Removing barriers to freedom of movement

- A study of border regional actors pushing for change in state dominated environments

Albin Andersson Carlén

Abstract

Increasing cross-border interaction in the border regions combined with the largely state-centric legislative processes of the nation states, have unfolded a demand for border regional actors to attempt to influence the state level to change legislation, as barriers are identified for individuals and companies. Adapting a border regional perspective, the actors and organisational methods to remove barriers to freedom of movement in three selected border regions are analysed. Using an inductive approach, the primary material consisting of interviews with key border regional actors is analysed through the lenses of transgovernmental network theory.

The conclusion is that the border regions have developed largely similar sets of organisational methods, resting heavily on key border regional actors (organisations and individuals) and the various transnational networks they establish. The transgovernmental border regional networks are characterised (i) by being dominated by public actors; (ii) by actors stretching their authority and developing transnational perspectives; (iii) by consisting of a number of key individuals, but at the same time flexibly integrating new actors when demanded; (iv) by having strong horizontal links on the border regional and regional level, but relatively weak vertical links; (v) by being built informal relations and using informal tools to influence.

Key words: Border region, Öresund region, Maas-Rhein, Barrier, Barriers to freedom of movement, Transgovernmental networks, Transnational actors, Mobility, Euregio, Europe of the regions

Table of contents

1   Introduction

The classical European nation state, built up around a well-defined sovereignty with clear political frontiers and a community of ideas is under pressure from several directions; on the one hand from above by globalisation, and on the other hand from below by subnational endeavours towards interdependence (Jerneck in Jerneck & Gidlund 2000: 15). As the European Union pushes integration (in this context mainly 'negative integration') and new cross-border ties arise, borders have come to matter less. Even though states continue to be the most important actors on the international arena, it is justifiable to speak of a changed and in some respects weakened territoriality of the state.

Fuelling this development, many border regions in Europe have acquired grand aspirations attempting to create integrated cross-border regions with functional labour markets (see e.g. Perkman & Sum in Perkman & Sum 2002: 3ff). Achieving this goal is however conditioned by a multitude of different factors. The state borders continue to constitute obstacles to mobility of goods, services, capital and labour. Given that the border regions do not have the features of a state, problems involving the competences of the state cannot be solved at the border regional level. Instead, other ways of influence must be sought in order to achieve change.

1.1   Statement of purpose

In this study one of the obstacles to the border regional aspirations is studied; barriers to freedom of movement.[1] The compatibility (or lack thereof) between two national legal systems is without doubt a factor influencing cross-border flows and the attempts to construct functional labour markets in the border regions. The largely state-centric legislative processes of the nation states combined with increasing cross-border interaction in the border regions have unfolded a demand for border regional actors to take matters in their own hands as problems arise for individuals and companies.

This paper represents a bottom-up approach in that it is based on the border-regional perspective, as opposed to a state perspective. Drawing on the experience

---

[1] Throughout this paper I will sometimes use 'barrier' as a shortened term for 'barriers to freedom of movement'. The notion 'barriers to freedom of movement' corresponds to the Swedish word 'gränshinder', the Danish word "grænsehindringer", the Norwegian word 'grensehindringer'. Synonyms would be 'barriers to mobility' or 'barriers to free movement'.

from three border regional cases (the Maas-Rhein Region, the Öresund region and the Swedish-Norwegian border region), the aim is to analyse and point at common features in the border regional attempts to identify, analyse, and remove barriers to freedom of movement between countries. The individuals and organisations in the border regions as well as the complex and shifting transnational networks constructed by these actors will be studied and related to transgovernmental network theory. A sub-theme in this paper will be to shed light on the difficulties with changing legislation and legislative structures that are deeply rooted in the European nation states.

The underlying questions have been:
- Which are the common features in terms of the border regional actors and organisational methods to remove barriers to freedom of movement?
- How can these organisational methods be theorised?

1.2   Barriers to freedom of movement?

The definition of a barrier to freedom of movement is generally surrounded by controversy and obscurity. Firstly, any attempt to use the notion in a general sense (especially in relation to state level actors) tends to be looked upon with scepticism. This is often so because these actors tend to disagree on what does and doesn't constitute a barrier. The progressive approaches in many border regions also fuel this scepticism. Furthermore, the widened meaning of the notion in some contexts, including for example *culture* (differing business cultures, organisational practices and structures etc)[2] and *language* as well as *infrastructure* (lack of sufficient road connections etc), has generally added to the obscurity. Secondly, any attempts to come up with an all-encompassing definition have generally failed (Aaberg 2008). Definitions fail because they become too wide and may even be counter-productive as they lead to the exclusion of relevant barriers. Against this I find it necessary to shed some light on the notion of 'barriers to freedom of movement'.

In the Nordic context[3] a barrier has been defined as every type of problem that limits or complicates the ability of people or companies to move freely across the borders.[4] Only problems deriving from laws or regulation, the application of laws and EU regulation or administrative praxis issued by authorities are in this context

---

[2] As an example, much effort was spent by the media on analysing what effects different cultural practises had on integration between Sweden and Denmark at the opening of the Öresund Bridge (for an analysis see e.g. Löfgren 2008)

[3] As defined by the Nordic Council of Ministers, Nordiska Samarbetskomittén.

[4] This definition is often not shared by the state administrations in the Nordic countries, which sometimes dismiss barriers meaning that the effects of the legislation of five separate, independent countries are not to be considered barriers. Other actors seem to use the EU non-discrimination principle to determine which issues are barriers.

regarded as a barrier. This definition of a barrier excludes problems arising due to lack of information or knowledge (e.g. misinterpretations by single handling officers at the authorities).

The definition above constitutes a rather broad, yet fitting, description of the issues that are referred to as barriers. One should however keep in mind that the perspective, from which the actors in this study single out barriers, is that of solving problems for the individual or company. Crossing the border is not just an opportunity; in some cases it may lead to problems where the individual get to take the consequences of two legal systems that are not fully compatible. Furthermore, it is rather common that the actors in the border regions are progressive as they define barriers and include issues that have the *potential to promote mobility*. The prioritised barrier areas are first and foremost related to pension, labour market policies, social insurance, taxes, education, or a combination of these areas. To get an increased understanding of barriers to freedom of movement, I strongly suggest reading the examples of concrete barriers in the appendix (7.1).

1.3   Methodological discussion

As a consequence of the relative scarcity of empirical material, my approach has been inductive. The aim has been to fill the empirical void through extensive interviews and secondary material, while linking the empirical findings to political science theory. Through research, three cases have been selected that shed light on the border regional attempts to remove barriers.[5] The idea of the empirical material dominating this study also clearly shines through: 1) In the choice of disposition. 2) As the study rests heavily on the border regional cases.

A lot of the material has been gathered in my work over one year's time.[6] As a result of this, the Öresund material quantitatively dominates this study slightly. Being aware of that my experience within the field may have had a biasing effect on the interpretations I made during the interviews, I have held longer and more thorough interviews in the border regions in which I had no previous experience. The interviews have been semi-structured and have been based on building up an understanding. All material has been thoroughly rewritten shortly after the interviews and details have been confirmed using a Dictaphone. I have singled out the key actors to interview (for descriptions see references 6.1).[7]

---

5 Two cases that I initially wanted to include (the Ober-Rhein region and the Haparanda-Torneå region) have been excluded due to lack of room.

6 I did a traineeship at the Nordic Council of Minister's Barrier Unit (Spring 2008). As of now (Autumn-Winter 2008), I am working for the Öresund Committee in the Öresund region with analysing and lobbying barriers to freedom of movement. Throughout this period I've had contact with a majority of the relevant actors in the Nordic region.

[7] All interviews but one was conducted in person. The exception was one phone interview (see References).

