

Central European Service for Cross-border Initiatives
(CESCI)

Legal Accessibility

Final report



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Written by:
CESCI
Budapest, 2016



Legal notice

The Central European Service for Cross-border Initiatives as the developer of this study and as the beneficiary of the relevant subsidy contract (hereinafter briefly: CESCI) during the elaboration of the study endeavoured to ensure the completeness and reality of the gathered information and to record identically the remarks and opinions occurred during the workshops (not always being in line with the CESCI's opinion) - matching the range of the study.

Consequently, the study contains the opinion of the participants of the workshops as well as the conclusions and recommendations logically drawn from the available documents by the CESCI colleagues compiling the study, which do not necessarily coincide with the official position of the ordering party and supporter, the Ministry of Justice.

CESCI maintains the possibility that in the time of working out the study it did not necessarily know all the documents responding the identified obstacles available for free or in a limited way, or not available at all; furthermore it could not have knowledge on all negotiations, planned texts of agreements under way or other information the knowledge of which could have modified the content of the responses given to the particular obstacles compared to the current ones.

Taking into account that the objectives of the study were to unfold the failures, shortcomings related to cross-border case-law and to develop legal and policy recommendations to give thereto, CESCI does not undertake the responsibility for the factual takeover of the conclusion to be drawn and, in general, for all damages resulting from the incorrect or distorting use, unauthorised recast or other similar activities or from omissions related to the study as a resource.

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1. Introduction and methodology

Different socio-political structures created by mankind result in an overall geographical space fragmented by political borders and borderlines and this is the explanation that unity of space emerges as divided one. The duality of inside and outside is a direct result of this socio-political fragmentation, where the former is often characterized by notions like civilized, open-minded, educated, scientific and logical, while the latter is strongly stigmatized and described as an enemy who is outside, barbaric, uneducated and dangerous. In other words, border areas naturally constitute divergent spaces which leads to an explicit differentiation between those who live within the space and those living outside of it.

However, fragmentation of space is visible not only between different socio-political frames, but it can be identified within the inner space too, thus making an inward-looking differentiation. This fragmentation is different from the standard inside/outside duality, because this duality also appears within identical socio-economic and political spaces. It is fragmented between central areas, where economic capacity, development potential and capital are accumulated, and border areas which constitute the peripheral space with limited economic and cultural vitality, hence their development potential is rather limited. Cross-border cooperation directly touches this inward-looking duality of space with its practical approach, and it tries to identify possible methods how to turn the disadvantaged border positions into an advantageous one. The establishment of linkages, cooperation and interaction between partners from both sides of the border may generate a sound regional complementarity, hence igniting economic, cultural, social and other forms of development of the border regions and areas.

Cross-border cooperation is not a new phenomenon, but its existence is directly linked to the existence of borders and border lines. Cross-border commerce, like the historic Silk Road, the trans-Saharan caravan routes and/or the Hanseatic League, shows that borders are permeable. In other words, the separation of space automatically generates an environment for crossing the borders more frequently and intensively.

It is important, however, to underline that border crossing commercial activities do not want to explicitly link the regions. Simply, linking of regions is not their aim, goal and function, because for them the issue of border-crossing is rather a tool to deliver goods and supply capital from one location to another one, thus utilizing the comparative advantages resulting from the different production and consumption levels of regions, to reach the highest levels of profit possible. That means cross-border cooperation is different from pure and profit oriented commercial activity, since it wants to perform functioning/effective connections between border regions instead of pure profit-

making. Consequently, functional coordination of borderlands and peripheral spaces goes beyond classical economic goals and it represents an activity which can generate cultural connections and spatial identity as well.

Institutional forms of cross-border cooperation achieved significant success after the Second World War. The first institutionalized cross-border form of cooperation was established between Germany and the Netherlands, with the title 'Euregio' (Scott 2000). This cross-border cooperation aimed to identify common solutions and answers for economic, social and environmental problems of the border regions and to support cross-border cultural and societal relations. The 'Øresund Committee' was established in 1964 and it intended to promote cross-border cooperation between Denmark and Sweden. These cross-border interactions offered useful examples for other regions and countries; subsequently, institutionalized cross-border cooperation started to expand and diffuse to other parts of Europe. The idea of institutionalized cross-border cooperation was first diffused to the Western and Northern parts of Europe, and later it took root in post-transitional Central and Eastern Europe, too.

In other words, Central and Eastern Europe has witnessed penetrating and deep changes in the domains of economy, politics and society. The socialist rule maintained a rigid border structure that prevented smooth crossing of borders and interactions; however, the possibilities for cross-border cooperation started to emerge after the breakdown of the socialist establishment. What is more, the advent of globalization and domination of free market approach have caused that 'spaces of flows' started to dominate over nation-states, hence the 'flows' unavoidably penetrate borders and alter their meaning and role.

These changes caused that numerous cross-border interactions have been implemented in real practice. These include the following ones: partnership between territorial units (e.g. twin towns, twin regions), thematic cross-border cooperation which is based on geographic proximity (e.g. Euroregions), and the so called European Grouping of Territorial Cooperation with the aim to promote an integrated development of border regions. Undoubtedly, the permeability of borders and cross-border cooperation have achieved significant results and success; nevertheless, numerous challenges and obstacles, which slow down interactions, can be identified. Legislative frames of nation-states and the lack of harmonization generate an environment where cross-border cooperation is limited, thus it can function only within narrow limits. Therefore, border regions experience heavy pressure and they must face a dual challenge: first, they must cope with their peripheral location in comparison with central areas; and, secondly, they need to manage various legal, administrative, cultural,

linguistic and psychological barriers of different socio-political frames which have a profound deceleration effect on their development potential.

The aim of the project is to discover those cross-border legal obstacles and limitations that substantially slow down the establishment of cross-border cooperation or their intensive and effective functioning. Moreover, the project attempts to identify those best practices in Europe which prove that the identified obstacles can be successfully removed, thus cooperation can implement deeper dimensions. During our research, we concentrated on those European spaces that have accumulated appropriate experience in the field of cross-border cooperation.

Based on the compiled list of best practices, we articulated numerous comprehensive proposals to the Hungarian Government. Some proposals contain specific legal amendments, while rest of them have a policy nature. Moreover, they contain some considerations that require changes within the Community Law and policies.

Within the project Legal Accessibility, we have articulated a proposal for institutional and information solutions facilitating the continuation of the work, too. Based on the given proposals, we are hopeful that those processes which ignite cross-border cooperation will be implemented in real life.

1.1 Background

Everyday life of people, living in border territories, is complicated by large and small annoying problems which have legal and administrative nature. In some cases, these obstacles may cause thorns and injuries that determine a whole lifetime; nevertheless, in some cases, inaccessibility of a hospital that is located far from the border area can even lead to the death of an individual.

