

Crisis Management in Germany and France – Comparative Overview and Status of Cross-Border Cooperation in the Upper Rhine Region

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Summary

Cross-border crisis management is becoming increasingly relevant in a time of growing transnational crises – from natural disasters and pandemics to security threats. In the Upper Rhine region in particular, where German and French municipalities exist in close proximity, the different national administrative and political systems pose a particular challenge for crisis management.

This working paper presents a comparative study of the institutional structures and processes of crisis management in Germany and France, with a focus on the municipal level. The aim is to use the study as a basis for deriving recommendations for action to optimise cross-border crisis management at the municipal level in the Upper Rhine region. The focus is on analysing the differences between Germany's federal system, which is strongly based on laws and subsidiarity and offers a high degree of local autonomy, and the centralised, highly hierarchical and decree-based French model. Based on this comparison, the mechanisms, legal foundations and institutional arrangements for cross-border cooperation in the Upper Rhine region are presented. Particular attention is paid to the COVID-19 pandemic, which highlighted deficits in the coordination, dissemination of information and legitimisation of national measures.

The study shows that, despite some established structures, there are still far-reaching obstacles resulting from legal ambiguities, cultural differences and a lack of institutional flexibility.

Finally, recommendations for action are formulated, aimed at strengthening the legal framework, establishing cross-border crisis teams and institutionalising ex-post evaluation of crisis measures. The working paper thus contributes to a deeper understanding of the complexity of cross-border crisis management in European border regions.

1. Introduction

Crises quickly become cross-border phenomena. Natural disasters, pandemics, the effects of chemical and industrial accidents, etc. do not stop at national borders. Rivers that form borders, such as the Rhine, are particularly susceptible to flooding, which inevitably affects both sides of the border. These types of crises are becoming increasingly frequent as a result of climate change. The refugee movements of 2015/16, the COVID-19 pandemic and Russia's war of aggression against Ukraine illustrate the increasing scale and intensity of crises in the 21st century. Numerous communities on the Upper Rhine in Germany and France are located in close proximity to one another. The likelihood that the effects of a crisis will hit the neighbouring municipality in the neighbouring country just as hard is higher than in other parts of one's own country. However, cross-border cooperation poses challenges for authorities. Two administrative systems with different cultures, competent authorities and crisis management structures face each other. These systems differ fundamentally in how they function – from alerting to mobilising resources. Added to this are cultural and language barriers.

Three main factors in particular contribute to increased vulnerability to crises in border regions:

1. **Information security and understanding of the crisis:** Information on the extent of the crisis is often fragmented. Different actors and interpretations of data lead to an inconsistent understanding of the crisis across borders.
2. **Resource coordination and mobilisation:** Mobilising resources across institutional boundaries is considerably more difficult.
3. **Responsibilities:** Unclear responsibilities and a lack of decision-making structures lead to legitimacy problems and communication errors.

Effective cooperation in crisis management is crucial to minimising negative impacts in border regions. A fundamental first step is to understand each other's crisis management systems.

This working paper provides an overview of the administrative systems in Germany and France in the context of crisis management and analyses the functioning and current state of cross-border cooperation in disaster control.

2. Administrative Systems in the Context of Crisis Management

The respective administrative system has a significant influence on the approach taken in the event of a crisis, with some fundamental differences being particularly striking: in Germany, the approach is based on laws and subsidiarity with a high degree of regional autonomy, while in France it is based on decrees and involves all actors in an organisational structure with a vertical chain of command and a high degree of state control. The difference here lies in the formal process of drafting legal acts. While laws go through the parliamentary legislative process, decrees (based on a previously passed law) are issued directly by the government or the president.

2.1 Germany

Germany is a federal state and consists of 16 federal states with different jurisdictions. The constitution (Grundgesetz, GG) regulates the division of tasks between the states and the federal government, whereby, according to Article 70 I GG, the states have the right to legislate insofar as the constitution does not confer legislative powers on the federal government. In addition, according to the guarantee of self-government (pursuant to Article 28 II GG), municipalities in Germany "shall regulate all matters of the local community on their own responsibility within the framework of the laws." However, according to Article 35 GG, all federal and state authorities in Germany shall provide mutual legal and administrative assistance to each other.

An important principle in German administrative law is the principle of the rule of law. Article 20 III GG states: *"Legislation shall be bound by the constitutional order, the executive power and the judiciary shall be bound by law and justice."* Accordingly, all administrative action in Germany must be based on laws.

In Germany, the federal states are responsible for disaster control, and the measures for this are regulated in the respective state laws. This is a legally defined form of organisation for hazard prevention, in which all "authorities, organisations and institutions involved in hazard prevention work together under the unified leadership of the locally responsible disaster control authority" (Ministry of the Interior, Digitalisation and Migration 2017, p. 14). Civil protection means protection against disasters, which is defined in the State Civil Protection Act (LKatSG) as:

"(...) an event that endangers or damages the lives or health of numerous people or animals, the environment, significant material assets or the vital supplies of the population to such an unusual extent that it appears necessary to place the cooperation of authorities, agencies and organisations required for its prevention and combating under the unified leadership of the disaster control authority" (§ 1 II LKatSG).

