenz Chamber of Industry and Commerce of 17/04/2020.

noteworthy that the Corona crisis may, in general, force municipalities to spend more and thus change their investment priorities.

B. The future of the cross-border labour market

In the short term, the national measures have had considerable impact on the cross-border labour market, including the cancellation of information events organised by employment agencies in the Upper Rhine area and the interruption of cross-border training programmes such as *Eine Brücke für mich*.

There may also be longer-term effects on the cross-border labour market: the partly **increased sense of discrimination among cross-border commuters**, along with the extensive media coverage of certain incidents in the Upper Rhine area, may have reduced the motivation to work in a neighbouring country, and the number of cross-border applicants could decrease accordingly. Ongoing uncertainty as to whether the crisis-related restrictions on mobility will continue or might recur could feed a general mistrust of cross-border activity among employers and employees.

Even though the future of the cross-border labour market is still uncertain, the border region offers benefits for employees and employers that could help to keep the cross-border labour market dynamic.

4. Evaluation of the 'Euregional Cohesion'-theme

This chapter outlines to what extent the policies and the population have supported or jeopardised the cohesion of the Upper Rhine region and its cross-border territories¹⁰⁵. After explaining the impact of the crisis on territorial cohesion, it analyses cross-border collaboration in general and in the health sector in particular.

4.1 Impact on territorial cohesion

Whether positive or negative, the crisis has put territorial cohesion in the Upper Rhine region to the test, including the sense of belonging of its citizens. The free movement of persons has turned the Upper Rhine into a common 'living space'. Life is interwoven across borders in so many ways that the closure of the borders in mid-March imposed major restrictions on the lives of all citizens in the Upper Rhine region.¹⁰⁶

A. Low cross-border mobility

The obstacles to crossing the border and the exceptions to the entry bans have already been described above. Even though commuters were allowed to cross the border, there was a notable and **steep decline in mobility**.

The figures on border crossings in the Rhine region must be treated with caution, however. Due to the closure of several border crossings, traffic concentrated around the bridges that were still open. In addition, the hygiene regulations for a while only allowed carpooling under strict conditions. It is

¹⁰⁵ Article 174 of the Treaty on the Functioning of the EU - strengthening its economic, social and territorial cohesion

¹⁰⁶ See the [chapter on](#) European integration.

therefore likely to assume that the number of people crossing the border decreased even more than the number of private vehicles crossing the border suggests.

According to data from the *Conseil départemental Bas-Rhin*, international motorised traffic fell by 70% to 80% compared to the same period in 2019.

Calendar week 10 (02/03-08/03) serves as a starting point since border controls had not yet been introduced and exit restrictions or border closures not yet implemented, although precautionary measures had already been taken in the *département Haut-Rhin* (FR) and in Switzerland. Traffic had not yet been affected at that time. After calendar week 11, both border crossings showed a drastic decline in traffic of up to 80%.

In calendar week 17 (20/04-26/04), systematic border checks were already being carried out, and the border could only be crossed for a small number of specific reasons. In Germany, France and Switzerland, schools and restaurants, for example, were closed, although several shops in Germany were gradually being allowed to reopen. In general, socio-economic life on both sides of the Rhine had come to a standstill, which was reflected in traffic, both on domestic and cross-border roads. Both domestic traffic and traffic to the neighbouring country mainly consists of rush-hour traffic and leisure or shopping traffic. It can therefore be assumed that commuters, in particular, were no longer using the various border crossings because the shops were still closed and because they were working from home, among other reasons.

In calendar week 20 (13/05-19/05), the systematic checks were replaced with random checks, the lists of valid reasons for crossing the border were still being extended and the general curfew in France was lifted. Shops were allowed to reopen in France and Switzerland as well, and companies were gradually resuming their activities, but schools and day-care centres were still not fully operational. **Although the conditions for crossing the border had been relaxed in theory, cross-border traffic was still lagging behind domestic traffic.**

The graphs below present figures on motorised traffic on the Franco-German border. At all border crossings, motorised traffic fell sharply. It is safe to assume that the available figures for week 17 mainly reflect journeys by cross-border commuters, as France had a strict curfew at that time. Week 20 shows a slight increase in traffic over week 17. This could be due, among other reasons, to the fact that more cross-border commuters had gradually started to cross the border again to work in the neighbouring country.

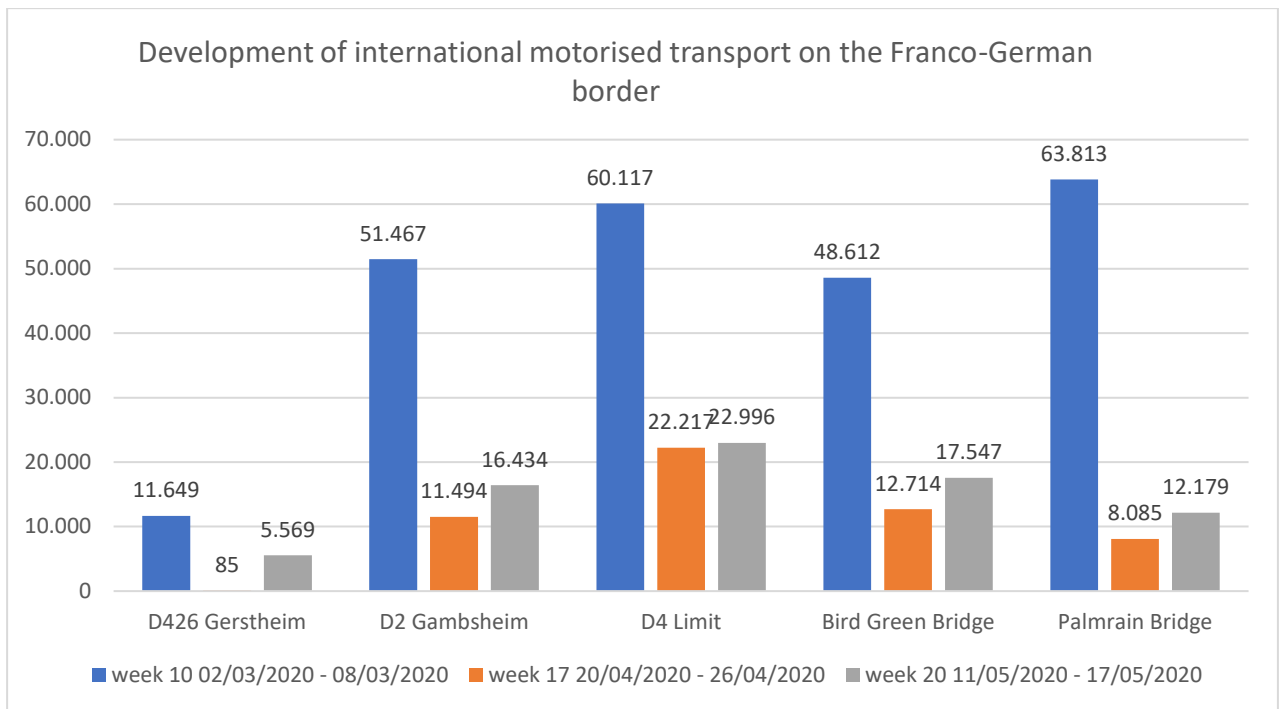


Figure 15: The Euro-Institute's own rendition of the development of cross-border motorised transport on the Franco-German border, based on figures provided by the *Conseil départemental Bas-Rhin et Haut-Rhin*.

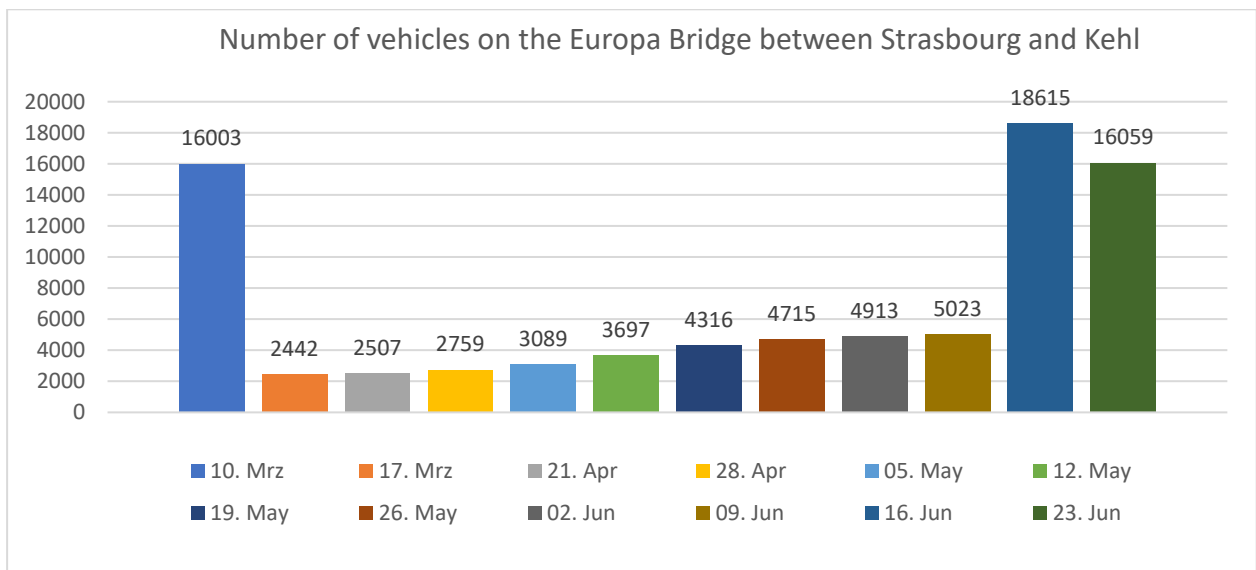


Figure 16: The Euro-Institute's own rendition of the number of vehicles on the Europa Bridge between Strasbourg and Kehl, based on figures provided by SIRAC.

The figures for the Europa Bridge federal road show that traffic dropped sharply between 10 and 17 March. It only started rising again between 9 and 16 June, even though families could meet again on either side of the border since mid-May. The slight increase in vehicles crossing the border between mid-May and mid-June 2020 is thus presumably largely attributable to more citizens and service providers crossing the border, rather than to an increase in cross-border commuters.

Domestic regional roads, on the other hand, exhibited a much smaller decline in motorised traffic between early March and mid-May 2020.¹⁰⁷

Traffic also fell sharply on the German-Swiss border, as illustrated by the A3/A35:¹⁰⁸

Direction	April 2019	April 2020	Change in %
CH -> FR	455.265	174.471	-61,68
FR -> CH	436.682	186.340	-57,33
Total	891.947	360.811	-59,55

Figure 17: The Euro-Institute's own rendition of the relative and absolute changes in the number of vehicles crossing the German-Swiss border in both directions in April 2019 and April 2020, based on figures from the Basel-Stadt data portal.

B. Interdependencies increasingly visible in the Upper Rhine common living space

The **many enquiries or letters received by the administrations** are indicative of how comprehensive these interdependencies are in the cross-border living space. German citizens, for example, sent letters to their governments in Berlin or Baden-Württemberg demanding that the border controls be lifted.

The options to seek e-mail or telephone advice from the **four Infobest advice centres and obtain information from the Centre for European Consumer Protection (ZEV, 1,208 enquiries by the end of May)** and the **Frontaliers Grand Est portal (1,254 enquiries by the end of May)** were widely used – the fact that the Infobest offices showed only a slight increase in enquiries compared to last year is due to a shift in focus of the topics and the absence of walk-in customers. The workload has shifted towards corona-related topics, including questions on border crossing and labour law. Three of the four advice centres in our network (Kehl/Strasbourg, PAMINA and Palmrain) report this shift. It is difficult to compare exact figures, however, if only because Infobest Palmrain serves three countries, unlike the other advice centres. At the Kehl/Strasbourg and PAMINA centres, half of the enquiries between mid-March and mid-June concerned COVID-19, with PAMINA receiving a total of around 700 enquiries and Kehl/Strasbourg around 1,000. Kehl/Strasbourg reported another increase in enquiries since the reopening of its offices in the beginning of July, mainly due to the return of walk-in customers. In this period, there was a particular shift towards questions that were not being asked at the peak of the Corona crisis: questions concerning pension insurance, retirement, taxes and family benefits. The local institutions and Eurodistricts (e.g. 404 PAMINA, 107 Strasbourg Ortenau) also reported an increase in citizens' enquiries about the novel Coronavirus or the border situation. The websites of the *Frontaliers Grand Est* portal, the Centre for European Consumer Protection (ZEV) and the Strasbourg-Ortenau Eurodistrict saw significant increases (of +100 to +200%) in the numbers of clicks. By mid-June, for example, the ZEV and *Frontaliers Grand Est* registered 78,000 and 71,000 hits on their respective Corona pages regarding the measures imposed between D-F and F-CH. The Facebook page of the Strasbourg-Ortenau Eurodistrict also attracted significantly more subscribers.

The above reflects the great interest among those living and structuring their daily lives in the common living space of the Upper Rhine region, in the Eurodistrict or between two border towns. These thousands of citizens felt strongly affected by the reintroduction of border controls and communicated their mobility needs.

¹⁰⁷ On average - 29.5% between the beginning of March (week 10) and mid-May (week 20), versus 52-68% on cross-border roads in the Bas-Rhin department. For the domestic D1420, the drop was 11%, and for the D1004 it was 25%.

¹⁰⁸ Basel-Stadt data portal.

→ To what extent will the crisis positively or negatively affect cohesion and the sense of belonging in the Upper Rhine region?

In this context, the different viewpoints of the institutions interviewed are particularly interesting.

Initially, the subject was cohesion in the Upper Rhine region, rather than a sense of belonging there. Many people were unfamiliar with the term "Upper Rhine" and initially described themselves as citizens of their respective countries. Nevertheless, they usually live their lives without borders, and they were looking forward to regaining unrestricted mobility. When the border reopened, the border towns became livelier again, and customers from the neighbouring country were especially welcomed¹⁰⁹.

Official bodies have been following up on the media accounts of excessive controls or disproportionate penalties, particularly in relation to the 'shopping ban'¹¹⁰ in Baden-Württemberg. While these reports described individual cases, they did, among other things, increase the feeling of **de facto discrimination**¹¹¹, mainly among residents of France. The border regions have been hard hit by national or federal state measures, and cohesion has been put to the test, but there is now potential for new approaches, such as more local encounters or school exchanges. The designation of the *Région Grand* as a risk area by the Robert Koch Institute in Berlin on 12 March was seen as the harshest intervention at national level. It destroyed the image of the French neighbours in southern Germany, who were suddenly seen as dangerous by some. Various elected officials have condemned the ensuing insults and enmities.¹¹²

Many of the interviewees associated the negative effects on cohesion with pre-existing resentment that has never completely disappeared, particularly on the Franco-German border. Nevertheless, they all stress that the majority of the population in the Upper Rhine region does not share these persistent negative sentiments and that they may well exist on both sides of the Rhine.

There is a common, cautious optimism among public institutions regarding the **potentially positive effects of the border closures on cohesion in the Upper Rhine**. These institutions assume that, due to the crisis, citizens who previously took open borders for granted are now **much more aware of the importance of the free movement of persons**. They hope that this freedom will be appreciated even more after the crisis and expect an increase in **awareness of the need for collaboration** and in the desire for new impulses.¹¹³

→ Mobilising citizens

The media in particular has had a positive impact on the sense of belonging referred to in the previous section, as there have often been reports of **mobilisation initiatives at the borders**.

¹⁰⁹ Chers clients francais, Bienvenue aux Francais ! ... (Dear French customers, Welcome to the French! ...)

¹¹⁰ See the section on European integration.

¹¹¹ See the section on European integration.

¹¹² For example <https://www.oberrheinrat.org/de/beschluesse/display/vorstandssitzung-vom-24-april-2020.html> [last accessed on 14/08/2020].

¹¹³ E.g. <https://www.kehl.de/stadt/verwaltung/stadtnachrichten/20200616.php>, press release from the City of Kehl after the two mayors met on the Passerelle bridge between Kehl and Strasbourg on 15/06/2020.

As the border closures met with a lot of incomprehension in civil society, among local authorities and among politicians, many people wanted to demonstrate their friendship and solidarity with citizens in their neighbouring country. A prominent example were the '**Umbrella Protests**', initiated by various representatives of associations from Germany and France. These protests mainly took place on the border between Kehl and Strasbourg, but also at other locations in the Upper Rhine area.¹¹⁴ A student of Kehl University of Applied Sciences proposed the **Banner 'Ensemble – Zusammen' Kehl Strasbourg**. On this banner, which was suspended from the Passerelle bridge, the letters of the two words – which both mean 'together' – are intertwined and symbolise the cross-Rhine living space.

These images were very striking, and the many letters from civil society so fiercely mobilised the Eurodistricts too that the PAMINA Eurodistrict drafted several opinions and the Strasbourg-Ortenau Eurodistrict drafted a resolution. This illustrates how the above institutions lobbied regional and national politics.

A strong mobilisation of citizens also took place via Facebook and LinkedIn, where people shared experiences and invited each other to join the protests.

All of the above demonstrates that citizens did not simply accept the border closures but struggled with the issue intensely, informed themselves and demanded a joint solution involving open borders.

C. Still no uniform regulations in the common living space

The different timetables for the lockdowns and relaxations in each country had few consequences, as cross-border mobility was restricted at the same time. Thus, the fact that the same types of shops, hairdressers or leisure facilities did not reopen simultaneously in all three countries did not cause incomprehension or an excessive rush of customers. Such phenomena were more likely to occur on the borders between two federal states, which were still open.

It was only after the reinstatement of the free movement of persons that the population started to notice the different regulations in Switzerland, Alsace, Rhineland-Palatinate and Baden-Württemberg. This caused confusion, which was alleviated by official news from the municipalities, as well as by the signs that shop and restaurant owners put up in the neighbour language.

The hygiene regulations for pandemic control were different as well: next to various changing regulations on the wearing of masks, a distance of 1 metre had to be observed in France, compared to 1.5 metres in Germany and Switzerland. While the obligation to wear a mask had been in force in public transport in Germany¹¹⁵ and France since May¹¹⁶, it was only introduced in Switzerland on 6 July. The subsequent introduction of compulsory masks in enclosed public spaces in France on 20 July facilitated the convergence of the French and German measures. Open-air events or restaurants in

¹¹⁴ These protests are reminiscent of the events surrounding the European rescue package during and after the financial crisis of 2008. Similarly, many people met individually in front of and on the prominent Passerelle, the pedestrian and cyclist bridge across the Rhine between Kehl and Strasbourg, where the centre of the river could be reached from either side since mid-May. Assembly bans and hygiene regulations complicated the organisation of protests or participation in demonstrations, especially in France. On 9 May, 300 protesters from Kehl gathered.

¹¹⁵ 28 April.

¹¹⁶ 11 May after the end of the curfew.

Baden-Württemberg, however, were required to store the data of all visitors for four weeks, a requirement that was not in place on the French side.

4.2 Impact on cross-border collaboration

A. Intensified networking by all actors due to the Corona crisis

In France and Switzerland, the Corona pandemic-control measures and the entry conditions were decided at national level. Minor adjustments, e.g. to the timetable for school closures, could be made at the level of the *départements* or cantons, respectively. Health policy is a state matter in France, which is implemented by decentralised authorities (*Agence Régionale de Santé*) at regional level.

In Germany, the closing of the border was decided by the Federal Ministry of the Interior at the request of the federal states (*Länder*). The exact entry conditions (e.g. quarantine requirements) and the corona pandemic-control measures were determined individually by each state (*Land*). Health policy is a matter for the federal states and is implemented at regional level by regional councils (*Regierungspräsidien*) and district offices (*Landratsämter*). Conferences between the federal and state levels of government ensure a certain degree of coordination at national level.

All three countries saw a **shift in roles from the health authorities to local authorities or Ministries of the Interior/State Chancelleries**; the fight against the pandemic was not merely a health issue but affected all of cross-border life. Health authorities emphasise their vital role in diagnosing the pandemic (in terms of number of patients, hospital capacity, etc.), exchanging information and encouraging cross-border solidarity.

→ In order to find concrete solutions to the tense situation on the borders, **an ad-hoc, cross-border Franco-German exchange body** was set up at the initiative of the *Grand Est* region and the diplomatic mission of the *Grand Est* prefecture. Actors from the health sector (*Agence Régionale de Santé* - ARS¹¹⁷ and the Ministries of Social Affairs and Health of the federal states), Eurodistricts and administrations at local (*départements*), regional (State Chancelleries, regions, prefectures), French national and German federal levels regularly exchanged views within this strategic framework. Due to the topics discussed, it soon became necessary for the foreign offices, the Federal Police and the Ministries of the Interior to join. Representatives of TRISAN, the joint secretariat of the Upper Rhine Conference and the Chamber of Industry and Commerce also participated as guests/observers. Daily telephone conferences¹¹⁸ were organised in a small circle, and once or twice a week, an increasingly wider circle was invited, including the Eurodistricts and the regional councils of Baden-Württemberg. The composition of the Franco-German exchange body is similar to that of the Franco-German Expert Committee that includes the health authorities. All interviewees benefited from the exchange of information between local, regional, national and cross-border levels (Eurodistricts), which had previously not taken place on such a collegial basis and such short notice. The German contact persons sometimes perceived the number of different French authorities that attended as confusing. The same observation was made about the frequently changing contacts on both sides during the telephone conferences. This is in part due to the French administrative structure, in which the local authorities

¹¹⁷ French health authority for the Grand Est region, which is larger than Alsace.

¹¹⁸ The frequency of which was based on the urgency of the issues, ranging between daily and weekly.

are all independent. Certain problems had to be discussed outside the meetings as they involved other actors, e.g. the Ministries of Labour, mid-level state authorities, district administrations or Infobest.

→ At the onset, Swiss actors were invited as observers, but the participants soon realised that cross-border and health issues could only be discussed binationally and not trinationally. **Thus, the Ministry of State of Baden-Württemberg set up an ad-hoc interface between Germany and Switzerland.** On the Swiss side, the Swiss Embassy in Berlin, the Consulate General in Stuttgart, the border cantons as well as the State Secretariat for Migration (SEM), the Federal Customs Administration and the Federal Office of Transport took part. On the German side, the Ministry of State of Baden-Württemberg, the Federal Foreign Office, the Federal Ministry of the Interior, the Federal Police and the Freiburg Regional Council were represented. The players engaged in cross-border collaboration – the International Lake Constance Conference (*Zusammenarbeit Internationale Bodenseekonferenz*), the Upper Rhine Commission (*Hochrheinkommission*) and the Regio Basiliensis – were also involved.

We can assume that the shared responsibility of many actors necessitated the creation of these exchange bodies. They allowed the representatives of the federal and national ministries to better understand the interdependencies at the border and to propose solutions.

→ **On the other hand, no exchange body was needed between France and Switzerland.** The agreements at technical and political level were concluded directly and bilaterally between the Regio Basiliensis, the cantons of north-western Switzerland which it represents and the *Région Grand Est* or the *Département Haut-Rhin*, or between the ministries of Switzerland and France. The *Préfecture de Région Grand Est* mediated between the *Département Haut-Rhin* and the ministries in Paris, for example on the issue of new border crossings.

