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European Funding for Structural Transformations in the German-Polish Border Region

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Shaping change in Polish and German Lusatia

The challenges facing European regions undergoing structural transformations as they transition towards sustainable development pathways have attracted increasing interest in recent years. Straddling the border between Germany and Poland, Lusatia is experiencing considerable transformation pressure. Various domestic and European funding programmes, for example under the umbrella of the European Green Deal, are intended to cushion the impacts of the phase-out or reduction of coal-fired power generation.

The recently adopted EU Just Transition Mechanism aims to support sustainable structural transformations and the broader goal of achieving climate neutrality by mitigating impacts on the workforce and contributing to the diversification of economies in the most affected areas. Funds made available through this mechanism should be deployed in consultation with regional stakeholders in Lusatia to complement national support measures.

Further funding programmes are available targeting various policy areas and could be harnessed to strengthen integration throughout the region. Funding programmes that are centrally managed by the European Commission (i.e. not under shared management with national governments) are of particular interest in this context. Closer political and economic cooperation, coupled with a deeper exchange of experience, can accelerate regional integration and guide processes of structural transformation towards sustainable outcomes. However, there are some practical hurdles to overcome in border regions.

The primary objectives in using available EU funding are to mitigate the social impacts of processes of structural transformation and to deliver a just transition at all levels. Measures funded through these programmes should be aligned with the sustainable development goals (SDGs) and contribute to the goal of achieving climate neutrality.

■ Recommendation 1: Use the EU's Just Transition Mechanism (JTM) in partnership to promote sustainable structural transformations

The JTM and particularly the Just Transition Fund (JTF) should be used to guide the transition towards outcomes that strike a balance between social and economic interests, with a particular focus on workforce development and investment in businesses and start-up initiatives. Greater use should be made of the possibilities offered by the InvestEU programme and the Public Sector Loan Facility. On the Polish side, a settlement must be reached to secure the coal phase-out in the Turów region and unlock the benefits of the JTM for the wider border region.

■ Recommendation 2: Access other EU funding programmes alongside the JTM

Stakeholders in Lusatia should tap into other EU funding programmes that are not subject to shared management. This includes programmes such as the Connecting Europe Facility, Innovation Fund, and LIFE as well as various research funding programmes.

■ Recommendation 3: Remove practical barriers to cooperation in the cross-border region

Close cooperation, mutual learning, and joint projects can improve the outcomes of structural transformations in cross-border regions. These should be supported by measures to reduce language barriers and improve the accessibility of European funding programmes, for example by establishing central information and application hubs. In particular, the INTERREG programme should be expanded and its accessibility improved.

Lusatia: Structural transformation in a border region

The Polish, German and Czech areas¹ of Lusatia are all facing similar challenges as they grapple with processes of structural transformation driven primarily by the end of the coal age (Agora Energiewende & Forum Energii, 2020). The region's dependence on lignite-fired power generation and peripheral location give rise to a distinct set of problems that set Lusatia apart from other regions undergoing structural transformations in Europe.

The current situation in German Lusatia

The situation varies across the sub-regions of Lusatia. In Germany, the federal government has pledged to shutter all coal-fired power plants and open-cast mines by 2038 at the latest. However, recent economic, legal, and political developments make it likely that the horizon for the coal exit will be brought forward². As a result of the so-called “coal compromise”, federal states and regions affected by the decision will receive structural development aid from federal funds. Saxony and Brandenburg are eligible to receive a total of 17 billion euros from these funds through to 2038. The first structural transformation projects to be financed with this funding are currently being developed and approved. Within the region, disputes have arisen over which municipalities and actors should benefit from the planned funding and to what extent. The Länder of Saxony and Brandenburg have each developed their own processes for promoting structural transformations.³ For a more comprehensive overview of the current governance processes relating to structural transformations, see Herberg et al. (2020).