Depending on the extent of the disaster, either the district office or the city district (as the lower disaster control authority), the regional council (as the higher disaster control authority) or the Ministry of the Interior (as the supreme disaster control authority) is responsible and directs both the administrative measures and the operational-tactical approach (cf. §3 LKatSG). The individual authorities rely on staff work for coordination. The administrative regulation on staff work of the state government provides a model for staff service regulations in the individual authorities. This involves organised interdisciplinary and interdepartmental cooperation, which is intended to contribute to rapid and coordinated decision-making and information transfer.

Unlike in France (see below), Germany does not have an organisational system that encompasses all levels and defines the tasks of the individual authorities and actors from top to bottom. The principle in the German administrative system that each authority is responsible for its own tasks plays a major role.

The federal government is responsible for civil protection, i.e. for (non-military) measures to protect against the effects of war (see §1 I of the Civil Protection and Disaster Relief Act (ZSKG)). The legal basis for this is the federal Civil Protection and Disaster Relief Act (ZSKG). However, there is some overlap between disaster control and civil defence measures, which is why, according to §11 I ZSKG, the units involved in disaster control under state law also perform tasks to protect the population from dangers and damage that may arise in the event of defence. For this purpose, they are additionally equipped and trained by the federal government. According to Section 12 ZSKG, all federal facilities and materials for civil defence are also available to the federal states for disaster control. For this reason, the federal government conducts regular inter-state and inter-departmental exercises within the framework of civil protection, also involving the Federal Agency for Technical Relief, with the aim of improving the network and crisis management skills of all actors in the country (cf. BBK, 2019, p. 4).

2.2 France

Unlike Germany, France is a centralised state. The French government retains considerable influence over the regions and is present at local level through its prefectures. These exist at the level of the départements, the regions and the "defence zones" established by the French government. In parallel, there are three levels of local government in France, whose political leaders are elected locally (conseil régional, conseil départemental and conseil communal) and to which the French state (in accordance with Article 72 of the French Constitution) can delegate powers. In the area of disaster management, however, most powers remain with the prefectures, i.e. under state control.

Unlike in Germany, government and administrative action in France does not have to be based exclusively on laws, but is often determined by decrees. Disaster control in France is based on the *Loi du 13.08.2004 de modernisation de la sécurité civile* (Law on the Modernisation of Civil Security); the exact structures and measures for this are supplemented by various decrees and can be found in the "Partie réglementaire" (i.e. decrees and ordonnances) of *the Code de la sécurité intérieure* (see Titre IV). This is where the *Organisation de la Réponse de Sécurité Civile* (ORSEC) is defined. This is a form of organisation. Its aim is to develop a "culture of civil security" at all administrative levels and to provide a common instrument for responding to serious events (cf. Direction de la Défense et de la Sécurité Civile, 2006, p.7).

The competent administrative levels are organised pyramidally within the framework of ORSEC (municipalities < prefecture of the department < prefecture of the defence zone < nation), with the emergency plans of the lower levels forming an integral part of the emergency and disaster plans of the respective higher administrative level. The departmental ORSEC (which consists of both general and specific provisions) defines the precise tasks of all actors involved in disaster management and the municipalities, and determines the measures to be taken in different disaster situations (cf. Préfecture du Haut-Rhin, Plan ORSEC départemental, Dispositions générales, 2013).

Each actor must take ownership of the tasks falling within their area of responsibility and incorporate them into their own organisation's emergency planning (cf. Direction de la Défense et de la sécurité civile, 2006, p. 14). Depending on the extent of the crisis, the head of disaster

management is either the mayor (in his role as representative of the state), the prefect, the prefect of the defence zone or the Minister of the Interior (cf. Direction de la Défense et de la sécurité civile, 2006, p. 35).

The ORSEC plan for the defence zone includes, among other things, the ORSEC plan for the departments and supplements it with further coordination measures, the organisation of reinforcement of operational measures and cross-border cooperation. This administrative and state-controlled interlinking of emergency plans and the precise allocation of tasks to the individual actors differs from the German system.

3. National Crisis Management Procedures

The experiences of the COVID-19 pandemic have shown that initial responses to crises are often purely national. Border closures and other measures were implemented in some cases without consultation with neighbouring countries. In both countries, the administrative levels face challenges resulting from the different structures and responsibilities of national crisis and disaster management. This chapter examines how crisis management is carried out in both countries in the context of their respective national crisis management systems.

3.1 Crisis at the Local Level

Due to their proximity to citizens, local authorities bear a special responsibility. Nevertheless, they play very different roles within their respective national crisis management systems in Germany and France.