2   Barriers to freedom of movement

2.1   The significance of barriers to freedom of movement

Within the European Union there have long been implicit beliefs that the labour force is mobile and driven by economic profit; people will move to where it is most profitable to work (*homo economicus*) (van der Houtum & van der Velde in Hooper & Kramsch 2004: 41f). The reality is that the vast majority of the European workers are mobile only within their national labour markets "due to a number of factors including cultural, and in particular linguistic barriers, regulatory barriers, insufficient or complex systems of recognitions of skills and competences and an aging of the labour force." (European Commission 2001a: 9)

The European Union has struggled to improve mobility. The EU harmonisation processes (e.g. the creation of an inner market) in combination with relatively similar European welfare states make it rather easy for the individual to engage in cross-border activities today. But in spite of these processes and the EU Commission's work (e.g. through the national SOLVIT-units)[8] to try to ensure that EU-legislation is upheld, problems exist. It is evident that barriers are one factor behind the rather low mobility of the EU which is taken seriously by the European Commission.

> "The creation of more genuine European labour markets – removing barriers, reducing adjustments costs and skills mismatches – will increase the efficiency of labour markets overall. This would in fact reduce pressures to migrate for those who do not want to move, while creating genuine opportunities for those who do wish to be mobile."
> (European Commission 2001b: 5).

Attempting to point at the importance of legal barriers in terms of e.g. *lost potential* is a major academic challenge. It is very hard to say anything about the relative importance of a barrier, as an individual makes the decision to engage in

---

[8] SOLVIT is an on-line problem solving network in which EU Member States work together to solve (without legal proceedings) problems caused by the misapplication of Internal Market law by public authorities. There is a SOLVIT centre in every European Union Member State (as well as in Norway, Iceland and Liechtenstein).

cross-border activities, such as getting a job on the other side of the border. One should however keep in mind that the *perception* of how easy it is to cross the border is an important factor. If focus is put on the problems associated with crossing the border e.g. in the local/regional media, or if individuals tell stories of ending up squeezed between two legal systems, one would expect this, to varying extent, to have a negative impact on border regional flows. The individual cases are often signified by a feeling of complete hopelessness in front of the complexity of these matters.

2.2 The role of the nation state

Although barriers *can and should* be related to the European Union integration processes, the barriers in the border regions are in most cases either a cause of present EU-legislation or go beyond the jurisdictions of present EU-legislation.[9] Consequently this fact combined with that it is difficult to achieve change on short term within the EU, means that national measures are required.

The idea that it is completely smooth to move across borders has been proven to be reproduced within the nation states.[10] This is often the case because it is very difficult to survey how two legal systems interact in practice. Hence politicians and officials at the state level tend to draw the conclusion that problems concerning the mobility across state borders are not an issue. Furthermore, there are cases of e.g. state labour market regulation that require the individual to actively go abroad for work etc[11] as if no barriers existed. In the long run, this could prove to be questionable.

The major issue with recognising certain problems in border regions seems on some level to be related to the perception of the state as coherent and homogenous; reproduced in the modern welfare states (Östhol in Persson & Eriksson 2001: 21)

The legislative processes of the states are based on rather strict state-centric perspectives; with the exception of European Union law. The point here is that legislation is not sufficiently analysed from the outset of the effects it may have on neighbouring countries and cross-border flows. Furthermore, even within areas that are subject to legislative comparison, barriers may be created. Differences in

---

[9] Some examples are labour market policies or barriers relating to portability of pensions or parallel, cross-border work.

[10] As established in the Nordic Council of Minister report *Nordbornas rättigheter*, 2002.

[11] To give an example Regeringsrätten in Sweden, recently established that if an individual finds a job in a neighbouring country while receiving unemployment funds, the individual (given certain criteria are fulfilled) may have to accept the job or risk loosing the unemployment funds. Although this may seem reasonable in theory, the experts within the border regions generally agreed on that this new legislation would be a danger to the individual as he/she may end up in unwanted situations due to incompatibilities in the legal systems (barriers).

how countries transpose EU-directives to national laws are one such area, where problems are known to occur (See e.g. Carlén 2007).

In a recent article by the chairman of the Nordic Barrier Forum (See 3.4), ambassador Ole Norrback, politicians are warned that while different actors struggle to remove barriers, new barriers arise due to this state-centric perspective in the legislative processes. Not only are present barriers very difficult to remove, new ones are created as well, Norrback points out. He concludes that there is an urgent need for increased political priority (Norrback, 2008: DN-Debatt).

2.2.1   The complex world of solutions

Exploring the full depth of possible solutions to a given barrier requires thorough judicial research. The individuals who possess most knowledge in these matters are legal experts and/or individuals who have built up their knowledge through experience (often in the border regions). Matters are complicated by that the 'optimal' solution of a barrier from a border regional perspective may be unreachable. Reaching solutions are often a matter of achieving what is (politically or administratively) feasible at a given point of time. The notion 'windows of opportunities' can be used to shed light on this fact, where different circumstances may create an opportunity to achieve change (see March & Olsen 1989).

> "At one point an official at the Swedish Ministry of Enterprise, Energy and Communication, contacted me and told me that Maud Olofsson [the Swedish Minister for Enterprise and Energy] wanted to remove a barrier. I provided them with what they needed."
> *Johan Lindblad, Senior Advisor on Barriers to Freedom of Movement at the Secretariat of the Nordic Council of Ministers (Interviewed 2008)*

To highlight the complexity of solutions I will shortly dwell on some possible measures needed.[12] Firstly, some barriers are strictly nationally rooted; hence a measure at the national level is needed (e.g. either through changing laws or other lower level regulation). Secondly, in many cases bilateral, or multilateral (especially areas regulated by international agreements), measures may be needed in order to remove a barrier. There are several examples of barriers that stem from EU-regulation (e.g. related to 1408/71), where bilateral/multilateral measures could remove the barriers. A third option would be creating a border regional set of exceptions through special agreements, where e.g. a given set of laws apply to the commuters. This has been done in the Ober-Rhein region (ØAR & Öresundskomiteen 2004). However, as has been proven again and again, one should generally not expect states to be inclined to implement policies that include

---

[12] This discussion on possible solutions is far from exhaustive.

exceptions for border regions (Östhol in Persson & Eriksson 2001: 21), although this would have provided more flexibility.

2.3   The border regional context

Even in an age of globalisation where time and space is compressed, people are very much restricted and tied to the local (Tägil in Persson & Eriksson 2001: 18). However, as suggested in the introduction, the concept of territoriality has been weakened. In this context, the development in the European border regions demonstrate both that people are locally tied and that the territories of the nation states have come to matter less (Perkmann & Sum in Perkmann & Sum 2002: 4f).

To highlight the increasing importance of the border regions in Europe, the share of border regions of the total area of the European Union (EU), increased from 22 percent in the EU15 to more than 35 percent with accession of the 10 new member states. The corresponding percentage of the EU population rose from 15 percent to almost 25 percent (Niebuhr 2008: 1).[13]

On a global level the border regional cooperation within the EU differs in several respects. Through the presence of an institutional structure on the EU level, where particular financial structures exist[14] to encourage institutionalised cooperation, the European border regional cooperational forms have several similarities. Generally the regions have clearly defined borders and are characterised by that public actors dominate cooperation (Scott 1999: 610). Furthermore, the cooperation is signified by strong personal networks and inter-organisational negotiation. The creation of cross-border cooperation is generally characterised by actors from several different levels of the political system participating: supranational, national and local/regional. These actors are also significant for the continuation of border regional cooperation (Jessop 2002:41; Perkmann in Perkmann & Sum 2002: 113). A general aim behind most of the border regions seems to be that of achieving a functionally integrated region, most commonly through a functional labour market (See ØAR & Öresundskomiteen 2004). A functional region refers to an area of high density economic and social interaction within the area, compared to the level of interaction outside of the regional border (Perkmann & Sum in Perkmann & Sum 2002: 4).