The current situation in Polish Lusatia

As Poland has yet to develop domestic funding programmes for its coal regions (Mazurkiewicz et al., 2021), structural transformations processes unfolding in Poland are largely supported through EU funds. This also applies to the *voivodeship* of Lower Silesia, in which the Polish part of Lusatia is located. The classification of this region as a transition region under the EU's new Multiannual Financial Framework (it was previously a “less developed region”) will reduce the funding quota available under EU structural and investment funds in shared management. Recently, an agreement was reached between the national government and trade unions to phase out coal production by 2049 and provides for public subsidies for mining during this period as well as social benefits for mining employees. However, the European Commission is highly unlikely to approve this deal given the state aid for existing open-cast mining operations in Poland.

The decisions affecting Polish Lusatia are overshadowed by the conflict surrounding the extension of the concession for the region's largest open-cast mine in Turów and the operation of the Bogatynia power plant. The government of Poland would like to see coal mining and coal-fired power generation continue through to 2044. This would effectively put the brakes on the transformation process. The Czech Republic argues that the mining activities are harmful to its groundwater supply and has appealed to the European Court of Justice (ECJ) against the decision to extend the mining concession. In May 2021, the ECJ issued an interim injunction requiring Poland to close

¹ This paper examines the structural transformation unfolding in the Polish-German border region. It should be noted that the adjacent Czech part of the region is also facing similar challenges (Schulz & Schwartzkopff, 2018).

² The outcome paper of the exploratory talks between the SPD, Greens and the FDP establishes the goal of phasing out coal-fired power generation “ideally [...] by 2030”.

³ Brandenburg state government's programme for Lusatia is available online (https://lausitz-brandenburg.de/wp-content/uploads/2020/09/Lausitzprogramm-2038_20200914.pdf); as is Saxony's action plan (<https://www.strukturentwicklung.sachsen.de/download/Handlungsprogramm.pdf>)

the Turów mine. The Polish government has failed to comply with this order even after the court ruled that Poland will be fined for its continued operation. The government's willingness to defy the ECJ must be viewed against the backdrop of the ongoing dispute over the rule of law in Poland.

The role of European Structural and Investment Funds

European support measures effective at both the Member State level and trans-territorially have played an important role in the overall support provided to regions undergoing transformation. The Structural and Investment Funds (ESI Funds) established to support the development of more marginal regions are particularly important. In Germany these are prioritised and administered at the level of the Länder (the states of Saxony, Brandenburg), in Poland at the level of the *voivodeships* (in this case, the province of Lower Silesia). The use of these funds and the achievement of various objectives is monitored in the regions by joint monitoring committees, with input from societal stakeholders. The ESI Funds were not established with explicit aim of securing more

equitable coal exits.⁴ Rather, their focus is on providing broad structural support to accelerate economic development and the convergence of Europe's regions. Funding allocations are determined in the EU's Multiannual Financial Framework (MFF). A degree of uncertainty attends the currently unfolding transition between the funding periods 2014-2020 and 2021-2027.

The ESI Funds include the European Regional Development Fund (ERDF), the European Social Fund (ESF+), which focuses on workforce development, and the European Agricultural Fund for Rural Development (EAFRD)⁵. These programmes provide funding to a large number of separately managed projects and interregional projects through INTERREG Europe (European Territorial Cooperation). INTERREG supports many small-scale cooperation projects. Funding is also provided to the Euroregions, which serve as competence centres for cross-border cooperation. Two of these Euroregions straddle Lusatia. The strands for cross-border (INTERREG A) and interregional funding (INTERREG C) are particularly relevant to the processes unfolding in Lusatia.