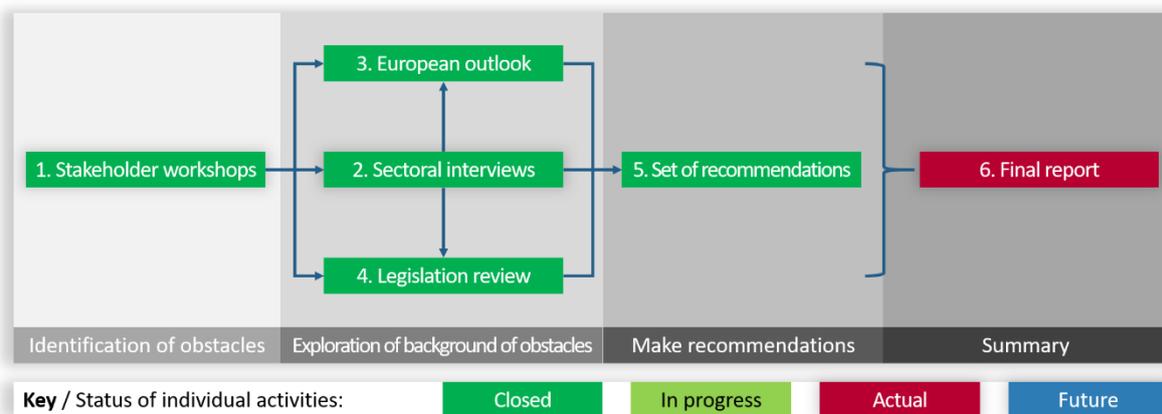
Corina Crețu, European Commissioner for Regional Policy, fights against this phenomenon, and she officially launched the consultation on 21st of September in 2015, in Vienna. The aim of this consultation is to identify and resolve the legal and administrative obstacles that hinder cooperation between member states. Online questionnaires, consultations, professional research, as well as stakeholder workshops are being organized within the frames of this series of consultation by the end of 2016.

CESCO addressed the Ministry of Justice in Hungary with the project idea "Legal Accessibility", before triggering the consultations in the European Union. The project idea had a very similar thematic and methodological approach, and the aim of the project was to reduce the number of currently existing administrative obstacles along the Hungarian borders, thus strengthening cross-border cooperation.

Lucky coincidence of these two initiatives makes it possible that the research carried out in Hungary lasting for eight months, and the concluded results can be incorporated into the documents and proposals emanating from the European Union consultation.

1.2 Structure of the Project

The first activity of the project “Legal Accessibility” was the series of so called stakeholder workshops organized in the Hungarian border areas (altogether 9+1 workshops). All the local participants involved in cross-border cooperation were invited to these stakeholder workshops. Roundtable discussion was used at the workshops to collect information about those obstacles that were experienced by the invited local participants. The primary purpose of the roundtable discussion was to identify problems on a territorial basis. Subsequently, an inventory of the problems articulated by the local actors was compiled. In the next phase of the project, sectoral interviews were performed with experts. During these sectoral interviews, we revealed the legal and administrative dimensions of the articulated problems.



At the same time, a research in the field of European best practices on cross-border cooperation and identified obstacles was started. The legal inventory of the identified obstacles was further developed and specified through valuable information received during the sectoral interviews and through profound desk research. We have articulated legal and policy recommendations with the intention to dissolve the identified obstacles by using the sectoral interviews, the European outlook and results of the legislative research.

1.3 Structure of the final report

The current final report intends to inform the readers about the main stages of the research project, which lasted eight months, as well as about the results of professional value that were achieved through carefully structured work. The final report means represents the official termination of the project; nevertheless, we carried out our work in a spirit that articulated new tasks and possibilities. This logic is directly mirrored in the structure of our final report, too.

After the first chapter giving a brief description of the introduction and methodology, the second chapter is set to identify the obstacles and its workflow. We describe in detail the stakeholder workshops offering an appropriate space to reveal the regulatory background that hinders interactions, as well as to identify obstacles, together with their territorial and sectoral aspects. Information collected during this stage marks the thematic ground of our research.

The third chapter describes the research revealing the background of obstacles and the compilation of recommendations. The unfolding of the background of the obstacles was in parallel with a composition of a European outlook, aiming to understand best examples and practices in relevant topics; revealing the existing regulatory environment and policy structure through sectoral interviews with the addressed experts; as well as making a detailed analysis of domestic and European legal frameworks. The compilation of the obstacles has been drafted based on this research work.

In the fourth chapter the results of the project related to each of the obstacles identified at the stakeholder workshops are presented. In each case, we specify the brief overview of the given obstacle, the best practices from Europe (if any) which can be used as models, the list of interviewees and relevant legal texts. Subsequently, we summarise, in a few sentences, our recommendations regarding the possible removal of each of these obstacles. At the end of the chapter, we give a short overview on our horizontal recommendations.

In the fifth chapter, we offer a summary of the main experiences of the project, by evaluating the fulfilment of the objectives set out within the indicators, as well as through a summary table. Finally, we compare the results of the project with contemporary trends in the European Union.

2. Identification of obstacles

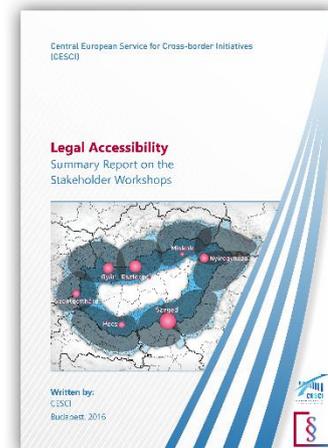
2.1 Stakeholder workshops

Within the frames of the project “Legal Accessibility” **workshops were organized along every border section of Hungary (altogether 10 workshops:** two each along longer borders, as well as one additional workshop with the participation of the Hungarian EGTCs). Local and active participants of cross-border cooperation, de-concentrated institutions, municipalities, universities, chambers of commerce, hospitals, national parks, project administrators, Euroregions, EGTCs, etc. were invited to these workshops. A total of seven cities (Esztergom, Győr, Miskolc, Nyíregyháza, Szeged, Szentgotthárd, Pécs) were selected, nine workshops were organized within a time period of three weeks. The organization, facilitation and administration of these workshops was helped by five of our colleagues in CESCO. In two locations (Nyíregyháza and Szeged), two stakeholder workshops each were organized considering the different status of border areas that are affected by those cities (actors and stakeholders affected by the Hungarian-Romanian and Hungarian-Ukrainian cooperation were the participants at the workshops in the case of Nyíregyháza, while those affected by the Hungarian-Romanian and Hungarian-Serbian cooperation were the participants in Szeged). In the nine workshops, a total of 81 people received detailed information about the legal barriers referring to border areas. Stakeholder workshops in Esztergom, Győr and Szeged attracted the most people, the number of participants at each of these workshops was above 10. To achieve the identified target of the project, a further stakeholder workshop, with participation of EGTC managers, was organized in Mórahalom. As a result of these workshops, we successfully addressed 104 persons in the first phase of the project.