In the year after the Franco-German Aachen Treaty was signed, **the Franco-German Parliamentary Assembly and the Franco-German Committee** met via video conferencing. These relatively young bodies succeeded in making the problems or demands visible at national and federal levels and in rapidly influencing the subsequent decision making.

Alongside these crisis conferences or crisis-management bodies, all interviewees reported **intensive bilateral discussions at policy and expert levels and better networking between the various cross-border institutions.**

The existing personal relationships established thanks to the regular cross-border facilities proved necessary to be able to arrange quick telephone conferences or direct telephone calls with the executive. The German Federal Ministry of the Interior proposed the creation of ad-hoc exchange bodies in the other German border regions as well, but they were ultimately only set up in the Upper Rhine region and the Greater Region (particularly between Luxembourg and Germany).

Even though the cross-border institutions did not coordinate crisis management themselves and did not assume leadership roles, their members and staff played a major role in networking, exchanging information and lobbying state ministries. It was certainly easier for the Upper Rhine Council (i.e. the legislature) and the Eurodistricts – represented by mayors (*Oberbürgermeister*) or District Administrators (*Landrat*) – to write a joint statement and speak out against the governments in favour of relaxing or lifting border controls than it was for the executive, the Upper Rhine Conference.

During the crisis, and perhaps also thanks to the new digital working methods, the Eurodistricts, Infobest, the Upper Rhine Conference and the Upper Rhine Council coordinated their activities even more than usual, partly because the Corona crisis gave them a common theme to address. For example, the Chair of the Upper Rhine Conference was invited to the Upper Rhine Council meeting, and the Upper Rhine Conference's working group on health expanded its membership. The advice centres shared their information and linked to each other's websites. The German, French and Swiss authorities recognised their **role as the voice of the citizens in the border region**. Many public institutions see this as a positive development with lasting benefits for the future.

Locally, the neighbouring municipalities would have liked even more involvement from the local authorities. Initially, they felt less informed and interconnected than the *départements*, cantons and districts. To resolve this issue, the cities of Kehl and Strasbourg, for example, set up a joint working group at the beginning of June to define how the local authorities in this conurbation might cooperate effectively and exchange reliable information more effectively, even in a crisis situation. The aim was to consider a method to achieve coordinated measures that were adapted to the needs in the common living space.

B. Coordinated regional crisis management in response to national measures

The coordination of crisis management was judged very differently, ranging from very negatively to very positively. Generally speaking, fewer problems arose on the Swiss borders than on the Franco-German border.

However, all agreed that local realities in border regions were initially neglected by national policies, especially with regard to border closures, and that the exchange of information at regional level was not optimal when the pandemic broke out.

Not all experts on the crisis teams were personally convinced of the need for border controls or entry quarantines as protective measures. Nevertheless, they succeeded in **working together very constructively without questioning the decisions of their respective governments**. All participants sought common ground, rather than stress their differences. The crisis teams did not focus on fighting the pandemic and tracing infection chains, however, but rather on relaxing border controls. **They always responded to government measures on the basis of everyday problems and proposed relaxations or concrete solutions.**¹¹⁹ The Franco-German exchange body, together with many local and cross-border actors, enabled **solidarity with French hospitals.**¹²⁰

In addition, the special characteristics of exclaves in the German-Swiss area were on the agenda of the D-CH exchange body.

Thanks to the daily, then weekly, exchanges, the administrations could better inform their own citizens about the various measures in the neighbouring countries. Had there been no border controls and mobility restrictions, much of the discussion in the crisis teams would not have been necessary. Perhaps other issues would have been higher on the agenda, such as the rights of cross-border

¹¹⁹ See 'Coordination' under 'European Integration'.

¹²⁰ See under 'Health'.

workers, the standardisation of the hygiene regulations or that of the timeframes of the relaxations. Some of the problems pertaining to taxation or financial aid were not resolved until the end of June.

C. An opportunity for innovation and responsiveness

Two innovations stand out from the crisis period: first, that there was no recourse to the usual bodies, plans and agreements; and second, that exceptions were suddenly approved at a high political level to enable collaboration.

First of all, only very few people seem to have been aware of the exchanges taking place between experts at the time (involving, for example, preparation for an avian-flu pandemic and infection control at airports – a 2005 German-French-Swiss comparison and exchange of experiences in the Upper Rhine region – or plans for civil protection¹²¹). Basically, the Upper Rhine region faces a challenge of the collective memory: too often, new documents and processes are created without building on what is already there. Even the framework agreements on rescue services or civil protection were apparently not precise enough to set up mutual assistance, or they proved inapplicable in the event of a pandemic. Some of our contacts would like to see the creation of local cooperation agreements.

Secondly, it became clear that governments could change the law and make agreements very quickly in crisis mode. For frontier workers to retain their rights, EU law as well as the EU-Swiss agreement on the free movement of persons had to be temporarily extended by bilateral agreements.¹²² In the health sector,¹²³ it suddenly became possible to transfer patients to German hospitals without their explicit consent and to waive reimbursement of the costs by French health insurance companies. Note that, under existing legislation, reimbursement would have been very complex as the cost centres and medical records are not comparable. The experts had been trying for a while to elaborate a model, when a political decision at federal level regulated the ‘special situation’ of Coronavirus patients. The data-protection measures were also relaxed at end of May, allowing for the unhindered tracking of COVID-19 patients since. Note, however, that all of these decisions will only remain in force for the duration of the pandemic, and there is no telling how long it will last.

D. Continuation of the long-term collaboration

Even though the cross-border activities mainly centred around the Corona crisis and most of the agreements were reached outside the usual bodies, long-term daily collaboration continued.

→ Intensified discussions rather than fewer meetings or exchanges

Already at the end of February, cross-border meetings were being cancelled or replaced by telephone conferences as employees should stay in the office as much as possible. **Initially, meetings were postponed until further notice** because there was still hope for a quick end to the pandemic. As more

¹²¹ <https://www.oberrheinkonferenz.org/de/gesundheits/downloads.html> [14.08.2020].

¹²² See ‘Fundamental rights for citizens’ under ‘European Integration’.

¹²³ See under ‘Health’.

and more physicians were predicting that the pandemic would last until the summer or warning of a second wave and the regulations were adapted accordingly, online meetings were organised.

Video-conferences of ordinary working and project groups soon reached expert level, involving people who were not directly engaged in crisis management. The existing relationships between the group members as well as their bilingualism were helpful.

It was more difficult to organise Council sessions with simultaneous translation: not all of the sessions were cancelled, but they were held digitally or with physical distance between the attendees.

Projects that had already started were continued insofar as their substance could be fleshed out from a home office, people were available and had digital equipment at their disposal.¹²⁴ If not, the relevant timetables were adapted. For example, thirteen INTERREG A Upper Rhine projects were extended by an average of 7 months. Because the meetings of the INTERREG bodies had been postponed, seventeen projects had to be put off by several months. The public funding of cross-border projects that have not yet been approved is jeopardised, making EU financing all the more important.

Events, training courses and local encounters have suffered the most, as these were cancelled for months due to hygiene requirements.

→ New forms of collaboration and new substance?

Not all of the various interviewees agree on whether the crisis will have a lasting impact on cross-border collaboration. The priorities have changed only marginally but have merely been supplemented with increased disaster and pandemic readiness, as well as the issue of joint economic recovery.¹²⁵

Some experts doubt that cross-border collaboration will truly take a different course and that border controls will never be reintroduced. The success of collaboration highly depends on people and issues, and sometimes on the political will to venture into new territory.

The crisis has brought administrations even closer together and demonstrated the need for early consultation. There have also been experiments with efficient and faster working methods. While these methods do not replace local contacts 'on the ground', in which the informal aspect plays a major role, they are nevertheless great time savers for the participants.

Crisis coordination at intergovernmental level with the participation of regional actors has revealed that certain issues, for example in health or social law, cannot be addressed at the level of the cross-border Upper Rhine institutions if the relevant decisions are made at national level. **The Franco-German Committee**, which raised quite a few eyebrows among the actors in the Upper Rhine region when it was founded, has proven its legitimacy and effectiveness in such multi-level matters, without replacing the existing governance structures.

¹²⁴ Limited availability either through childcare, crisis tasks or weak Internet connections.

¹²⁵ Press release from the Upper Rhine Conference, 26/05/2020.

4.3 A desire to step up collaboration in healthcare

There is regret about the **initial lack of information exchange between local health authorities** on both sides of the border. There is currently no cross-border structure for pandemics. The existing structures in the health sector, in particular the Upper Rhine Conference's working group on health and the trinational competence centre TRISAN, which is based at the Euro-Institute, lacked a clear political mandate allowing them to immediately position themselves as crisis coordinators. At the onset of the pandemic, cross-border information exchange took place via personal relationships, and the above actors were able to play a very active role. Then, the crisis teams described in the previous section were set up, with a range of tasks that extended far beyond the health sector. After the most acute phase of the pandemic, the EPI-Rhin¹²⁶ network, which had already existed for 20 years, organised the cross-border tracing of infection chains.

A. The path to joint tracing of infection chains

→ **The German, French and Swiss figures were not comparable for a very long time**, and the respective counting methods were altered even during the crisis.

The differences lay not so much in the definitions as in the tests and approaches.

While the population was tested extensively from the beginning in Germany and Switzerland, testing in France was quickly scaled down and limited to patients in hospital. Similar numbers of CoVid patients thus concealed very different realities about the actual spread of the pandemic, as in France only a small part of the population was tested, i.e. the seriously ill. As a result, the ratio of deaths in France was very high, which led to misinterpretations in the media and caused fear in the neighbouring countries.

From mid-May onwards, people who were not seriously ill and their contacts were tested in all three countries, which allowed for comparing and tracing chains of infection. The underlying hypothesis that the health situation was likely to be similar in both countries was instrumental in simplifying the negotiations between Germany and Switzerland on coordinating their valid reasons for entry. From mid-June onwards, this hypothesis played the same facilitating role between Alsace and southern Germany.

→ **The health authorities agreed to use the German indicator of the incidence rate** (i.e. the proportion of newly ill to the total population, per 100,000 inhabitants), further agreeing that, if this number rose to over 50 within 7 days, new lockdown measures were to be taken. The experts at EPI-Rhin informed the crisis teams on a weekly basis about the incidence rate in the subregions of the Upper Rhine, with details about cross-border cases of COVID-19 and new occupancy rates of intensive care beds due to COVID-19. During the crisis, EPI-Rhin received renewed attention from the federal and national ministries. Since the 3rd week of May, EPI-Rhin has been operating a **cross-border reporting system on COVID-19**. Progress has been made by relaxing the data-protection regulations that previously prevented the transfer of personal data abroad. However, at the time of writing this

¹²⁶ A trinational expert group of the Upper Rhine Conference, whose task is to maintain a cross-border reporting system for communicable diseases. In 2020, the French ARS *Grand Est* will chair the group.

report (the end of June) very few cases had been handed over to a neighbouring country. There is also a small risk that the process will incur delays as those involved are temporarily replaced during the holidays.

→ **The Corona apps too were developed nationally to support national industries.** For the time being, the technical app features as determined at EU level will only function in apps using a decentralised approach, like the German and Swiss apps. This means that commuters to and from France who wish to use contact-tracing apps currently have to install multiple apps.

B. Solidarity as counterpart to national thinking

→ **Border controls as a reflex to protect one's own population**

Border controls were introduced and lifted again, officially on grounds of the epidemiological situation. There was a certain sense of mistrust at the borders, to do with one's own national health status. Returnees from high-risk areas, such as Alsace, were considered 'reasonable suspects' whenever they exhibited specific symptoms and had to be tested for COVID-19. From May onwards, France introduced a new, additional COVID-19 self-declaration form, which people could use to declare themselves free from symptoms.

There was no general border closure, however, nor is there a realistic way to achieve one in democratic states and in the highly integrated Schengen area. It was impossible for the police to monitor all border crossings, and it would have been impossible, both legally and timewise, to build walls and wire fences at the internal borders of the Schengen area. In addition, no nation can provide for its population without the cross-border supply of goods or the participation of frontier workers, making exemptions to border closures essential. Particularly Switzerland depended on the entry of care workers from Germany and France.

Moreover, there is no evidence that border controls promote health, only assertions to this effect. Meanwhile, scientists have shown that border closures or controls¹²⁷ have little effect in a globalised world, only delaying a pandemic by two weeks¹²⁸. In fact, administrative controls (e.g. presenting proof of a valid reason for entry) were carried out regardless of the health status of the persons concerned. Science suggests that it is much more efficient to quarantine those infected or to isolate clusters of infection, strategies that have seen wider implementation throughout Europe since June.

→ **Patient transfers as a sign of solidarity**

Initially, the capacity of intensive care beds was counted and increased at regional and national levels only, without taking the neighbour countries into account. The first cross-border cries for help and offers of assistance in the Upper Rhine border region came only shortly before the collapse of the Alsatian hospital system. On 7 April, 2,139 COVID-19 patients were hospitalised in Alsace, 415 of whom were in intensive care. As early as 21 March, there were already 937 patients, and the authorities have

¹²⁷ Article in the Deutsche Tagesschau, 06/05/2020, available at: <https://www.tagesschau.de/investigativ/ndr-wdr/reisebeschaenkungen-101.html>, [last accessed on 18/06/2020].

¹²⁸ Hartl, T. & Weber, E. (2020). Welche Maßnahmen brachten Corona unter Kontrolle? Economists on several European countries including Switzerland.

repeatedly praised **the exemplary patient transfer** between the French *Agence Régionale de Santé* (ARS), the German states and the Swiss cantons as a sign of solidarity and coordination. Between 21 March and 4 April, 62 patients from the French *Grand Est* were transferred to hospitals in neighbouring German states and the northern Swiss cantons. Patient transfers from Switzerland or Germany were not necessary.

Patient transfer	To Baden-Württemberg and Rhineland-Palatinate	To Germany (in total)	To northwest Switzerland	the of	To Switzerland (in total)
From France - Grand Est	BW: 29 RLP: 22	130	11		28

Figure 18: Figures from the French Agence Régionale de Santé, 5 April 2020.

In order to transfer French patients to Germany, the three German state governments cooperated with the French Ministry for European Affairs and Foreign Affairs, the prefecture of the *Grand Est* region and the regional health authority ARS. At the request of the *département Haut-Rhin*, patients from Alsace were also treated in the Swiss cantons, in which the political mobilisation of the executive and the close relations between the players involved had played a decisive role.

The official statements by the governments of the federal states alternated between making appeals for humanity and solidarity and providing for their own population. While the neighbouring countries were still counting their hospital beds, France asked all German states and other EU countries for help, ending its appeal on 5 April.

The success of this operation will be long remembered and has renewed the confidence that was shaken by the border controls, at least within the crisis teams. In hindsight, however, it is regrettable that so many Alsatian patients were transferred to hospitals far away, whereas they could have occupied more intensive care beds in Baden-Württemberg. A total of 179 patients from the *Grand Est* region (108 of whom from Alsace) were admitted to German, Swiss, Luxembourg and Austrian hospitals, while 146 patients from the *Grand Est* region were transferred to the South and West of France between 18 March and 5 April¹²⁹.

Neighbouring hospitals, for example in the PAMINA space, continued to offer individual beds or medical equipment after the patient exchange had officially come to an end.¹³⁰

Cross-border solidarity consisted not only of the admission of patients, but also of funding, given that the German federal government has compensated its domestic hospitals for the additional expenses. Prior to this, the key players in the Healthcare Working Group (*AG Gesundheit*) of the Upper Rhine Conference had sought solutions within the legal framework. The EU directive for patients was inapplicable, however, without patients’ prior authorisation and free choice of hospital, and the pathology classifications did not match across nations. The bilateral framework agreements between France and Germany, or France and Switzerland, did not apply either, as neither collaboration agreement provided for patient transfers.

¹²⁹ <https://www.data.gouv.fr/fr/datasets/transferts-de-patients-atteints-de-covid-19/> [last accessed on 30/05/2020]

¹³⁰ <https://www.eurodistrict-pamina.eu/UserFiles/File/2020-pressemitteilungen/2020-06-starke-deutsch-franzosische-freundschaft.pdf> . These transfers are not included in the official statistics.

Although the German federal *Ausnahmelösung* (exceptional solution) can be applied in emergency situations, there is still a need to devise longer-term solutions.

→ No coordination in purchasing protective gear

Initially, at the beginning of March, the states banned the export of medical protective gear (face masks, gloves, protective suits, etc.) and took central control of its supply. An EU regulation of 15 March to promote intra-European deliveries initially caused annoyance in Switzerland, as the export of personal protective gear to countries outside the EU would henceforth require the approval of the Member States. When this led to protective gear being withheld at the German-Swiss border, Switzerland and the EU Commission managed to extend the solidarity rule to the EFTA states in a spirit of reciprocity¹³¹. Protective equipment was ordered at each level of authority. Baden-based company Europapark donated 25,000 protective ponchos to nursing homes and care services in the *Haut-Rhin* region.

Not only the border controls, but all of the pandemic-control measures were initially spurred by national reflexes or developed within the respective national frameworks. The lack of frameworks for cross-border pandemic control or solidarity in emergency situations made collaboration complex. In this context, the transfer of patients from France to Germany and Switzerland is seen as a courageous innovation and a sign of solidarity. The EPI-Rhin network has successfully demonstrated its relevance by exchanging information and tracing chains of infection.

C. Desire for joint pandemic control

As described above, ad-hoc solutions outside of the legal framework were found in need, despite the risks. The existing networks have greatly contributed to this.

The crisis has highlighted the need for closer collaboration. Many political statements have called for the **development of cross-border collaboration in the health sector, pandemic planning and civil protection**,¹³² also including actors from outside the health sector. The tracking of communicable diseases was already planned in the 'Trinational Framework for Action on Cross-border Health Care in the Upper Rhine Area'. This project, led by the TRISAN competence centre based at the Euro-Institute, will adapt its measures accordingly.

The next pandemic will certainly see a different organisation of **the early exchange of information** on the health situation, hospital capacity and envisaged measures. In addition, the German states have informed the Federal Ministry of the Interior that general border controls would not be the solution during the next pandemic.

The **Collectivité européenne d'Alsace will be releasing a plan for cross-border collaboration in 2021**, which will include a section on health. This had already been legally planned and has taken on a new dimension with the current pandemic.

One challenge will be to manage the interaction between established actors (e.g. the *AG Gesundheit* Healthcare Working Group and the health authorities) and new contributors (e.g. the *Collectivité*

¹³¹ SECO press release of 25/03/2020.

¹³² E.g. press releases of the Upper Rhine Conference of 26/05/2020 and 23/06/2020.

européenne d'Alsace). Future collaboration should, on the one hand, **build on existing networks and deliberations**, particularly by turning the framework agreements into operational agreements and, above all, local processes. On the other hand, it should also focus on new solutions that could not be achieved earlier within the existing legal frameworks. Many health issues are regulated at central level, especially in France, and local actors are counting on **more leeway and innovation** to jointly fight pandemics and organise cross-border healthcare.

5. Conclusions and recommendations from a Euregional perspective

5.1 Conclusion

The temporary border controls had a negative impact on the fundamental rights of citizens in the Upper Rhine region. The fact that the police often had the discretion to judge the validity of a person's reasons for entering the neighbouring country has led to a sense of discrimination. In practice, it was often easier for nationals to enter their 'own' country.

The border closures had the greatest impact on **families, who were literally torn apart for up to two months**, meaning that parents, for example, could no longer exercise their shared-custody rights and unmarried couples of different nationalities could not meet.

Even as more and more exemptions were granted by the Ministries of the Interior on the advice of the regional authorities, the resentment sparked during the first weeks remained. Arrangements concerning medical treatment in the neighbouring country were unclear, and people only had domestic access to culture, sports, postal services and banking until the border controls were lifted.

Cross-border coordination between states and regions was initially mainly a response to the reintroduction of border controls. Recourse to existing networks, which had become more interconnected as a result of the crisis, proved particularly helpful. The bodies with citizen contact (Infobest, European Consumer Centre, Eurodistricts, *Frontaliers Grand Est*...) also provided valuable information and succeeded in analysing the specific obstacles and demonstrating the need for action. Rapidly implemented bilateral state agreements provided clarity and made adjustments to EU social law or tax agreements for the duration of the crisis. Nevertheless, a number of cross-border commuters suffered more significant financial losses than their 'domestic' colleagues as the respective **national pandemic measures** had not taken their situation into account. In some cases, already known problems, such as the *de facto* double taxation of the short-time working allowance or the notification procedures for postings to France, gained new topicality with the national ministries or the Franco-German Committee.

During the crisis, health protection was very much a national matter in all European states. The successful transfer of patients from France to Germany and Switzerland increased trust and strengthened mutual solidarity. The already existing EPI-Rhin working group initiated the cross-border tracing of infection chains as of the third week of May. The crisis has shown that there is great potential for future collaboration in the health sector.

Cross-border mobility declined sharply, even though the border police always allowed people to cross the border to move goods, carry out labour, attend school or undergo urgent medical treatment. Even the occupations that were considered systemically relevant during the crisis are in part being carried

out by cross-border commuters. While there were only few cases of border congestion in the Upper Rhine region, the many documents required for entry and exit were seen as obstacles, as was the interruption of the cross-border public transport services.

It is still too early to measure the final impact of the corona crisis on the economy of the Upper Rhine region. However, state financial aid has demonstrably played an important role in mitigating the economic losses. The sectors particularly affected are tourism, gastronomy, retail and industry (in Germany and Switzerland). There is fear that the lockdown and border controls will have negative effects on the Upper Rhine economic area in the long term. Admittedly, however, the crisis also brings new potential for a joint economic upturn in the Upper Rhine region.

Since all aspects of life in the Upper Rhine region are strongly interwoven and the area can rightly be considered a '*basin de vie commun*' (common living space), taking the realities of life into account has been essential in overcoming the crisis in this common living environment. This aspect should be observed through adequate preparation for a joint and more integrated crisis response in the event of another pandemic.

5.2 Outlook

This impact assessment has been quite qualitative and sometimes constituted a balancing act between legal regulations, daily practice and individual perceptions. There were no quantitative data on the actual number of people or companies affected. The following data that are currently unavailable would be helpful in distinguishing special cases from fundamental problems and in negotiating the appropriate exceptions or new agreements:

- uniform data on international traffic (passengers, vehicles), especially between Germany and Switzerland
- data on the economic situation at the levels of the Upper Rhine and its subregions
- data on the losses of turnover in retail, gastronomy and crafts due to the restricted freedom of movement
- data on the impact of the control measures on cross-border commercial activities during and after the crisis
- data on the number of cross-border commuters on short-time working benefits, afflicted by unemployment or suffering a loss of earnings
- data on the number or percentage of cross-border families or relatives
- data on the number of people who own land or a secondary residence in a neighbouring country.

In the course of the crisis, health data on the Upper Rhine region became available to and, above all, understandable for the neighbours. These data must always be carefully considered within their context.

The Upper Rhine Conference commissioned its own Expert Group on Frontier Workers and the four Infobest advice centres to analyse the problems associated with the border controls and the varying regulations and present them to the national authorities. The *AG Gesundheit* Healthcare Working Group will also contribute to pandemic-response planning. The bi-national crisis teams are seeking to evaluate their actions as well and wish to meet again regularly as their members have seen the added value of multi-level coordination.