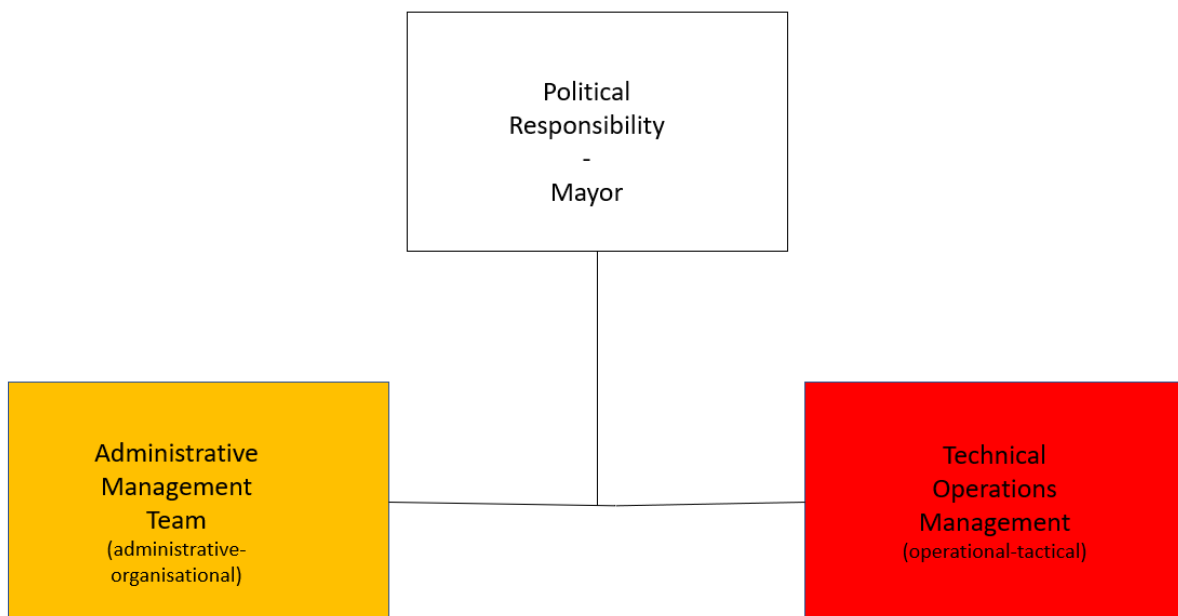
3.1.1 Municipalities in Germany

If a crisis occurs at the local level in Germany, responsibilities depend on whether it is classified as a "disaster". If it remains below the disaster threshold, the municipality, specifically the mayor, is responsible (see guarantee of self-government, Article 28 GG and § 111 II Police Act). As "local police authorities [...] they are responsible for organising and implementing measures to avert danger" (Ministry of the Interior of Baden-Württemberg, 2017, p. 4) and, in accordance with the guarantee of self-government under Article 28 GG and §111 III of the Police Act, they must organise these measures themselves.

In the event of a crisis, the mayor must coordinate both operational and administrative measures and can draw on staff work for this purpose (in accordance with the administrative regulation VwV-Stabsarbeit).

He coordinates both the operational and tactical precautions, for which the fire brigade is usually responsible, and can form command staffs and command groups as well as an administrative staff for this purpose (cf. Ministry of the Interior of Baden-Württemberg, 2017, p. 3). This involves organised interdisciplinary and interdepartmental cooperation, which is intended to contribute to rapid and coordinated decision-making and information transfer. The municipalities are obliged to report regular situation reports for assessment to the next higher disaster control authority (district office or mayor's office) (see Figure 1).

Fig. 1: Responsibilities of staff work



Source: Own illustration based on Baden-Württemberg State Fire Service School, 2021, p. 2.

If the situation is assessed as a "disaster" (within the meaning of § 1 II LKatSG) by the respective district office or mayor's office of the urban district, the latter takes over coordination.

In this case, smaller (district) municipalities act as "authorities obliged to cooperate" in disaster control. For any necessary measures of their own, they are obliged (according to § 5 II LKatSG) to draw up their own alarm and deployment plans, which must be consistent with the alarm and deployment plans of the disaster control authority. In addition, depending on the analysis of the hazard situation, additional emergency plans may be required. According to § 10 II ZSKG, each municipality is also obliged to "make the necessary preparations and take the necessary measures to carry out the evacuation and to receive and care for the evacuated population" in the event of a hazard. However, the law does not specify how uniformly the municipalities must fulfil these mandatory responsibilities. According to §2 II of the Local Government Act (GemO), disaster control is one of the mandatory tasks of municipalities without instruction. However, municipalities can refer to recommendations published by the state government for the preparation of alarm and emergency plans.

In the event of a disaster within the municipal area, the coordination and management of administrative and operational measures remains with the district or city district in its function as the lower disaster control authority. Political responsibility lies with the district councillor or mayor, who also draws on the work of the staff to coordinate administrative and operational measures.

The command staff serves to coordinate operational and tactical measures. It consists of specially trained units of the disaster control service and volunteer disaster control assistants and is led by a technical director appointed by the disaster control authority, to whom all deployed emergency services and their command personnel are subordinate for the duration of the operation (cf. § 19 LKatSG). If the disaster control authority has not yet appointed a technical manager, this role is temporarily assumed by the head of the unit that is first to reach the scene of the operation, in accordance with § 20 IV LKatSG. The administrative staff (or crisis management team) organises itself across departments to enable a joint strategic approach. It is responsible for preparing all administrative and organisational decisions in connection with the crisis event and monitoring their implementation.

In preparation for disasters, all disaster control authorities (and therefore also the city districts and counties) must investigate the disaster risks in their district in accordance with § 2 LKatSG; compile the emergency services and resources available in their district; draw up and maintain disaster and emergency plans; and, among other things, carry out regular exercises. In addition,






they must draw up external emergency plans for all companies handling hazardous substances with the involvement of the operator.