---

[13] The geographical definitions of what does and does not constitute a border region are far from fixed. Hence, these figures should only be seen as an indication of that the importance of the border regional issues in the European Union can be expected to have increased.
[14] Most importantly through the Interreg-programmes

2.3.1 Explaining the border regional focus on barriers

The strength of both the old culturally developed border regions and the new functional regions are largely based on regional demands. If one were to relate the priority of removing barriers to a 'border regional interest', it is mainly in these territorial contexts of concentrated cross-border flows of e.g. labour, where individuals experience the difficulties connected to mobility across borders of the states. Furthermore, in many cases the state borders do not coincide well with the border regional flows (Tägil in Persson & Eriksson 2001: 13). Against this, the border regions can be seen as mini-laboratories, both in terms of the how the EU inner market works and the general compatibility of two (or more) national legal systems.

> "More than anybody else, it is the border and cross-border regions and their citizens who deal with the practical aspects of Europe basically every day. It is in the border regions, i.e. in the 'small Europe', where the opportunities and threats of European integration are immediately visible. The border regions' citizens have to cope with this in their everyday life. They ask the regional and local level for assistance, even though the reasons for their problems are usually of a national or European nature."
> *José Maria Muñoa Ganuza. Association of European Border Regions (AEBR). Minister for Foreign Affairs of the Basque Country, Spain (European Union 2006)*

Against this background I will study three border regional cases below in terms of how they deal with barriers to freedom of movement. The analytical focus will be analysing:
1. The border regional actors and their autonomy, scopes and perspectives.
2. The border regional networks and working methods in order to remove barriers.
3. The border regional state level relations and influence.

3 Cases

3.1 The Maas-Rhein region

Maas-Rhein[15] is a trinational border region where three countries, three languages and five regions/provinces meet.[16] The region is populated by approximately 3.9 million inhabitants and the three biggest cities, all situated rather closely to the border, are Liege (Belgium), Aachen (Germany) and Maastricht (The Netherlands). Since 1976, when the border regional cooperation was formalised through the creation of the Council Euregio Maas-Rhein, cooperation between the three countries has intensified. A multitude of actors cooperate (e.g. official authorities, chambers of commerce, universities, tourism offices etc) and several different areas are subjects of cross-border cooperation (e.g. tourism, finance, environmental planning, health, education and physical planning) (see Euregio 2007).

Daily 22.000[17] people commute over the borders and the mobility pattern is mainly dominated by that people live in the country where they were born and cross the border to work (ØAR & Öresundskomiteen 2004: 18). The commuting pattern in many border regions can to a large part be derived from differences in terms of e.g. taxation, price levels and salary levels. The Maas-Rhein region is however, to a large part, said to lack these incentives in terms of differences. The barriers to freedom of movement and any other hurdles are thus estimated to have a higher impact on individual decisions to engage in cross-border activities (Jacobs 2008).

3.1.1 The barrier actors

The cross-border cooperation is for the most part coordinated by the organisation Euregio Maas-Rhein. The organisation consists of two political chambers: The Chamber of Commerce (30 members) and the Chamber of Political

---

[15] Dutch: Maas-Rijn; French: Meuse-Rhin
[16] Province Limburg (B), Province Limburg (NL), Regio Aachen (D), Province Liege (B) and Deutchsprachige Gemeinschaft (B)
[17] The figures over commuters in this study are not directly comparable, but should rather be seen as indicators.

Representatives (51 members). The chairmanship rotates between the five regions. The organisation has a secretariat that assists the political level, consisting of about 10 employees. There are four permanent commissions, which have representatives from the chambers, from the secretariat, as well as from some external organisations. Within the frame of the Euregio Maas-Rhein it is also possible to establish ad hoc working groups within prioritised areas (Evers, 2008).

One problem is that the Euregio Commissions, who works hands-on with cross-border issues and strategies, are generally described as not being 'specialists'. This fact has historically had a negative impact on the border regional barrier work (Niessen 2008). According to Niessen, one of the problems in the border regional cooperation has been that the people who have the border regional perspective need to have a more straightforward position in the organisation. As visible in the formal structure, the cross-border cooperation is to large extent politically organised. From a barrier perspective the organisation is used as a platform through which barriers can be lifted to the relevant level. "Barriers must be lifted using the proper channels", Niessen explains. There are no direct personnel resources within the Euregio directed towards removing barriers.

The other relevant organisation is the Task Force, a project organisation that started out as an Interreg III project in 2006 and has been extended through the Interreg IV programme until 2011. The task force consists of a handful of legal experts and works closely together with the Euregio Maas-Rhein; the same partners that participate in the Euregio, co-finance the Task Force project (mainly the five regions). The Task Force is explained to be an "important strategic project" (Niessen, 2008), in that its main function is to analyse barriers and come up with solutions. "The first step has been to identify and analyse barriers" (Jacobs 2008). "You cannot lift barriers without them being properly analysed" (Niessen 2008). Situated in the German city of Aachen, the Task Force shares office with the information service, a construction called 'front office, back office'. This model enables the Task Force to catch barriers directly from the individuals who visits the information office with their cross-border questions. Thus far focus has been limited to analysing barriers related to the labour market (Niessen 2008).

The Task Force is described to be a very autonomous actor when it comes to analysing barriers and proposing solutions. The Task Force should however *not* be seen as an independent lobbying actor. Although some lobbying oriented measures have been taken, it rather the task of the Euregio to manage the relations with other political levels.

There are numerous organisations like the Euregio Maas-Rhein in the other border regions along the German border, the Task Force is the only organisation of its kind. Establishing new networks with the other border regions is therefore part of the new Interreg project. "Jointly, chances are greater that we have an impact" (Niessen 2008).

3.1.2 Border regional network

The region has a long history of round table talks with local, regional and, once in a while, national actors. The actors are representatives from EURES[18], authorities, trade unions etc. There are two networks: One between Belgium and the Netherlands and one between Belgium and Germany. These actors form transnational networks, whose main task is to share information and in so doing shed light on barriers. Many problems can be solved on a handling officer level through changed praxis on how to interpret regulation. The round table talks have lead to interpretations being made at benefit to the commuters (Jacobs 2008). The Task Force is present at the round table talks, as it constitutes an efficient way to pick up new barriers and decide which areas to prioritize. The individuals in these networks generally have a lot of knowledge in terms of feasible solutions to barriers and hence they are often consulted in the work of the Task Force (Jacobs 2008). The involvement in the cross-border issues is strongly based on the involvement of individuals and even though some actors have a very progressive attitude, none of the actors in the networks lobby barriers in their own organisations; Jacobs explains (2008). The EURES advisers are described to be the most progressive.

Once in a while national level officials pay a visit to these meetings, but the opinion in the border region is that these officials tend to have a hard time taking the border-regional problems seriously.

3.1.3 State level influence and processes

> "Basically we are working with the same [barrier-] list we did when we started"
> *Rutger Jacobs, legal expert on the Task Force (Interviewed 2008)*

The border regional actors in Maas-Rhein region have much experience with that change is difficult to achieve. A couple of times and in different contexts, a list of prioritised barriers have been composed and passed on to the relevant actors at the national level. Experience show that these lists have no impact: "Just making a list of problems always ends up in a dead end" (Jacobs 2008).

The Maas-Rhein region has a strong border regional network (see above) and a wide European network (e.g. the EU Commission and the other border regions), but the links to the national level are described as weak. "What is lacking here is a partner on the national level" (Niessen 2008).

---

[18] European Employment Service (EURES). The purpose of EURES is to provide information, advice and recruitment/placement (job-matching) services for the benefit of workers and employers as well as any citizen wishing to benefit from the principle of the free movement of persons. EURES has a particularly important role to play in cross-border regions. There are currently over 20 EURES cross-border partnerships.