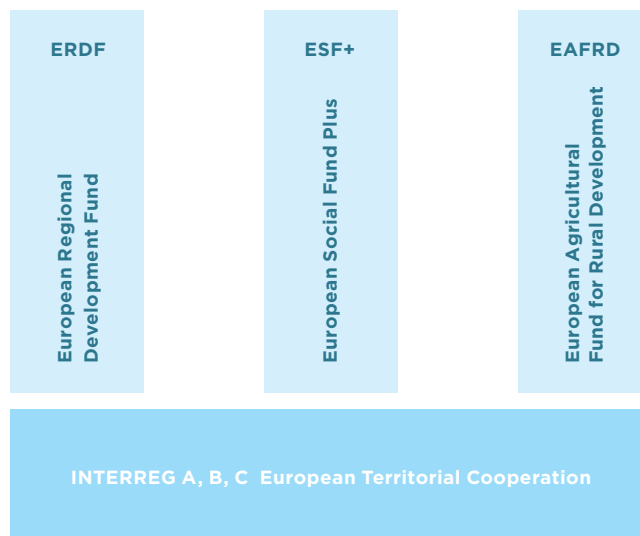


Figure 1: European Structural and Investment Funds relevant to Lusatia

⁴For an overview of the funding options relevant for coal regions, see Wehnert et al. (2018) or a study published by the European Parliamentary Research Service (2019).

⁵EAFRD also finances, for example, the LEADER programme, which supports economic development in rural areas. This programme is accessed extensively in Lusatia.

Use the EU’s Just Transition Mechanism (JTM) in partnership to promote sustainable structural transformations

Over the last years the EU has become increasingly involved in efforts to mitigate the often-substantial regional impacts of the unfolding transition to a sustainable energy system in Europe. The most visible of these instruments is the Just Transition Mechanism (JTM), which addresses the social upheavals that may arise within regions as a result of European efforts to achieve climate neutrality by 2050. We recommend that such redistributive mechanisms be complemented by just procedures and the equal recognition of all

those affected (Gürtler et al. 2021). The mechanism is a key component of the European Green Deal and will complement the activities of the EU Platform for Coal Regions in Transition⁶. It consists of three pillars: the new Just Transition Fund (JTF), the Just Transition Scheme under InvestEU, and a new Public Sector Loan Facility (PSLF). We recommend that the regions in Lusatia use the various pillars of this mechanism to guide this transformation process and involve regional and local actors in partnerships.

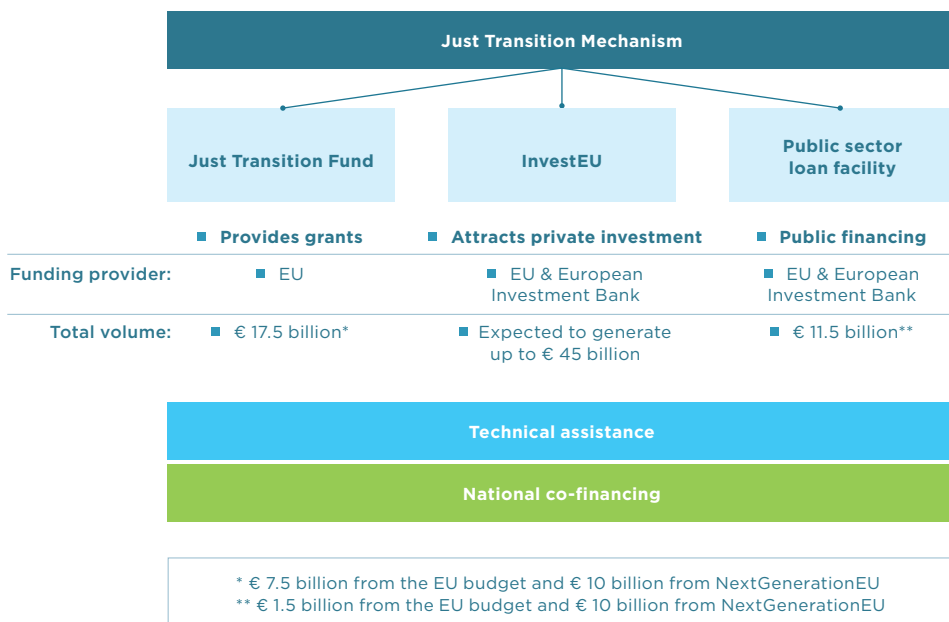


Figure 2:
The three pillars of the Just Transition Mechanism (JTM)