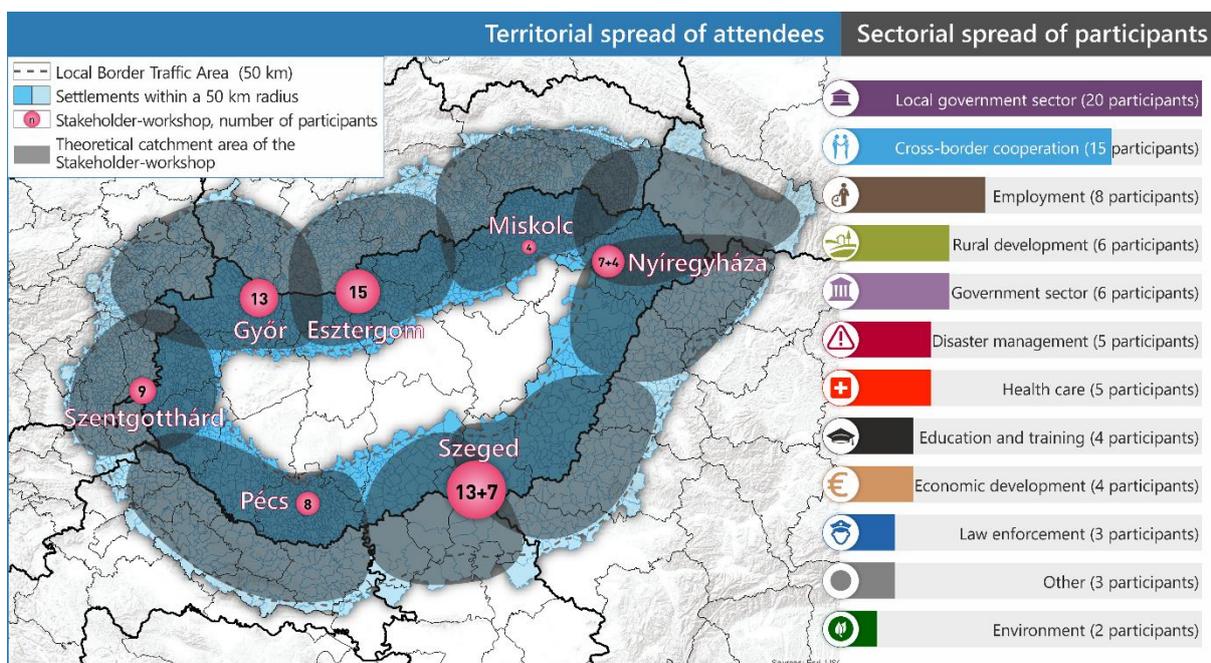
Indicator	Target	Fulfilled	Unit
Number of implemented stakeholder workshops	9	9+1	pieces
Number of participants at stakeholder workshops	90	81+23	people
Number of prepared summary reports	1	1	pieces



Stakeholder workshop in Esztergom



Front page of the
Summary Report



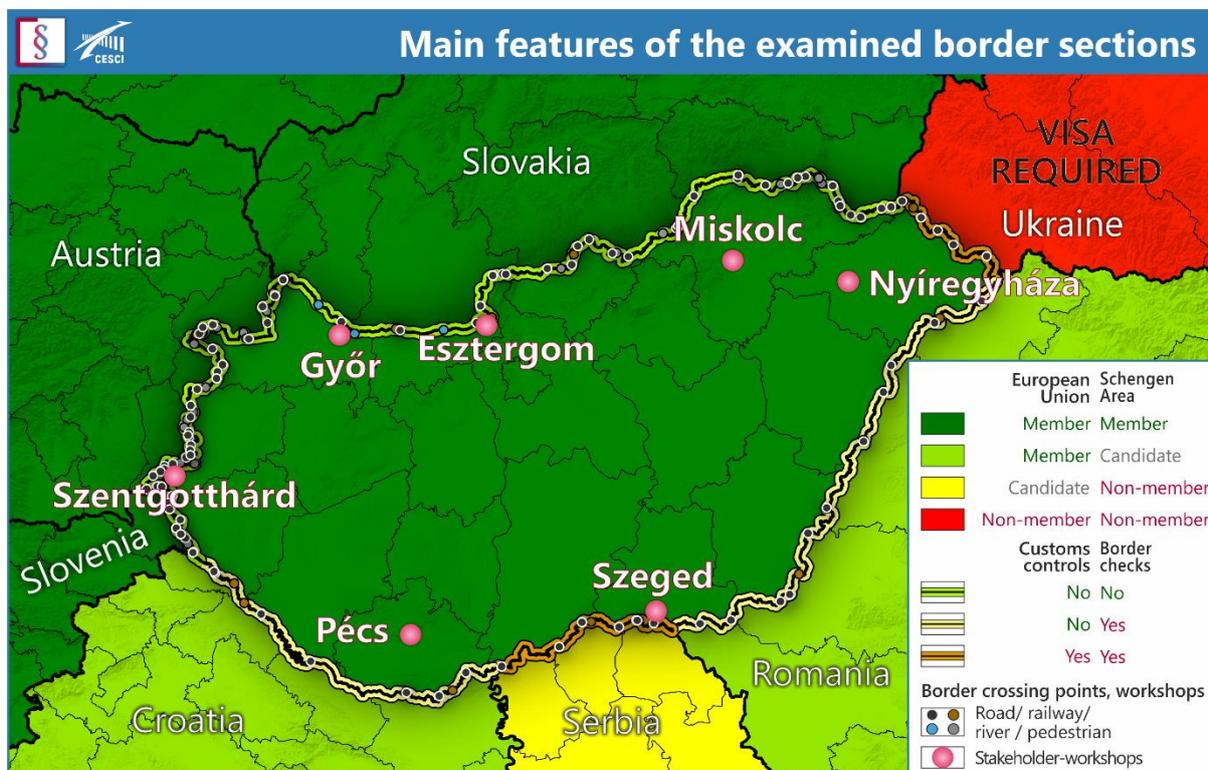
We collected information about local experiences of the participants through roundtable discussions at stakeholder workshops. Information about every implemented stakeholder workshop was released on the webpage of the project. After the completion of the stakeholder workshop, a **summary report was prepared about the main findings**. The primary aim of the roundtable discussion was to undertake a territorial identification of obstacles. We prepared an inventory of the problems raised by the participants. Based on the compiled inventory, the next phase of the project involved sectoral interviews with experts. We revealed the legal and administrative background of the specified problems through these sectoral interviews.

2.2 Identified obstacles

2.2.1 Territorial implications of the identified obstacles

About the barriers and obstacles that appear during cross-border interactions, it is important to underline that the borders of Hungary, from an administrative point of view, have recently become more open. Nevertheless, the scale of openness is highly dependent on the European integration status of the border area in question. Based on the level of openness, the border areas of Hungary can be divided into three groups:

- the Austrian, Slovak and the Slovenian borders are fully open border sections because these neighbouring countries are all members of both the European Union and of the Schengen area;
- the Croatian and Romanian borders are mainly open border sections, they are members of the European Union; however, the Schengen agreement has not yet been entered into force either in Croatia or in Romania;
- the Serbian and Ukrainian border sections are considered as external borders of the European Union, hence custom and police controls are in force; moreover, those who enter Hungary from Ukraine, are subject to visa requirements, too.



Main features of the researched border sections

The physical interoperability of borders is profoundly influenced by the number of border crossing points and by their density. These factors unanimously affect the intensity of interactions and the level of their institutionalisation, too. They both went through a dynamic expansion in the last decade in the case of open borders (especially Austria and Slovenia), thus the situation in this area is very favourable. Border-crossing possibilities with the Slovak Republic are more problematic although there are open borders between Slovakia and Hungary. To be more specific, the rivers Danube and the Ipoly generate a physical barrier; just like the river Drava with Croatia: therefore, the number of border crossings is the lowest here. During the recent years, at the Romanian border, which has a similar status as the Croatian one, border crossing opportunities have been expanded; however, the density of border crossings is still low since, because of the delay in Romania's joining process to the Schengen zone, the border crossing road infrastructure already in place has not been put in full operation – mostly because of the high costs required for the construction of the border station facilities. In case of Serbia and Ukraine, the number of border crossings is also low. The number of border crossings that are open day and night is only 3 in both cases.