3.1.2 Municipalities in France

In France, the mayor is legally obliged to reduce the risks to his population, as he is the most appropriate level due to his proximity to the population (see Ministère de l'écologie, de l'énergie, du développement durable et de l'aménagement du territoire, maire face aux risques, p. 2). From a legal perspective, they are the *Directeur des Opérations de Secours* (DOS), responsible for coordinating rescue operations as long as the situation remains within the municipal area and does not require the intervention of the prefect. He is supported in this by the police authorities and a *Commandant des Opérations de Secours* (COS), i.e. an operations commander – usually a firefighter – who takes over operational command.

As an example, the general provisions of the *ORSEC départemental du Haut Rhin* specify in which situations the mayor is responsible and in which situations crisis management is transferred to the next higher level – the prefect of the département. Similar to Germany, the next higher level therefore takes over coordination in serious cases (see Figure 2).

Fig. 2: Organisation of structures and chain of command

L'ORGANISATION DES STRUCTURES ET DE LA CHAÎNE DE COMMANDEMENT					
Evènements à gérer		Acteurs	Organisation du commandement		
Exemples	Caractéristiques		DOS	Structure sur le terrain	Posture du C.O.D
<ul style="list-style-type: none"> •Accident routier •Incendie simple 	<ul style="list-style-type: none"> •Localisé •Courte durée •Conséquences immédiates 	Services de secours (Intervention courante)	 Maire	P.C service	Veille
<ul style="list-style-type: none"> •Accident routier •Incendie important 	<ul style="list-style-type: none"> •Localisé •Durée quelques heures •Conséquences immédiates 	Services d'urgence (secours avec des moyens renforcés)	 Maire	P.C Inter services P.C.C	Suivi
<ul style="list-style-type: none"> •Accident routier avec de nombreuses victimes •Accident de transport de matières dangereuses (TMD) •Incendie avec des problématiques particulières (site PPI, tunnel, pollution...) •Accident de spéléologie 	<ul style="list-style-type: none"> •Localisé •Durée quelques heures •Conséquences immédiates 	Services d'urgence + autres acteurs	 Préfet	P.C.O P.C des services P.C.C	Appui du P.C.O
<ul style="list-style-type: none"> •PPI (AZF Toulouse) •Pollution (Prestige, Erika) •Inondation •Intempérie... 	<ul style="list-style-type: none"> •Localisé, multi-sites ou touchant une partie du département •Durée un ou plusieurs jours •Conséquences évolutives 	Services d'urgence + autres acteurs	 Préfet	Un ou plusieurs P.C.O selon les cas P.C des services P.C.C	Direction
<ul style="list-style-type: none"> •Tempête (type 1999) •Pandémie (grippe aviaire) •Inondation (Type Seine 1910 ou Loire 1856) •Nucléaire 	<ul style="list-style-type: none"> •Touchant une partie ou la totalité du département voire au delà •Durée quelques jours à plusieurs semaines •Conséquences évolutives 	Mobilisation générale	 Préfet	Un ou plusieurs P.C.O selon les cas P.C des services P.C.C	Direction renforcée

Source: Prefect of Haut Rhin: Plan ORSEC départemental, Dispositions générales, 2013. p. 48.

In the event of traffic accidents and serious fires, coordination remains with the mayor, while in the event of a traffic accident with a large number of casualties or an accident involving hazardous substances, etc., it is transferred to the prefect (cf. Préfecture du Haut Rhin, 2013, p. 48).

For the organisation of his own emergency planning, the mayor is advised (but not obliged) to develop a *Plan Communal de Sauvegarde* (PCS) – i.e. a municipal emergency plan that is integrated into the ORSEC system. If the municipality is included in the PPRN (Natural Risk Prevention Plan) or PPI (Specific Intervention Plan) drawn up by the prefect, in which the mayor is assigned certain tasks, the mayor is obliged to draw up a municipal emergency plan. As part of ORSEC, the mayor also has central responsibilities for protecting his population, even if the prefect is in charge of coordination. These include organising the safety of the population, such as evacuation measures and warnings, as well as other tasks that the prefect may assign to him.

The mayor is also informed by the *Portés à Connaissance* (PAC) and the *Dossier Départemental des Risques Majeurs* (DDRM) (as part of ORSEC) about the risks in the municipal area and, on this basis, must, among other things, draw up a *Document d'Information Communal sur les Risques Majeurs* (DICRIM) – a municipal information document on major risks.

Unlike in Germany, there is no difference in the legal obligations of municipalities in France with regard to the size of the municipality. In Germany, large municipalities (i.e. city districts) have extended coordination and decision-making powers as "lower disaster control authorities" (see § 4 I LKatSG) and also take on coordination in the event of a disaster. In France, regardless of the size of the municipality, coordination is directly assigned to the prefect in comparable cases.

3.1.3 Different Competencies of Municipalities in Germany and France

Local authorities in Germany and France possess and implement different legal competences and missions.

Competences and missions of local authorities in France:

- Responsible for public safety as a sub-actor in the nationally vertically structured ORSEC organisational form: mayor as representative of the state;

- In the event of crises of minor scope and severity (e.g. accidents, fires, etc.): The mayor is the head of operations (COD);
- Larger scope and severity (even for fires): Command is taken over by the prefect, and the municipality is bound by his instructions;
- The ORSEC départemental plan provides for mayor to carry out certain tasks (such as evacuation, warning the population, etc.), which the mayor must organise himself;
- Development of a municipal safety plan (PCS) and a municipal information document on risks (DICRIM). Voluntary, but highly recommended – or mandatory if the municipality is involved in a PPI (prefecture emergency plan for industrial accidents).