The national level is generally described as difficult to influence and changed legislation is very hard to achieve. As en example The Commission of Frontier Workers, in which the Task Force was involved, was an initiative at the national level in the Netherlands. The Commission made a number of recommendations to the Dutch government, but indications thus far is that little has happened (Jacobs 2008).

Although different national actors and ministries show understanding and offer support in dealing with the problems in border regions, the barriers are often countered with scepticism: "They ask me to point to the amount of people influenced negatively by this barrier, which is a completely impossible question to answer" (Jacobs 2008). Thus, attempting to have greater impact on the national level, a strategic shift has been to frame the barriers by stressing the potentials in the border regions (Niessen 2008).

Fighting for each barrier independently is evidently very hard. "Any exceptions would likely take 5-10 years to achieve" (Niessen 2008). The best scenario would be to create a structural process, by which exceptions can be created in the border regions. This would mean that decisions, on which countries legislation should be in force in a given situation, could be made (Niessen 2008). As an example Niessen points at ambulance care, where some medication cannot be brought over the border due to differing classifications, which in turn leads to difficulties operating ambulance care across the borders.

In terms of relations to the national level, the ambitious strategy of the province of Limburg deserves to be mentioned. Given that the province is surrounded by other countries and hence is bound to the cross-border flows functioning, the argument is that a strictly 'national perspective' is not sustainable (Kupers 2008). Hence the province has adapted a strategy, "Limburg's future lies over the borders",[19] and intensified activities to the Dutch government through conferences, reports and lobbying (Kupers 2008).

3.2   The Öresund region

The Öresund region consists of Skåne on the Swedish side of Öresund and of Sjælland (Zealand), Lolland, Falster, Møn and Bornholm on the Danish side. The Öresund region had approximately 3 664 000 inhabitants at the turn of the year 2007-08. A significant feature in the region is that it is a metro-region with a bridge connecting Malmö and Copenhagen. In November 2007, some 17 100 persons commuted daily between home and work across the Öresund. In 2008 the figure is forecasted to be 19 000 commuters. In 2007, some 92 percent of the commuters lived in Sweden. This can be explained by numerous factors, but mainly by a high demand for labour and higher relative salaries in Denmark

---

[19] Strategy report available at www.limburg.nl

respectively lower price levels and a weaker currency in Sweden (Tendens Öresund, 2008).

The Öresund region is unique because it is based on the building of the Öresund Bridge (finished in 2000). This has meant that the states have been active participants in the region-building process and the formulation of border regional strategies. During the time that has passed since the completion of the bridge a large number of actors engaged in cross-border cooperation have emerged.[20] This fact also makes mapping the driving forces of the regional integration highly complex. The institutional richness is pointed out as unique feature in the region (Jerneck in Nilsson et al 2007: 228).

3.2.1 The barrier actors

The Öresund Committee is an organisation consisting of a political committee (Öresundskomiteen), an Executive Committee and a Secretariat with roughly 10 employees. Since 1993 it has been an important driving force in the border regional development in Öresund. The organisation is financed by the tax payers in the region. In 2001 the Öresund Committee started prioritising barriers and diverted resources to the Secretariat to analysis and lobbying of barriers. The Secretariat has since then had one employee working fulltime with these issues.[21] This development should be seen as a wish of the Committee to profile itself on the national level. The initiative started out under the tag 'harmonisation', something which signifies the border regional and national optimism at that time. The power influenced by the Öresund Committee is not direct, but rather indirect and structural (see Lukes 2005). Even though the Committee neither has constitutional power, nor the economic means, it still has the strength through diplomacy, legitimacy and the spreading of information to form the preferences of others and influence the agenda. The role of the Secretariat in relation to the political Committee as well as the state actors is best described as very autonomous. "The Öresund Committee has largely given us [at the Secretariat] free hands to work with these issues" (Aaberg 2008). The regulations of the Öresund Committee now explicitly state that the Secretariat has a role of a lobbying organisation in some of the core areas of the Committee. Hence the organisation has been transformed from a project oriented organization and platform, to more of a politically oriented lobby organization. This change has led the Committee to become more of an actor rather than just a locus of action.

The second actor of significance in the Öresund region is Öresunddirekt, a twin organisation[22] whose goal is to provide the citizens with the information they need to cross the border. The main actor in the barrier work is Öresunddirekt on

---

[20] The Öresund University, The Öresund Institute, The Öresund Bridge, Öresund Science Region, Medicon Valley, to name but a few.
[21] In practise more personnel are diverted to the barrier work.
[22] One Danish office in Copenhagen and one Swedish office in Malmö.

the Swedish side. In its formal structure it is an umbrella organisation, where staff from different authorities (tax, social insurance, employment service and county administration) sit under the same roof in an office open to the public.[23] Most of the employees are handling officers with a 25 percent employment at Öresunddirekt and the rest in their respective authority organisation. Roughly a handful are fulltime employees at Öresunddirekt. Many of the employees at the Swedish office have acquired an expert status within their field over the years (e.g. social insurance). Originally the mandate to start Öresunddirekt came from the government, who financed the initiative the first year. Now it is financed by the member authorities. Due to the nature of their work, where they come in contact with citizens daily, they have the ability to identify, analyse and propose solutions to barriers (Andersson 2008).

What characterises the umbrella organisation is that it has developed the status of close to an autonomous organisation. Many of the handling officers are driven by a strong passion to eliminate barriers for the individual. No one claims to be completely free, they have rules and norms to relate to, but some of the employees have stretched their authority and made barriers part of their work (Andersson 2008).

> "The main office [of the Swedish Social Insurance Agency] called me and seemed rather pleased, but expressed a general wish that they'd like to know the next time I'd lift a barrier in the national media"
> *Bengt-Olle Andersson, employee (social insurance expert) at Öresunddirekt (Interviewed 2008)*

Öresunddirekt have been known to take public action, e.g. through national and regional media, and point at barriers that limit the border regional labour market. Some of the employees have also been involved in several state processes (officially and unofficially) with state secretaries and ministers (see below).

3.2.2 Border regional network

The barrier actors in the Öresund region form a strong semi-formal, transnational network consisting of the secretariat of the Öresund Committee in the centre and Öresunddirekt as a very strong component. The other actors (or nodes) in the network shift depending on which barriers are being worked on.[24] The Secretariat of the Nordic Council of Minister is a frequent part of the network. Many of the efforts to identify, analyse and provide solutions to barriers are coordinated within

---

[23] The Danish side completely lacks this kind of umbrella organisation with authority staff. The employees in the Danish Öresunddirekt are informants with e.g. journalist backgrounds. "We are generalists, not specialists" (Whitt 2008).
[24] For example: There is currently a process of analysing and providing solutions to barriers related to occupational pensions, where the network has been widened to include several pension experts over some years.

the local network in one form or another and the actors interact regularly: On a day-to-day basis via phone or e-mail, on informal ad-hoc meetings and on formal meetings arranged e.g. by the Secretariat of the Nordic Council of Ministers, the Secretariat of the Öresund Committee or Öresunddirekt. There is a consensus that one should inform each other on the measures taken to avoid doing parallel work. The Secretariat and Öresunddirekt have jointly constructed a 'gross list' containing most of the regional barriers.

The measures taken by the border regional network are to large extent based on the relations and efforts of the individuals within the network. Throughout the border regional history many contacts have been established and many different channels have been opened in different organisations on different levels of state. Öresunddirekt and the Secretariat of the Öresund Committee have actively tried to find Danish counterparts (e.g. Skat Øresund) to the Öresunddirekt experts. There are good examples of border regional authority collaboration between the countries. Workshops relating to different situations (e.g. recruiting, relocation of business etc) are frequently arranged by Öresunddirekt, where the authorities meet.