The openness of borders and their physical interoperability are important factors, but they are not sufficient preconditions for cross-border interactions, especially in case of institutional cooperation. Linear relationship cannot be manifested between institutional relations and (theoretic) interoperability. Density of cross-border partnerships, Euroregions, territorial cooperation is the highest in the Slovak-Hungarian border area, and they can be found in a significant number on the Romanian and Croatian border, too. In contrast, their number is insignificant along the fully open Austrian and Slovenian borders. The number of similar forms of institutional cooperation is also growing along the Serbian and Ukrainian borders, however, the main limiting obstacle here is that they are not members of the European Union, thus they are defined as external territories, as well as their domestic legislation is hardly compatible with the legislative structure of the EU. That means that the problems around interoperability of borders appear only as a secondary obstacle.

These regional implications are appropriately mirrored in the identified quantitative and qualitative indicators of obstacles. The number of barriers appears to be directly proportional to the intensity of interactions and cooperation, hence more people, institutions, organizations are involved in cross-border cooperation, the more potential obstacles appear. Border status appears as primarily important: in case of an open border, the focus will shift from the obvious problems (border crossing, or transfer of products) towards more sophisticated questions and issues (service exports and

imports). Consequently, the handling of obstacles, albeit carried out mainly along a more or less uniformed methodology, required territorially rather different interventions.

2.2.2 Sectoral aspects of identified obstacles

The obstacles identified during the stakeholder workshops were completed, to a very limited extent, by obstacles that were revealed during the later stages of the project. As a first step, we tried to reveal the background of 60 detected obstacles; although, some obstacles were deleted from our list already at the beginning stage of the project. They were deleted for the following reasons:

- further clarification of the the revealed obstacle was not possible,
- there was neither a legal nor an administrative background for the obstacle previously revealed.

Some other obstacles were pooled into one without treating them as separate obstacles. This pooling was carried out based on received information. This means that, after deleting and pooling a number of obstacles, a total of 39 obstacles remained on the list as the object of our research.

The following table summarises the outcome of changes within the identified obstacles:

Sector	Code of the obstacle, short description		Pooling
	A1	There is no state support for students from across the borders	A1
	A2	Tuition fee of foreign students appear as revenue	deleted
	A3	Difficult to utilize the graduation degree that was received beyond the border	A3
	A4	Volunteering is required for graduation	A4
	A5	Different regulation of vocational education on two sides of the border	A5+A6+A7
	A6	Problematic acceptance of certificates and diplomas	
	A7	There is a need to undertake accreditation process of the degree of the pedagogic workers	
	A8	Acceptance of student cards (SK)	A8+A31
	A31	Different acceptance of student cards	

Sector	Code of the obstacle, short description		Pooling
	A9	More time is needed for crossing of the borders	A9
	A10	The pedestrian crossing was terminated in Záhony	A10
	A11	Ukrainian visa requirements	A11
	A12	Transfer of (service) weapon is prohibited	A11
	A13	Transfer of animals through the borders is limited	A13
	A14	Cross-border grazing of animals is not possible	A14
	A15	Duty process on free publications	A15+A54+A59
	A54	Limiting the validity of documents	
	A59	Validity of ATA cards	
	A16	Different regulation in the domain of local products	A16+A17+A20
	A17	Hungarian regulation on local market in 40 kms from the border	
	A20	Establishment of a cross-border local market	
	A18	Different food safety standards	A18
	A19	The vendor needs to register as subject of VAT	A19
	A21	Serbian border: need for a transporter	A21
	A22	Local products in public catering	A22
	A23	Nonexistence of EU-wide regulation on trademarks	A23
	A24	Crossing of border by ambulance car	A24
	A25	Integration of health care information systems	A25
	A26	Cross-border mobility of patient is not possible	A26
	A27	Paying of social security tax in more countries	A27+A28+A29
	A28	Right to patient care (stay)	
	A29	The foreign legal relationship is not automatically accepted	
	A30	Cross-border bus service	A30
	A32	Border crossing of undergraduate students	A32
	A33	Driving a car with foreign license plate number in Hungary	A33
	A34	The Serbian driving license is not accepted in Hungary	A34
	A35	Employing a foreigner in the Hungarian health care system	A35
	A36	Bureaucracy in the Hungarian labour market	A36
	A37	Difficult recognition of certificates and diplomas	deleted
	A38	Differences in terminology in the domain of employment	A38
	A39	Travelling of the Slovak government officials beyond the border	deleted
	A40	Hardships in operating an EGTC (RO)	A40
	A41	Croatia – joint regional representation with Hungary	deleted

Sector	Code of the obstacle, short description		Pooling
	A42	Procurement by countries	A42
	A43	Accounting problems with cross-border projects	deleted
	A44	Pre-financing support of governmental institutions	A44
	A45	Management of expropriations in the case of cross-border projects	deleted
	A46	Differences in classification of territory	deleted
	A47	Differences between procedures of construction authorities	A47
	A48	Problems around project-level legal harmonization	deleted
	A49	Installing of underground cable is considered as border crossing	deleted
	A50	Lack of information sharing between programs	A50
	A51	Cooperation between disaster management authorities	A51+A52+A57
	A52	Cooperation in the field of disaster management (HU-AT)	
	A57	Cooperation in case of heavy snowfall	
	A53	Acceptance of church weddings (SK-HU)	A53
	A55	Change of name in the case of naturalization	A55
	A56	Common drinking water supply and/or sewage network	A56
	A58	Banking partner card without home address card	A58

3. Exploration of background of the obstacles

3.1 European outlook

To articulate adequate proposals for solution, there was a need to examine other European states and the way how they treat problems, what kind of solutions they propose. That means we made a so called European outlook, we mainly concentrated on those European spaces and areas that have already accumulated appropriate experience and knowledge in the field of cross-border cooperation.

We used qualitative methodology during the preparation of the research study and during the actual research activity, too. That means our research was built on the so called 'desk research' methodology, thus we made a systematic gathering of good examples, their research, categorization, identification and evaluation of obstacles, and we explored the possible and implemented solutions as well.

Cross-border database and toolkit of the EDEN¹ portal, developed by ISIG, commissioned by the Council of Europe, was a valuable help in the process of identifying relevant information on institutionalised cooperation. Furthermore, a useful source of information was the extensive information database² that is accessible on the webpage of the French Mission Opérationnelle Transfrontalière (MOT), too.

During our research, we contacted some foreign cross-border cooperating parties and management organisations that coordinate cross-border cooperation, with the aim to receive updated and actual information, thus forming a clear picture about their obstacles and about their proposed solutions.

We started the introduction of every topic by a comprehensive and overall list of items that helps an easy orientation of the reader within the text of the study. Every good example was marked with a letter 'J' and with one number, thus their linking to obstacles became easy and transparent.

The document contains a detailed research of 52 good examples, and numerous additional models were mentioned. These good examples and models can be a useful source of information that can be effectively used in the process of abolishing the Hungarian obstacles.