6. Sources

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Infobest Network	www.infobest.eu
PAMINA Eurodistrict	https://www.eurodistrict-pamina.eu Lecture by Frédéric Siebenhaar, Forum AEBR, 05.06
Strasbourg-Ortenau Eurodistrict	http://www.eurodistrict.eu/
Upper Rhine Council	https://www.oberrheinrat.org/de/service/medienmitteilungen.html
Upper Rhine Conference	https://www.oberrheinkonferenz.org/de/oberrheinkonferenz/medien.html
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German-French Chamber of Industry and Commerce	https://www.francoallemand.com/publikationen/nachrichten
In France	
Department of Haut-Rhin	Public Roads Office
Department of Bas-Rhin	Public Roads Office
SIRAC - Informations routières	By mail: Traffic statistics
Grand Est region	Transport Office, INTERREG Managing Authority https://www.radiojudaicastrobourg.fr/podcast/jean-baptiste-cuzin-la-collaboration-transfrontaliere-au-temps-du-covid-19/
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CCI Alsace Eurométropole	https://www.alsace-eurometropole.cci.fr/coronavirus-et-entreprises-quelles-mesures-daccompagnement

In Germany	
Ortenau District	By telephone: Office for Agriculture www.ortenaukreis.de FAQ
District of Lörrach	By mail Department II - Law, Order & Health
City of Kehl	www.kehl.de
<i>Bundesagentur für Arbeit</i> (Federal Employment Agency)	https://statistik.arbeitsagentur.de/
Karlsruhe Regional Council	By telephone (Dr. Peter Zeisberger, Health Department)
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Koblenz Chamber of Industry and Commerce	https://www.ihk-koblenz.de/blueprint/servlet/resource/blob/4738982/b1d87a9d8a34db0312c1dc6b5fa85de4/corona-checkliste-data.pdf
<i>Handwerkskammer Freiburg</i> (Freiburg Chamber of Crafts)	https://www.hwk-freiburg.de
In Switzerland	
Regio Basiliensis	https://www.regbas.ch/de/aktuell/medienmitteilungen/
Federal Council of the Swiss Confederation	https://www.admin.ch/ FAQ, press releases, regulations
FAQ State Secretariat for Migration (SEM)	https://www.sem.admin.ch/sem/de/home/aktuell/aktuell/faq-einreiseverweigerung.html
State Secretariat for Economic Affairs (SECO)	https://www.amstat.ch/v2/index.jsp
Basel public transport services (BVB)	By mail
Basel-City data portal	https://data.bs.ch/pages/home/

Chapter 5: The Impact of the Corona crisis on the Northern Ireland-Ireland cross-border territory and the cross-border alignment of responses

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1. Introduction and Objectives

This report offers an initial assessment of the impact of the Coronavirus pandemic on the Northern Ireland-Ireland border region, and of the extent and effectiveness of cross-border collaborative approaches in addressing the spread of the virus. It does so in order to highlight what this tells us of the degree of integration of the Northern Ireland-Ireland border region in terms of its functionality as a cross-border territory, how socio-economic development has been affected by the pandemic, and whether it has had any impact on cross-border cohesion.

However, the data analysed for this study does not necessarily allow for direct comparisons between the two jurisdictions on the island of Ireland, nor do the relevant agencies in each jurisdiction necessarily collect data in the same way even if the overarching issue is the same. Paradigmatic of this are, for example, the differences in testing regimes for COVID-19 and how positive cases and deaths are recorded. These differences are not always between Ireland and Northern Ireland, but can also be between the various parts of the United Kingdom, and are also seen across Europe and further afield. Differences have also arisen within the same jurisdiction in the methodologies employed over time in the collection of data. As is so often the case, therefore, we cannot assume that the data we are looking at from two neighbouring counties on either side of the Northern Ireland-Ireland border is directly comparable.¹³³ Nevertheless, we can arrive at an approximation of what the situation is in the Northern Ireland-Ireland cross-border territory.

It should also be noted that this assessment of the impact of Covid-19 on the Northern Ireland-Ireland cross-border territory may differ from the other regional reports in the overarching study in one important aspect. The concept of “integration”, whether in terms of “European integration” or of the integration of the cross-border territory, is one that is politically charged in the context of the island of Ireland. In terms of the integration of the cross-border territory, it can be perceived by those in Northern Ireland who identify as British as forming part of a process to move Northern Ireland away from the United Kingdom to become part of a united Ireland. European integration, on the other hand, becomes a more problematic measure as a consequence of the UK’s departure from the European Union and its policies. Therefore, the integration of the Northern Ireland-Ireland cross-border territory is measured here in relation to frameworks agreed within the specific context of the island of Ireland and its relation to Great Britain, with the 1998 Belfast/Good Friday Agreement being principal among them.

1.1 The Northern Ireland-Ireland cross-border territory and Covid-19: Defining the geographic area

For the purposes of this study we are defining the Northern Ireland-Ireland cross-border territory as consisting of the five Northern Ireland Local Government Districts (LGDs) abutting the border (Newry, Mourne & Down; Armagh City, Banbridge & Craigavon; Mid Ulster;

¹³³ A useful tool to visualise the data from the two jurisdictions is the COVID-19 Tracker developed by Ulster University, and available at <https://nicovidtracker.org/> [last accessed 17/08/2020].

Fermanagh & Omagh; and Derry City & Strabane), along with the NUTS 3 Border region and Co. Louth in the Republic of Ireland.¹³⁴



Figure 1: Northern Ireland Local Government Districts (LGDs)¹³⁵



Figure 2: NUTS II regions in Ireland¹³⁶

¹³⁴ The NUTS 3 Border region consists of counties Cavan, Donegal, Leitrim, Monaghan and Sligo, and is itself part of the NUTS 2 Northern and Western Region. Co. Louth, on the other hand, although immediately abutting the border, is within the NUTS 3 Mid-East Region, which is part of the NUTS 2 Eastern & Midland Region. See CSO, [“Information Note for Data Users: revision to the Irish NUTS 2 and NUTS 3 Regions”](#) [last accessed 06/08/2020].

¹³⁵ Department for Communities, [Map of Northern Ireland Councils](#).

¹³⁶ Institute of Public Administration, [“Local and Regional Bodies in Ireland 2012-2016”](#) (December 2016), p.7.

However, while our focus is on the cross-border territory we will nevertheless place it within the wider context of the island of Ireland, and of the situation pertaining across each of the two jurisdictions, where this may be useful. To some extent this mirrors the distinction that might be made between the narrower conception of cross-border and the wider notions of North-South and/or all-island cooperation, although it does not correspond directly with the eligible territory within the EU's PEACE programme, which includes all of Northern Ireland.

1.2 The regional framework for cross-border cooperation and mobility – focus on health

While Ireland and the United Kingdom, including Northern Ireland, have both been members of the European Union, they have both been directly affected by the EU's Cohesion Policy. In particular, Northern Ireland and the border counties of Ireland have for many years benefited from the EU's European Territorial Cooperation (ETC) programmes, which include the unique PEACE programme. The EU regulation for ERDF support under the ETC goal notes specifically how, "in the case of the PEACE cross-border programme between Northern Ireland and the border counties of Ireland in support of peace and reconciliation, the ERDF should also contribute to promoting social and economic stability in the regions concerned, in particular through actions to promote cohesion between communities".¹³⁷

The Cooperation Programme for the 2014-2020 PEACE IV programme describes how "The history of the region and the relationship between the two parts of the island has resulted in the border becoming a barrier to economic and social development".¹³⁸ The Cooperation Programme also states that among its core objectives PEACE IV will "enhance cross-border cooperation" (p.15), and that "Cross border co-operation will be encouraged across all the specific objectives, and will involve enhanced contact and co-operation between public sector bodies, civic society, communities and individuals, to ensure that the intended results of the objectives are maximised" (p.27).

Meanwhile, the health and wellbeing of the border region was characterised by the Cooperation Programme for the 2014-2020 INTERREG VA programme for Ireland-Northern Ireland-Scotland in the following terms:

There is evidence in the region that health access inequalities exist and that these are closely related to levels of deprivation. For example, in the Northern Ireland Western Trust area, males from the most deprived areas live 4.4 years and females live 2.7 years less than those from wider non deprived Trust areas. The trend, deprivation and reduced life expectancy, is consistent throughout all the Health Trust areas in N. Ireland. In Ireland only 57% of those living in consistent poverty have good or very good health, the figure is 84% for those considered not to be in consistent poverty. [...] The reports cited also indicate that people living in rural areas enjoy better health than their urban dwelling

¹³⁷ [Regulation \(EU\) No 1299/2013 of the European Parliament and of the Council of 17 December 2013 on specific provisions for the support from the European Regional Development Fund to the European territorial cooperation goal.](#)

¹³⁸ SEUPB, [PEACE IV Cooperation Programme](#), p.7.

counterparts. Despite this however, in both rural and urban areas, deprivation is a consistent indicator of inequality of health status. According to a CSO report in Ireland, in the Border Region 38% of people are in receipt of medical cards. A medical card entitles the holder to free medical care based on an assessment of need.¹³⁹

In particular, the Cooperation Programme notes “inequalities in health care provision for those citizens living in the border area” (p.2), and therefore sets out how one of its key aims is “to reduce the number of people at risk of poverty and social exclusion by targeting cross-border cooperation in healthcare access” (p.15).

Beyond the scope of EU Cohesion Policy and ETC programmes, the increasing importance given to the Common Travel Area (CTA) in terms of underpinning cross-border mobility should be considered in the context of the UK’s withdrawal from the European Union. Pre-dating Ireland’s and the UK’s accession to the European Communities, and as described by a Memorandum of Understanding signed by the UK and Irish Governments in May 2019, “The CTA is a long-standing arrangement involving the United Kingdom [...], the Channel Islands and the Isle of Man, and Ireland that facilitates the ability of our citizens to move freely within the CTA. In addition, associated reciprocal rights and privileges have been enjoyed by British citizens in Ireland, and Irish citizens in the UK, since Ireland’s independence”.¹⁴⁰ The CTA arrangement and its associated reciprocal rights and privileges not only relate to the ability of citizens to move freely between the jurisdictions, but also touch on matters such as the right to reside and work in the other jurisdiction, access to health care and other public services, and social protection.

However, the imperative for cooperation between the two jurisdictions on the island of Ireland is also an integral part of the political settlement that brought an end to the decades-long conflict that affected Northern Ireland, the island of Ireland, as well as Great Britain. It is important to note, therefore, that health is one of the six areas of cooperation under the auspices of the North South Ministerial Council (NSMC), which is the body established by the 1998 Belfast/Good Friday Agreement to “bring together those with executive responsibilities in Northern Ireland and the Irish Government, to develop consultation, co-operation and action within the island of Ireland – including through implementation on an all-island and cross-border basis – on matters of mutual interest within the competence of the Administrations, North and South”.¹⁴¹

The initial work programme of the NSMC in relation to cooperation on health included the following broad areas:

- Accident and emergency planning;

¹³⁹ SEUPB, [INTERREG VA Cooperation Programme](#), p.8.

¹⁴⁰ [Memorandum of Understanding between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland concerning the Common Travel Area and associated reciprocal rights and privileges](#) (8 May 2019), paragraph 3.

¹⁴¹ Strand Two, Article 1, <https://www.gov.uk/government/publications/the-belfast-agreement>.

- Major emergencies;
- Cooperation on high technology equipment;
- Cancer research;
- Health promotions; and
- Since 2008, child protection.¹⁴²

The last sectoral meeting of the NSMC in relation to health before the collapse of devolved government in Northern Ireland took place on 9th November 2016,¹⁴³ with the NSMC being unable to meet for a long period due to the absence of a functioning Northern Ireland Executive and Assembly until January 2020. Thereafter, and in the wake of the formation of a new coalition Irish Government, a Plenary Meeting of the NSMC was held in Dublin Castle on the 31st of July where the response to Covid-19 was one of the matters discussed. According to the Joint Communiqué released after the meeting, “Ministers agreed that an early meeting of the Council in the Health sector should review ongoing cooperation in responding to the pandemic”, and that “upcoming meetings of the Council in relevant sectors will consider how North-South approaches could contribute to the promotion of economic and social recovery”.¹⁴⁴

That Health sector meeting of the NSMC took place on the 2nd of October where, among other things in relation to the response to Covid-19, it “welcomed the close and productive cooperation that has taken place between Health Ministers, Chief Medical Officers and health administrations, North and South, to deliver an effective public health response”.¹⁴⁵ Importantly, the Ministers also “recalled the Memorandum of Understanding on Public Health Cooperation on Covid-19 Response agreed between Departments of Health, North and South, on 7 April” (p.2). Moreover, this meeting of the NSMC’s Health sector noted how the two jurisdictions’ “Chief Medical Officers met on 25 September to review the ongoing response to the pandemic, including the particular challenges being faced in the North West region and the joint statement issued following that meeting” (p.2).

1.3 Outline of the report

What follows in this report, then, is firstly an assessment of the extent to which the Northern Ireland-Ireland cross-border territory was able to maintain its integrity in the course of the pandemic in terms of the cross-border dynamics that are normally to be observed. This will be done by considering the existence and impact of any measures introduced by the two jurisdictions restricting the movement of citizens, and how those restrictions may have been “policed” at the border between Ireland and Northern Ireland. Given that the two jurisdictions are located on an island, we will also consider how travel to the island of Ireland

¹⁴² North South Ministerial Council, “[Health](#)” [last accessed 19/08/2020].

¹⁴³ See NSMC Joint Secretariat, “[Health and Food Safety Joint Communiqué 9 November 2016](#)” [last accessed 19/08/2020].

¹⁴⁴ NSMC Joint Secretariat, “[Twenty Fourth Plenary Joint Communiqué 31 July 2020](#)”, p.2 [last accessed 23/08/2020].

¹⁴⁵ NSMC Joint Secretariat, “[Health and Food Safety Meeting Joint Communiqué 2 October 2020](#)”, p.1 [last accessed 16/10/2020].

was regulated by public health measures developed by the two administrations, and how these took into account the possibility of onward travel across the land border. Having noted the relative weight of controls on movement whether across the land border or onto the island of Ireland, we will then highlight how anomalies appear in the relevant regulations when they are applied to the cross-border territory.

Our analysis then turns its focus to cross-border workers and cross-border trade. It offers an initial overview of the nature of cross-border working and of the business landscape in the Northern Ireland-Ireland cross-border territory, before looking at how the Coronavirus and public health restrictions have impacted on the flows of cross-border workers and of cross-border trade. Here, and after noting the difficulties arising from the different timings in the closure of schools and other educational settings in the two jurisdictions, we also consider how differences in the supports offered to cross-border workers placed on furlough or losing their employment may have given rise to feelings of discrimination.

The incidence of unemployment and of workers placed on furlough is one of the core measures we use as we move to assess how Covid-19 has impacted on the socio-economic health of the cross-border territory over the period in question. This section also includes assessments of how the pandemic has affected economic activity in the region, as well as the extent to which arising public health restrictions have interrupted cross-border connectivity, whether in terms of cross-border interactions between companies and public authorities or cross-border public transport services. We briefly note here what the pandemic has meant in terms of the agricultural workforce in the cross-border region, and how cross-border employment services have faced the challenge of providing up-to-date information in the face of a rapidly evolving regulatory context, before offering some considerations on the region's socio-economic prospects.

The final section of this report considers the strength of cohesion of the cross-border territory. It does so by gathering the available data for the levels of cross-border traffic during the period under consideration, comparing it to the equivalent period in 2019. Informed by a number of interviews, it also measures the region's cohesion by looking at the levels of activity of cross-border institutions, organisations and networks, noting whether their operations had been negatively impacted by the Coronavirus pandemic. These elements allow us to offer a final evaluation of the relative cohesion of the Northern Ireland-Ireland cross-border territory, and the ability of formal and informal cross-border structures to support cohesion and to offer appropriate responses to the spread of Covid-19 in the region.

2. Integration of the Northern Ireland-Ireland cross-border territory

2.1 Covid-19 border controls

Policing the land border between Ireland and Northern Ireland

Unlike elsewhere in Europe, to date there have been no effective or sustained closures of the border between Northern Ireland and Ireland as a result of the pandemic, despite the first Covid-19 case confirmed on the island of Ireland being of a woman returning from holidays who travelled to Northern Ireland by train after arriving at Dublin airport. Regulations restricting the movement of citizens have generally been aimed at movement *within* a jurisdiction, and not cross-border movement. Nevertheless, there have been instances of police checking on the purposes of movement of traffic at or near the border, and even some cases of Irish police reportedly turning back Northern Ireland motorists at the border,¹⁴⁶ particularly during holiday periods traditionally associated with higher levels of cross-border traffic.

However, attempts by police to restrict the cross-border movement of traffic as a consequence of the introduction of Covid-19 public health measures highlighted how such measures could not be legally enforced on a cross-border basis. Therefore, whereas emergency legislation in Ireland led to the announcement on 27 March 2020 of measures restricting citizens' ability to leave their homes other than for specific purposes, including the provision of essential services or for individual exercise within a 2km limit,¹⁴⁷ the Garda (Irish police) Commissioner had to recognise the limits to the measures' enforcement. "The commissioner [...]", according to RTE, "said gardaí [Irish police] had consulted the Government before the regulations restricting movement came into force and they were aware that they did not apply to people from Northern Ireland or outside the State".¹⁴⁸

In Northern Ireland emergency legislation was also passed on 28 March 2020 in order to deal with the pandemic, with similar restrictions on citizens' movement.¹⁴⁹ However, whereas one of the "reasonable excuses" for leaving one's home is "to take exercise", neither the legislation nor the Northern Ireland government advice that followed it set any limit in terms of distance, unlike the comparable measures introduced in the neighbouring jurisdiction.¹⁵⁰ Arguably, the regulations in Northern Ireland did not prohibit someone from leaving their

¹⁴⁶ See Shaun Keenan, "[Coronavirus: NI motorists stopped from crossing border into Republic amid Covid-19 lockdown](#)", *BelfastLive* (8 April 2020) [last accessed 23/08/2020].

¹⁴⁷ The legislation enabling the introduction of a range of measures is the [Emergency Measures in the Public Interest \(Covid-19\) Act 2020](#) [last accessed 23/08/2020].

¹⁴⁸ Paul Reynolds, "[76 arrests for suspected breaches of Covid-19 rules](#)", *RTE News* (28 April 2020) [last accessed 23/08/2020].

¹⁴⁹ [The Health Protection \(Coronavirus, Restrictions\) Regulations \(Northern Ireland\) 2020](#) (28 March 2020) [last accessed 23/08/2020].

¹⁵⁰ An amendment to the legislation introduced on 24 April 2020 attempted to apply some additional restraints to the ability of people to travel from their home for the reason of exercise, but without imposing any restrictions in terms of distance, stating that this would not constitute a reasonable excuse "unless any associated travel that is not in itself exercise is reasonable, having regard to all the circumstances including the nature of the exercise to be taken"; [The Health Protection \(Coronavirus, Restrictions\) \(Amendment\) Regulations \(Northern Ireland\) 2020](#) [last accessed 23/08/2020].

home for the purposes of exercise, even if that meant crossing the border into the Republic of Ireland to do so.

Notwithstanding the apparent gaps in the cross-border enforceability and application of measures introduced in the Republic of Ireland and Northern Ireland, meaning that effective border closures have not taken place, the police services on both sides of the border appear to have made efforts to support each other in their respective Covid-19 operations. It was reported on 26 April 2020 that Irish police had “been ordered not to arrest anyone from Northern Ireland for suspected breaches of the Covid-19 regulations because they do not have the power to do so”, and that “The Garda’s policing policy to stop the spread of the coronavirus has been to engage, explain, encourage”.¹⁵¹ But on 30 April the Police Service of Northern Ireland (PSNI) tweeted the following:

“We are working closely with our colleagues in @gardainfo to stop the spread of #COVID19. We will be conducting checks along the border and will engage, explain and encourage people to adhere to @niexecutive regulations”.¹⁵²



Figure 3: Tweet of Police Service of Northern Ireland (PSNI) from 30 April 2020

¹⁵¹ Paul Reynolds, “Dept of Health: No anomaly in virus regulations but possible issue with NI citizens”, *RTE News* (26 April 2020) [last accessed 23/08/2020].

¹⁵² <https://twitter.com/PoliceServiceNI/status/1255950351439671297> [last accessed 23/08/2020].

Controlling movement onto the island of Ireland

Although the land border between Ireland and Northern Ireland has not seen any significant closures, concerns and confusion have arisen in relation to the introduction of Covid-19 measures aimed at international travel involving ports and airports, and how these could affect onward travel between the two jurisdictions on the island of Ireland. The issue of controlling arrivals at ports and airports is of special significance in the context of approaches to combatting the spread of the virus that could have used the island location as an asset. On 11 May 2020 the UK Government announced it was introducing a requirement for “all international arrivals not on a short list of exemptions to self-isolate in their accommodation for fourteen days on arrival into the UK”, but added that “All journeys within the Common Travel Area”, which includes Ireland, “will [...] be exempt from these measures”.¹⁵³

However, this exemption does not include those who have first travelled into another part of the CTA from a country outside before travelling onto the UK within 14 days of arriving in the CTA. Moreover, the Covid-19 measures on travel to the UK also include the obligation for passengers to provide details of their movements and contact details on a “Passenger Locator Form”,¹⁵⁴ including for passengers returning from a country the UK authorities have deemed no longer requires self-isolation. Again, however, the form does not have to be completed by those travelling from another part of the CTA (Ireland, the Channel Islands or the Isle of Man) if they had been there for 14 days or more.

As such public health matters are a devolved issue within the competence of the Northern Ireland administration, the Northern Ireland Assembly issued its own secondary legislation and various amendments, which also attempted to make sure that there was no unnecessary disruption for those travelling from the Republic of Ireland or other parts of the CTA. For example, certain requirements for transport operators to Northern Ireland ports and airports to provide their passengers with information on Covid-19 measures they needed to fulfil should only apply to “persons (‘operators’) operating commercial transport services for passengers travelling to Northern Ireland by sea or air from outside England, Wales, Scotland, the Channel Islands, the Isle of Man and the Republic of Ireland (the ‘common travel area’ [...])”.¹⁵⁵

In terms of requirements for people travelling to Northern Ireland, the secondary legislation from the Northern Ireland Assembly on the requirement to complete the UK’s “Passenger Locator Form” and to self-isolate also exempts those arriving from another part of the CTA if they had been there for 14 days or more before travelling. The explanatory note to the relevant legislation clarifies how the “Regulations impose requirements on individuals arriving in Northern Ireland and who have been in a country outside the common travel area (that is,

¹⁵³ Cabinet Office, [“Our plan to rebuild: The UK Government’s COVID-19 recovery strategy”](#) (11 May 2020) [last accessed 23/08/2020].

¹⁵⁴ See UK Government, [“Provide your journey and contact details before you travel to the UK”](#) [last accessed 26/08/2020].