3.2.3 State level influence and processes

Throughout the border regional history there have been several processes running with national Danish and Swedish involvement, where the border regional actors to various extent have been involved. These processes should be viewed against the building of the Öresund Bridge and the ambitions to *construct* a region as a background (Aaberg 2008).

In 1999 a report (Öresund - En region blir till, 1999) was completed that identified and emphasised a number of different barriers. The report was the product of a project with working groups consisting of officials from the Swedish and Danish ministries on a national initiative. With the termination of this process in 2001-2002, the bilateral Danish-Swedish talks on a government level ended (Aaberg 2008). The official reason for the termination of this process was that it focused on too many barriers (Aaberg 2008). Instead the state level actors wanted to focus more narrowly on a smaller amount of barriers. According to a credible source the unofficial reasons were that the national actors could not agree on which issues were to be considered as barriers, and which were not. The process was also purely ministerial and did not involve any regional actors.

The latest process, where national ministry officials attempted to find solutions, resulted in a report that was published in December 2007 (Öresundsregionen - Två länder, en arbetsmarknad, 2007). There have also been other reports published by national authorities (E.g. IAF 2008). The conclusions drawn from these processes are that barriers are known, but results of these various reports and processes have been meagre. Within these different processes the border regional actors have had hard time making their voices heard (Aaberg 2008). As a result, on some occasions the solutions provided by the ministries, have not been solutions in the eyes of the border regional actors.

The conclusion from the, from a border regional perspective, probably rather unique number of government processes to map barriers, is that the probability of a Lex Öresund emerging is best described as very small (see Jerneck in Nilsson et al 2007: 243; Stubbergaard in Nilsson et al 2007: 261f).

From a border regional perspective the contacts with the state level are sporadic and the channels of communication, although they have been strengthened lately, are not strong enough. The strategy is to use as many channels as possible, to try to influence and put the barriers on the agenda. The Secretariat of the Öresund Committee is from time to time directly in touch with ministries and also works with the Nordic Council of Ministers to get barriers on the agenda. The barriers are actively framed by stressing e.g. the lack of labour on the Danish labour market. The Öresunddirekt actors have been known to stretch their autonomy as handling officers and have actually been involved in several processes involving contacts directly with the government of Sweden and Denmark.

3.3 The Swedish-Norwegian border region

The Swedish-Norwegian border[25] is 1610.9 kilometres long, making it the longest border between two nations in Europe. The border can be split up on many smaller border regional units.[26] Commuting and cross-border measures and activities are dominated in the southern, most densely populated, parts of the border.[27] Although Sweden and Norway are two very equal welfare states and differences should not be exaggerated, the border is special because it also marks the border to the European Union (Norway is however a member of the EEA) and to NATO (Sweden is not a member of NATO).

The commuting levels based on 2005 years figures are on an average around 15.000. Some 13.000 of these commuted from Sweden to Norway. The factors explaining these flows are at large equal to those between Sweden and Denmark (see above).[28]

---

25 The reason why I have not chosen a more narrow geographical demarcation is because the barrier actors studied consider themselves operating across the whole border.
26 There are four Border Committees along the Norwegian-Swedish border region co-financed by the Nordic Council of Ministers.
27 E.g. Østfolds fylke and Hedmarks fylke in Norway; Västra Götalandsregionen and Region Värmland in Sweden. The Norwegian capital Oslo also attracts a lot of labour from along the Swedish border and Gothenburg.
28 The figures can be expected to have increased quite substantially since 2005 (Olsén 2008). Furthermore, there is a substantial inflow of Swedes temporarily moving to Norway to work, who are not registered as commuters.

3.3.1 The barrier actors

Grensetjänsten is a border regional organisation whose main objective is to inform employees on subjects relating to working on the other side of the border. In the beginning (2002) the organisation was run as an Interreg II project but at the end of the project, it became a permanent solution.[29] There are numerous organisations financing the organisation in its present form.[30] The organisation has an office open to the public right at the border in Morokulien[31] (Olsén 2008). Like Öresunddirekt, Grensetjänsten can formally be considered an umbrella organisation in that the handling officers from different organisations sit under the same roof. The difference is that the five employees are from both countries and are financed by funds from a mix of different organisations in the two countries.

Since the late 90's, when activities first started, the employees have become highly experienced with border regional issues. Over the years they have got more and more involved in the barrier issues, as a consequence of strong personal conviction through hands-on experience with individuals and a will to profile the organisation.[32] The barrier work is now seen as key function and is part of the strategy documents of the organisation. Grensetjänsten has a list over the most relevant barriers and the scope of the organisation is foremost barriers concerning the labour market.

The actors have developed, what can best be described as, a very autonomous position. "We have never felt limited by any actor." (Olsén 2008). But the progressive attitude would never have worked within the authority organisations. "There is a silent agreement that what we are doing is ok" (Olsén 2008). The explanation most likely lies in the expert knowledge on border regional issues acquired by the Gränsetjensten employees. This knowledge is likely lacking within the official authority organisations (e.g. NAV or AMF). "In some of the barriers we have worked with, we are threading the border lines of conflict with our own financial sources. But there are never any problems in the balance between financing and prioritising barriers." (Olsén 2008)

3.3.2 Border regional network

The organisation has developed strong local and regional transnational barrier network, spanning the border (Olsén 2008). Even though some initiatives have

---

29 Gränsetjensten is still struggling to finance their activities on a yearly basis.

30 The main cofinancers are NAV (The Norwegian Labour and Welfare Administration), Arbetsförmedlingen (AMF, The Swedish Employment Service)30, the Norwegian and Swedish Ministries of Foreign Affairs, the Nordic Council of Ministers, Trade Unions (LO Sverige, LO Norge), The Värmland County Administrative Board and Försäkringskassan (the Swedish Social Insurance Office).

31 http://www.morokulieninfocenter.com/ ; www.gtm.nu

32 This should be seen against a struggle to secure funding, as they are applied for on a yearly basis.

taken place independently of Grensetjänsten, it is obvious that the organisation has a strong coordinating function in the border regional network. Throughout the years many contacts and channels have been opened as a consequence of initiatives of the employees of Grensetjänsten.

The hub of Grensetjänsten's barrier activities is a unique border regional model named the Border Council (Swe: Gränsrådet). The model was started up in 2002 and was originally held four times a year, but has now dropped to a rate of two meetings a year. The basic idea behind the Border Council is to gather local, regional and national[33] actors of dignity and relevance and focus on a relatively limited amount of barriers, selected beforehand by Grensetjänsten. Through the years close relations with foremost the local and regional actors have been developed and a consensus around the importance of removing barriers has been reached (Olsén 2008). Through the tight network and strategic action, Grensetjänsten has frequently managed to attract high-level state officials, local and regional politicians, ambassadors, state secretaries and even ministers from both Norway and Sweden. At the meetings working groups consisting of relevant actors are appointed who has the task to find potential solutions and in some cases even remove the barrier until the next meeting. The working groups are coordinated by the Grensetjänsten between the meetings and at each Border Council the working groups present their results.

The Border Council is the only institutionalised model to remove barriers in the Nordic Region; in that it is a well established, long-term committing model attended by actors from all relevant levels, which includes the whole chain from identification to the provision of solutions and lobbying of a given barrier. The long-term commitment puts pressure on the attending actors, when they present their actions, or lack of actions, related to a given barriers in a room filled with forty officials and politicians from different levels. This shaming strategy has thus far functioned very well. However, the pressure through shaming (and the success) is conditioned by that Grensetjänsten manages to attract the top officials and politicians.