Competences and missions of local authorities in Germany:

- Independently responsible for the safety of the population in their role as local police authority (see self-administration guarantee in Art. 28 GG);
- The mayor is the head of operations in a crisis and can convene the staff (a form of coordinated cooperation between the administration and the emergency services);
- If the crisis is classified as a "disaster", coordination is taken over by the district authority or the district office, or a higher level;
- Small municipalities are bound by instructions;
- Not part of an all-encompassing plan, but each municipality is responsible for its own safety planning, but legally obliged to coordinate closely and align its emergency plans with the higher level;
- Recommendations for action from the state government.

3.2 The Crisis Transcends the Municipal Level

When the crisis goes beyond the local level, different measures are taken in France and Germany, which are briefly described below.

3.2.1 Germany

In Germany, in the event of a crisis that exceeds the scope of a municipality and is classified as a disaster according to the definition in § 1 II LKatSG, the regional councils are responsible as higher disaster control authorities. In the event of disasters that extend beyond a regional

district, the Ministry of the Interior is responsible as the highest disaster control authority. The respective disaster control authorities coordinate administrative and operational measures with the help of staff work (see above), and all subordinate authorities and units involved are bound by their instructions. If necessary, the federal civil defence units and the units of other federal states (in accordance with mutual administrative assistance, Art. 35 GG) are available to provide support.

In the event of a disaster affecting several states, the federal government has additional coordination functions within the framework of civil protection. The respective ministries concerned form crisis teams and, if necessary, advise and coordinate the actions of the states. For long-lasting and cross-state crises situations, the interministerial coordination group of the federal government and the states is convened.

3.2.2 France

If the crisis in France exceeds the municipal level, crisis management is carried out at the departmental level (under the leadership of the prefect as head of operations) in accordance with the specifications and planning tools of the *ORSEC départemental* plan. The range of measures and the tasks of the individual actors, which are deployed according to the respective classification of the hazard situation, are specified in advance in the "general provisions" section. Depending on the type of crisis, some of the specific provisions may also apply.

The specific provisions of the *ORSEC départemental* define the actions to be taken by the actors in the event of a specific crisis. If the crisis exceeds the level of the département, coordination is transferred to the prefect of the defence zone and the zonal ORSEC plan is applied. The zonal ORSEC plan supplements the *ORSEC départemental*. It includes the ORSEC plans of the various départements and contains additional coordination measures, as well as the organisation of reinforcement of the operational measures.

Finally, if it becomes necessary to coordinate a situation at national level, the national level supplements the existing measures via the *Centre Interministériel de Crise* (CIC) and the *Centre Opérationnel de Gestion Interministériel de Crise* (COGIC).

In both Germany and France, cross-border cooperation in the event of a crisis only begins when a crisis or disaster crosses national borders and national efforts alone are not sufficient to manage the crisis. At European level, the EU Civil Protection Mechanism (EUCPM) was developed

in 2001 to strengthen cooperation between EU Member States in the event of a disaster. The EUCPM forms the operational backbone of Europe's collective response to crises, both within the EU and beyond, including its outermost regions. At the heart of this mechanism is the Emergency Response Coordination Centre (ERCC), which operates around the clock and coordinates various emergency operations such as forest fires, floods, epidemics and population displacement across the EU (see European Commission, EU Civil Protection Mechanism).

4. Cross-Border Cooperation in Crisis Management

Effective cross-border cooperation in crisis management is essential to prevent negative impacts in border regions. The Upper Rhine has one of the most developed cooperation structures in Europe (see Trinational Metropolitan Region Upper Rhine, Metropolitan Region), but the different administrative systems continue to pose a challenge, which became particularly apparent during the COVID-19 crisis. Experience has shown that coordinated processes and reliable structures at all levels are indispensable for smooth cross-border cooperation¹.

The following section explains how cross-border cooperation in civil protection has developed, how it works in a crisis and what challenges remain.

4.1. Bilateral Agreements and Legal Basis

The legal basis for cooperation between Germany and France in civil protection is the *agreement of 3 February 1977 between the Federal Republic of Germany and the French Republic on mutual assistance in the event of disasters and accidents*, which has been ratified by both states under international law. In this agreement, both states undertake to provide each other with assistance in the event of disasters and accidents, in accordance with their capabilities. It regulates the conditions for the deployment of relief personnel and resources in the territory of the other contracting party. Both contracting parties designate competent authorities and contact points near the border that are responsible for requesting and coordinating assistance and are to communicate directly with each other in order to ensure efficient assistance. In the 1977 treaty, these were, at the level of the border area, according to Article 3b of the agreement, the

¹ This need for cross-border cooperation and coordination was vividly described by Drewello et al. (2022) using the example of the management of the COVID-19 pandemic in the Strasbourg-Ortenau Eurodistrict and in the study by the former École Nationale d'Administration (ENA, now: Institut National du Service Public, INSP) on cross-border cooperation between Germany and France during the COVID-19 pandemic.

prefectures of the border departments on the French side and the interior ministries of the border states on the German side, as well as the district presidents authorised by them. However, Article 3 II also stipulates that, if necessary, assistance may be requested and granted directly by the competent authorities of the border municipalities and districts.