¹ <http://cbc.isig.it/>

² <http://www.espaces-transfrontaliers.org/ressources/territoires/>

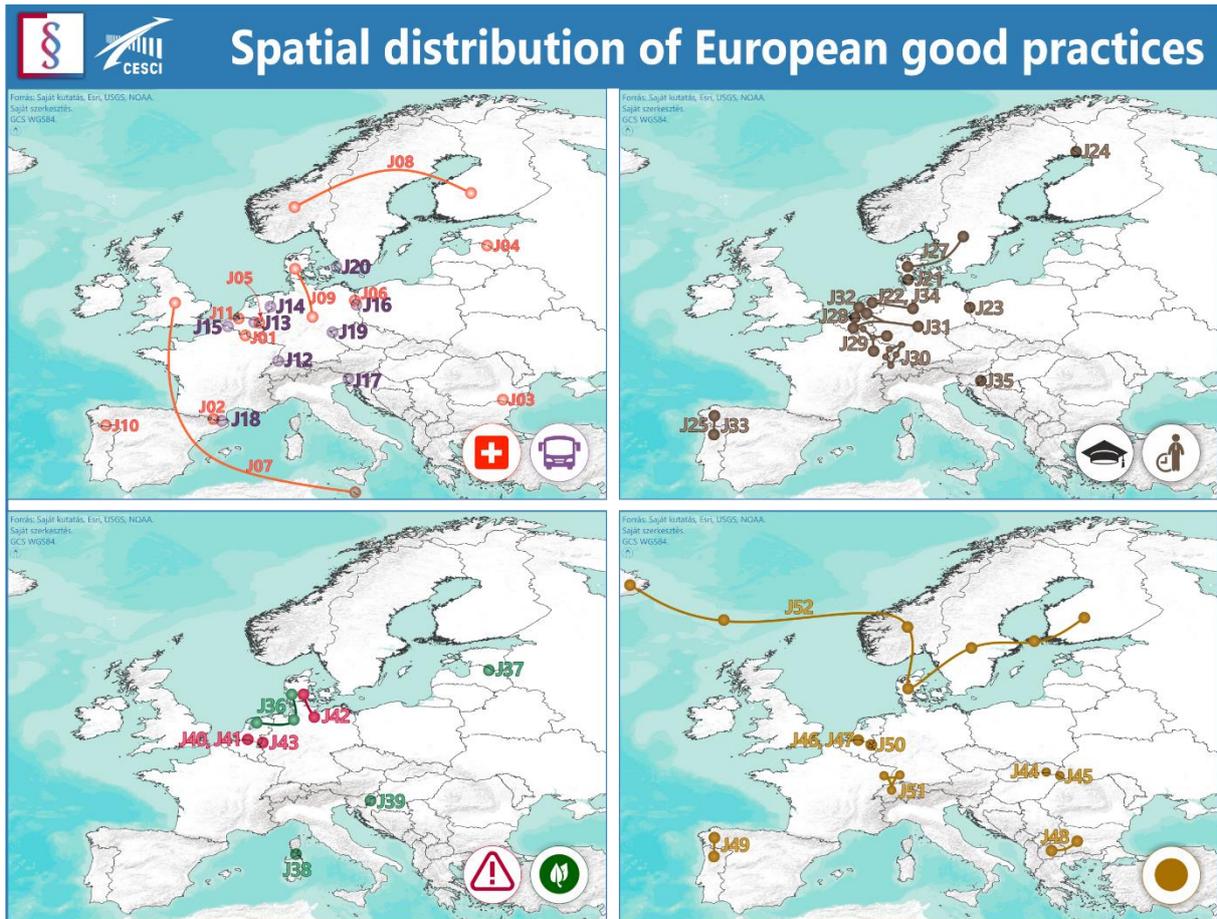
The good examples explored are categorised in the following structure:

Topic of good examples		Number of good examples with detailed exploration
	Cross-border health care and social cooperation	11
	Cross-border mobility and community transport cooperation	9
	Cross-border educational and labour market cooperation	15
	Cross-border environmental cooperation	4
	Cross-border crisis management cooperation	4
	Other non-specified forms of cross-border cooperation	9

In the last group of the study, we described several institutional models for state-level coordination that offered solution to certain cross-border problems and which might be useful and instructive for continuing the project.

Moreover, **the prepared collection of good practices** contains a rich bibliography. Specifically, it involves more than 140 bibliographic items. This huge bibliography might be very useful for those professionals who are interested in this specific field of research.

Indicator	Target	Fulfilled	Unit
Collection of best practices	1	1	piece



Spatial distribution of European good practices explored in the compilation

3.2 Sectoral interviews

To fully and comprehensively understand the legal obstacles of cross-border cooperation, it is necessary to comprehend the existing legal-regulatory environment, as well as to clearly identify the restrictive elements. The legal environment and background can be effectively understood with help of those professionals who themselves take part in the formulation, the enforcement and the operation of the regulatory system, or, for that matter, in solving the problems arising from the existence of regulations. Therefore, the exploration of both the legal environment and background is based on a series of interviews, where professionals, who fulfil the criteria required, are consulted. These professionals and their professional experience can greatly help us to understand the regulatory background.



The final aim of the project "*Legal Accessibility*" is to propose a modification, or in some cases even a reversal of those legal structures that limit cross-border cooperation; nevertheless, during the interviews, we had to consider the fact that the legal provisions are embodied within a wider sectoral or societal context. Simply, they are part of a system that cannot be easily neglected. They have a limiting role in the cross-border areas, but at the same time they fulfil an important task in the regulation of complex issues. During the interviews, we had to understand not only the specific identified parts of the regulation, but we had to substantially comprehend the regulatory and legal system as such. That means offering specific legal and policy proposals, which do not generate further tensions within the regulatory system, cannot be effectively performed without the deep comprehension of the regulatory and legal system and framework.

We tried to consistently follow two basic aspects in the process of identifying the interviewees. These aspects were the following: legal competence, as well as professional experience of the interviewees within the specific field. There is no contradiction between these two criteria; however, it can be claimed that either legal competence or professional experience prevailed. There was a better opportunity that in those spheres, where institutional continuity was present or the level of institutional stability was higher, the head of this specialized agency/authority could be the most relevant source of information. Nevertheless, in those sectors that experienced several notable institutional changes, we tried to identify and we preferred those experts, who

had professional experience, even in cases when they were not in a responsible position.

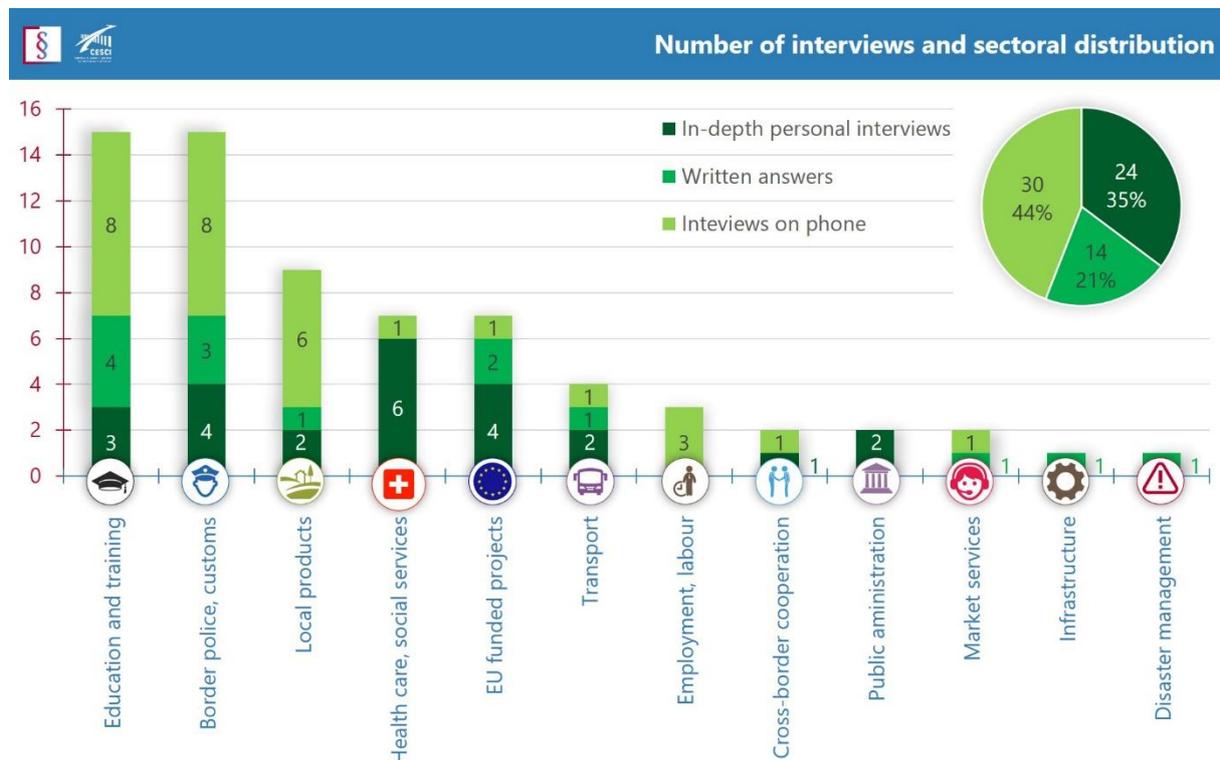
Specific approaches had to be followed in those cases, when we tried to explore the legal background of the special regulatory problems, like it was in the case of the Serbian-Hungarian border area.