The strength of the model still lies in its ability to remove barriers through the harmonisation of application of regulation by the authorities in the region. Grensetjänsten has proven that numerous barriers can be removed through changed regulation on an authority level. The weakness has been that it is still very difficult to change national legislation.

---

33 Some actors: Utrikesdepartementet, Utenriksdepartementet,, Arbetsförmedlingen, Länsstyrelsen Värmland, NAV, Försäkringskassan Värmland, Skatteverket, Skatteetaten, Tullverket, Tollvesenet, IAF, A-kassornas Samorganisation, Eidskog Næringsservice, KF, Eidskog Kommune, Eda Kommun, LO Sverige, LO Norge, Region Värmland, Svenskt Näringsliv, NHO Innlandet, Hedmark Fylkeskommune, Landshövdingen Värmland, Fylkesmannen i Hedmark, ARKO-samarbetet, Handelskammaren i Värmland, Norsk-svensk Handelskammer, Gränshindersforum

3.3.3 State level influence and processes

In excess to what has been said above, border regional influence on the state level has been of shifting success. Partly as a consequence of that the organisation is being financed by the Ministries of Foreign Affairs, the handling officers at Grensetjänsten have met with actors from the ministries, but have however had a difficult time achieving any results (Olsén 2008). In the 90's there was a state process under the Swedish Ministry of Foreign Affairs which looked at bilateral Swedish-Norwegian barriers (Lindblad 2008). However, generally the impression is that the knowledge and expertise is lacking on the ministry level, as well as the right perspective. "They do not have the Nordic perspective" (Olsén 2008). Generally the barriers are described as not being taken seriously enough by the ministry officials and the politicians (Olsén 2008).

3.4 The Nordic level

Although focus lies on the border region, many processes of significance relating to the Öresund region and the Norwegian-Swedish border region can be found at the Nordic level. Below the functions of the Nordic Council of Ministers,[34] Hallå Norden and the Nordic Barrier Forum are briefly accounted for.

Several processes have been initiated over the years by the Nordic Council of Ministers, where different models have been tested to remove barriers in the Nordic region.[35] The lessons from these processes are that results are hard to achieve and that offensive strategies are needed; where solutions are presented and lobbied for by actors who have the ability to back up their standpoints. Merely providing the state administrations with lists of barriers has proven not to be sufficient.

The Secretariat of the Nordic Council of Ministers has a Barrier Unit with two employees. The main functions of the Barrier Unit is analysing and contributing to the solutions of barriers as well as supporting and linking together the barrier actors (border regions) in the Nordic region. The Barrier Unit is an active part in the transnational border regional barrier networks and also acts as a platform for the border regional actors. This is done through the funding of border regional barrier projects and the arranging of meetings etc. The Secretariat identifies barriers on a Nordic level using Hallå Norden's (the Nordic information service for companies and individuals) database Nordsvar that stores all the individual questions to Hallå Norden. The Hallå Norden employees (one-two in each Nordic Country) also actively contribute in the barrier processes (Lindblad 2008).

---

[34] The Nordic Council and the Nordic Council of Ministers is an intergovernmental forum for cooperation between the Nordic Countries.
[35] Nordbornas Rättigheter by Ole Norrback (2002), the Poul Schlüter process 2003-2005 and the so called "Pådrivarordningen".

The Barrier Unit at the Secretariat of the Nordic Council of Ministers recently introduced a database over all known barriers in the Nordic region. The aim is that all relevant actors (mainly border regional actors) will work in the database and update the barriers regularly. Consequently all border regional actors have been educated on how to use the database. Beyond the function of creating a joint list, as opposed to each border region having its own list, the database will have the function of a tool to prioritize and put pressure on the Nordic governments (Lindblad 2008). To this end there is also a public part, where limited information about the barriers is available to the public.[36]

Since 2008 the barrier unit at the Secretariat has the function of supporting the newly established Nordic Barrier Forum. In June 2007, the Nordic Prime Ministers met in Finnish Punkaharju and decided to "remove barriers to the relations of people in the Nordic region with all means". This position of principle was passed on to the Ministers of Nordic cooperation in the Nordic countries, which proposed the formation of a Barrier Forum (Lindblad 2008). The Barrier Forum is led by a chairman, Ambassador Ole Norrback, together with the Secretary-General of the Nordic Council of Ministers, Halldór Ásgrímsson. Furthermore, the Barrier Forum consists of one delegate from each Nordic country. The Forum's mandate is to prioritise among the known barriers, gain approval in the state administrations and in cooperation with them find solutions to these barriers. Using the mandate from the prime ministers, the strategy has been to send letters to the ministries with judicially correct barrier descriptions and propose solutions (Norrback 2008). Once every year the Barrier Forum reports to the Nordic prime ministers.

The first year (2008) the Forum has prioritised trying to prevent new barriers arising by actively trying to make the national legal processes include a Nordic perspective. In addition the forum has prioritized certain barriers and areas (e.g. building sector, education and pension). Furthermore, the Forum has actively sought to support and encourage the border regional work. The prioritised barriers in the Barrier Forum directly or indirectly go in line with border regional priorities. The border regions in the Nordic region have actively provided the Barrier Forum with lists of prioritised barriers. The Forum delegates have also involved the border regional actors. Meetings have been arranged between the Swedish delegate (Pia Kinhult), the Danish delegate (Ole Stavad), the Secretariat of the Öresund Committee and Öresunddirekt with the aim to start different processes.[37] The same steps have been taken in the Swedish-Norwegian border region, where the Barrier Forum delegates also attended and involved themselves in the Border Council. The delegates in the Barrier Forum can mainly contribute when it comes to reaching solutions, through their mandate and political channels.

---

[36] http://granshinder.norden.org
[37] The aim is to start small round table talks around tax- and social insurance related barriers, with relevant actors from the state level who has the necessary position to actually remove the barrier.

> "I believe that the border regional actors are working with the right methods, but that the problem is lack of reaction which can be derived from lack of political directives to the state administrations" (Norrback 2008).

According to Norrback the inertia to remove barriers is found primarily within the state administrations and not among the politicians. He explains this along the lines that the single state officials see barriers as an additional, marginal assignment that is not prioritized. "The officials do not advance in the administration by working with barriers" (Norrback 2008). Furthermore the everyday work load of the official may limit him/her from having the ability to remove barriers (Norrback 2008).

The Nordic Council and the Nordic Council of Ministers could have a greater function than it has today, according to Norrback. "The Nordic cooperation works according to the principle of who wants the least wins". What is more, it has previously been decided that all Nordic countries are obliged to take the Nordic perspective into consideration while making new laws, as it turns out that is still not the case. "Before I used to think that all that was decided on the Nordic level happened. Now I know that is not the case." (Norrback 2008).

4   Analysis

There is a tendency to overemphasise the cross-border regions as emerging territorial units equipped with self-governing capacities (Strüber in Kramsch & Hooper 2004: 27f). Most importantly the border regions lack the elements of statehood (Tägil in Persson & Eriksson 2001: 12f), most relevantly through lack of more direct abilities influence legislation. Given that the solutions to barriers often cannot be reached at the border regional level, the border regional actors have been forced to develop their own methods in order to try to influence. The aim above has been to show how border regional actors try to achieve change in state dominated environments. The conclusions are that the border regional organisational and working methods are complex and shifting but have many similarities. Furthermore, the barrier work is characterised by transnational network structures. Below I aim to shed light on the general similarities that has been developed from a theoretical perspective in the three border regions.