⁶ Established at the initiative of the European Commission, this platform has facilitated exchanges, delivered technical assistance, and organized cross-regional stakeholder dialogues since 2017. The platform was expanded in the summer of 2021 to include the Platform for a Just Transition. Stakeholders from Polish and German Lusatia have participated in meetings of the platform’s working groups and in policy dialogues since its inception and continue to do so.

The Just Transition Fund

In line with EU cohesion policy, grants from the Just Transition Fund (the first pillar) are implemented under the shared management⁷ of the European Commission and authorities and stakeholders at the national, regional, and local levels. Funding is available through the JTF for investment in and the creation of new businesses, research and innovation, environmental regeneration, clean energy technologies and sustainable local mobility, upskilling and reskilling of workers, job search assistance and GHG emission reduction through the conversion of carbon intensive facilities⁸. Unlike national funding programmes, the JTF can provide funds for productive investments in small and medium-sized enterprises (SMEs). While the JTF can make grants to larger companies under certain circumstances, we recommend that such allocations should be consistent with the goals of achieving climate neutrality and significantly protecting employment opportunities.

A total of EUR 19.3 billion has been allocated at NUTS-2 level for coal and industrial regions along with other regions affected by structural change and must be spent by 2030⁹. Of this, approximately EUR 3.5 billion have been allocated to Polish regions affected by structural change and approximately EUR 2.48 billion to regions in Germany, making these two countries the largest beneficiaries of these measures (European Commission, 2020).

Collaborative development and implementation of territorial transition plans

The Member States, in consultation with economic and social partners in the areas affected by structural transformations, draft so-called Territorial Just Transition Plans (TJTP), which identify transition challenges and objectives for the respective regions, as well as specific measures and governance mechanisms to achieve them.

In Poland, work on the TJTPs has already been completed. These were developed in partnership. Especially in Lower Silesia (which includes Polish Lusatia) representatives from local government were joined by civil society stakeholders, business associations and research institutes at working group meetings for the development of the TJTP. Ultimately, however, Polish Lusatia was not eligible to receive support under the JTF due to the lack of progress towards a coal phase-out in Turów.

In parallel to the development of the regional TJTPs, the Polish Ministry of Climate and Environment developed a national plan for a just transition, ostensibly to ensure coherence and complementarity between TJTPs and other strategic climate and energy policy documents. The plan will serve as a roadmap for regions in the development and implementation of TJTPs. A national plan of this kind is explicitly not intended under the European Union's JTF Regulation. It remains to be seen whether and to what extent this measure will further centralize the governance of the implementation of the TJTPs, affording the national authorities a greater role in this process. It is equally uncertain whether the European Commission would approve such an approach to partnership agreements in Poland.

In Germany, the Federal Ministry for Economic Affairs and Energy (BMWi) and the federal states are currently drafting territorial transition plans, which are to be submitted to the European Commission for approval in the first half of 2022. While the transformation goals and measures are bundled at the national level, the affected federal states are developing regionally specific strategies and projects. The effective involvement of regional actors in accordance with the partnership principle and the corresponding partnership agreements with the federal states are crucial to ensuring that programmes target and reach the most affected regions (NUTS-2 level). In Saxony and Brandenburg, processes are currently being developed to involve municipalities and social stakeholders in the programming and implementation of the JTF. In Saxony, a JTF sub-committee will be formed within the ERDF Monitoring Committee, in which relevant partners will be involved.

⁷ This mode of implementation entails close cooperation between national, regional, and local authorities and stakeholders.

⁸ The scope of support is set out in Article 8 of Regulation (EU) 2021/1056 of the European Parliament and of the Council establishing the Just Transition Fund, and the concrete possibilities for support that exist and are used depend on national and regional circumstances.