¹⁵⁵ [The Health Protection \(Coronavirus, Public Health Advice for Persons Travelling to Northern Ireland\) Regulations \(Northern Ireland\) 2020](#) (5 June 2020).

the open borders area comprising the United Kingdom, the Republic of Ireland, the Isle of Man, and the Channel Islands)".¹⁵⁶ This nevertheless means that the regulations require those arriving in Northern Ireland who have been outside the CTA to complete the UK's "Passenger Locator Form" and provide the required information on arrival, and to potentially self-isolate (depending on which country outside the CTA the person is travelling from and whether it is on a list of exempted countries).

When the Irish Government issued updated travel advice to its citizens on 12 May 2020, and introduced the requirement for those returning to Ireland from other countries to self-isolate, it also attempted to ensure this would not affect cross-border mobility with Northern Ireland, although this was not the case for other parts of the United Kingdom. For those travelling to Ireland from other countries, including Irish citizens, the instructions were to self-isolate, *unless returning to the Republic of Ireland from Northern Ireland*. For those travelling from the Republic of Ireland to other countries, the advice issued on 12 May was against all non-essential overseas travel, which included Great Britain *but not Northern Ireland*.

Ireland also introduced the requirement for arriving "international passengers" to complete a "Passenger Locator Form", but the relevant amending legislation states that "international passenger" does not include "a person who arrives in the State from Northern Ireland".¹⁵⁷ Moreover, the "Passenger Locator Form" exempts passengers arriving in a port or airport in the Republic of Ireland from providing contact details if they are travelling onwards to Northern Ireland.

¹⁵⁶ [The Health Protection \(Coronavirus, International Travel\) Regulations \(Northern Ireland\) 2020](#) (5 June 2020).

¹⁵⁷ [S.I. No. 181/2020 – Health Act 1947 \(Section 31A – Temporary Requirements\) \(Covid-19 Passenger Locator Form\) Regulations 2020](#) (26 May 2020).

1. Personal Details:	
Last name:	First name:
Date of birth:	
2. Travel Information:	
Carrier name:	
Date of arrival:	
Time of arrival:	
Point of departure:	
Point of arrival:	
Reason for travel (tick one):	
Resident in Ireland: <input type="checkbox"/>	
Visiting Family/Friends: <input type="checkbox"/>	
Holiday/Travel: <input type="checkbox"/>	
Work: <input type="checkbox"/>	
Transfer flight: <input type="checkbox"/>	
Transiting to Northern Ireland: <input type="checkbox"/>	
Relocating to Ireland: <input type="checkbox"/>	
Other (please specify): _____	
3. Contact details where you can be reached:	
Exemption	
If you are leaving the port or airport but will not be residing in the State overnight because you are travelling on to Northern Ireland or overseas, you do not need to provide further contact information. You may be asked for evidence in support of this.	
If you wish to claim this exemption please tick here, sign and date the form in part 4. <input type="checkbox"/>	
Mobile:	Phone:
Email:	

Places and dates of residence for the next 14 days:	
Address 1:	
From:	Until:
Address 2:	
From:	Until:
Child 1:	
Last name:	
First name:	
Date of birth:	
Address if different from accompanying adult:	
Child 2:	
Last name:	
First name:	
Date of birth:	
Address if different from accompanying adult:	
Additional details can be provided on a separate form if necessary.	
4. Sign and date this part of the form:	
Signed: _____	Date: _____

Figure 4: Ireland's Passenger Locator Form¹⁵⁸

The various measures relating to travel introduced by the different administrations gave rise to some potential anomalies due to their differing placement of “Covid-19 borders” and who could enter without significant restrictions. Essentially, the Irish government’s Covid-19 border was drawn around the island of Ireland, with cross-border movement between the two jurisdictions largely unrestricted, but with movement onto the island from elsewhere – including from Great Britain – liable to the imposition of self-quarantine measures if the destination is the Republic of Ireland. The UK government, on the other hand, drew its Covid-19 border around the CTA, attempting to maintain travel between all of its component parts largely unrestricted – or “frictionless”.

Cross-border anomalies in regulations restricting movement

Potential complications arise for those crossing the Ireland-Northern Ireland border as a consequence of these different measures, requiring constant vigilance and amendments to the regulations. For example, on 14 August 2020 the Northern Ireland Assembly amended the existing regulations so that they could take into account the reality of the border, whose meandering nature means people travelling from one destination to another in the same jurisdiction may actually cross the border several times on their journey, as dictated by the trajectory of the road. Thus, the explanatory note to the amendment sets out that it is being

¹⁵⁸ <https://www2.hse.ie/file-library/coronavirus/covid-19-passenger-locator-form.pdf> [last accessed 27/08/2020].

brought in “to ensure those travelling to a part of the Republic of Ireland from another part of the Republic of Ireland who pass through Northern Ireland on route are not required to complete a passenger locator form provided they remain in their vehicle at all times”.¹⁵⁹ This avoids the need for someone who may have travelled to Dublin airport from outside the CTA and is travelling onward to, for example, their home in Donegal, from having to complete a UK Passenger Locator Form as they drive through Northern Ireland.

Other anomalies arising and in need of resolution included the situation of Northern Ireland residents returning home after arriving from outside the CTA in a Republic of Ireland port or airport who, while not required to provide contact details on the Irish Passenger Locator Form, according to the Northern Ireland regulations must provide that information on the UK Passenger Locator Form upon their arrival into Northern Ireland. The Committee on the Administration of Justice has highlighted the uncertainties facing a Northern Ireland resident in this situation:

The first issue is that, whilst the UK form can be obtained online, it is not clear how the passenger will know this, or how passengers without a smartphone can fill it in. There is no reciprocal arrangement for the form to be completed in Dublin airport. [...] Secondly, it is not possible for passengers to provide the form ‘on their arrival’ in [Northern Ireland] when entering by land (where the vast majority of journeys will not have originated from outside the CTA).¹⁶⁰

The fact that there are no controls at the Ireland-Northern Ireland border raises the question as to *how* and *where* a Northern Ireland resident in this situation would provide the UK Passenger Locator Form. **Crucial here is how this is paradigmatic of how the implementation of measures by different jurisdictions so often results in confusion and uncertainty for those who cross from one neighbouring jurisdiction to another. It also indicates insufficient recognition at the higher policy levels of the Northern Ireland-Ireland cross-border region as a functional or integrated region,** notwithstanding remedial actions to amend regulations to belatedly take cross-border dimensions into account. Although the Irish Government’s plans for the lifting of restrictions and recovery, published in May, referred to its “co-operation with Northern Ireland, the UK and our EU partners” in terms of the need “to continue to work intensively on our approach to travel restrictions and controls at ports and airports”,¹⁶¹ it appears more collective work needs to be done in this area.

¹⁵⁹ [The Health Protection \(Coronavirus, International Travel and Public Health Advice for Persons Travelling to Northern Ireland\) \(Amendment\) Regulations \(Northern Ireland\) 2020](#) (18 August 2020) [last accessed 27/08/2020].

¹⁶⁰ Committee on the Administration of Justice, “[Passenger quarantine and the Common Travel Area: the Health Protection \(Coronavirus, International Travel\) Regulations \(Northern Ireland\) 2020](#)”, CAJ Briefing Note No 2, June 2020.

¹⁶¹ Government of Ireland, “[Roadmap for Reopening Society & Business](#)” (1 May 2020), p.20 [last accessed 27/08/2020].

2.2 Cross-border workers potentially impacted by Covid-19 measures

An overview of the context of cross-border workers on the island of Ireland

A degree of caution is necessary when speaking about cross-border mobility, and the numbers of those who regularly cross the Northern Ireland-Ireland border to work, and therefore of the number of those who could potentially be impacted by the introduction of Covid-19 measures by one or the other jurisdiction. Northern Ireland's Department for the Economy's March 2018 report on the movement of people across the border noted: "There is no one complete and definitive data source that records the number and purpose of all cross border movements between Northern Ireland, Great Britain and ROI [the Republic of Ireland]".¹⁶²

The 2016 edition of Eurostat's regional yearbook included a specific focus on commuting patterns, which in turn contained some useful insights into cross-border commuting. Thus, among other information it presented statistics on the share of total employment commuting across borders by NUTS 2 regions. However, this does not properly allow us to see the picture of cross-border mobility at the geographical level we are primarily concerned with here, which focuses on the areas more immediately adjoining the Northern Ireland-Ireland border.

The Northern Ireland Department for the Economy's March 2018 report underlines why this is the case, referring to the existence of different estimates as to how many people commute across the Northern Ireland-Ireland border, and putting forward an estimate of its own:

"The exact number of people that cross the border to work or study is difficult to quantify. The Centre for Cross Border Studies has used a variety of studies to provide an estimate that there are between 23,000 and 29,000 people who commute across the border. Based on the available information, an estimate of 25,000 trips (including daily and less regular commuters) across the border every day for work or study appears reasonable" (p.6).

It is also important to note that census figures on cross-border commuting will not include self-employed workers, such as freight drivers and builders, who work on both sides of the border but do not have a permanent place of work. The figures are also likely to exclude people such as those working in sales or construction who work mainly from home, but may have to cross the border regularly for work reasons. These gaps in our understanding of the true nature of cross-border labour mobility mean that we are not necessarily in a position to understand the ramifications of the Covid-19 measures brought in by the relevant authorities.

In their joint report of 2014 on the data from the 2011 censuses of Ireland and Northern Ireland, the CSO and NISRA noted that the "majority of those [from Ireland] who commuted to Northern Ireland were resident in the border areas of Donegal, Cavan, Monaghan and Louth", and while the residence of those commuting in the opposite direction "was more widely spread across Northern Ireland", "much of the activity is in border areas". However,

¹⁶² Department for the Economy, "[Background Evidence on the Movement of People across the Northern Ireland-Ireland Border](#)" (March 2018), p.4 [last accessed 27/08/2020].

bearing in mind that cross-border commuting for the purpose of education is included in this data, it is worth noting how the destinations of these cross-border commuters is not restricted to the Northern Ireland-Ireland border region, as the same report points out. In respect of commuters from Ireland, “Their destinations [...] were mainly concentrated in the Belfast and Derry LGDs, with further clusters in Newry, Armagh, Craigavon, Dungannon, Enniskillen, Omagh, Limavady, Strabane and Coleraine”. The destination of those commuting from Northern Ireland “is concentrated in Dublin, with further clusters in the towns of Letterkenny, Drogheda, Dundalk, Cavan and Monaghan”.¹⁶³ It is worthwhile reproducing here two maps included in the CSO and NISRA report to better illustrate the geography of these flows of cross-border commuters.

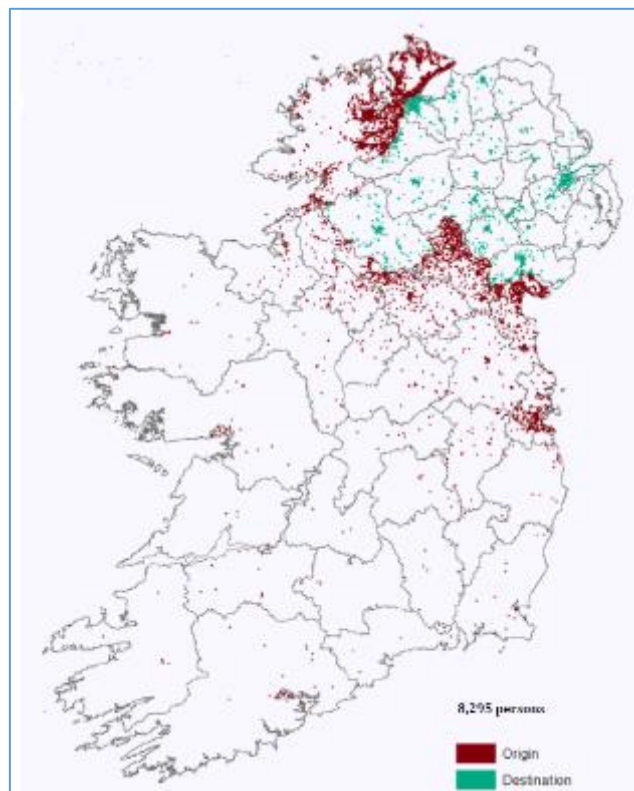


Figure 5: Origin and destination of cross-border commuters from Ireland to work or study in Northern Ireland¹⁶⁴

¹⁶³ CSO and NISRA, [“Census 2011: Ireland and Northern Ireland”](#) (June 2014), p.60.

¹⁶⁴ [“Census 2011: Ireland and Northern Ireland”](#), p.61.

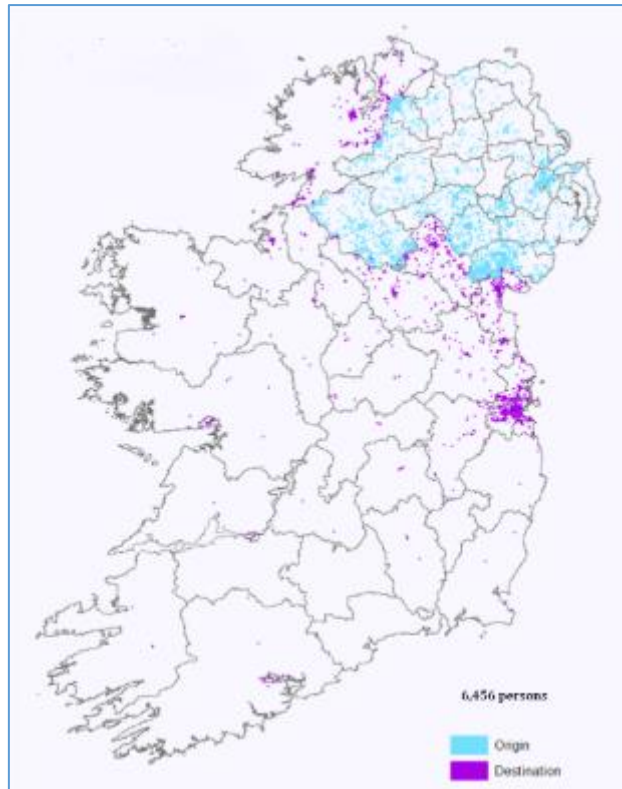


Figure 6: Origin and destination of cross-border commuters from Northern Ireland to work or study in Ireland¹⁶⁵

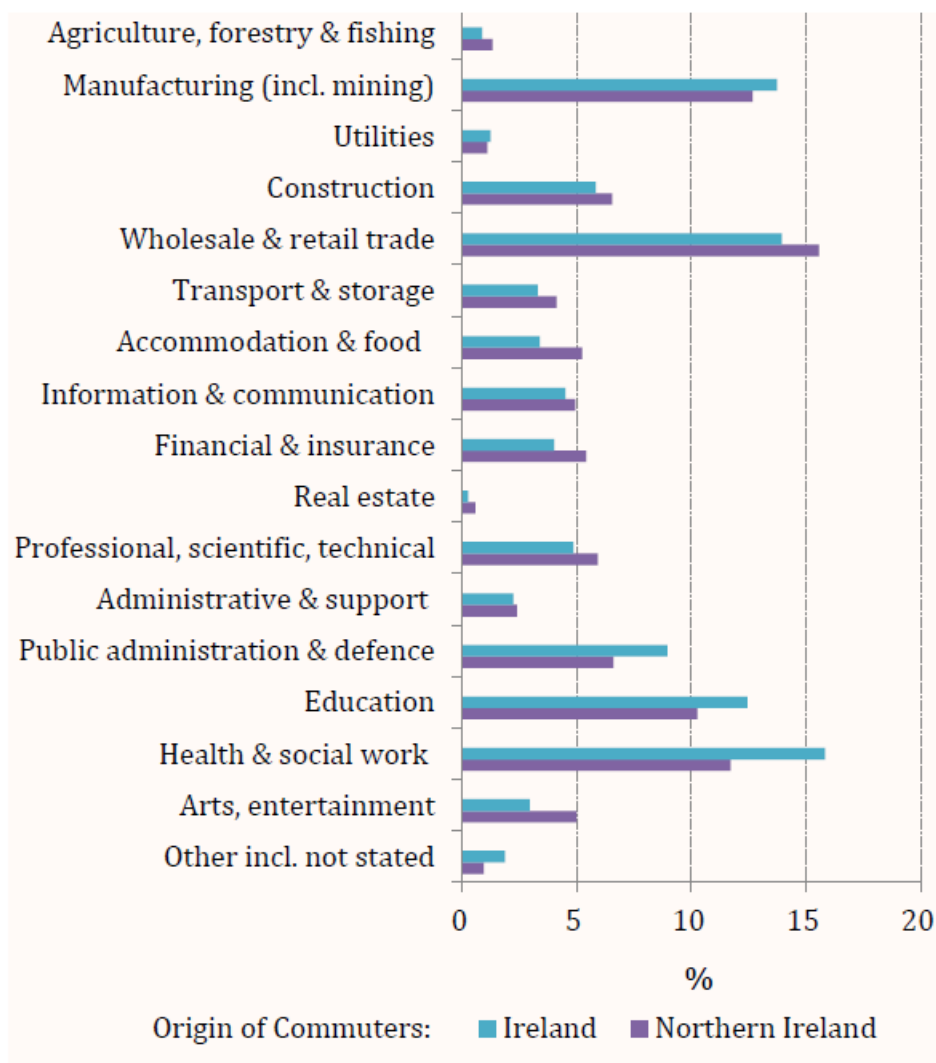
The more recent report by Northern Ireland’s Department for the Economy suggests that “commuter patterns indicate ‘hotspots’ between Derry-Londonderry and Donegal and between Newry and Dundalk (located on the Dublin-Belfast axis)”, and that “Other noteworthy interactions include Cavan and Enniskillen, Lifford and Strabane and Monaghan and Armagh”.¹⁶⁶ It also reflects on engagement it undertook with stakeholders in the North West of the island of Ireland, which “highlighted the importance of cross border workers”, and how “over the past 10-15 years there has been a large number of people from Derry-Londonderry who have moved to live in the towns and villages in Donegal in close proximity to the border while continuing to work in [Northern Ireland]” (p.19).

The 2014 joint report by the CSO and NISRA analysing the data from the 2011 censuses in the two jurisdictions noted that in terms of employment, “the most important industry for cross-border commuters was wholesale and retail, accounting for 16 per cent of persons travelling to Ireland from Northern Ireland and 14 per cent commuting in the opposite direction” (p.64). It also highlights the importance of education and health services, which together accounted for 28 per cent of those commuting from Ireland to Northern Ireland, and 22 per cent of those commuting in the opposite direction.

¹⁶⁵ “Census 2011: Ireland and Northern Ireland” , p.62.

¹⁶⁶ Department for the Economy, “Background Evidence on the Movement of People across the Northern Ireland-Ireland Border” (March 2018), p.6.

Figure 7: Industry of cross-border workers aged 16-74¹⁶⁷



Covid-19 and cross-border working

Given that there has not been a wholesale closure of the Northern Ireland-Ireland border, the flows of cross-border labour mobility have been most immediately affected by the relative impact of the introduction of public health measures by each jurisdiction on economic activity. In other words, **cross-border workers have been affected dependent, in the first instance, if their place of work was considered to be delivering an essential service by the jurisdiction in which it is located or, more latterly, whether it was included in the sectors of economic activity allowed to reopen as public health measures were eased.** The impact can also be felt differently according to the particular concentration of an activity within part of the cross-border territory, such as health and education in the North West of the island of Ireland.

¹⁶⁷ [“Census 2011: Ireland and Northern Ireland”](#), p.64.

Citizens' ability, therefore, to continue to cross the border for purposes of work has been dependent on the extent to which their area of activity has been affected by measures introduced in the relevant jurisdiction, and not by the introduction of any controls at the border. Moreover, neither government has introduced any requirement for cross-border workers to carry specific documentation to prove that their place of work is delivering an approved service. However, what this points to is not to a joint recognition by the two governments of any integration of the cross-border territory or its specific needs, but rather to decision-making processes whose scope does not ordinarily go beyond the limits of the border of each jurisdiction.

2.3 Cross-Border Businesses and Covid-19

The business landscape in the cross-border territory

It cannot be said that companies trading cross-border have been forced to stop their activities due to the introduction of border controls since these have not been introduced at any time. However, the introduction of public health measures within the two jurisdictions respectively has had a significant impact on the operation of many companies, and on the ability of citizens to engage in economic activities, which will have reduced demand for certain goods and services. It is also too early to assess the number of companies that may be forced to stop trading permanently, as government support schemes currently in place may be allowing many to continue as viable ventures, but this situation may change rapidly once those schemes come to an end.

The most recent data on trade between Ireland and Northern Ireland gathered by the Northern Ireland Statistics and Research Agency (NISRA) through its Broad Economy Sales and Exports Statistics (BESES) survey is for the 2018 period.¹⁶⁸ This shows that in 2018 Northern Ireland companies sold £3.1 billion of goods and £1.1 billion of services in the Republic of Ireland;¹⁶⁹ with total Northern Ireland exports in 2018 valued at £11.2bn, this means sales to the Republic of Ireland represented 37.5% of all exports. In the same period businesses in Northern Ireland imported £2.8 billion of goods (£2.4bn) and services (£0.4bn) from the Republic of Ireland;¹⁷⁰ given that Ireland's total exports in 2018 were worth approximately €140.6bn (£122.3bn) in goods and €180bn (£156.6bn) in services, exports to Northern Ireland represent around 1% of the total share.¹⁷¹ For Northern Ireland, therefore, the 2018 figures highlight the Republic of Ireland's position as its single largest export market.¹⁷² The top two exports from Northern Ireland to the Republic of Ireland were food and live animals (32%)

¹⁶⁸ NISRA, [Current publication - Broad Economy Sales and Exports Statistics](#).

¹⁶⁹ NISRA, [Northern Ireland Broad Economy Sales and Exports Statistics: Goods and Services Results 2018](#) (12 March 2020), p.8.

¹⁷⁰ NISRA, [Northern Ireland Broad Economy Sales and Exports Statistics: Purchases and Imports Results 2018](#) (21 May 2020), p.2.

¹⁷¹ Calculations are based on historical currency exchange rate in June 2018 of €1=£0.87.

¹⁷² NISRA, [EU Exit – Trade Analysis](#) (15 June 2020).

and machinery and transport equipment (16%), while the top two imports from the Republic of Ireland were food and live animals (41%) and manufactured goods (15%).¹⁷³

Bearing in mind important underlying differences in how the official statistical agencies – the CSO in the Republic of Ireland and NISRA in Northern Ireland – estimate the numbers of businesses in their respective jurisdictions, in 2017 there were 65,040 businesses in the Northern Ireland-Ireland border region (37,615 in the five NUTS 3 areas on the Northern Ireland side of the border, and 27,425 in the Border Regional Authority area and Co. Louth on the other side).¹⁷⁴ That represented 19% of businesses on the island of Ireland in 2017.