As a rule, the contracting parties bear their own costs for providing assistance. In certain cases, however, different agreements may be made. Emergency services personnel acting within the framework of assistance enjoy protection and legal status comparable to that of local emergency services personnel. The agreement also contains provisions on liability and compensation law. The contracting parties also undertake to exchange information regularly on civil protection measures and to conduct joint training and exercises in order to improve cooperation.

In 1998 and 1999, two agreements were concluded at regional level on the implementation of the agreement, both of which are still valid today:

- Agreement between the Prefect of the Bas-Rhin Department and the District President of Freiburg on the implementation of the Agreement of 3 February 1977 between the Federal Republic of Germany and the French Republic on mutual assistance in the event of disasters or serious accidents (dated 12 June 1998),
- Agreement between the Prefect of the Bas-Rhin Department and the District President of Karlsruhe on the implementation of the Agreement of 3 February 1977 between the Federal Republic of Germany and the French Republic on mutual assistance in the event of disasters or serious accidents (dated 19 October 1999)

They regulate the specific implementation and application of the bilateral agreement and specify how the general provisions are to be implemented at regional level. According to Article 6, those responsible for implementing this agreement shall explain the domestic regulations to each other at their meetings. In addition, Article 6 II authorises them to develop bilingual aids if this is deemed necessary.

In the field of health cooperation, the *Framework Agreement between the Government of the Federal Republic of Germany and the Government of the French Republic on cross-border cooperation in the field of health* was concluded in 2005, as was the administrative agreement specifying this agreement in 2006. These agreements designate the authorities authorised to

conclude cooperation agreements that organise cooperation between health structures in the border region and specify the areas to be covered by these cooperation agreements.

In 2021, an agreement was reached between the authorities in Alsace and Baden-Württemberg, which updates an earlier version from 2009:

- Agreement on cross-border cooperation between emergency services (2021) between, on the French side, the Prefect of the Defence and Security Zone East, the Department of Bas-Rhin, the Prefect of the Department of Haut Rhin, the Agence Régionale de Santé Grand Est, the Caisse primaire d'assurance maladie (CPAM), the various hospitals in the region, and, on the German side, the District Presidents of Karlsruhe and Freiburg. The agreement provides for closer cooperation between the emergency services of both regions in the field of emergency rescue and medical emergencies in the context of first aid. It allows French emergency services to be deployed in the German border area of Baden-Württemberg and German emergency services to be deployed in the border area of the Collectivité européenne d'Alsace.

In addition to this, cooperation between fire services was organised in more detail in 2021:

- The 2021 agreement on cross-border cooperation between fire services (between the Prefect of the East Defence and Security Zone, the Department of Bas-Rhin on the French side, the Prefect of the Department of Haut Rhin and the District Presidents of Karlsruhe and Freiburg on the German side).

4.2 Cross-Border Institutions and Local Governance in Crisis Management

Parallel to the bilateral agreements, numerous structures for cross-border cooperation, a cross-border governance system, have developed in the Upper Rhine region over the last few decades. These are intended to promote exchange and cooperation at the various administrative levels – national, regional and municipal – and in some cases serve as a link to the respective legislators. This is a complex multi-level system that aims to respond to regional challenges while at the same time taking into account the different responsibilities and competences of the administrative levels of all countries (cf. Frey, 2009, p. 44f.).

Since the 2000s, local and regional authorities have been given greater participation rights and opportunities for cross-border local decision-making with the Karlsruhe Agreement (1996), the

Basel Agreement (2000) and, most recently, the Aachen Treaty in 2020. At the regional level, the German-French-Swiss Upper Rhine Conference plays a special role. Its disaster relief working group brings together administrative staff from various regional authorities and government agencies in the fields of disaster control, rescue services and firefighting at least six times a year. Its goal is to create a strong trinational network in the field of disaster control. This is achieved by organising specialised expert groups that work specifically on cross-border projects (cf. Upper Rhine Conference, 2019, pp. 2-4.). One example of this is the introduction of a joint fire-fighting boat as part of an Interreg project. Since 2015, a joint training centre for river risk control on the Rhine has also been set up as part of the INTERREG CRERF-MÜB project, which trains specialists from both countries in classic and specific emergency techniques (see Upper Rhine Conference, Disaster Relief Working Group, Projects). In addition, the working group has developed a bilingual, illustrated glossary for emergency services, which is specifically tailored to the emergency vocabulary used in the German-French border region (see Upper Rhine Conference, Disaster Relief Working Group, Glossary). Cross-border exercises have thus proven to be a valuable tool for quickly and effectively identifying and overcoming challenges in cooperation. The Upper Rhine Conference is institutionally overseen by a government commission consisting of delegations appointed by the nation states. It acts as a central interface with national governments, particularly for matters relating to cross-border cooperation in the Upper Rhine region (see Upper Rhine Conference, Organisation of the Upper Rhine Conference).

At the legislative level, elected politicians work together in the Upper Rhine Council. It is composed of elected representatives of the Swiss cantonal parliaments, the autonomous regional councils, local councils, the state parliaments (Landtage) and regional councils (Landräte) in Germany, as well as regional and general councils in France and elected members of French local councils. This trinational parliament plays a decisive role when it comes to commenting on regional issues to their respective national governments. With regard to cross-border cooperation in disaster management, it took a position in 2024:

"With regard to cross-border crisis situations, the Upper Rhine Council asks the competent interior administrations to examine whether the creation of a centre for the coordination of emergency measures in the Upper Rhine region could be an effective instrument for supporting cross-border cooperation. In view of the rapid increase in extreme weather events in the Upper Rhine region, it advocates raising awareness of their effects, particularly among local authorities, for example by mapping risk areas" (Upper Rhine Council, 2024, p. 2).