⁹ Some of the JTF funding has been allocated through the Next Generation EU programme and must be spent by 2026.

The importance of the Just Transition Fund for Lusatia

On the Polish side, in the *voivodeship* of Lower Silesia the disbursement of JTF funds in the district of Zgorzelec is tied to the decision on the future of the Turów power plant (see above page 8). As the JTM only covers the period through to 2027 and the coal phase-out will not take place within this timeframe, the region will not benefit from JTM funds either. Notwithstanding this, a TJTP for Lower Silesia – in particular the Walbrzych region south of Zgorzelec – has been prepared. The latest ruling by the ECJ offers an opportunity for the Polish national government to initiate a new dialogue with the Czech Republic and bring forward the closure of the open-cast mine in order to unlock JTF funds for Zgorzelec in future funding periods.

For the German coal regions, the German government has decided that the additional funding provided by the JTF will be largely offset against national funding already committed under the Coal Regions Investment Act (InvKG)¹⁰. Although they can be used in full, 85% of the JTF funds will be offset against the InvKG funds¹¹. The state governments in Brandenburg and Saxony initially rejected the federal government's plans for the settlement¹², but eventually accepted the agreement that has now been reached. The European Commission also rejects the practice of offsetting JTF funding against national expenditure (European Parliament E-000186/2021, 2021). At the same time, however, the European Commission does not see any means of taking action against the German government, as the JTF umbrella regulation does not prescribe additionality. Overall, the impact of this additional funding will therefore be limited.

InvestEU and the Public Sector Loan Facility

In contrast to the requirements of the JTF (first pillar), which is implemented separately in each member state, cross-border projects in just transition regions are eligible for funding under the second pillar of the JTM. InvestEU is a repayable instrument for, among other things, loans, guarantees or long-term bonds and is managed by the European Investment Bank (EIB) and the European Commission. The instrument targets regions identified in the TJTPs and, in principle, its scope extends to cover sustainable investments in all sectors. We recommend that this instrument also be harnessed to support the implementation of cross-border sustainable infrastructure projects. Applications can be submitted by natural persons as well as by private companies, non-governmental organisations, public institutions, and public-private partnerships directly at local banks.

The Public Sector Loan Facility (third pillar) supplies EU grants and loans by the EIB to public institutions only. The Loan Facility creates preferential lending conditions for projects that do not generate sufficient revenue to be financially viable. It includes an enhanced grant component for less developed regions.

Additional support is provided to recipients of funding from both instruments through an advisory centre established under InvestEU. Here too, the increased allocation for technical assistance will benefit of project promoters in less developed regions.

¹⁰ BT Drucksache 19/24331, 2020

¹¹ This affects the second funding strand through which federal projects are implemented. In concrete terms, this means that of the EUR 785 million allocated to the part of Lusatia within Brandenburg, just EUR 118 million will not offset planned federal investment, and of the original EUR 640 million allocated to the areas in Saxony, just EUR 96 million.

¹² LT-Drucksache 7/2555, 2020. Available at: <https://gruene-fraktion-brandenburg.de/uploads/documents/Muendliche-Anfrage/7-MA-336-Just-Transition-Fund-Antwort.pdf>

Access other EU funding programmes alongside the JTM

As access to the JTF is uneven across the region, political actors may need to tap into other European funding lines in order to shape the structural transformation at the local level and independently of nationally administered programmes. In particular, the willingness of local actors in the Turów region to pursue a course of structural transformation contrasts with the relative disinterest of the Polish national government. Consequently, there is a need to focus on funding programmes that are not co-managed with national governments. These programmes allow for the promotion of cross-border projects and guarantee additionality.

Examples include the Connecting Europe Facility (CEF), the LIFE programme, several research funding programmes and the Innovation Fund. Significantly larger sums will be available in the coming years for both new and established EU funding programmes thanks to the Next Generation EU programme, with at least 30% earmarked for climate protection activities.