The sectoral approach of the interviews resulted in the fact that the interviewees were mainly chosen from central supervisory bodies, institutions or authorities. Consequently, their competences and professional experience rather mirrored a sectoral approach, instead of their spatial skills. Our interviews were mainly concentrated on Budapest, mainly because of the centralized governmental and administrative system prevalent in Hungary. An exception to this interviewing trend was in those specific areas (regional organization of transport, local products, custom affairs) where key players were usually available in the border areas.

The network of the relevant professionals and experts was previously completed through *desk research*. Using the results of this preliminary research, we sent out approximately 50 invitations with the aim to ask them to participate in the interviews. After a long and thorough coordination **24 personal in-depth interviews were performed with the representatives of 8 different sectors.**

Indicator	Target	Fulfilled	Unit
Number of interviews	24	24 in-depth interviews 30 telephone consultations 14 written interviews	pieces
Number of sectors affected by the interviews	8	8 (in-depth interviews) 4 (other)	people
Number of prepared summary reports	1	1	pieces

Half of the interview inquiries and requests ended without performing an interview. This proportion is a result of varied reasons: in some cases, public contacts were not functional or we did not receive any reply to our repeated interview requests. In other cases, the identified professionals denied their participation in the interview and they underlined their insufficient insight within the specific topic. In other cases, the identified professionals of governmental authorities rejected interviews in absence of higher approval. There was even a case when the interview was rejected because the requested institution expected the termination of its own existence, thus they could not undertake in-depth interviews.



Number and sectoral distribution of the performed interviews

We received written answers for several our interview requests. Some of these written interviews contained highly relevant and detailed information. **Altogether, we received 14 written replies.** Moreover, it happened in numerous other cases that the exploration and clarification of the background was helped by telephone consultations. **Altogether, we performed 30 telephone consultations** with representatives of various sectors. The written interviews and the telephone consultations gained their high value during the work phase, when we were exploring the specific legal frames and when we were supplementing the in-depth interviews. That means further requests, mainly via telephone, but also in written form were generated to clarify part of the information we had previously considered uncertain.

A **summary report was prepared** about the performed sectoral interviews and the report was published on the website of the project.

During the information gathering process, the regional extension of the professional jurisdiction, which meant the whole of the country, caused a problem in some cases: besides being deeply familiar with the domestic regulatory-legal environment, our interview subjects only had partial, superficial information about other countries' relevant regulations. This is understandable as during their daily work they can and are obliged to act only in harmony with domestic regulations. The more thorough knowledge of the regulatory and implementing environment applicable in foreign and mainly in neighbouring countries would probably improve substantially the solution of certain problems and the continuity and pace of administration in general. In the light of our experiences however, it is unlikely that it would make administrative procedures more flexible, as they occur according to a clear procedure, bound to the fulfilment of appropriate administrative obligations and to the anticipation of the necessary procedure time.

In relation to the procedure, it is worth to mention another main consequence of the interviews, namely that legal obstacle as a concept is rather relative. From the perspective of cross-border cooperation, the adjustment point, which has an important regulatory role for the operation of a given area, is an obstacle. Without the adjustment point, the activities and events of the given sphere would sometimes become hardly manageable, would lack transparency and would, in some cases, even lead to an anarchy. Moreover, in some areas (animal health care, border control) any kind of deregulation would cause serious public health or security risks, therefore we had to approach these fields of legal regulation with extra caution and the legitimacy of certain obstacles had to be assessed with increased thoroughness.

Nevertheless, the interviewed experts were familiar with and acknowledged the revealed problems and legal obstacles, although they had rather different thoughts about them. Basically, the experts expressed three main reactions in relation to a given problem:

- **The problem does exist, but at the same time the legal background causing it is, as a matter of fact, very important in ensuring the operation of certain spheres**, therefore the obstruction of cross-border relationships, flows and interactions is the "necessary evil" in order to reach certain "higher purposes". Security and public health regulations were typically like this, but to a certain extent, the matter of cross-border transport or public administration (e.g. data directory systems) falls into this category, too.

- **They have previously encountered the revealed and introduced problem** (or it even comes up regularly), **however, this is not primarily the fault of the regulation in place, but that of the inappropriate practices**⁷. In some cases, for example, the regulation would even allow for solutions facilitating cross-border interaction, or there is an initiative that could overcome this obstacle, but inappropriate knowledge or ignorance of these causes and even strengthens the dividing nature of borders between national systems. A typical area like this is vocational training, where there are certain EU initiatives for interoperability (e.g. EuroPass), but it is simply not used by some countries. In other cases, for example in the field of customs operation, the lack of professional competence and knowledge of national legislation is what causes certain obstacles.
- The third, maybe least characteristic, but present reaction is that **they basically acknowledge the existence of the problem and of the related obstacle, but they also did not hesitate to point out alternative options left by the regulation**. An example for this is the entry into registration in a country as an instrument to meet local requirements. As we will see, obligations in return for certain economic advantages (e.g. free education, treatment like a domestic company) can be circumvented in a country with administrative registration (uncontrollable for other countries) in the case of individuals, and with the similarly administrative establishment of business sites in the case of economic-business organisations.

However, they cannot be viewed as exclusive, the above-mentioned answers summarize the main approaches quite well. A common point of them is that they do not aim changes and claims for them, and no propositions were made on the part of those questioned. Instead, they rather thought in terms of harmonization and mainly in utilizing the possibilities created by the existing (primarily EU level) initiatives, and suggested concrete changes less that fundamentally transform their own working environment.

3.3 Analysis of the legislations

During the legal analytical phase, we reviewed the legal environment of the obstacles identified at the workshops. When presenting the legal framework, we concentrated mainly on the legislation in Hungary but in the cases when it was necessary, we also touched upon the legal resources created by the European Union.