In line with the interviews, border regional mobility (most importantly through commuting) has put the barrier issues on the agenda – through individual complaints and the progressive actions of the border regional actors. Border regional competence is extended largely through the own actions and initiatives and not solely through measures of the state (see e.g. Jerneck in Jerneck & Gidlund 2000: 19). In the three border regional cases studied, the attempt to remove barriers is described to be a key border regional priority. However, none of the actors in the border regions studied, worked with removing barriers as the organisations were started; this goal has rather been internally developed over time. Given that the border regions can be seen as mini-laboratories of the compatibility of two (or more) legal systems and commuting levels have increased, this development was mayhap to be expected. From the outset of this study it would be interesting to conduct further studies with a larger quantity of border regions, in order to see if equal responses have been adapted in other border regions.

4.1   Transgovernmental networks

A central process in the aspirations to remove barriers is the creation of border regional transnational networks of actors of varying strength and composition. Theorising the networks established in the border regions, parallels can be drawn to transgovernmental networks and the classical definition coined by Keohane and Nye (1974: 43): "transgovernmental relations are the set of direct interactions among subunits of different governments that are not controlled or closely guided

by the policies of the cabinets or chief executives of those governments" (Keohane & Nye 1974: 43). There are a number of characterising features in these networks.

A **first characteristic** of the transnational networks in the border regions is that they are dominated overwhelmingly by public actors. All the border regional actors in this study originate from - and are often financed by - the state and/or to a sub-level of the state. "Transgovernmental networks describe the regularized interaction between sub-state actors. While these networks may interact with non-state actors in larger policy networks, transgovernmental networks themselves are made up exclusively of public actors" (Newman 2008: 122).

A **second characteristic** is that these actors have developed autonomous, transnational perspectives over time. Seen from a nation state perspective this fact is especially interesting. Slaughter argues that delegated agencies develop preferences that are distinct from national governments (2004: 50). A customary characteristic of transnational actors is that they are sovereignty free, i.e. they have no obligation, in the formal sense, to protect the sovereignty of the nation state (Jerneck in Jerneck & Gidlund 2000: 15). The development of a border regional, transnational perspective has in some cases included actors stretching their authorities and changing their scope. The most obvious examples are the two information services Grensetjänsten and Öresunddirekt, whose handling officers have taken upon them a function that goes well beyond the authority of a single handling officer in their respective authority organisations. The development of the Öresund Committee to a lobby organisation as well as the progressive function of the Task Force also goes in line with this reasoning. Another common feature in all the three cases studied, is that a large part of the active participants in the transgovernmental networks are border regional actors from the information services who work hands-on with helping individuals to cross the border. In line with this, Niessen means that the most progressive actors in the Maas-Rhein region are the ones who are directly involved "in the practical reality of the border region" (2008). This suggests that a border regional point of view is required to realise the relevance and importance of removing barriers. The strong nodes in the network are constituted by the actors who have acquired this perspective (mainly the border regional organisations in this study).

Transnational regionalisation can to very large degree be understood as a regional development adapted to integration: The actors seek unconventional solutions to problems often by integrating new actors in the network and the actors deliberately work with broadening their competences in regard to both politics and economics (Jerneck in Jerneck & Gidlund 2000: 23). In line with this reasoning a **third characteristic** is that these networks are characterised by a rather fixed core of involved individuals regardless of which barrier that is in focus. However, the networks also have a flexible and ad hoc character, in that individual actors may be included when new expertise is needed. The powers of transgovernmental actors are amplified by their network structure and the barrier networks are characterised by strong interpersonal dimensions. Furthermore, interaction has a big role as individuals tend to sympathise with and adapt the behaviour of people they often interact with (March & Olsen 1989:44).

A **fourth characteristic** is that the networks are strongest on the border regional and regional level and weak on the state level. Transgovernmental networks have both horizontal and vertical dimensions. The horizontal cooperation describes relationships between officials across the states. Interconnections between national or subnational actors and supranational/international officials exemplify vertical ties (Newman 2008: 122). The border regional networks have a rather strong horizontal dimension, but lacks vertical links to the state level. The border regional actors have struggled to strengthen this part of their networks, but have had a hard time finding the relevant actors and getting involved in the state processes. The vertical links are stronger on the Nordic level due to the connections to the Nordic Council of Ministers, who have helped to broaden the state network, mainly through the creation of the Barrier Forum. As a result of the rather weak vertical relations, the border regional actors have adapted a strategy that involves broadening their networks and co-operating with other border regions.

A **fifth characteristic** is that the networks are characterised by informality; the actors use informal tools to shape agendas, mediate disputes, and mobilise support for their interests. Transgovernmental actors use a variety of power resources to lobby for their preferred policy goals including expertise, domestically delegated authority, and network ties (Newman 2008:120). A key process here is that all the border regions in this study have adapted a pro-active strategy through more extensive analysis and the development of solutions to barriers. Furthermore, in a sociological vein, transgovernmental actors frame issues to overcome objections to proposals (Newman 2008). In the cases studied this has meant stressing the potentials in the border regions and point at the barriers as an obstracle in the way of realising these potentials. In other words, such actors attempt to impose their preferences on the state level policymakers. Furthermore the actors try to take advantage of different possibility structures and windows of opportunities in order to achieve change.

5 Conclusion

Barriers to freedom of movement have been shown to constitute a challenge to achieving functional labour markets in the border regions. The barriers in the border regions are mainly identified in the border regions by personnel in the information offices, whose task is to inform individuals and companies of the rules and regulation on the other side (e.g. tax, social insurance, unemployment funds etc). Following the identification of barriers, removing barriers has over time developed into a key priority in the border regions of this study. To this end similar organisational methods and working methods have been adapted in the border regions. However, the border regional actors generally (especially in unitary states) do not have the competencies to change legislation, nor to enter binding agreements of international law (Jerneck in Jerneck & Gidlund 2000: 218f). This fact has put the question of border regional ways of influencing the state level at the forefront of the agenda.

The aim in this study has been to show how border regional actors attempt to break down barriers rooted in national legislation. The conclusion from studying the three border regions has been that they have developed largely similar sets of methods to identify, analyse and attempt to remove barriers to freedom of movement. The work with attempting to remove barriers rests heavily on key border regional actors (border regional organisations and the skills of the individuals in these organisations) and the various transgovernmental networks they establish. A majority of the priorities set, strategies adopted and lobbying done happens within the frame of these networks. The transgovernmental border regional networks are characterised (i) by being dominated by public actors; (ii) by actors stretching their authority and developing transnational perspectives as opposed to perspectives rooted in the nation state; (iii) by consisting of a number of key individuals, but at the same time flexibly integrating new actors when demanded; (iv) by having strong horizontal links on the border regional and regional level, but having relatively weak vertical links to the legislative state level; (v) by being built informal relations, using informal tools (issue framing, lobbying and expertise) to try to influence.

Many of the measures taken by the border regional actors should be seen against the background of the state-level inertia to remove barriers. Furthermore, given structural processes to remove barriers are lacking at the state level. As a consequence, all three border regions in this study have put a lot of effort on doing analysis and providing solutions on their own; especially as lists of barriers sent to the state level have proven to be an insufficient method to achieve change.

In conclusion, removing barriers to freedom of movement should not be seen as equivalent to harmonisation or wiping out any differences between two state systems. A solution should rather be seen as that of achieving *compatibility*. It is

important to stress that there is often no inherent conflict with preserving national systems and removing barriers; it is rather a matter how much effort put into the solutions. Removing barriers to freedom of movement has historically proven to be a difficult and long process. Explaining this inertia has however not been the focus of this paper, but could with great benefit be the aim of another study on the subject. A new institutional approach would be well suited for such an analysis.

6 Bibliography

6.1 Interviews

Aaberg, Torben 26.11.2008: The Secretariat of the Öresund Committee: Deputy Director. Was involved in the first barrier processes in 2001. Interviewed in Copenhagen.

Andersson, Bengt-Olle 25.11.2008: Öresunddirekt SE: Social insurance expert. One of the most experienced in the Öresund barrier network. Interviewed in Malmö.