The Connecting Europe Facility (CEF) supports the development of transport, energy, and digital infrastructure within trans-European networks. The programme places a particular focus on linking regions through cross-border projects. In the energy sector, the programme supports the development of cross-border renewable energy projects and transmission grids as well as market integration. Under the EU's Multiannual Financial Framework 2021–2027, the programme's budget amounts to EUR 42.3 billion, of which EUR 8.7 billion is allocated to projects in the energy sector.

The LIFE programme, which provides funding to projects in the fields of environmental protection, climate protection and energy transition, is also of interest to Lusatia. The new LIFE 2021-27 programme

has a budget of EUR 5.45 billion. One of its sub-programmes (EUR 1 billion) addresses the transition to clean energy generation. The programme is aimed in particular at investments and economic activities in the fields of energy efficiency and renewable energies. Its focus lies on supporting transformations in less developed regions that face difficulties accessing resources from the ESI Funds.

Horizon Europe, the EU programme for research and innovation funding, has a specific cluster for energy, climate protection and mobility. In 2021 and 2022 alone, EUR 5.8 billion will be available for research on energy. Horizon projects are awarded exclusively to consortia of partners from different Member States. Research on hydrogen and sustainable energy systems, both of which will be relevant for Lusatia's transformation, play an important role in the Horizon Europe programme.

The Research Fund for Coal and Steel (RFCS) supports research and innovation projects in the coal and steel sectors. The fund is focussed on serving regions that align with the guiding principles of the Just Transition Mechanism.

The above-mentioned support programmes and the ESI programmes already discussed will also be ramped up as part of the pandemic recovery efforts. The EU's Multiannual Financial Framework (MFF), coupled with the NextGenerationEU recovery fund as a temporary instrument to deal with the Covid-19 pandemic, will be the largest recovery package ever financed through the EU budget and will total EUR 1.8 trillion.

NextGenerationEU also includes EUR 47.5 billion for REACT-EU (Recovery Assistance for Cohesion and the Territories of Europe). These funds will be made available, inter alia, to the European Regional

Development Fund (ERDF) and the European Social Fund (ESF) in the years 2021–2022. NextGenerationEU will provide additional funds for other

programmes such as Horizon Europe, InvestEU, and EAFRD (rural development).

	Thematic focus	Target group	Co-management of finances	Promotion of cross-border projects
Just Transition Fund¹³	Enabling economic structural change	Structurally weak transition regions (NUTS-3)	Yes	No
InvestEU	(1) Infrastructure (2) Research, innovation and digitalisation (3) SMEs (4) Social investment	Private individuals, private and public organisations	No ¹⁴	Yes (infrastructure)
Public Sector Loan Facility	Energy, mobility, retrofitting, eco-system restoration, building renovation, research, digitalisation	Public facilities	No	Yes (infrastructure and climate adaptation measures)
Connecting Europe Facility (EU und EIB)	Infrastructure (development of trans-European networks) ¹⁵ , studies	Individual EU Member States or groups of EU Member States	No	Yes
LIFE-Programme	Environment, climate, energy	Private and public institutions	No	Yes
Horizon Europe	Research and innovation projects	Private and public institutions	No	Yes
Research Fund for Coal and Steel	Research in the coal and steel sector	Private and public institutions	No	Yes
Innovation Fund	Highly innovative technologies that will add value to Europe and which can deliver significant emission reductions	Private or public institutions as well as international organisations and consortia	Yes	Yes
INTERREG	Symmetrical development of EU regions	Private and public institutions	Yes	Yes
EAFRD (incl. LEADER)	Rural development	Private individuals, companies, towns, associations	Yes	Yes

¹³ The lines highlighted in light blue indicate instruments under the Just Transition Mechanism (first, second, and third pillars).