The indicator of the legal analysis defined previously was fulfilled by the **elaboration of the legal inventory**:

Indicator	Target	Fulfilled	Unit
Legal inventory	1	1	piece

In the framework of the legal inventory, with respect to the 39 obstacles or groups of obstacles discussed in detail earlier we reviewed in total nearly 250 provisions. Among these, there were both EU and Hungarian provisions. In some cases, we analysed the legislations of the neighbouring countries, as well. Beside the desk research, in some cases, it became necessary to negotiate with the relevant authorities with a view to clarifying the legislators' or the law enforcement officials' interpretation.

During the compilation process of the legal inventory, we used the National Inventory of Legislations³ in case of the Hungarian law, the EUR-Lex⁴ database for the EU provisions and the N-Lex⁵ database for those of the neighbouring countries.

The legal framework of the obstacles identified at the workshops shows a mixed picture after the analysis of the legislations.

In the case of several specified obstacles, it cannot be set out that we clearly face a legal barrier. Their sectoral field is ruled according to long-term policy principles and interests, which apparently do not allow room for manoeuvring to modify the relevant legislations (e.g. public security, animal health issues).



³ Nemzeti Jogszabálytár. URL: <http://njt.hu/> (Last download: 27th September 2016)

⁴ EUR-Lex. URL: <http://eur-lex.europa.eu/homepage.html> (Last download: 27th September 2016)

⁵ N-Lex. URL: http://eur-lex.europa.eu/n-lex/index_hu (Last download: 27th September 2016)

In the respect of certain barriers, real progress can be envisaged only if the policy attitude of the relevant states moves toward cooperation. It is the case with local products. Territorial delineation of the particular provisions and the limitation of the territorial jurisdiction of the authorities currently prevent the citizens living in border areas to have access to local products with as wide a range as e.g. their counterparts living in more central regions of the country.

In some cases, the current legislation is comprehensible and well-justified along policy principles but it hinders cross-border cooperation in a hardly acceptable way. It is the case with the duty-free goods transported to third countries where regardless of that duties are not applied for these products and materials; the customs procedures are not avoidable.

In the respect of several cases, during the analysis of the legal environment it became clear that no legal obstacle backs the issue but the stakeholders have false or inaccurate information on that.

As a result of the legal analysis, we had the opportunity to identify several cases where the design of the legislation facilitating cross-border interactions already started or it has been under way for a longer time. A few of them already have tangible outputs and eases the daily life of the people affected by cross-border interactions. However, these initiatives typically need further improvements and completion.

As a result of our examinations, we found 2 obstacles requiring international legal harmonisation, 12 ones which make both legal and policy interventions necessary. Further, we identified one practical and one policy problem, as well as 3 barriers which, apart from legislation, contain also other factors.

3.4 Set of recommendations

Based on the research activities carried out during the previous phases of the *Legal accessibility* project, in the subsequent stage we drafted recommendations regarding the obstacles identified at the stakeholder workshops. While doing so, we made a priority for four sectors: cross-border mobility and public transport, cross-border labour market cooperation, health care services and local products. These topics were treated in a comprehensive and integrated way (i.e. several obstacles have been merged into one larger subject) and this way we formulated concrete policy and legal recommendations.



We reflected separately on the barriers not classified under the four main sectors and we also made a separate note if the particular obstacle cannot be resolved.

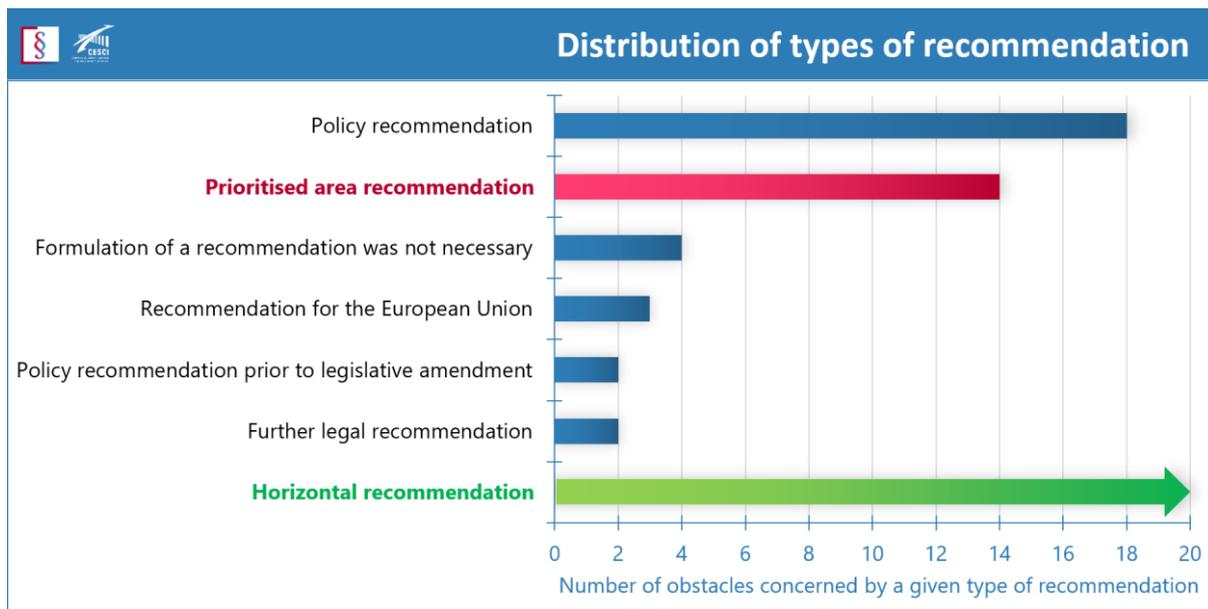
We made three types of recommendations for the removal of the barriers: if it was possible, we drafted a legal text proposal; in other cases, we made a proposal to policy interventions; and if we considered the room for manoeuvring too narrow for national level interventions, we initiated an EU level solution.

The legal recommendations can be classified again into three groups:

- proposals of bilateral agreements, the wording of the agreement included;
- proposals for modification of particular legal text;
- guidelines for the necessary modification of the legal environment.

The study also contains a horizontal or, in other words, a „meta-level” chapter which, reaching beyond the sectoral based approach makes proposals on the one hand to apply EU and national level solutions for the information of the citizens; and, on the other hand, based on the example of the Nordic Council, to launch institutionalised mechanisms, by also involving neighbouring countries, which, make the problems caused by the borders erected by the nation states manageable.

The figure below demonstrates the share of types of recommendations in a comprehensive way. The four prioritised areas concern altogether 14 previously identified obstacles and for each of them we drafted, applying the method mentioned before, complex recommendations including both legal and policy recommendations and proposals addressed to the European Union. As it is indicated on the figure, the horizontal recommendations formulated based on the experience of the research conducted after the identification of the barriers are relevant in relation to the resolution of all obstacles affecting border areas.



By drawing up the **list of recommendations**, we fulfilled the requirements for the indicator previously defined for this phase of the project:

Indicator	Target	Fulfilled	Unit
Compilation of recommendations	1	1	piece

In the table on the next page we indicate the types of recommendations by the identified barriers. As can be seen, in most cases, if, because of the background analysis, the obstacle is considered as a legal barrier, we typically drafted complex recommendations within the framework of a prioritised area. In respect of non-legal obstacles, we preferred to make policy recommendations.