In 2019, 70.8% of all businesses in the agriculture, forestry and fishing sector in Northern Ireland were located within the five NUTS 3 areas adjoining the border, which also contained 58.6% of all construction businesses, 57.6% of all transport and storage businesses, 54.8% of all production businesses, and 48.9% of all retail businesses. In contrast, the same areas only contained 27.4% of all information and communication businesses, and 36.4% of all professional, scientific and technical businesses.¹⁷⁵

From similar statistics for 2017, construction (21.1%), wholesale and retail (17.9%), and professional, scientific and technical (16.1%) represent significant areas of business activity in the Republic of Ireland. This pattern is replicated across almost all of the Irish counties within the Northern Ireland-Ireland border region, with construction having an even greater presence here (representing 29.2% of businesses in Co. Cavan in 2017, and 22.3% in Co. Louth where it had the lowest percentage). The wholesale and retail trade was most strongly represented in Co. Monaghan (25.5% of all businesses in 2017), and had a weaker presence in Co. Sligo (18.6%). However, Co. Donegal differed from other counties in that businesses in the accommodation and food service sector were more strongly represented than those in the professional, scientific and technical sector, with the former accounting for 11.8% and the latter 9.2%. In the other counties the professional, scientific and technical sector was the third most represented, although with a weaker presence than in the Republic of Ireland as a whole (with Co. Sligo having the highest percentage of businesses with such activities, at 14.4%).¹⁷⁶ Agriculture is not included in the CSO data we have been referring to. However, it is noteworthy that 20.6% (approximately 28,400) of all Ireland's farm holdings in 2016 were located in the Border Regional Authority Area.¹⁷⁷

Covid-19 and cross-border trade

This business landscape within the Northern Ireland-Ireland cross-border territory will have been affected by the progression of the introduction of public health measures by each of the

¹⁷³ NISRA, [EU Exit – Trade Analysis](#) (15 June 2020).

¹⁷⁴ CSO, [“Business Demography NACE Rev 2 by Employment Size, County, Year and Statistic”](#), and “Table 3.1: Number of VAT and/or PAYE Registered Businesses Operating in Northern Ireland by District Council Area, 2013-2019”, in NISRA, [“Edition 22 – Facts and Figures from the IDBR”](#) (20 June 2019).

¹⁷⁵ NISRA, “Table 3.2: Number of VAT and/or PAYE Registered Businesses Operating in Northern Ireland by District Council Area and Broad Industry Group, 2019”, in [“Edition 22 – Facts and Figures from the IDBR”](#).

¹⁷⁶ The data used for these calculations was taken from CSO, [“BRA18: Business Demography by Activity, County, Year and Statistic”](#).

¹⁷⁷ CSO, [“Table 2.1: Number of Farms by Farm Size \(AAU\) and Region 2016”](#).

two jurisdictions, according to the sectors of economic activity most directly impacted and by their relative weight within the cross-border region. In the first phase, therefore, as Ireland and Northern Ireland went into “lockdown”, **the impact of Covid-19 on businesses and cross-border trade in the border region would have generally been more significant for those not considered by the relevant jurisdiction as delivering essential services.**

In late March 2020 the governments in Northern Ireland and the Republic of Ireland published *independently from each other* lists of what were to be considered essential retail services that citizens could continue to access, and essential workers exempt from travel restrictions (see table 1).

There was a considerable degree of cross-over in terms of the two administrations’ designations of essential retail outlets, and only days between the publication of the relevant information in the two jurisdictions. The same was largely applicable to the lists of workers exempt from travel restrictions, published on 28 March in both jurisdictions (see table 2).

Table 1: Essential retail outlets

Republic of Ireland¹⁷⁸	Northern Ireland¹⁷⁹
Retail and wholesale sale of food, beverages and newspapers	<ul style="list-style-type: none"> • Supermarkets (excluding any cafes within them), convenience stores and corner shops • Grocery markets – not including farmers markets, hot food markets or street food markets • Local fresh food suppliers like butchers, fishmongers and bakeries • Hot food takeaways - over the counter services only and not allowing an option to eat in • Newsagents
Retail sale of household consumer products necessary to maintain the safety and sanitation of residences and businesses	Medical or storage services
Pharmacies/Chemists and retailers providing pharmaceuticals, pharmaceutical or dispensing services	Retail services in hospitals
Opticians/Optometrists	Dental surgeries, opticians, audiology, physiotherapy, chiropody and other professional vocational medical services – for urgent appointments only
Retail sale of selling medical and orthopaedic goods in specialised stores	Pharmacies/Chemists and Health food shops
Fuel stations and heating fuel providers	Petrol stations
Retailers involved in the repair of motor vehicles, motorcycles and bicycle repair and related facilities	Garages, and auto repair shops for urgent work only
Retail sale of essential items for the health and welfare of animals, including animal feed and medicines, animal food, pet food and animal supplies including bedding;	Veterinary clinics and pet shops
Laundries and Drycleaners	Laundrettes and dry cleaners
Banks, Post Offices and Credit Unions	<ul style="list-style-type: none"> • High street banks, credit unions and cash points • Post offices
Retail sale of safety supply stores (for e.g. work clothes, Personal Protective Equipment)	Storage and distribution facilities, including delivery drop-off points
Hardware stores, builders’ merchants and stores that provide hardware products necessary for home and business maintenance, sanitation and farm equipment, supplies and tools essential for gardening/farming/agriculture	Hardware and building supplies stores
Retail sale of office products and services for individuals working from home and for businesses	<ul style="list-style-type: none"> • Public car parks in towns and cities near food takeaway services • Public toilets
Retailers providing electrical, IT and phone sales, repair and maintenance services for home	Funeral directors, crematoriums and related

¹⁷⁸ See Department of Health and Department of Business, Enterprise and Innovation, [“Updated list of essential retail outlets”](#) (27 March 2020) [last accessed 30/08/2020].

¹⁷⁹ See The Executive Office, [“Executive publishes list of essential businesses”](#) (24 March 2020) [last accessed 30/08/2020].

Table 2: Priority sectors with workers exempt from travel restrictions	
Republic of Ireland¹⁸⁰	Northern Ireland¹⁸¹
Agriculture and fishing	Agriculture, forestry and fishing
Manufacturing	Manufacturing
Repair and installation of machinery and equipment	Maintenance and repair of motor vehicles; Supply, maintenance and repair of commercial and agricultural vehicles and refrigeration units
Electricity, gas and water	Energy generation and supply; Water and waste
Construction (related to essential projects)	Construction (i.e., supporting, health service and related activities, other emergency and security services, food manufacture, supply & logistics and utilities)
Wholesale and retail trade considered essential	Wholesale and retail trade considered essential
Transport, storage and communication	Transport and storage; Information and communication
Accommodation (i.e. for the homeless) and food services	Accommodation (i.e. for the vulnerable), and food services
Financial and legal services (necessary to support essential services and vulnerable people)	Legal Services necessary for the functioning of the judicial system
Professional, scientific and technical services (necessary to support essential services)	Profession, scientific and technical services
Rental and leasing activities (to support the provision of essential services)	Real estate: Conveyancing – essential services which cannot be postponed
Administrative and support services (where necessary to support other essential services)	Administration and Support Services: <ul style="list-style-type: none"> • Security and investigation activities • Private security to priority services • Cleaning for priority service building • Emergency and remedial landscape service activities
Public administration and defence	<ul style="list-style-type: none"> • Administration of the State and the economic and social policy of the community • Provision of services to the community as a whole • Education
Human health and social work activities	Health <ul style="list-style-type: none"> • Human health activities • Residential care activities • Social Workers and social care activities • Any private provider assisting the public sector in delivery of these services
Community/voluntary services (involved in the delivery of essential services)	Third sector organisations providing support priority services and/or vulnerable people

¹⁸⁰ See *The Irish Times*, [“Coronavirus: Government publishes list of essential services”](#) (28 March 2020) [last accessed 30/08/2020].

¹⁸¹ See The Executive Office, [“Executive approves new powers to protect the public”](#) (28 March 2020), and nibusinessinfo, [“Priority Sectors during COVID-19”](#) (28 March 2020) [last accessed 30/08/2020]

As, initially, public health measures were progressively relaxed in both jurisdictions, with more areas of their respective economies enabled to return to their activities, businesses in the cross-border region previously considered not to be delivering essential services were accordingly able to open again. However, **not only were businesses on either side of the border given varying degrees of certainty in terms of timelines,¹⁸² their ability to open was dependent on decisions made in relation to conditions *within* the respective jurisdiction and not on those pertaining to the cross-border region.**

A survey of four Chambers of Commerce located in the Northern Ireland-Ireland border region,¹⁸³ and undertaken as part of the research for this report, highlighted how the respondents considered that the crisis had had an adverse impact on cross-border businesses due to their reliance on cross-border trade and supply chains. The virus has also impacted on those businesses located in the border region that whilst not involved in cross-border supply chains, have nevertheless suffered a drop in trade as clients from the opposite jurisdiction refrained from travel. This lack of cross-border mobility particularly affected those in the hospitality, tourism, and retail sectors. For example, the tourism sector in Donegal relies heavily on visitors from across the border in Northern Ireland. Colm Shannon, CEO Newry Chamber of Commerce and Trade, stated that the travel restrictions introduced at the end of March had an instant impact on trade and that the closure of shops heightened the lack of cross-border traffic and trade. This was echoed by Paddy Malone, PRO Dundalk Chamber of Commerce, who believed that there has been less cross-border mobility as a result of the pandemic.

However, it is important to emphasise once again that downturns in cross-border mobility and consequent impacts on businesses in the border region are not the consequence of closures of the border, but rather of travel restrictions and other public health measures introduced by the respective jurisdictions, and normally designed within the limits of the single jurisdiction.

The respondents to the survey of Chambers of Commerce revealed major concerns as to what the future will hold, reporting that many cross-border businesses and businesses located in the border region have started to plan or already implemented redundancy processes. A survey carried out by the Newry Chamber of Commerce and Trade in April/May indicated that about 50% of businesses believed that they would need less staff once they reopened.

¹⁸² The Republic of Ireland's "Roadmap for Reopening Society & Business", published on 1 May 2020, set out envisioned dates for its component stages, whereas Northern Ireland's equivalent pathway to recovery published on 12 May set out the necessary public health context necessary to progress between component stages rather than offering any dates. See *Merrion Street*, "[Government publishes roadmap to ease Covid 19 restrictions and reopen Ireland's economy and society](#)" (1 May 2020), and Northern Ireland Executive, "[Coronavirus: Executive Approach to Decision-Making](#)" (12 May 2020) [last accessed 30/08/2020].

¹⁸³ The four Chambers surveyed were LondonDerry Chamber and Letterkenny Chamber of Commerce in the North West, and Newry Chamber of Commerce and Trade, and Dundalk Chamber of Commerce from the eastern border region.

2.4 Educational settings in the border region and Covid-19

Any significant disruption to children and young people's ability to attend school or other educational settings was not caused by the imposition of border controls, as these have not occurred. Instead, this has been the result of the introduction of public health measures by the respective jurisdictions, which led to the closure at different times of schools and other education settings.

The Irish Government announced the closure of all schools, pre-schools and further and higher education settings on 12 March due to the pandemic.¹⁸⁴ On 18 March it was announced that all schools in Northern Ireland would close from 23 March.¹⁸⁵ It should be noted, however, that many schools in Northern Ireland, faced with a context of increasing numbers of cases of Covid-19 and the closure of schools in the neighbouring jurisdiction, pre-empted the announcement by using their allocation of discretionary closure days (e.g. staff training days) in order to close before 23 March.

It can be assumed that cross-border workers and employers would have to address the earlier closure of educational settings in the Republic of Ireland, and that it would have impacted on children and young people crossing the border for the purposes of education. In terms of numbers of cross-border students, it was estimated that in the 2017-18 academic year, there were 112 children resident in Northern Ireland attending primary schools in the Republic of Ireland, and 85 attending post-primary schools. In the same year there were 106 children resident in the Republic of Ireland attending primary schools in Northern Ireland, and 256 attending post-primary schools.¹⁸⁶

In overall terms, these numbers may not be significant (notwithstanding the difficulties caused to the students and their families involved), but **the difference in timings in the closure of schools had considerable repercussions and fed into a climate of uncertainty and confusion that undermined notions of the governments approaching the cross-border region as an integrated territory.**

This phenomenon is captured in an article published on 13 March – the day after the closure of all educational settings had been announced in the Republic of Ireland:

“The streets of Lifford in Co Donegal [Republic of Ireland] were deserted on Friday, apart from a few people heading to the pharmacy. Cafes and shops were empty and the local schools were closed as per Taoiseach [Irish Prime Minister] Leo Varadkar's instructions.

¹⁸⁴ Department of Education and Skills, [“Covid-19 – Statement from the Department of Education and Skills”](#) (12 March 2020) [last accessed 30/08/2020].

¹⁸⁵ The Executive Office, [“Full statements from First Minister Arlene Foster and deputy First Minister Michelle O'Neill on Covid-19 response”](#) (18 March 2020) [last accessed 30/08/2020].

¹⁸⁶ See *thedetail*, [“Brexit: Cross-Border Pupils”](#) [last accessed 30/08/2020]. It is important to note that official figures cannot capture the reality of the practice known as “grannyng”. This generally involves families from Northern Ireland who have moved to the Republic of Ireland, but who enrol their children in Northern Ireland schools using a grandmother or other relative's address in Northern Ireland.

One mild down the road in Strabane, Co Tyrone [Northern Ireland], things were a little more lively. Children in their school uniforms populated the coffee shops and Asda's [a major supermarket chain] car park was packed to capacity with shoppers on pre-apocalypse-style grocery missions.

[...] Schools, universities and childcare facilities are closed in the Republic. But they remain open in Northern Ireland.

People on the Tyrone/Donegal border were on Friday struggling to comprehend what the measures meant for them.¹⁸⁷

However, while the citizens of the border region may be geographically closer to the sources of divergence, they are sometimes employed as ciphers for the uncertainties experienced by the wider populations of both jurisdictions. Moreover, **the delay in Northern Ireland's closure of schools that had already occurred in the Republic of Ireland served to foreground political divisions within the power-sharing Northern Ireland Executive. In this instance the division was characterised as between those parties in favour of greater coordination with the Dublin government and those looking to follow the approaches adopted by the government in London.** Such fractures, more visible at times than others, militate against more sustained recognition of the cross-border region as an integrated or functional territory, requiring at times specific policy interventions and measures.

2.5 Covid-19 and discrimination in the cross-border territory

As governments have reacted to the pandemic by putting in place supports for businesses and workers, and by introducing and later relaxing public health measures, the emergence of divergences has at times resulted in perceptions of discrimination or unfair treatment of those operating on a cross-border basis. These have included the different supports available to cross-border workers, and the different timings of relaxations on the restrictions on certain areas of economic activity.

In terms of the latter concern, businesses in Northern Ireland felt themselves as being competitively disadvantaged as they saw their counterparts in the neighbouring jurisdiction reopening following the easing of restrictions by the Irish government. As reported in *The Sunday Times* on 9 June 2020, "Retailers in Northern Ireland [...] called for the reopening of businesses in border areas to match that in the Republic", with the Chief Executive of Newry Chamber of Commerce and Trade saying, "retailers and hospitality businesses, particularly those in border areas, are at a competitive disadvantage".¹⁸⁸

¹⁸⁷ Leona O'Neill, "[Coronavirus: On either side of Irish border, a struggle to comprehend the implications of crisis](#)", *Belfast Telegraph* (13 March 2020) [last accessed 30/08/2020].

¹⁸⁸ Micheal McHugh, "[Let Irish border shops open in tandem, ministers told](#)", *The Sunday Times* (9 June 2020) [last accessed 30/08/2020].

Another issue highlighting the perceived unfair treatment of cross-border workers relates to the introduction by the Irish Government of the Pandemic Unemployment Payment (PUP). Announced on 15 March 2020,¹⁸⁹ this new payment initially worth €203 per week (increased to €350 per week on 24 March),¹⁹⁰ was said to be “available to all employees and the self-employed who have lost employment due to a downturn in economic activity caused by the Covid-19 pandemic”. However, clarification was issued to specify that

“If a frontier worker is made wholly/fully unemployed they should claim unemployment benefits from the country where they are resident”, and that “The COVID-19 Pandemic Unemployment Payment [...] is not available to those resident in Northern Ireland”.¹⁹¹

While this can be seen as in accordance with the relevant EU regulations,¹⁹² it has nevertheless provoked feelings of resentment and of being unfairly treated among cross-border workers resident in Northern Ireland who were faced with applying for the UK’s Universal Credit scheme in their own jurisdiction, which implied longer waits for less generous payments. Indeed, the BBC reported on how cross-border workers resident in Northern Ireland had “seen their Republic of Ireland colleagues [...] receive Irish unemployment payments of €350 a week, while they face a five-week wait for UK benefits”, and that a cross-border worker “said for the past 14 years he has paid hundreds of euros in taxes each month to the Republic of Ireland and feels that he and thousands of other cross-border taxpayers have been abandoned at a time of crisis”.¹⁹³ Similarly, in our survey of Chambers of Commerce in the border region, it was noted that many of Letterkenny Chamber of Commerce’s members were disappointed that the PUP was not available to cross-border workers resident in Northern Ireland.

In their attempts to encourage businesses not to make substantial numbers of people unemployed as a result of the pandemic, the Irish and UK governments also introduced specific supports. Thus, on 20 March 2020 the UK Government announced the creation of the Coronavirus Job Retention Scheme,¹⁹⁴ whereby it would grant businesses up to 80% of furloughed employees’ salaries (up to £2,500 per month), with that support decreasing to 70% from 1 September 2020 with businesses expected to make up the shortfall. An equivalent scheme – the Covid-19 Temporary Wage Subsidy Scheme¹⁹⁵ – was announced by the Irish

¹⁸⁹ Department of Employment Affairs and Social Protection, [“Covid-19 Introduction of simplified Unemployment Payments for employees and payments possible through employers – Minister Doherty”](#) (15 March 2020) [last accessed 30/08/2020].

¹⁹⁰ *Merrion Street*, [“Govt announces National Covid-19 Income Support Scheme”](#) (24 March 2020) [last accessed 30/08/2020].

¹⁹¹ Department of Employment Affairs and Social Protection, [“Covid-19 Cross Border Frontier Workers”](#) (30 March 2020) [last accessed 30/08/2020].

¹⁹² Article 65 of [Regulation \(EC\) No 883/2004](#).

¹⁹³ Eimear Flanagan, [“Coronavirus: Cross-border workers ‘left in limbo’ over benefits”](#), *BBC News NI* (12 April 2020) [last accessed 30/08/2020].

¹⁹⁴ See HM Revenue & Customs, [“Claim for wages through the Coronavirus Job Retention Scheme”](#) (20 April 2020) [last accessed 30/08/2020].

¹⁹⁵ See Office of the Revenue Commissioners, [“General information on the Temporary COVID-19 Wage Subsidy Scheme”](#) (24 March 2020) [last accessed 30/08/2020].

Government on 24 March 2020, initially refunding eligible employers €410 per furloughed employee, before moving to a tiered scheme providing between 70 to 85 per cent subsidy for each furloughed employee, and with the scheme expected to end on 31 August 2020. Both of these schemes allowed businesses to obtain support for furloughed cross-border workers.¹⁹⁶

However, another issue that has caused uncertainty has been in relation to cross-border workers required by their employers to work from home, which could have tax implications. According to Jason Collins of Pinsent Masons, for example, and with relevance for cross-border workers resident in Northern Ireland required to work from home,

“It is hoped that HMRC [the UK tax authorities] and other tax authorities will take a pragmatic view as to whether some of these consequences can be waived due to the exceptional circumstances we are facing”.¹⁹⁷

In this case we see that the uncertainty is caused by the fact that cross-border workers who find themselves required to work from home feel themselves to be reliant on the authorities’ relaxation of the “normal” rules, and that they will continue to interpret this as “exceptional circumstances” for as long as they find themselves in this situation.

The pandemic has undoubtedly brought into sharp focus the issue of social security coordination, taxation, and the situation of cross-border workers and employers in terms of their ability to access any additional supports made available by governments. In relation to some of the reactions provoked by the exclusion of cross-border workers resident in Northern Ireland from the Pandemic Unemployment Payment introduced by the Irish Government, it could be argued that what the application of the EU regulations highlights is not necessarily discrimination. Instead, it could be the fact that the UK government’s supports for the unemployed are less generous and not as immediately available. In other words, there may be cross-border coordination, but that coordination is between unequal supports. Additionally, the pandemic has also underlined the urgent need for the timely provision of relevant and accessible information to citizens on the cross-border implications and eligibility of the range of supports introduced by the two jurisdictions. Without such provision of information uncertainty will increase among citizens in the Northern Ireland-Ireland cross-border region, undermining the territory’s functionality.

¹⁹⁶ For a more comprehensive overview of the supports available for businesses on the island of Ireland, see Maureen O’Reilly, [“Briefing Paper: Overview of Covid-19 Business Support Schemes for Northern Ireland \(NI\) and the Republic of Ireland \(RoI\)”](#), Centre for Cross Border Studies (May 2020).

¹⁹⁷ Pinsent Masons, [“Coronavirus: Implications for UK Tax Payments”](#) (1 May 2020) [last accessed 30/08/2020].

3. Covid-19 and the socio-economic development of the Northern Ireland-Ireland cross-border territory

The nature of the business demography of the Northern Ireland-Ireland border region means it is likely to be economically impacted by the Coronavirus pandemic to a significant degree. Sadly, this would represent a repetition of previous external shocks, such as the international financial crisis of 2008, which affect the cross-border region more deeply than many other parts of the island of Ireland, and from which the region takes longer to recover than elsewhere. To avoid consigning the cross-border region to its usual fate will require the combined and determined efforts of the governments of Ireland and Northern Ireland, as well as those of the UK Government.

3.1 Reduction of economic activities in the border region

Bearing in mind the business demography of the border region, recent statistics indicate the sectors of the economy that have seen significant downturns in activity. In the Republic of Ireland, while overall industrial production in May fell by 10.5% compared to April (representing an 11.6% decrease from the same period in 2019), the areas of industrial activity that saw the greatest monthly falls in production were “food products” (-25.7%), followed by “paper and paper products; printing and reproduction of recorded media” (-14.8%), and “textiles, wearing apparel and leather related products” (-11.7%).¹⁹⁸ In terms of services in the Republic of Ireland, the figures for May 2020 show that the sectors witnessing the greatest decrease in activity were “accommodation and food service” (-76%), “other service activities” (-60.6%, which includes areas such as “repair of computers and personal and household goods”), “transportation and storage” (-45.9%), “administrative and support service activities” (-31.4%), “professional, scientific and technical activities” (-21.8%), and “wholesale and retail trade” (-20.8%).¹⁹⁹

In Northern Ireland, according to the recent statistics on levels of output of production industries, the first quarter of 2020 saw a 4.7% fall from the same period in 2019.²⁰⁰ Although, according to NISRA’s commentary, the statistical release relating to Q1 2020 “captures the first direct effects of the coronavirus (COVID-19) pandemic on the [Northern Ireland] economy”, it is also noted that in light of the first government on social distancing not being published until 12 March 2020, “the impact of the COVID-19 pandemic on the economy is only partially reflected in these estimates”.²⁰¹ Nevertheless, these statistics show the manufacturing sub-sectors seeing the most significant quarterly decreases in production were “Manufacture of textiles, leather and related products” (6.5%), “Engineering and allied

¹⁹⁸ CSO, [“Industrial Production and Turnover May 2020”](#).

¹⁹⁹ CSO, [“Monthly Services Index May 2020”](#).