¹⁴ Only up to 5% of InvestEU funds stand under shared management through so-called Member State compartments.

¹⁵ Particular mention should be made here of projects to modernize, decarbonize and interconnect the trans-European energy network (TEN-E Regulation).

Remove practical barriers to cooperation in the cross-border region

Stronger cross-border cooperation will be crucial to ensuring the success of this transformation on both sides of the border. While cooperative ties already exist in Lusatia, these need to be deepened. To this end, further measures are needed in addition to the existing structural support measures and those discussed above. The European Climate Pact, the good cooperation within the framework of the EU Platform for a Just Transition or the EU Platform for Coal Regions in Transition and the many self-organised cooperative partnerships in Lusatia all provide useful starting points for efforts to deepen knowledge sharing and connect diverse actors. This would enable citizens, local authorities, societal actors, and national and sub-national governments to press ahead with this transition on both sides of the border.

There is a strong desire for greater cross-border cooperation across Lusatia, especially at the local level. Actors in areas close to the border are sometimes frustrated by national policy decisions and are actively working to shape the transformation process. These efforts are supported by Lusatia's active civil society, despite the challenges it faces in some areas (Stae-mmler, Priemer & Gabler, 2020). The "transformation committee" established in the Turów region is indicative of the widespread commitment of municipalities and civil society actors to cross-border cooperation. Rather than seeking to acquire funding through national programmes, they are increasingly setting their sights on European funds, especially following the extension of the concession for the Turów opencast mine and Bogatynia power plant through to 2044. In doing so, they are working to drive ahead with the regional transformation even though the decision to phase out coal at the national level is still pending. In light of this, the European Commission should rethink its instruments to support regions whose transformation

efforts are not sufficiently backed at the national level. In recent years, various EU initiatives have strengthened the exchange of experience and knowledge in the Lusatian border region. One example of this is the cooperation in the EU Platform for a Just Transition. However, various initiatives at the local level are also promoting the development of stronger ties, for example through the Forum of Mayors on Just Transition,¹⁶ in which mayors from European coal regions exchange information and network, or through joint statements such as the Görlitz Declaration, which contains recommendations to the European Commission. These initiatives are complemented by numerous cross-border twinning arrangements between municipalities and cooperation in projects.

Only a small proportion of EU funding opportunities are explicitly geared towards cross-border cooperation. The EU-funded INTERREG projects already in use today are of particular importance and provide funding to many small-scale projects. These projects strengthen economic, social, and political exchange between the regions. The Euroregions, two of which cover the Lusatia region, also receive funding through this channel.

Overall, there is a need to simplify the application process and management of funds under INTERREG projects in order to ensure that important initiatives are not delayed. This would be best achieved not so much by increasing project funding volumes, but by reducing administrative hurdles. The existing programme Interreg V A Brandenburg/Poland and Saxony/Poland aims to improve cross-border cooperation by reducing administrative, legal and physical barriers and facilitate joint efforts to harness existing potentials. As such, this programme harbours important opportunities for Lusatia.

¹⁶ <https://regionsbeyondcoal.eu/>

Other challenges must also be addressed in order to improve the effectiveness of cross-border cooperation for sustainable structural transformations. On a practical level, language barriers remain. This affects not only German- and Polish-language exchanges, but also language barriers to English that exist in the cooperation of local actors at EU level and with EU actors. Providing funding to cover the cost of translation and interpretation services could contribute to deeper cross-border cooperation.

When designing national and European funding programmes, consideration should be given to the extent to which measures beyond national borders could also be supported where this would benefit regions more broadly. Such an approach has not been possible to date. Finally, local authorities, especially outside the larger cities in Lusatia, often lack the expertise to gain a comprehensive overview of and access the funding opportunities offered by the EU. Capacity building and the establishment or improvement of coordination and management bodies for EU funds could remedy this deficit. ■

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Institute for Advanced Sustainability Studies (IASS) e. V.

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