Evers, Alfred 08.12.2008. Coordinator at the Euregio Maas-Rhein Secretariat. Is active in the Commissions. Interviewed in Eupen.

Jacobs, Rutger 08.12.2008. Legal expert at the Task Force. Interviewed in Aachen.

Kupers, Stefan 08.12.2008. Senior-advisor international affairs. Province Limburg. Interviewed in Eupen.

Lindblad, Johan 28.11.2008. Senior advisor on barriers to freedom of movement since 2005. Interviewed in Copenhagen.

Niessen, Hans 08.12.2008. Director of the Task Force. Future director of the Eurogio Maas-Rhein (Beginning in January 2009). Interviewed in Eupen.

Norrback, Ole 04.12.2008. Chairman of the Nordic Barrier Forum. Long and documented experience on Nordic cooperation. Interviewed in Copenhagen.

Olsén, Kjell 02.10.2008 and 26.11.2008. One of the founders of Grensetjänsten; work there as a councellor/employment officer. Interviewed at the Border Council in Charlottenberg and later via phone.

Whitt, Lars Victor 19.12.2008: Öresunddirekt DK: Portal Coordinator. Comments made at the Öresunddirekt Christmas party in Copenhagen.

6.2 Literature

Carlén, Albin, 2007. *Working time? – A sociological institutionalist account.* Lund University.

European Commission, 2001a. *High level task force on skills and mobility* (Final report), www.ueapme.com/enter/dwnlds/IsProM_1.doc. 06.01.2008

European Commission, 2001b. *New European Labour Markets, Open to All, with Access for All.* Communication from the Commission to the Council, Brussels.

European Union – Committee of the Regions, 2006. *EU Structured Dialogue with Commissioner Margot Wallström. Communication Policy and Plan D.* Luxembourg: Office for Official Publications of the European Communities.

IAF – Inspektionen för arbetslöshetsförsäkringen, 2008. *Gränsarbetare i Norden.* http://www.iaf.se/upload/Rapporter/2008/2008-8_Gr%C3%A4nsarbete.pdf 06.01.2008.

Jerneck, Magnus 2007. *Det gränsregionala ledarskapets problem* in Nilsson, Fredrik - Sanders, Hanne - Stubbergaard, Ylva (red.). *Öresundsgränser.* Göteborg: Makadam

Jerneck, Magnus, 2000. *Regionalization, territoriality and change: Nordic politics viewed in a changing territorial perspective.* in Jerneck, Magnus – Gidlund, Jan-Erik (red.). Local and regional governance in Europe. Cheltenham: E.Elgar Pub.

Jessop, Bob, 2002. *The Political Economy of Scale in Perkmann*, Markus - Sum, Ngai-Ling (red). *Globalization, Regionalization and Cross-Border Regions.* Basingstoke: Palgrave Macmillan.

Keohane, Robert O. – Joseph S. Nye 1974. Transgovernmental Relations and International Organizations. *World Politics*, Vol. 27, No. 1 (Oct., 1974), pp. 39-62.

Lukes, Steven 2005. *Power: a radical view.* Second edition. New York: Palgrave Mcmillan.

Löfgren, Orvar 2008. Regionauts: the Transformation of Cross-Border Regions in Scandinavia. *European Urban and Regional Studies*, Vol. 15, No. 3, 195-209

March, James G. – Olsen, Johan P. 1989. Rediscovering Institutions: The Organizational Basis of Politics. London: Collier Macmillan Publishers.

Newman Abraham L. 2008. Building Transnational Civil Liberties: Transgovernmental Entrepreneurs and the European Data Privacy Directive. *International Organization* 62, Winter 2008, pp 103–30.

Niebuhr, Annekatrin, 2008. *The Impact of EU Enlargement on European Border Regions.* International Journal of Public Policy. Volume 3, Number 3-4.

Norrback, Ole, 2008. *Besvärligare att flytta över gränser i Norden.* Dagens Nyheter debatt. 30.10.2008

Perkmann, Markus 2002. *Globalization, Regionalization and Cross-border regions.* in Perkman. Markus – Sum, Ngai-Ling (red.) Globalization, Regionalization and Cross-border regions. Basingstoke: Palgrave Mcmillan Ltd.

Perkmann, Markus, 2002. *Euroregions: Institutional Entrepreneurship in the European Union* in Perkmann, Markus - Sum, Ngai-Ling (red). *Globalization, Regionalization and Cross-Border Regions.* Basingstoke: Palgrave Macmillan.

Scott, J.W. 1999. *European and North American Contexts for Cross-border Regionalism*, Regional Studies, 33(7), pp. 605-617.

Slaughter, Anne-Marie, 2004. *A New World Order.* Princeton, NJ: Princeton University Press.

Strüber, Alice, 2004. *'We are only allowed to re-act, not to act': eurocrats' strategies and borderlanders' tactics in a Dutch-German cross-border region* in Hooper, Barbara - Kramsch, Oliver. *Cross-border governance in the European Union.* London: Taylor & Francis Ltd.

Stubbergaard, Ylva 2007. *Föreställningar om en gränslös Öresundsregion* in Nilsson, Fredrik - Sanders, Hanne - Stubbergaard, Ylva (red.). *Öresundsgränser.* Göteborg: Makadam

Tendens Öresund 2008. www.tendensoresund.org. 27.12.2008

Tägil, Sven 2001. *Regions in Europe – a historical perspective* in Persson, Hans-Åke – Eriksson, Inge (eds.). Border Regions in Comparison: Five Lectures from a Conference held 4th of May 2000 at Malmö University. Lund: Studentlitteratur.

van Houtum, Henk - van der Velde, Martin, 2004. *De-politicizing labour market indifference and immobility in the European Union.* in Hooper, Barbara - Kramsch, Oliver. Cross-border governance in the European Union. London: Taylor & Francis Ltd

ØAR - Öresundskomiteen, 2004. *Facts and experience – an introduction to cross-border regional labour markets in Europe.* ØAR and Öresundskomiteen.

Öresund - En region blir till, 1999. A report published by the Danish and Swedish governments

Öresundsregionen - Två länder, en arbetsmarknad, 2007. A report as a result of working groups consisting of officials from the Swedish and Danish Ministries of Employment (initiative from the ministers).

Östhol, Anders 2001. *Regions in Europe – a historical perspective.* in Persson, Hans-Åke – Eriksson, Inge (eds.). Border Regions in Comparison: Five Lectures from a Conference held 4th of May 2000 at Malmö University. Lund: Studentlitteratur.

7 Appendix

7.1 Simplified examples

- The right for early retirement pension is earned in each country separately. A person who has worked 60 percent of his professional life in Sweden and 40 percent Denmark, hence get the early retirement pension payment proportionally from these two countries. However, upon injury that may entitle the individual to early retirement pension, the countries may make different decisions, causing the individual to loose a part (e.g. 40 percent from Denmark) of his or her early retirement pension.

- It is generally very difficult to have parallel jobs on both sides of the border simultaneously. EU regulation 1408/71 states that in such an occasion the individual belongs to the social insurance system of the country in which him or her resides. This means that the employer in the other country has to relate to the social insurance system of the employee residence country. Between countries where the welfare systems are financed with different methods, the problem is even bigger (e.g. Country A: employment tax (by employer) and Country B: employee taxes). An example is that many Danish employers do not wish to hire Swedes that have parallel works.

- Following Norwegian law fathers earn their right to parental leave based on the rights of the mother. In praxis this means that: 1) Men residing in Norway, while the wife is working in another country (e.g. on the other side of the border), have no right to parental leave. 2) Men working in Norway, having a wife who does not work in Norway (typically non-Norwegian citizens), have no right to parental leave. In both cases the father contributes to the Norwegian welfare system but has no right to the welfare benefits.

For more examples see: http://granshinder.norden.org/