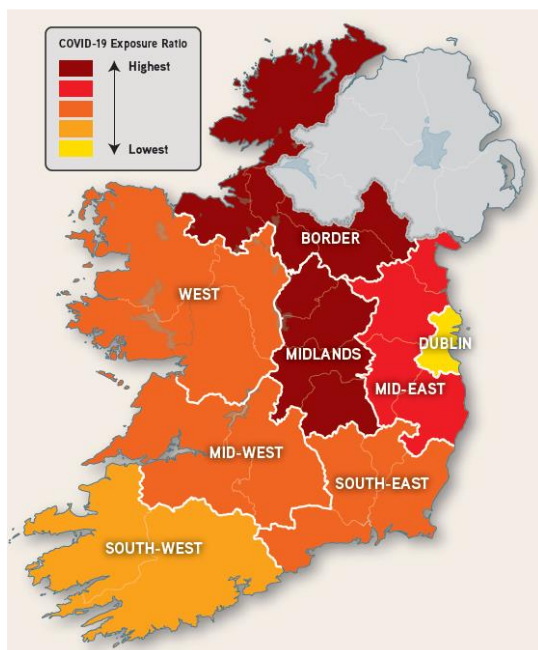
²⁰⁰ NISRA, [“Northern Ireland Quarterly Index of Production: Quarter 1 \(January – March\) 2020”](#) (18 June 2020), p.1.

²⁰¹ [“Northern Ireland Quarterly Index of Production: Quarter 1 \(January – March\) 2020”](#), p.1.

industries” (6%), “Manufacture of chemical and pharmaceutical products” (3.6%), and “Food products, beverages and tobacco” (1%).²⁰²

In the same quarter, services output saw a decrease of 4.2% from Q4 2019, and a decrease of 4.8% over the year.²⁰³ According to NISRA’s analysis, “The annual decrease in [Northern Ireland] services output was caused by decrease in all four subsectors, with Business services and finance sector down 7.6%; the Other services sector down 8.8%; the Wholesale and retail trade; repair of motor vehicles and motorcycles; accommodation and food service sector down 2.6% and the Transport, storage, information and communications sector down 0.8%”.²⁰⁴

Two reports offer further insights that include considerations on the geographical impacts of COVID-19, which in turn allow for a greater focus on the Northern Ireland-Ireland border region. The Republic of Ireland’s three regional assemblies produced a joint report assessing the likely impact of the pandemic on Ireland’s regional and sub-regional economies, using a “COVID-19 Exposure Ratio”.²⁰⁵ As can be seen in the map below (figure 8) reproduced from the report, it concludes that **“the Border sub region recorded the highest ‘COVID-19 Exposure Ratio’, with 49.5 per cent of its commercial units operating in sectors most affected by the outbreak of COVID-19”**.²⁰⁶



The regional assemblies’ report narrows the geographical focus further by providing an assessment of exposure at the level of individual counties. This notes that all of Ireland’s border counties register a “COVID-19 Exposure Ratio” above the average of 46%, with counties Donegal and Cavan recording the third (50.6%) and fourth (50.5%) highest ratios respectively.²⁰⁷ This calculation of economic exposure to COVID-19 at county level is shown geographically in the map below (figure 9) reproduced from the report, where counties Louth and Leitrim are also seen as highly exposed to economic impacts.²⁰⁸

Figure 8: COVID-19 Exposure Ratio per subregion, Republic of Ireland

²⁰² “Northern Ireland Quarterly Index of Production: Quarter 1 (January – March) 2020”, p.12.

²⁰³ NISRA, “Northern Ireland Quarterly Index of Services: Quarter 1 (January – March) 2020”, p.1.

²⁰⁴ “Northern Ireland Quarterly Index of Services: Quarter 1 (January – March) 2020”, p.7.

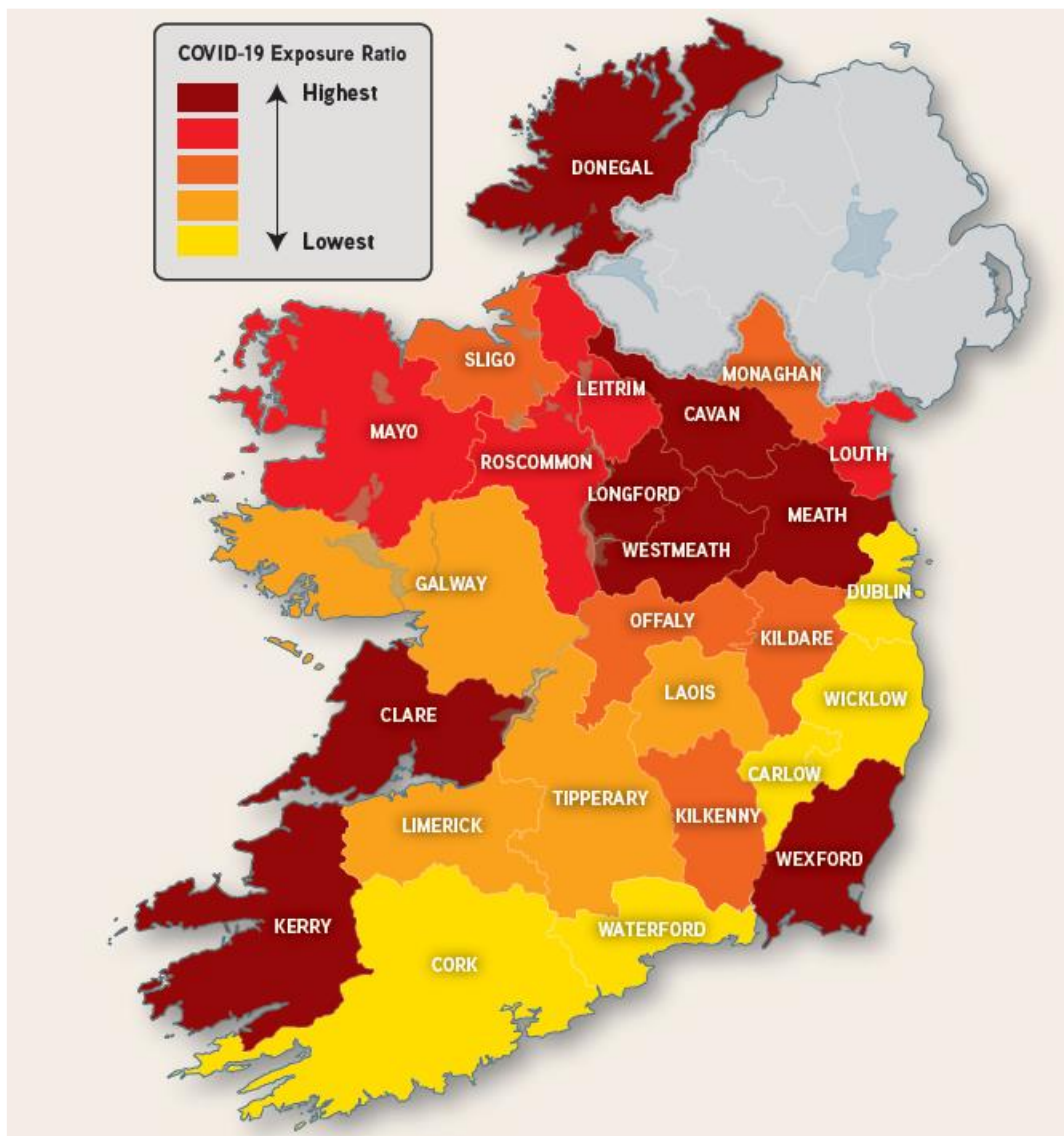
²⁰⁵ “Specifically, a geographical area’s ‘COVID-19 Exposure Ratio’ represents the total number of its commercial units that were operating in the sectors likely to be worst affected by the COVID-19 outbreak, as a proportion of its total commercial stock as of September 2019”. Eastern and Midland Regional Assembly, Southern Regional Assembly, and Northern & Western Regional Assembly, “COVID-19 Regional Economic Analysis” (May 2020), p.2.

²⁰⁶ “COVID-19 Regional Economic Analysis”, p.5.

²⁰⁷ “COVID-19 Regional Economic Analysis”, p.6.

²⁰⁸ “COVID-19 Regional Economic Analysis”, p.7.

Figure 9: COVID-19 Exposure Ratio at county level, Republic of Ireland



Similarly, Magennis, Park and Hetherington of Ulster University’s Economic Policy Centre (UUEPC) conclude that two of the four local authorities in Northern Ireland “to see the greatest impacts proportionally in their local economies in terms of both employment and GVA” are within the Northern Ireland-Ireland border region: Mid Ulster, and Newry, Mourne & Down.²⁰⁹ The authors base their conclusions on the concentration within these areas of business activities considered to be most at risk of disruption due to the pandemic, namely businesses in the construction, manufacturing, accommodation and/or retail sectors.

²⁰⁹ Eoin Magennis, Andrew Park and Gareth Hetherington, [“Potential economic consequences of COVID-19 in Northern Ireland: Revised estimates and a Council-level view”](#), UUEPC Discussion Paper 2 (29 May 2020), p.3. It is important to note that a more recent study undertaken for Northern Ireland’s Department for the Economy by the University of Strathclyde’s Fraser of Allander Institute substantiates these findings; see [“The impact of Covid-19 on the NI economy: modelled results for Q2 2020”](#) (August 2020).

However, the picture is more mixed when considering potential impacts on jobs specifically, with some Northern Ireland local government districts (LGDs) in the border region faring far better than others. The UUEPC report sets out, as indicated in table 3 below, the estimated number of jobs impacted by furlough and layoffs across all eleven LGDs, as well as the total for Northern Ireland, and what this represents in terms of the percentage change from the numbers of employees recorded in the last quarter of 2019.²¹⁰

	Total Employees Q4 2019 (estimates)	Total furloughed & laid off employees (estimates)	% Change
Mid Ulster	59,500	22,900	-38.5%
Newry, Mourne & Down	63,800	22,000	-34.5%
Mid & East Antrim	46,500	15,800	-34.0%
Causeway Coast and Glens	42,100	14,300	-34.0%
Ards and North Down	38,300	12,400	-32.4%
Antrim & Newtownabbey	65,900	21,200	-32.2%
Lisburn & Castlereagh	61,000	19,600	-32.1%
Armagh City, Banbridge & Craigavon	79,400	25,200	-31.7%
Northern Ireland	788,600	249,500	-31.6%
Fermanagh and Omagh	42,200	13,000	-30.8%
Belfast	232,800	67,200	-28.9%
Derry City and Strabane	57,100	15,900	-27.8%

Table 3: Estimated number of jobs impacted by furlough and layoffs across all eleven LGDs of Northern Ireland

While Mid Ulster and Newry, Mourne & Down are seen as the two areas most impacted in Northern Ireland in terms of jobs, and Armagh City, Banbridge & Craigavon is estimated to experience a slightly greater impact than the overall impact for Northern Ireland (although with high absolute numbers of jobs affected), the other two LGDs in the border region (Fermanagh and Omagh, and Derry City and Strabane) are expected to be among those seeing the least impact. Crucially, the authors of the UUEPC report highlight the fact that these statistics do not take into account the self-employed or new/potential entrepreneurs, many of which will have seen their work practices restricted as a result of the pandemic. “This implies”, they note, “that Council areas with the highest percentages of self-employed and entrepreneurial intentions – notably Mid Ulster, Fermanagh & Omagh, and Newry, Mourne & Down – will find themselves most impacted”,²¹¹ and all three of them located within the border region.

²¹⁰ [“Potential economic consequences of COVID-19 in Northern Ireland: Revised estimates and a Council-level view”](#), p.18.

²¹¹ [“Potential economic consequences of COVID-19 in Northern Ireland: Revised estimates and a Council-level view”](#), p.20.

When looking at estimated impacts on gross value added (GVA), Mid-Ulster is considered by the authors of the UUEPC report to be the local government district most likely to see the greatest decline, as per the table below (table 4) based on the report’s findings.²¹²

	Q2 % decline in GVA	Full year % decline in GVA
Mid Ulster	-38.2%	-16.3%
Mid and East Antrim	-38.0%	-15.2%
Causeway Coast and Glens	-32.2%	-13.3%
Newry, Mourne and Down	-30.2%	-12.0%
Fermanagh and Omagh	-30.4%	-11.9%
Antrim and Newtownabbey	-27.6%	-11.5%
Belfast	-26.4%	-10.6%
Ards and North Down	-26.3%	-10.6%
Armagh City, Banbridge & Craigavon	-25.9%	-10.6%
Derry City and Strabane	-23.6%	-9.5%
Lisburn and Castlereagh	-21.4%	-9.3%

Table 4: Impact on GVA per LGD, Northern Ireland

While Mid Ulster is predicted to suffer the greatest decline in GVA due to the effects of the pandemic, Newry, Mourne and Down, and Fermanagh and Omagh are also areas within the border region seen as witnessing significant declines. However, the two remaining local government districts in the border region – Armagh City, Banbridge & Craigavon, and Derry City and Strabane – are expected to be among the areas seeing the lowest rates of decline.

3.2 Furlough and unemployment in the cross-border region

According to HMRC statistics released in June 2020, 211,700 claims had been made in Northern Ireland up until 31 May 2020 to the UK Government’s Coronavirus Job Retention Scheme.²¹³

²¹² “Potential economic consequences of COVID-19 in Northern Ireland: Revised estimates and a Council-level view”, p.20.

²¹³ HM Revenue & Customs, “Coronavirus Job Retention Scheme Statistics: June 2020” (11 June 2020).

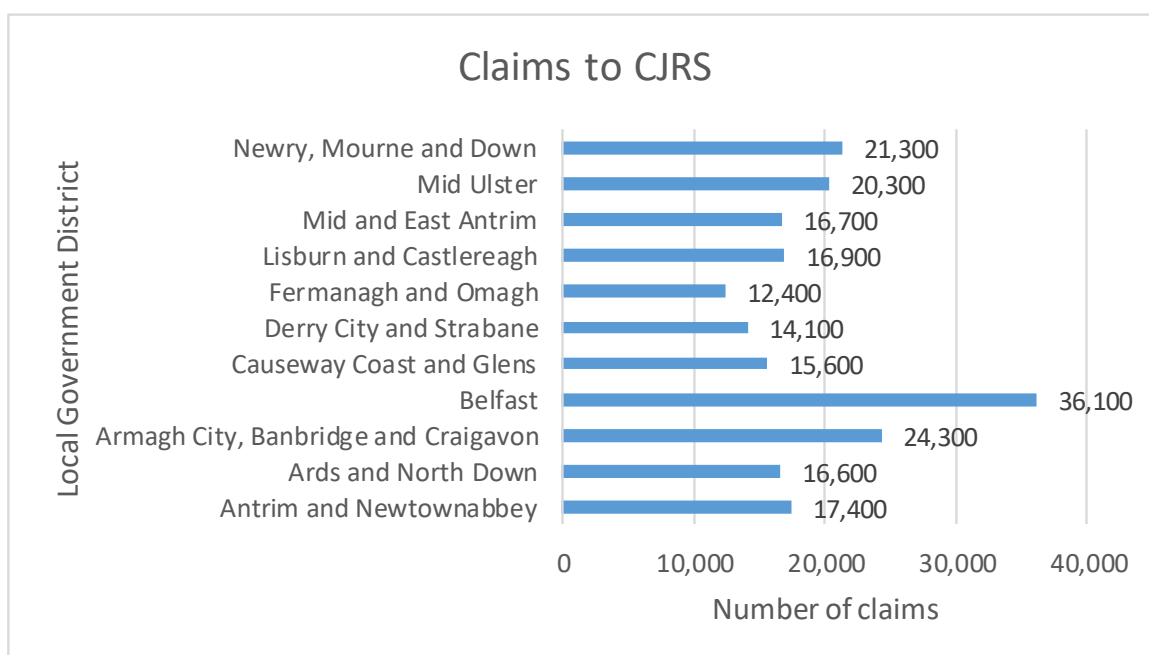


Figure 10: Claims in Northern Ireland to the UK's Coronavirus Job Retention Scheme (CJRS)

Although the highest number of claims to the scheme were made by businesses based in Belfast (36,100), three local government districts abutting the border account for the next three regions with the highest numbers of claims: Armagh City, Banbridge and Craigavon (24,300), Newry, Mourne and Down (21,300), and Mid Ulster (20,300). However, it should also be noted that the other two regions abutting the border have the lowest number of claims: Fermanagh and Omagh (12,400) and Derry City and Strabane (14,100). Overall, this means that the five border regions in Northern Ireland accounted for 92,400 of all claims to the scheme in Northern Ireland, or approximately 44% of the total.

There have been enormous year-on-year increases in the numbers of people claiming support principally for the reason of being unemployed. According to NISRA,²¹⁴ in May 2020 there were 64,220 claimants in Northern Ireland, which represents a 120.6% increase on the same period in 2019.

Table 5: Year-on-year increases in the numbers of people claiming support, Northern Ireland

Local Government Districts	Total	Change over month		Change over Year	
		Number	%	Number	%
Antrim and Newtownabbey	4,075	410	11.2	2,310	130.7
Ards and North Down	4,845	475	10.9	2,695	125.3
Armagh City, Banbridge and Craigavon	6,315	1,140	22.0	3,640	135.9
Belfast	14,850	710	5.0	8,410	130.6
Causeway Coast and Glens	5,305	735	16.0	2,625	97.9
Derry City and Strabane	7,115	945	15.3	2,660	59.7

²¹⁴ NISRA, "[Claimant Count Tables](#)" (16 June 2020).

Fermanagh and Omagh	3,240	535	19.7	1,610	98.7
Lisburn and Castlereagh	3,425	385	12.6	2,100	158.4
Mid and East Antrim	4,255	570	15.4	2,250	112.3
Mid Ulster	4,150	730	21.3	2,585	164.8
Newry Mourne and Down	6,645	1,170	21.4	4,230	175.4
Total	64,220	7,795	13.8	35,110	120.6

Belfast saw the largest number of claimants (14,850). The three regions with the next highest numbers of claimants are all border regions: Derry City and Strabane (7,115), Newry, Mourne and Down (6,645), and Armagh City, Banbridge and Craigavon (6,315). The five border districts accounted for 27,465 (43%) of all claimants, although Fermanagh and Omagh had the lowest number of claimants in Northern Ireland (3,240).

Meanwhile, in the Republic of Ireland there were 345,600 people in receipt of a Pandemic Unemployment Payment on 14 July 2020,²¹⁵ and 265,741 jobs were being supported by the Temporary Wage Subsidy Scheme on 19 July 2020.²¹⁶ The distribution of these supports across the border counties is as follows:

	Pandemic Unemployment Payment (14 July)	Temporary Wage Subsidy Scheme (19 July)
<i>Cavan</i>	4,900	4,415
<i>Donegal</i>	11,400	9,525
<i>Leitrim</i>	2,200	1,784
<i>Louth</i>	10,300	7,674
<i>Monaghan</i>	4,500	4,222
<i>Sligo</i>	4,200	3,701

Table 6: Number of people in receipt of a Pandemic Unemployment Payment, Republic of Ireland

In overall terms, the border counties accounted for 10.9% (37,500) of total Pandemic Unemployment Payments, and 11.8% (31,321) of total Temporary Wage Subsidy Scheme payments. With 11,400 in receipt of PUP, and given its total population in 2016 represented 3.3% of Ireland's total population, Donegal appears to be one of the counties most affected by the pandemic in terms of employment.

²¹⁵ Department of Employment Affairs and Social Protection, "[Update on Payments Awarded for Covid-19 Pandemic Unemployment Payment and Enhanced Illness Benefit](#)" (13 July 2020).

²¹⁶ CSO, "[Detailed COVID-19 Income Support and Live Register Tables](#)".

3.3 Cross-border communication between companies and public authorities

Our survey of Chambers of Commerce in the cross-border region revealed sustained communication between businesses during the pandemic in order to find common solutions to the challenges both jurisdictions were facing. The Chief Executive of Letterkenny Chamber of Commerce, for example, pointed to the benefits of cross-border ‘joined-up’ thinking, as shown by the decision by businesses in Derry/Londonderry to follow the example of their counterparts in Donegal and close for Saint Patrick’s Day weekend. This is thought to have lessened the spread of the virus and “shows in a small way how working together and not worrying about borders is the only way forward for the economic success of the region”. Nevertheless, Chambers also reported that some of their members have been more reluctant to travel due to concerns over Covid-19-related risks, with the hospitality and tourism sectors seen as particularly affected.

3.4 Cross-border public transport

The provision of cross-border public transport services was affected by decisions made in relation to public transport in both jurisdictions. Thus, when Northern Ireland’s Minister for Infrastructure announced on 20 March 2020 a reduction in the level of public transport provision in Northern Ireland as a response to the Covid-19 outbreak, it was also confirmed that cross-border coach and rail services would be operating on a reduced timetable.²¹⁷ Coupled with the recognition that many workers, including cross-border workers were now required to work from home, revised refund policies were put in place by the relevant public transport providers.²¹⁸

However, the future level of provision of cross-border public transport services is likely to be dependent on the overall health of public transport in the respective jurisdictions. In turn, this will be determined to some extent by their capacity to absorb and react to the potential for longer-term changes to commuting patterns as employers and employees extend their use of the option to work from home. The more immediate consequences of the need to abide by public health measures have undoubtedly had a significant impact on public transport in general, with reports, for example, that the Irish “Government seems likely to have to stump up considerable sums of money to keep key public transport services on the road”.²¹⁹

3.5 Impacts on the agricultural workforce in the border region

The current pandemic has had a considerable impact on the availability of seasonal labour for the agricultural sector. As well as having to face volatility in prices for their produce, the closure of livestock marts, suspensions of bovine TB testing, and other changes to their

²¹⁷ Department for Infrastructure, [“Minister announces reduction in public transport services as response to COVID-19 outbreak”](#) (20 March 2020) [last accessed 30/08/2020].

²¹⁸ See, for example, Translink, [“Refunds During Covid-19 Emergency”](#) [last accessed 30/08/2020].

²¹⁹ Martin Wall and Jennifer Bray, [“Government funding needed to keep public transport on the road”](#), *The Irish Times* (11 May 2020) [last accessed 30/08/2020].

normal working practices, farmers have had to cope with the effects of travel restrictions on their recruitment of workers. “The horticultural, and more particularly fruit, sectors within Northern Ireland could also be vulnerable to COVID-19 in relation to their ability to access seasonal labour during the busy harvest periods”, according to the Northern Ireland Assembly Research and Information Service, with “measures on movement both into and within Northern Ireland” presenting challenges.²²⁰

Crucially, however, the impacts on the agricultural workforce within the Northern Ireland-Ireland border region need to be considered more in terms of the relatively far more significant weight of the agricultural sector in comparison to other parts of the island of Ireland, rather than in relation to cross-border labour mobility. In other words, whereas it may be the case in other European border regions that agricultural production on one side of the border relies on the mobility of labour from the other side, the agricultural sector in both Northern Ireland and the Republic of Ireland relies more on the mobility of labour from outside the island of Ireland. Therefore, Covid-19 restrictions on inward travel from other countries, particularly from central and eastern Europe are far more important to certain sectors of agricultural production than cross-border restrictions affecting the mobility of labour. But the reliance on migrant labour has led to certain instances of uneasiness, as in the case of the arrival in Dublin in April 2020 of a chartered flight “transporting 189 Bulgarian workers to be deployed on fruit farms owned by Dublin company Keelings”, which led to the then Taoiseach, Leo Varadkar, reportedly saying he shared “the discomfort expressed by the chief medical officer about the report of a large number of people coming to Ireland earlier this week to work in the horticulture sector”.²²¹

3.6 Cross-border employment services

The rapidly changing context produced by the Coronavirus pandemic and the resulting introduction of various public health measures and supports by the UK and Irish governments and the devolved Northern Ireland administration has presented significant challenges to those offering cross-border employment services. It has meant expending considerable efforts to maintain a comprehensive and up-to-date knowledge of the relevant changes affecting cross-border workers and employers, and disseminating that information in a timely and accessible manner.