At the municipal level, Eurodistricts, as cross-border associations of municipalities, aim to promote municipal cooperation and networking. The Strasbourg-Ortenau Eurodistrict comprises the 61 municipalities of the Eurometropolis of Strasbourg and the *Canton d'Erstein* municipal association, as well as the 51 municipalities of the Ortenau district. As a European Grouping of Territorial Cooperation (EGTC), it enables regional and municipal authorities to set up associations with their own legal personality for joint services (see Eurodistrict Strasbourg-Ortenau, Objectives)². However, as Drewello et al. (2022) show in detail in their study of Covid-19 management in the Strasbourg-Ortenau Eurodistrict area, although the Eurodistrict is an established cross-border institution in the region, it is not sufficiently equipped in terms of its organisational capacities to respond effectively in crisis situations (cf. Drewello et al., 2022, p. 144). This will be discussed in more detail in the following chapter.

Within the framework of Article 14 of the Aachen Treaty, the Committee for Cross-Border Cooperation was established in 2020 to reduce everyday obstacles in border regions. This committee brings together members from national, regional and local administrative levels. Its work programme for 2025 covers not only the areas of economy, labour and energy, but also transport and spatial planning, education, culture and youth, health policy and social affairs, as well as public administration and legislation. There is no explicit reference to the topic of crisis management and civil protection in the 2025 work programme (see Committee for Cross-Border Cooperation, 2025 Work Programme, pp. 1-5).

4.3 Obstacles to Cross-Border Cooperation between Germany and France in Crisis Management

The COVID-19 pandemic has clearly revealed existing shortcomings in cross-border cooperation between Germany and France. In a 2021 study, Albers et al. identified ten key problems that significantly impaired crisis management in a bilateral context as part of a research project at the *École Nationale d'Administration*:

1. Logistical chaos: The reintroduction of systematic border controls overwhelmed the security forces, especially when individual border crossings were closed. As a result, the remaining crossings were often affected by significant traffic congestion, which particularly restricted the mobility of cross-border commuters.

² For more information on the national, regional and municipal structures of cross-border cooperation in the Upper Rhine region, see in particular Frey, 2011, pp. 166-170.

2. Legal ambiguities: The definition of "valid reasons" for crossing the border remained unclear, and the lists of exceptions were not sufficiently geared to the real living conditions of the cross-border commuters affected.
3. Neglect of the local level: The French central government coordinated its pandemic control measures exclusively with the German federal government, even though the relevant regulations are implemented at the state level in Germany.
4. Insufficient organisational powers: The French regional health agencies (ARS) did not have the necessary autonomy to independently initiate short-term cross-border cooperation measures, such as the transfer of patients.
5. Lack of clarity of information: The information policy of the German authorities was characterised by a lack of clarity and transparency: information was scattered across various websites (including the RKI, the Foreign Office, the Federal Police and the health ministries) and was often not available in French.
6. Lack of knowledge about competent contacts on the other side of the border: A German minister-president refused to negotiate with a French prefect of the Grand Est region because he believed that only a French minister was a legitimate negotiating partner.
7. Inadequate binational coordination: Border controls were introduced immediately after the Grand Est region was classified as a risk area and were implemented without prior bilateral consultation.
8. Lack of information flow in the national multi-level system: Neither German mayors nor French regional actors were informed about the measures decided by the Federal Ministry of the Interior, which points to significant deficits in the vertical flow of information.
9. Lack of harmonisation of national crisis management measures: The criteria and documentation requirements for cross-border mobility were determined unilaterally without any initial harmonisation of the respective national regulations.
10. Inadequate impact assessment of national crisis management measures in the border area: In February 2021, Germany reintroduced border controls at its borders with Austria and the Czech Republic before defining specific exemptions for work-related border crossings (cf. ENA, 2021, p. 45f.).

Drewello et al. (2022) also identified and analysed a number of structural weaknesses and misguided decisions in their study of cross-border pandemic management. In particular, they emphasise that numerous administrative decisions were made without prior consultation with the

local actors directly affected and were only legitimised by rapid communication channels under the pretext of urgency (cf. Drewello et al., 2022, p. 133). For example, the mayor of the border town of Kehl was only informed of the measures after border controls had begun. In addition, there were considerable discrepancies in the information available and perceptions between the local and national police forces of both countries (cf. Drewello et al., 2022, p. 138). Despite established structures such as the Eurodistricts or the Regio Basiliensis on the Swiss side, these proved to be insufficient for the management of crisis situations, as they lacked the necessary institutional flexibility and decision-making capacity (cf. Drewello et al., 2022, p. 144).