This has imposed significant strains on dedicated providers of cross-border employment information such as the EURES Ireland/Northern Ireland Cross-Border Partnership,²²² and the Centre for Cross Border Studies’ own flagship Border People project.²²³ Despite the immediate operational challenges resulting from the pandemic and the introduction of public

²²⁰ Mark Allen, “[COVID-19 and farming – A bitter harvest?](#)”, Northern Ireland Assembly Research and Information Service (5 May 2020) [last accessed 30/08/2020].

²²¹ Cate McMurray and David Young, PA, “[Varadkar orders urgent review after fruit picker charter flight lands in Ireland](#)”, *Belfast Telegraph* (17 April 2020) [last accessed 30/08/2020].

²²² For more on the EURES Ireland/Northern Ireland Cross-Border Partnership, see <http://www.eurescrossborder.eu/about-us>.

²²³ For more detail on Border People, visit <https://borderpeople.info/>.

health measures, the Border People project, for example, has continued to inform stakeholders of the evolving situation in relation to cross-border employment and social security. It has not only organised tailored information session for cross-border practitioners (such as citizens’ advisors), the project has also published Briefing Papers on Covid-19 issues of relevance to cross-border workers.²²⁴

What the current crisis has underlined, however, is the vital need for such services. Their inherent value is in their cross-border nature, which means they are seen as primary sources for those who are cross-border workers or employers, or indeed for those crossing the border for other reasons, such as to study or retire. Whereas relevant information can be found (with varying degrees of difficulty) across a number of official sources within each jurisdiction, services such as Border People and EURES are able to act as a “one-stop shop” for those looking for advice on cross-border employment or other cross-border matters.

Nevertheless, this “open” border regime could neither prevent a significant fall in cross-border traffic nor could it be interpreted as an intentional move on the part of the authorities towards treating the cross-border territory as a functional or integrated region. **The geographical reality of the island of Ireland has not necessarily resulted in close and ongoing coordination between the two governments. This has left an estimated 23,000 to 29,000 cross-border commuters, citizens and businesses in the border region having to negotiate differences in the introduction and lifting of public health measures by the governments in Dublin and Belfast. Meanwhile, neither set of measures could be enforced on a cross-border basis.** Fractures between the introduction and subsequent lifting of public health measures in the two jurisdictions on the island of Ireland presented citizens in the border region with unintended opportunities to access services in the other jurisdiction that were no longer or not yet available in their own. However, in the absence of significant cross-border enforcement of measures, it has generally been left to citizens to police themselves and to refrain from exploiting fractures between the approaches taken by the authorities in the two jurisdictions. Moreover, differences in approaches have also at times led to resentment among certain communities in the border region as citizens from the other jurisdiction continued to travel across the border, and they have sometimes provoked confusion and feelings of being unfairly treated as cross-border workers made unemployed as a result of the pandemic have found that they are not entitled to certain financial supports.

3.7 Covid-19 and the future development of the cross-border economy and labour market

Responses to our survey of Chambers of Commerce in the cross-border region revealed a widespread concern for future socio-economic development in the area. Crucially, however, the threats to such development come from two sources: the Coronavirus pandemic and Brexit. Describing this dual threat as “the perfect storm”, one Chief Executive of a Chamber set out the prospects for current cross-border relations in the following terms:

²²⁴ See, for example, Annmarie O’Kane, [“COVID-19: Social Security Entitlement for Frontier Workers in Ireland and Northern Ireland”](#) (7 May 2020).

“As a Chamber we would have concerns about the combined impacts of Covid-19 and Brexit on cross-border trade and cross-border relationships. [...] Our concerns are that with the reduced contact as a result of Covid-19 and the potential change in trade flows as a result of Brexit, these close working relations will begin to dissipate. The economies of both jurisdictions have benefited from the strengthened economic relationships since the Good Friday Agreement, and we will need the support of the two governments to ensure that not only do we retain these relationships but we continue to grow them”.

Without specific focus from both governments on the island of Ireland, as well as additional support from the UK Government and the European Union, the future of the cross-border economy and labour market is not assured. This is in large part because the Northern Ireland-Ireland cross-border territory contains economic sectors that are considered most exposed to the negative impacts of both Brexit and Covid-19. Businesses and citizens in the cross-border region are resilient and ready to collaborate on a cross-border basis where that is seen as bringing mutual socio-economic benefits. That is why, in view of a positive tradition of cross-border cooperation, particularly in the wake of the 1998 Belfast/Good Friday Agreement, another Chief Executive of a Chamber of Commerce commented in his response to our survey that strategic cross-border partnerships such as the one in existence in his area “should not be allowed to slip off the governments’ agenda because of Brexit or Covid-19 economic fallout”.

4. Cross-Border Cohesion

This section will consider the relative health of cross-border cohesion and how the Coronavirus pandemic may have impacted on it. Among the measures used to assess the levels of cross-border cohesion will be the levels of cross-border movement, the involvement of existing cross-border networks in dealing with the crisis, and what these can tell us about the future prospects for cross-border cooperation.

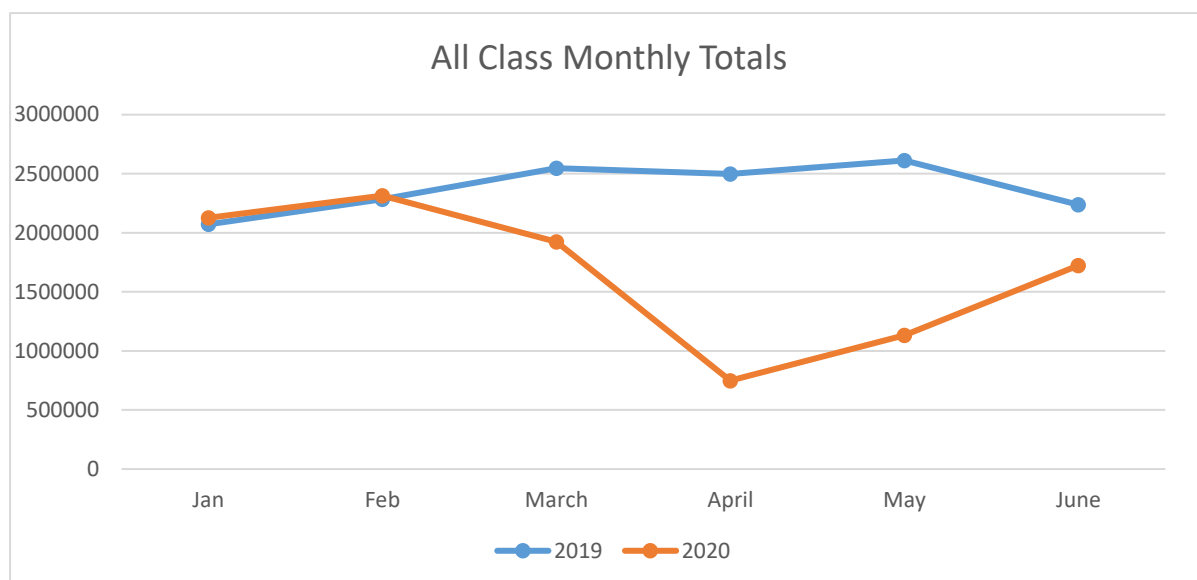
4.1 Cross-border mobility

Our analysis of data on the number of cross-border journeys recorded by Transport Infrastructure Ireland (TII) and available on the TII website,²²⁵ and taken from a total of 12 TTI traffic counters located in close proximity to the Northern Ireland/Ireland border, reveals a significant decrease in the amount of recorded journeys across all TII Traffic counter sites along the border since March 2020, and in comparison to the same period in 2019.²²⁶

²²⁵ The TII Traffic Data website presents data collected from the TII traffic counters located on the National Road Network. [https://www.nratrafficdata.ie/c2/gmapbasic.asp?sgid=ZvyVmXU8jBt9PJE\\$c7UXt6](https://www.nratrafficdata.ie/c2/gmapbasic.asp?sgid=ZvyVmXU8jBt9PJE$c7UXt6)

²²⁶ For a more detailed analysis of the results, see Mark McClatchey, “[Briefing Paper: The Impact of COVID-19 on Cross-Border Movement on the Island of Ireland](#)”, Centre for Cross Border Studies (August 2020), from which the information in this section is taken.

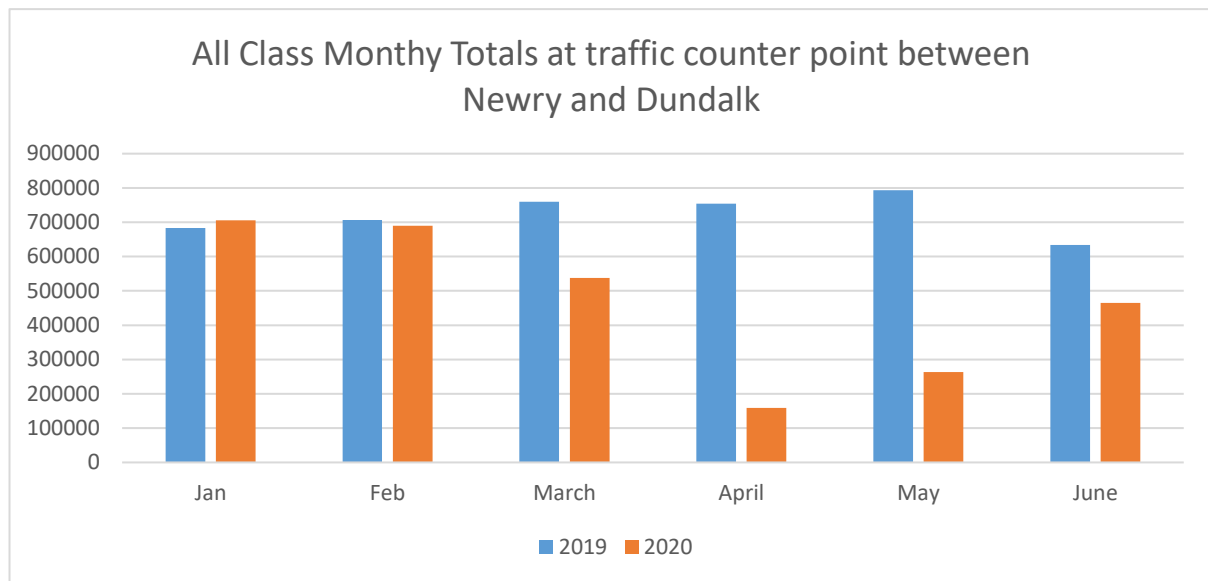
Figure 11: Number of recorded journeys across all TII Traffic counter sites along the border between March and June, for 2019 and 2020



There was a 28.8% decrease in cross-border traffic, with 3,882,291 less journeys recorded in the first 6 months of 2020 compared with the same period in 2019, despite the data showing a small increase in the number of cross-border journeys in both January and February 2020. Quarter 1(Q1) of 2020 showed a 7.8% decrease when compared with Q1 in 2019, with Quarter 2(Q2) showing a much greater reduction of 50.8% when compared with the previous year.

The largest decrease in the number of journeys recorded in any single month occurred in April when lockdown measures and restrictions were at their most rigorous, resulting in a 70% reduction in the total number of all class journeys, with 4,861 less cross-border journeys being recorded on a daily basis. Data from what is normally the busiest cross-border traffic counter point, located between the border cities of Newry and Dundalk along the Belfast-Dublin corridor, reveals a severe decrease in the number of cross-border journeys.

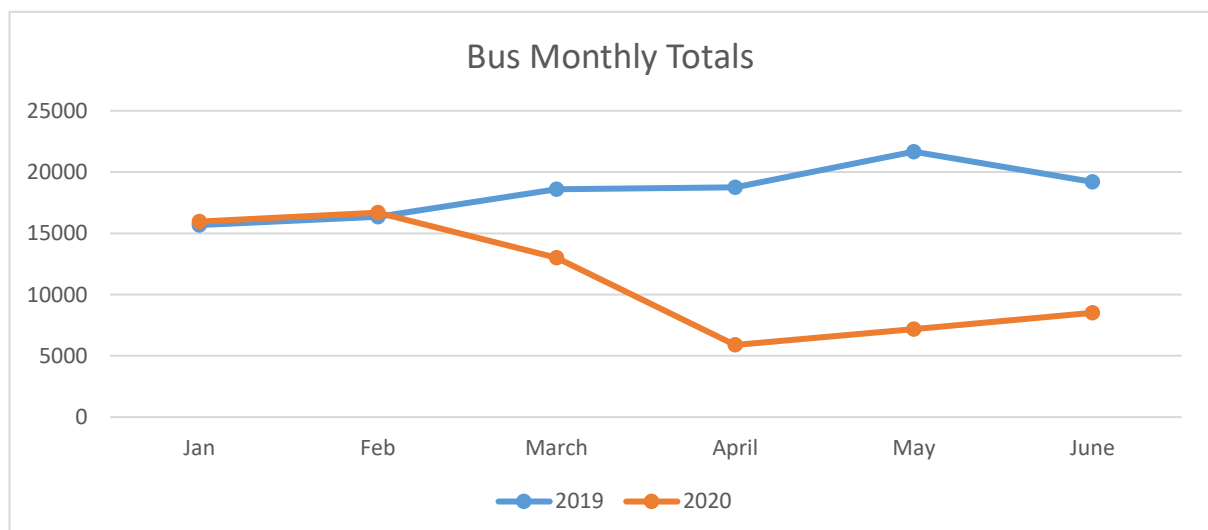
Figure 12: Number of recorded journeys across all TII Traffic counter point between Newry and Dundalk between March and June, for 2019 and 2020



The reduction observed at this site was of 79% and 66.8% in April and May respectively, in comparison with the same periods in 2019.

While it is not possible to distinguish between public and private providers of cross-border bus services, data taken from the TII sites shows significant decreases in the numbers of buses crossing the border.

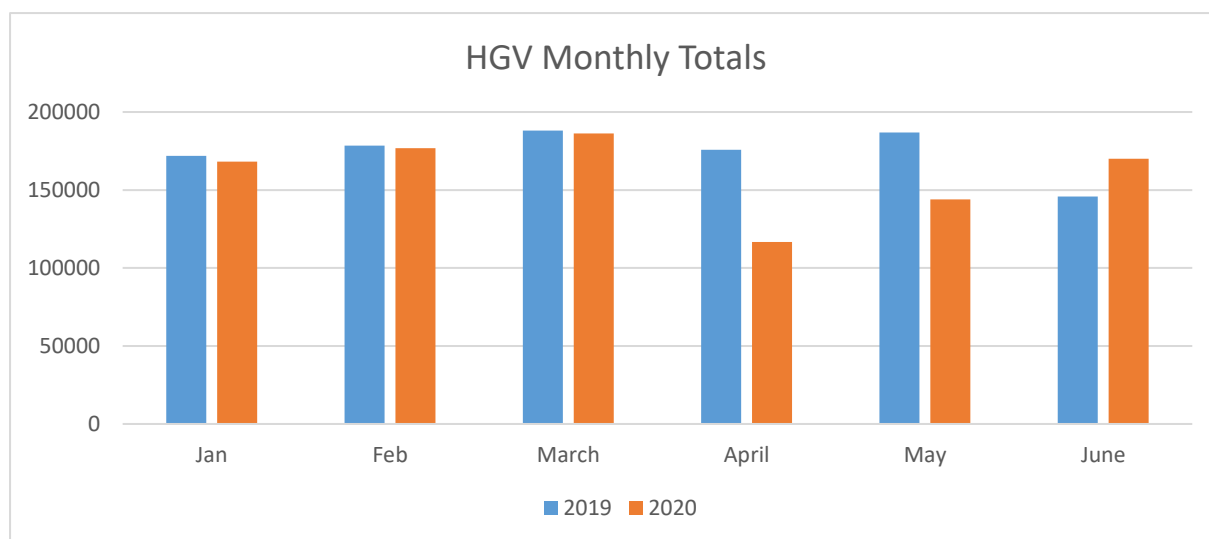
Figure 13: Number of recorded journeys by cross-border bus services between March and June, for 2019 and 2020



Having increased in January and February, the number of cross-border bus journeys fell by 30% in March and 68.6% in April in comparison with the equivalent periods in 2019.

However, while there has also been a decrease in the volume of Heavy Good Vehicle (HGV) cross-border journeys, this has not been to the same level as other classes, with HGVs also quicker in their return to pre-Covid volumes. The Chief Scientific Officer (CSO) in the Republic of Ireland has reported that since the first relaxation of some lockdown measures on 18 May, the number of HGV journeys recorded at selected sites has been increasing.²²⁷ This would support the data from across the 12 cross-border TII sites analysed in our research.

Figure 14: Number of recorded cross-border HGV journeys between March and June, for 2019 and 2020



There was an early decrease in the number of HGV journeys recorded, with volume down by 2.2%, 0.9% and 1% in January, February and March respectively in comparison with 2019 levels, which may have been an early indication of the effects of the pandemic in other countries involved in the supply chain. The volume was most affected in April, with a decrease of 33.5%, before starting to recover with a smaller deficit of 23% from May 2019, until June 2020 saw an increase of 16.7% the in volume of HGV cross-border journeys when compared to the previous year.

The significant differences between the impacts of Covid-19 on the levels of cross-border movement of vehicles transporting goods and those conveying people are indicative of governmental efforts to keep goods flowing. Maintaining supply routes for the increasing demand on freight has been aided by an agreement reached between the UK, the Republic of Ireland and France to keep vital freight routes open for goods such as food and medicines during the COVID-19 pandemic.²²⁸ In contrast, the authorities' efforts to combat the spread of Covid-19 through the introduction of travel restrictions had a considerable effect on the cross-border mobility of citizens, even if those restrictions were not necessarily introduced as

²²⁷ Irish Examiner, "Covid 19 impact: Plunge in rail, bus and air transport" (27th July 2020), <https://www.irishexaminer.com/news/arid-40022975.html> [Last Accessed 28/07/20]

²²⁸ UK Department of Transport, "Freight transport in the context of COVID-19: joint statement by the United Kingdom, France and Ireland (24th April 2020), <https://www.gov.uk/government/news/freight-transport-in-the-context-of-covid-19-joint-statement-by-the-united-kingdom-france-and-ireland> [last accessed 25/07/20]

the result of a cross-border approach. It might be assumed that if cross-border cohesion is in large part the result of social interaction, then significant reductions in cross-border mobility could have a deleterious effect on that cohesion. However, the following section may disprove that.

4.2 Cross-border institutions, organisations and networks

Surveys of cross-border institutions, organisations and networks undertaken as part of our research have shown that while for many the pandemic has meant the absence of physical meetings, this has not necessarily translated as a reduction in the number of cross-border meetings. Indeed, the majority reported that whilst meetings had now gone online, the number had not decreased, and many noted that the frequency of meetings had actually increased. The cancellation of meetings in the early stages of the pandemic as “lockdown” first came into operation in the two jurisdictions on the island of Ireland (albeit in slightly different ways and at slightly different times) was quickly remedied by cross-border institutions as they found online platforms for their meetings.

Forced to resort to digital means to hold cross-border meetings, some respondents to our survey noted that this has enabled them to be more accessible and productive. As a senior administrator in a cross-border organisation noted, “Using Zoom or Microsoft Teams has meant more people are willing to attend our meetings, and that we’re not spending a whole day travelling to get to a meeting that only lasts an hour or so”.

It could be argued that the increased use of digital technology has at least supported levels of cross-border cohesion, if not actually increasing that cohesion in some ways, despite the fact that not all areas of the Northern Ireland-Ireland border region have access to adequate broadband.

Naturally, the operations of some cross-border institutions, organisations and networks may have been more impacted by the introduction of public health measures than others due to the nature of the services they deliver. Meanwhile, the overall intensity of cross-border communication reflected the efforts made to inform partners and stakeholders of the evolving situation, as well as the sharing of planning for the easing of lockdown.

A number of such institutions and cross-border organisations were also able to rapidly divert their activities, particularly those involving health and social care, in order to directly support citizens in the border region in dealing with effects of the pandemic. **Arguably, this would indicate that intermediate and lower level institutions and organisations already involved in cross-border cooperation activities (a significant proportion of which are in receipt of EU funding) have demonstrated significant resilience in terms of maintaining their cross-border channels of communication, as well as their capacity to offer practical support to communities in the border region.**

Significant instances have been facilitated by the Special EU Programmes Body (SEUPB),²²⁹ which has allowed cross-border EU-funded projects to adapt to the needs arising from the pandemic, illustrated in particular by the cross-border healthcare Cooperation and Working Together (CAWT) partnership. All four of CAWT's current INTERREG VA-funded projects were able to refocus their efforts on Covid-19, with the €5.2m Community Health Sync (CoH-Sync) project, "which aims to help synchronise the efforts of the community, voluntary and statutory health sectors by creating locally based health and well-being community hubs", for example, developing "COVID-related information for the six border county community hubs".²³⁰

These examples of successful and useful interventions by cross-border institutions and organisations need, nevertheless, to be seen as arising from a context that was often made more complicated by the two governments. In this sense, cross-border cohesion and the ability of cross-border institutions and organisations to maintain it during the Coronavirus pandemic has often been challenged by the frequent failure of the administrations to coordinate their introduction of measures. Differences in timings and in the detail of public health measures introduced or eased by the Dublin and Belfast governments have resulted in cross-border institutions and organisations having to negotiate bureaucratic gaps and anomalies.

4.3 Evaluation: Cross-border cohesion and the responses to Covid-19 – mutual recognition instead of cross-border coordination

In contrast to intermediate and lower level cross-border institutions, organisations and networks, and while the Departments of Health of the two jurisdictions signed a Memorandum of Understanding (MoU) to provide a framework for cooperation in addressing the pandemic, there has been little evidence of major examples of successful joint procurement of medical equipment or other significant cross-border governmental initiatives.

Published on 7 April 2020, the MoU was presented as an outworking of a meeting of ministers from both governments in Armagh on 14 March, and as an expression of "their mutual willingness to promote cooperation and collaboration in response to the COVID-19 pandemic".²³¹ It set out how cooperation would focus on seven key areas: modelling of the spread of COVID-19; the development of public health and non-pharmaceutical measures in response to the pandemic; common public messages; working together on relevant

²²⁹ The SEUPB is one of the six implementation bodies established under Strand Two of the 1998 Belfast/Good Friday Agreement. Its principal responsibility is as Managing Authority for various EU funding programmes, particularly the implementation of the EU's PEACE IV and INTERREG VA programmes.

²³⁰ SEUPB, "Cross-Border Healthcare Partnership Connects Communities and Services During COVID-19", *Your EU!* (Summer 2020), p.13, <https://seupb.eu/sites/default/files/styles/INTERREGVA/Your%20EU.pdf> [last accessed 07/07/2020].

²³¹ Department of Health, Ireland, and Department of Health, Northern Ireland, "Memorandum of Understanding. COVID-19 Response – Public Health Co-operation on an All-Ireland Basis Between: The Department of Health, Ireland (and its Agencies); and the Department of Health, Northern Ireland (and its Agencies)" (7 April 2020), <https://www.health-ni.gov.uk/sites/default/files/publications/health/MOU-NI-Rol-Covid-19.pdf> [last accessed 27/04/2020].

programmes of behavioural change; research; collaboration on ethical frameworks; and supporting cooperation in areas such as procurement.

Crucially, in terms of the development of public health responses and the effectiveness of cross-border coordination of public services delivery, the MoU also states that:

“Consideration will be given to the potential impact of measures adopted in one jurisdiction on the other recognising that the introduction of such measures may differ reflecting differences in COVID-19 transmission at different stages of the public health response”.

On the one hand, this has been suggested as evidence that the island of Ireland has come to be seen as being made up of two epidemiological units,²³² missing out on the opportunity to fully exploit the potential for cross-border cooperation. On the other, it nevertheless also points to the value of assessing what the impact will be on the other jurisdiction as public health measures are introduced on one side of the border, and that those impacts are communicated to citizens. **Failure to communicate such impacts will undermine effective cross-border coordination of public service delivery and citizens’ ability to access services in a timely manner, and militate against cross-border cohesion.**

Pre-existing channels of cross-border cooperation are also alluded to in the MoU, which notes how “Cooperation on the public health-driven response to COVID-19 will build on existing and long-established cooperation on the island of Ireland between the Participants and the health services including across cancer, ambulance and congenital heart services, and the strong pre-existing cooperation between the offices of the Chief Medical Officers in both jurisdictions”.²³³ The MoU also refers to the Institute of Public Health and its role in conducting research on strengthening the COVID-19 response, thereby drawing on the experience and knowledge of an organisation with an established record of working collaboratively on a cross-border and cross-sectoral basis, which includes collaborating with the community and voluntary sector.²³⁴ This points to the need to recognise the existence and value of cross-border partnerships, and to celebrate them and ensure their sustainability going forward so that they may be called upon again when governments are faced with challenges that do not recognise borders.

A notable and promising success in terms of the adoption of a cross-border outlook to the response to the pandemic was the launch in late July by the two governments of their respective contact tracing phone apps. Although launched separately, they were developed by the same firm, and are designed to be interoperable and allow them to work cross-

²³² Michael Tomlinson, “Coronavirus: Ireland is one island with two very different death rates”, *The Irish Times* (22 April), <https://www.irishtimes.com/opinion/coronavirus-ireland-is-one-island-with-two-very-different-death-rates-1.4234353> [last accessed 26/04/2020].

²³³ See also Department of Health, “Department of Health Collated Briefing Provided for PfG Talks” (3 July 2020), pp.2-7, <https://www.gov.ie/en/publication/7b927-programme-for-government-documents/#the-department-of-health> [last accessed 07/07/2020].

²³⁴ For more on the Institute of Public Health, see <https://2019.iph.ie/about>.

border.²³⁵ This makes immense sense in the geographical setting of the island of Ireland, with two jurisdictions sharing the same landmass.

5. Conclusion: The (cross-border) need to learn the lessons

It is hoped that the current pandemic will spur the governments in Ireland and Northern Ireland to greater cross-border collaboration in the area of health, properly exploiting the formal structures made available by the Belfast/Good Friday Agreement, especially the North South Ministerial Council. In this regard the Programme for Government of the recently established coalition Irish government sets out a commitment “to deepen and strengthen north-south health links, in view of the fact that COVID-19 has reinforced the need to protect public health on the island of Ireland”.²³⁶ The prospects for the future of cross-border cooperation in the health sector will depend on the degree to which both governments learn from the lessons of the pandemic, and on the political will to support such cooperation, which would be of enormous benefit to cross-border cohesion.

Crucially, the improvement of the quality of wider cross-border cooperation and of the strength of cross-border cohesion will depend on the willingness of the public administrations and cross-border institutions and organisations to nurture the new working practices they have been obliged to adopt as a consequence of the pandemic. The freedoms and flexibilities provided by the willingness to participate in online meetings rather than attend physical ones offer a significant means of strengthening cross-border cooperation.

This need is reinforced by another. The pandemic has obliged governments to frequently introduce legislation quickly with the aim of protecting public health. However, the experience of often having to negotiate inconsistencies and anomalies arising from the lack of a more coordinated approach by the two administrations on the island of Ireland has underlined the need to adopt cross-border territorial impact assessments of legislation as a matter of course.

In the absence of such assessments, of relevant information, and of greater coordination between the governments through channels such as the North South Ministerial Council, it is possible that we will see an increase in misunderstandings and feelings of resentment among citizens, damaging not only cross-border cohesion, but potentially the ongoing peace and reconciliation process on the island of Ireland. An example of this arising from the different restrictions imposed on travel by the two governments, and the failure to communicate what these differences could imply, is the reported reaction of residents of the Irish county of Donegal to the arrival of people from Northern Ireland during the Easter holiday period: “A

²³⁵ See Department of Health, [“Public information campaign will promote newly-launched StopCOVID NI app”](#) (31 July 2020) [last accessed 30/08/2020].

²³⁶ [“Programme for Government: Our Shared Future”](#) (June 2020), p.105 [last accessed 30/08/2020].

border community is ‘angry and frustrated’ that Covid-19 restrictions cannot be enforced on day trippers from Northern Ireland”.²³⁷

The current pandemic has also exacerbated certain feelings of pre-existing unfair treatment of those who work cross-border, and that their interests are not taken seriously by governments and officials. This has given rise, for example, to the establishment of the Cross Border Workers Coalition, which is lobbying for the Irish Government to change the tax regulations for employees resident in Ireland but working in Northern Ireland. With workers being asked to work from home, this issue has become all the more pressing for such cross-border workers.²³⁸

While the responses to Covid-19 on the island of Ireland may not always have shown sufficient levels of cross-border coordination, or properly exploited the formal structures for North-South cooperation established by the 1998 Good Friday Agreement, it is hoped that the lessons will have been learnt by both governments and their respective officials. **This is all the more urgent since what our initial assessment has shown is that the impact of the pandemic on the Northern Ireland-Ireland cross-border region will be significant – a region already under threat by the consequences of Brexit, and that can ill afford the absence of strengthened North-South cooperation.**

²³⁷ *thejournal.ie*, “[Donegal locals ‘angry and frustrated’ that Northern Ireland day trippers are not covered by laws](#)” (27 April 2020) [last accessed 30/08/2020].

²³⁸ See *Donegal Live*, “[New North West campaign group to tackle remote working tax rules for Donegal cross-border workers](#)” (30 August 2020) [last accessed 30/08/2020].

ANNEXES

Annex A provides general timelines that describe the spread of the Coronavirus disease and its consequences, both globally and in Europe in particular. Annex B gives an overview of the general estimations on COVID-19 related cases and casualties. Annex C sets out a comparative timeline for each of the countries²³⁹ involved in this dossier regarding Corona crisis response measures.

Annex A: COVID-19 Timelines (world and Europe)

Anne-Laure Liardou

GENERAL TIMELINE (WORLD)	The Spread of the Disease and its consequences
16 December 2019	First case of Covid-19 identified in Wuhan
21 December 2019	A viral pneumonia outbreak is identified in Wuhan
30 December 2019	Doctors from Wuhan start raising a warning
31 December 2019	The possibility of an epidemic is being raised
9 January 2020	First death due to the Covid-19
20 January 2020	Wuhan is placed in lockdown
24 January 2020	First cases of Covid-19 identified in Europe (France)
30 January 2020	WHO qualifies the epidemic as a « public health emergency »
15 February 2020	A religious gathering in Mulhouse facilitates the spread of the virus in the Upper Rhine region
9 March 2020	« Black Monday » for the European stock market
10 March 2020	All countries of the European Union are now affected by Covid-19 (according to the Institut Pasteur)
11 March 2020	WHO declares corona virus outbreak a pandemic
13 March 2020	WHO considers Europe as the new epicentre of the pandemic
8 April 2020	Wuhan's lockdown is lifted
28 April 2020	The global death toll surpassed 200,000
29 May 2020	President Trump said the U.S. would leave the W.H.O.
17 June 2020	The epidemic is spreading, with outbreaks on several continents (Latin America, Africa, South Asia and the United States)

For a comprehensive timeline of EU action in response to the Corona crisis, see: https://ec.europa.eu/info/live-work-travel-eu/health/coronavirus-response/timeline-eu-action_en.

²³⁹ Belgium, France, Germany, Netherlands, Poland, Republic of Ireland, Switzerland, and United Kingdom and Northern Ireland.

GENERAL TIMELINE (EUROPE)	Overview of initial European response
28 January 2020	The EU activates its crisis mechanism
12 March 2020	The European Member States start restricting movement at borders (reintroduction of controls at internal borders or even closures at external borders)
17 March 2020	The EU closes its external borders for 30 renewable days
15 April 2020	European Commission strategy for the lift of lockdown in the EU
15 April 2020	Denmark is the first European country to reopen its schools
11 May 2020	Europe starts to lift lockdowns
13 May 2020	Recommendations of the Commission on the re-opening of internal borders in the Schengen area
30 June 2020	EU agrees to open its external borders to 15 third countries (Algeria, Australia, Canada, Georgia, Japan, Montenegro, Morocco, New-Zealand, Rwanda, Serbia, South Korea, Thailand, Uruguay + China on condition of reciprocity)

Sources:

- Timelines by
 - “Timeline of WHO’s response to Covid-19”, WHO, viewed 13 July 2020, <<https://www.who.int/news-room/detail/29-06-2020-covidtimeline>>
 - “Covid-19 Disease (Novel Coronavirus), Institut Pasteur, viewed 13 July 2020, <<https://www.pasteur.fr/en/medical-center/disease-sheets/covid-19-disease-novel-coronavirus>>
 - “Timeline of the Coronavirus”, Think Global Health, viewed 13 July 2020, <<https://www.thinkglobalhealth.org/article/updated-timeline-coronavirus>>
- Embassies and government websites
- NI Department of Health
- Upper Rhine: Comparative table, Euro-Institut.

Annex B: General estimations on COVID-19 cases and deaths

Anne-Laure Liardou

Date	Region / country	No. of cases	No. of casualties	Source
30th June²⁴⁰	Worldwide	10 185 374 cases	503 862 deaths	WHO
	Worldwide	10 273 424 cases	505 209 deaths	ECDC
	EU+EEA+UK	1 557 010 cases	176 814 deaths	
	Belgium	61 427 cases	9 752 deaths	
	France	164 260 cases	29 813 deaths	
	Germany	194 259 cases	8 973 deaths	
	Netherlands	50 223 cases	6 107 deaths	
	Republic of Ireland	25 462 cases	1 735 deaths	
	Poland	34 154 cases	1 444 deaths	
	Switzerland	31 569 cases	1 681 deaths	
	UK	311 965 cases	43 575 deaths	
	<i>Northern Ireland</i>	5 760 cases	551 deaths	NI Department of Health

²⁴⁰ To match with the time period of the dossier.

Annex C: Comparative timeline per country (involved in this dossier) regarding Corona crisis response measures

Anne-Laure Liardou

COMPARATIVE TIMELINE	FIRST CASE/ FIRST DEATH Due to Covid-19	SCHOOLS (closure/ reopening)	SHOPS (closure/ reopening)	LOCKDOWN (beginning/ end)	BORDERS (restrictions or closures/ lift of restrictions or reopening)
France Nb: 23 March a law creates a « State of health emergency » extended to 10 July.	24 January / 14 February	16 March to 11 May (smaller classes, voluntary basis) and 22 June (compulsory for all students of primary and secondary school) (in South Elsass: 9th March)	14 March (declaration stage 3 of the epidemic = closure of non-essential shops) to 11 May	17 March (limit of 1km around the house, a list of reasons to go out) to 11 May (or 2 June for the complete lift with no 100km around the house limit)	18 March (restrictions: international travel certificate, 14-day quarantine) to 15 June for internal borders (reciprocity 14-day quarantine for Spanish people until 21 June and for UK until ?) and 1 July for non-European countries

Germany	<p>27 January / 9 March</p> <p>Baden-Württemberg: 25 February / 12 March</p> <p>Rheinland-Pfalz: 2 March</p>	<p>Baden-Württemberg: 17 March to 4 May, up to 22 June (progressively)</p> <p>Rheinland-Pfalz: 16 March to 4 May (progressively)</p>	<p>16 March to 20 April (shops under 800 square meters) and 11 May long list of essential shops</p> <p>Baden-Württemberg: Same</p> <p>Rheinland Pfalz: Same</p>	<p>Baden-Württemberg: 22 March to 30 June, only ban of gatherings (only 2 people, until 10 May) but freedom of movement</p> <p>Rheinland-Pfalz: 23 March, ban of gatherings (only 2 people) until 27 April</p> <p>Elsewhere in Germany: 12-13 March First restrictions on public life with ban of gatherings of more than 1,000 people to 15 April start easing of corona measures</p> <p>Special case of Gütersloh (23 June to 7 July)</p>	<p>Restrictions: 16 March to 6 May (Luxembourg) to 15 June (Austria, France, Denmark, Switzerland) to 21 June (Italy, Spain)</p>
Switzerland	<p>25 February / 5 March</p>	<p>13 March to 11 May up to 8 June</p>	<p>16 March to 27 April (hairdressers and handwork stores) and 11 May</p>	<p>21 March (only ban of gathering of more than 5 persons) to 7 June</p>	<p>13 March (Italy), 16 March (France, Germany, Austria), 25 March (Spain), 25 March (Liechtenstein) to 15 June</p>

Belgium	4 February / 11 March	16 March To 2 June (kindergarden), 8 June primary school, up to 18 June for the others	18 March (to be confirmed) to 4 May (Garden and hardware stores) and 11 May (other shops) up to 8 June (bars and restaurants)	18 March (authorization to go out only to work or for basic necessities purchases) to 4 May	20 March to 15 June
Netherlands	27 February/ 6 March	16 March to 2 June (primary school), 8 June (secondary school), up to 15 June for the others	Social distancing in regular shops. 16 March (coffee shops and restaurants) to 1 June	First objective of « collective immunity » so no proper lockdown but a « smart confinement » Still, gatherings of more than 100 forbidden from 12 March to 1 June	18 March (restriction for non-essential travel by persons from third countries to Europe) to 15 June. No closure for neighboring countries (to be confirmed) Only tourists from Sweden and the UK were not allowed
Poland	4 March / 12 March	12 March to 25 May for primary schools. Only youngest children and final-year university students allowed back to class, (for the others, no reopening until back to school in September)	15 March (bars and restaurants) to 19 April up to 6 June	25 March (authorization to go out only to work or for basic necessities purchases) to 20 April (first phase) up to unknown date	9 March beginning of sanitary controls at borders then 15 March strong restrictions at the air/maritime/land borders with Czech Republic, Slovakia, Germany and Lithuania to 13 June (reopening of borders and no-more quarantine)

United Kingdom and Northern Ireland	UK 31 January / 5 March NI 27 February / 19 March	23 March (or before if discretionary closing days activated by the schools) to 1st June up to end of August/beginning of September.	20 March (pubs, restaurants, cinemas etc.) to 12 June for small shops in NI up to 4 July	23 March to 4 July The Northern Ireland Executive published a five-stage recovery plan on 12 May, but with no fixed dates for the lifting of restrictions.	14-day quarantine for travelers coming from outside the Common Travel Area from 8 June to 10 July (lifted only for people from France, Germany, Italy and Spain arriving in England) No closure between Northern Ireland and the Republic of Ireland
Republic of Ireland	29 February / 11 March	12 March to back to school in September	24 March to 8 June (high street shops with social distancing)	28 March to 18 May (progressively), 20 June (phase 3) up to 20 July (phase 4)	No closure between Northern Ireland and the Republic of Ireland

Sources:

- Embassies and government websites
- NI Department of Health
- Upper Rhine: Comparative table, Euro-Institut
- Barthélémy Gaillard, « Coronavirus: ce que les États membres ont mis en place » (Coronavirus: What was put in place by the Member States), Toute l'Europe (french information portal on the European Union), 23 June 2020, viewed 15 July, <<https://www.touteurope.eu/actualite/coronavirus-ce-que-les-etats-membres-ont-mis-en-place.html>>
- Institut Montaigne (French independent think tank) series of articles on « States and coronavirus » from April to June (France, Germany, Switzerland, Poland, Netherlands, UK, Belgium), viewed 16 July.

Annex D: Overview of interview partners (background talks) per region

Overview of interview partners for the cross-border region Euregio Meuse-Rhine (Chapter 2)

Institution	Sector	Administrative level (Region/ City/ Municipality)	Country (seat) or Cross-border region	Position/ Expertise interviewee	Date of interview
Province of Limburg (NL)	Public authorities	Regional	The Netherlands	Senior-Advisor (Stefan Kupers)	15 th . June 2020
State government of North Rhine-Westphalia (D)	Public authorities	Regional (State-level)	Germany	Head of unit (Uta Loeckx)	23 rd . June 2020
Euregio Muesse-Rhine	Public authorities	Supraregional	The Netherlands (Muesse-Rhine Euregion)	Managing director (Micheal Dejozé)	17 th . June 2020
Aachen Transportation association (AVV)	Transport operations	Municipal (Sub regional)	Germany	Euregional Coordinator (Julia Quitmann)	19 th . June 2020
Stichting Geen Grens (Foundation)	Private foundation	(Eu)regional	The Netherlands	Board member (Ger Essers)	17 th June 2020
Aachen Chamber of industry and commerce	Industry and commerce	Municipal (Sub regional)	Germany	Unit manager International transport and trade (Gunter Schaible)	2 nd . July 2020
Province of Zeeland/ Ministry of the Interior and Kingdom Relations	Public authorities	Regional/ National	The Netherlands (Marc van Damme)	22 nd June 2020
Embassy of the Kingdom of Belgium in The Hague (NL)	Diplomatic representation	State level	Belgium	First Secretary (Jean-Jacques Dohogne)	8 th . August 2020
EMRIC (Euregio Meuse-Rhine Network Operational and Crisis Management)	Disaster and relief Management	(Eu)regional	The Netherlands	Programm Manager (Marian Ramakers)	18 th . June 2020
Benelux Union		Supranational	Belgium	Policy Advisor (Hans Mooren)	16 th . June 2020

Overview of interview partners for the German-Polish border region (Chapter 3)

Institution	Sector	Administrative level	Country
Frankfurt-Słubice Cooperation Centre	Cross-border institution, local administration	Urban/local level (cross-border)	Germany/ Poland
<i>Doppelstadt Kultur</i>	Civil Society	Urban/local level (cross-border)	Germany/ Poland
East Brandenburg Chamber of Industry and Commerce	Chamber of Commerce, Economy	Eastern part of the Federal State of Brandenburg	Germany
Neubrandenburg Chamber of Industry and Commerce	Chamber of Commerce, Economy	Eastern part of the Federal State of Mecklenburg-Western Pomerania	Germany
Euregion Pro Europa Viadrina	Euregional cross-border institution	Eastern districts of Brandenburg and the Polish voivodeship of Lubuskie	Germany/ Poland
Schwedt City Council	Government, local administration	Urban/local level	Germany
Western Pomerania Business Development Agency	Business Development	Federal State of Mecklenburg-Western Pomerania	Germany

Overview of interview partners for the Upper Rhine Region (Chapter 4)

Institution	Sector	Administrative level	Country	Expertise
Région Grand Est	Government	Region (NUTS2)	France	Relations with German federal states and Switzerland, economic development, crisis management
Département of Bas-Rhin	Government	Region (NUTS3)	France	Roads, labour market, solidarity, regional cross-border collaboration
Département Haut-Rhin	Government	Region (NUTS3)	France	Roads, labour market, solidarity, regional cross-border collaboration
Prefecture of the Grand Est Region - SGARE	Government	Region (NUTS2)	France	Representation of the national Ministry of the Interior: relations with Germany, crisis management
Ministry of State of Baden-Württemberg	Government	Federal state (NUTS1)	Germany	Relations with France and Switzerland, health regulations, economic development
State Chancellery Rhineland-Palatinate	Government	Federal state (NUTS1)	Germany	Relations with France
Federal Ministry of the Interior	Government	Nation state	Germany	Relations with France and Switzerland, border controls
Chamber of Commerce and Industry Alsace eurometropole	Economy	Alsace Region	France	Economy
Karlsruhe Chamber of Industry and Commerce	Economy	Local authorities	Germany	Economy
D-F employment agency	Labour	Region : Karlsruhe-Haguenau	France / Germany	Unemployment, cross-border commuting
PAMINA Eurodistrict	Cross-border institution	Part of the Upper Rhine area	France / Germany	Citizens local cross-border collaboration
Eurodistrict Basel ETB	Cross-border institution	Part of the Upper Rhine area	France / Germany / Switzerland	Citizens local cross-border collaboration
Strasbourg-Ortenau Eurodistrict	Cross-border institution	Part of the Upper Rhine area	France / Germany	Citizens local cross-border collaboration
Infobest Kehl/Strasbourg	Cross-border institution	Part of the Upper Rhine area	France / Germany	Citizens, labour law

Institution	Sector	Administrative level	Country	Expertise
Infobest Palmrain	Cross-border institution	Part of the Upper Rhine area	France / Germany / Switzerland	Citizens Labour Law
Frontaliers Grand Est	Cross-border institution	NUTS2 region	France / Germany / Switzerland	
Regio Basiliensis	Cross-border institution	5 cantons	France / Germany / Switzerland	Regional cross-border collaboration
Upper Rhine Council	Cross-border institution	Upper Rhine region	France / Germany / Switzerland	Regional cross-border collaboration
Upper Rhine Conference	Cross-border institution	Upper Rhine region	France / Germany / Switzerland	regional cross-border collaboration, Executive

Overview of interview partners for the Northern Ireland/Ireland border region (Chapter 5)

Institution	Sector	Administrative level	Country
Londonderry Chamber	Chamber of Commerce, Economy	Northwest region	Northern Ireland
Letterkenny Chamber of Commerce	Chamber of Commerce, Economy	Northwest region	Republic of Ireland
Newry Chamber of Commerce & Trade	Chamber of Commerce, Economy	Newry and Co. Down	Northern Ireland
Dundalk Chamber of Commerce	Chamber of Commerce, Economy	Dundalk and Co. Louth	Republic of Ireland
Loughs Agency	Cross-border institution/public body	Cross-border/All-island	Ireland/Northern Ireland
SafeFood	Cross-border institution/public body	Cross-border/All-island	Ireland/Northern Ireland
Waterways Ireland	Cross-border institution/public body	Cross-border/All-island	Ireland/Northern Ireland

Many thanks to all the experts interviewed and their institutions!