Drewello et al. (2022) identified three major obstacles to effective cross-border crisis cooperation:

1. Structural obstacles: The lack of a locally based crisis management team with cross-border jurisdiction and access to the relevant institutional information channels.
2. Legal barriers: The complete institutional dependence of local actors on their respective national authorities, which in political practice means that the cross-border area is hardly taken into account in decision-making in Berlin and Paris.
3. Cultural obstacles: The lack of social anchoring of the "cross-border spirit": Despite the frequent political emphasis on Franco-German cooperation, the pandemic revealed a latent fragility in the collective consciousness of the population, which manifested itself in the form of misunderstandings, uncertainty and, in some cases, aggressive reactions (cf. Drewello et al., 2022, p. 148f.).

After identifying the weaknesses, Drewello et al. (2022) concluded by formulating three key recommendations for action to increase the effectiveness of cross-border crisis management:

1. The creation of a specific legal framework that obliges all levels of government to take a subsidiary approach in crisis situations. This should make decision-making processes more effective and, at the same time, more comprehensible to the population on both sides of the border.
2. The establishment of a cross-border task force with operational autonomy for defined crisis phases, whose operational capability is ensured by the aforementioned legal framework.
3. The implementation of an interdisciplinary ex-post analysis of crisis measures, involving experts from various fields (e.g. health care, security authorities, social sciences) as

well as the citizens affected. This should contribute to strengthening participatory elements in democratic crisis management (cf. Drewello et al., 2022, p. 149).

5. Conclusions

The comparative analysis of crisis management in Germany and France and of cross-border cooperation in the Upper Rhine region highlights the complexity and ambivalence of cross-border crisis management. On the one hand, structures, legal agreements and institutionalised networks have been in place for decades, forming a solid basis for cooperation and mutual assistance. On the other hand, crisis situations regularly reveal structural, organisational and cultural fault lines that limit the ability to act and reduce the effectiveness of joint measures.

A key finding of this study is the fundamental difference in the administrative and decision-making logics of the two countries. Germany operates within a federal system in which subsidiarity and local self-government play a key role. France, on the other hand, pursues a centralised structure based on decrees and concentrates decision-making processes in hierarchical chains. This divergence means that in a crisis, different constellations of actors, communication channels and responsibilities come into play. In practice, this means not only increased coordination efforts for cross-border cooperation, but also potential delays in mobilising resources. The COVID-19 pandemic has shown that national crisis responses often take place in isolation before transnational coordination is initiated.

Furthermore, the analysis shows that although the existing legal framework – in particular the 1977 agreement between Germany and France on mutual assistance in the event of disasters and accidents and its subsequent implementing agreements – provides an important framework for assistance, in practice it is often too inflexible to cope with the complex dynamics of modern crises. In particular, there is a lack of instruments that enable rapid, autonomous decision-making at local or regional level without the need for national governments in Berlin or Paris to always be involved in a leading role. This dependence on national decision-making centres leads to border regions being perceived as "peripheries" whose specific vulnerabilities are not sufficiently taken into account in the political process.

Another problem area is the heterogeneity of crisis understanding and information flows. Different definitions and thresholds – for example, with regard to the classification of an event as a "disaster" – not only make comparison difficult, but also hinder the synchronisation of

measures. Added to this are language barriers, diverging administrative routines and often fragmented information management, which can lead to misunderstandings, misinformation and loss of trust in crisis situations. These shortcomings became particularly apparent during the Covid-19 pandemic, when border closures were decided unilaterally and only communicated retrospectively.

Nevertheless, developments in recent years show that border regions such as the Upper Rhine can develop a high level of innovative strength when it comes to establishing functional cooperation. Institutions such as the Upper Rhine Conference, the Eurodistricts and specialised expert groups have demonstrated in several projects that joint training, bilingual operational manuals and cross-border exercises can make a substantial contribution to increasing the resilience of the border region. However, these approaches have so far remained isolated and are primarily effective in preparation, but less so in acute crisis situations where decision-making powers and resource management are paramount.

Against this background, several conclusions can be drawn: Firstly, there is a need for a clear, legally binding framework for crisis management in border regions, which not only regulates mutual assistance but also institutionalises concrete decision-making and action-taking powers at the local level. Secondly, consideration should be given to setting up a permanent cross-border crisis management team in the Upper Rhine region, which would have clearly defined powers in the event of a crisis and could operate independently of national decision-making delays. Thirdly, the existing cooperation structures should be supplemented by systematic ex-post evaluations that take into account not only administrative processes but also the perceptions and experiences of the population affected.

Another key aspect concerns the cultural dimension of crisis management. Despite decades of cooperation, the COVID-19 pandemic showed that social support for cross-border cooperation can remain fragile when national narratives dominate perceptions. In order to consolidate this "cross-border spirit" in the long term, continuous awareness-raising, education and public communication are needed to highlight the added value of joint crisis management.

Finally, the analysis points to the importance of the European level. The EU Civil Protection Mechanism provides an overarching framework that strengthens operational capacities, resources and coordination. But here, too, border regions such as the Upper Rhine must be perceived more strongly as independent units of action within the European crisis architecture.

Stronger institutional links between regional actors and European decision-making processes could help to overcome existing deficits in vertical communication between the local and national levels.

In summary, cross-border crisis management in the Upper Rhine region has become considerably more professional in recent decades, but remains characterised by structural asymmetries and institutional fragmentation. Sustainable improvement requires not only technical and organisational adjustments, but also a normative change that recognises the border region as a shared living and acting space, including in the context of crisis management. Only if legal, institutional and cultural foundations are strengthened equally can the Upper Rhine region be made more resilient to the complex crises of the 21st century.

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