Sector	Code and brief description of the obstacle		Following legal analysis	Type of recommendation
	A1	There is no state support for students from beyond the borders	Legal and policy obstacle	Policy decision preceding the amendment of the law
	A3	Difficult to utilize the graduation degree that was received beyond the border	Practical obstacle	Policy recommendation
	A4	Volunteering is required for graduation	It is not an obstacle	Policy recommendation
	A5	Different regulation of vocational education on two sides of the border	Legal and policy obstacle	Prioritised area recommendation
	A6	Problematic acceptance of certificates and diplomas		
	A7	There is a need to undertake accreditation process of the degree of the pedagogic workers		
	A8	Acceptance of student cards (SK)	Obstacle requiring international legal harmonisation	Prioritised area recommendation
	A31	Different acceptance of student cards		
	A9	More time is needed for crossing of the borders	Legal and policy obstacle	Prioritised area recommendation
	A10	The pedestrian crossing was closed in Záhony	Basically, it is not a legal but rather an infrastructural barrier	Policy level decision preceding the amendment and the necessary infrastructural development
	A11	Ukrainian visa requirements	Rather policy obstacle	Policy recommendation
	A12	Transfer of (service) weapon is prohibited	It is not merely a legal barrier (but an issue of public security, as well)	Policy recommendation
	A13	Transfer of animals across the borders is limited	It is not merely a legal barrier (but an issue of animal health, as well)	Policy recommendation, and recommendation addressed to the European Union
	A14	Cross-border grazing of animals is not possible	It is not merely a legal barrier (but an issue of animal health, as well)	Policy recommendation
	A15	Duty process on free publications	Obstacle requiring international legal harmonisation	Policy recommendation, and recommendation addressed to the European Union
	A54	Limiting the validity of documents		
A59	Validity of ATA cards			

Sector	Code and brief description of the obstacle		Following legal analysis	Type of recommendation
	A16	Different regulation in the domain of local products	Legal and policy obstacle	Prioritised area recommendation
	A17	Hungarian regulation of local market (40 km)		
	A20	Establishment of a cross-border local market		
	A18	Different food safety standards	Legal and policy obstacle	Prioritised area recommendation
	A19	The vendor needs to register as subject of VAT	Legal and policy obstacle	Prioritised area recommendation
	A21	Serbian border: need for a transporter	Legal and policy obstacle	Policy recommendation
	A22	Local products in public catering	It is not an obstacle	Policy recommendation
	A23	Nonexistence of EU-wide regulation on trademarks	It is not an obstacle	Prioritised area recommendation
	A24	Crossing of border by ambulance car	Legal and policy obstacle	Prioritised area recommendation
	A25	Integration of health care information systems	Legal and policy obstacle	Prioritised area recommendation
	A26	Cross-border mobility of patients is not possible	Other obstacle	Prioritised area recommendation
	A27	Paying of social security tax in more countries	It is not an obstacle	Policy recommendation
	A28	Right to patient care (stay)		
	A29	The foreign legal relationship is not automatically accepted		
	A30	Cross-border bus service	Legal and policy obstacle	Prioritised area recommendation
	A32	Border crossing of undergraduate students	It is not an obstacle	Policy recommendation
	A33	Driving a car with foreign license plate number in Hungary	It is not an obstacle	Policy recommendation
	A34	The Serbian driving license is not accepted in Hungary	It is not an obstacle	Policy recommendation
	A35	Employing of a foreigner in the Hungarian health care system	It is not an obstacle	Policy recommendation
	A36	Bureaucracy in the Hungarian labour market	It is not an obstacle	Prioritised area recommendation
	A38	Differences in terminology in the domain of employment	Legal and policy obstacle	Prioritised area recommendation
	A40	Difficulties in operating an EGTC (RO)	Basically, it is not a legal barrier	Policy recommendation

Sector	Code and brief description of the obstacle		Following legal analysis	Type of recommendation
	A42	Procurement according to countries	It is not an obstacle	Drafting of recommendation is not necessary
	A44	Pre-financing support of governmental institutions	It is not an obstacle	Legal recommendation
	A47	Differences between procedures of construction authorities	Legal and policy obstacle	Legal and policy recommendation
	A50	Lack of information sharing between programs	Basically, it is not a legal barrier	Recommendation addressed to the European Union
	A51	Cooperation between disaster management authorities	It is not an obstacle	Drafting of recommendation is not necessary
	A52	Cooperation in the field of disaster management (HU-AT)		
	A57	Cooperation in case of heavy snowfall		
	A53	Acceptance of church wedding (SK-HU)	It is not an obstacle	Drafting of recommendation is not necessary
	A55	Change of name in the case of naturalization	Other obstacle	Policy recommendation
	A56	Common drinking water supply and/or sewage network	It is not an obstacle	Drafting of recommendation (at the current situation) is not necessary
	A58	Banking partner card without home address card	Basically, it is not a legal barrier	Policy recommendation

4. Summarization of the project results

From this point, we summarize what kind of answers we produced based on the analysis of EU and national legislation, sectoral interviews and European best practices. The summary has a schematic character, for the details the Reader is expected to study the 'Set of Recommendations'. For each barrier, we provide the short review of the problem, the European best practices (if there are any), and the list of interviewees and related legislations. After these sections, we summarize, in a few sentences, our recommendations regarding how the obstacles can be abolished. Following the sectoral recommendations, a short resume of our horizontal recommendations about the way of handling these obstacles is also provided.

4.1 Summarization of the results of the identified obstacles

A1. There are no subsidies for students across the border, which is why they must pay tuition fees if they would like to study in Hungary. This is often the reason why a Hungarian residence is arranged for many Hungarian students on the other side of the border. [Esztergom, Miskolc, Nyíregyháza]⁶

Description of the situation

Students who have foreign place of residence and Hungarian citizenship, have no obligation to pay tuition fees. Without Hungarian citizenship, the adopting institution according to *the Act 190 of 2011 on national public education* has the right to consider the need for a tuition fee.

List of interviewees

- Mátészalka Center of Vocational Training, Director General
- Ministry of Human Resources, Department of Public Education Management

List of explored laws

- *Act 190 of 2011 on national public education*
- *Act 204 of 2011 on national higher education*
- *Government Decree 229/2012. (VIII. 28.) on the implementation of Act on national public education*

⁶ When mentioning some of the obstacles, we use brackets to give a reference to the specific obstacle at which stakeholder workshops were mentioned by the participants.

Legal recommendation

According to the research carried out, legislative recommendation was not necessary.

Policy recommendation

The necessity to allow students with a Certificate of Hungarian Nationality (in Hungarian: 'Magyar Igazolmány') to participate in state-financed Hungarian public education similarly to the regime created by section 9 of *Act 62 of 2001 on Hungarians Living in Neighbouring Countries* (with such a section having been effective until 31st August, 2012) requires further policy consideration.

A3. Recognition of a baccalaureate acquired on the other side of the border is problematic. In the Hungarian-Slovak border region, the continuously changing recognition process was mentioned as a difficulty, while in the Hungarian-Serbian border region, the problem is that students coming to Hungary must redo their final exams in order to apply for a university course. Yet, state language of students across the border is recognised as an advanced language certificate by the Hungarian system, which is a disadvantage for local students. [Esztergom, Szeged RS]

Description of the situation

Application of foreign students to the Hungarian higher education system has a quite detailed regulation structure; the annual Brochure about Admission Procedure to Higher Education (in Hungarian: 'Felsőoktatási felvételi tájékoztató') has a separate chapter on the issues of scores and necessary attachments of applicants from foreign teaching institutions. Despite the above-mentioned regulation the problem raised is not without any base, because, according to the records of the applicants in this situation, the necessary administrative procedures require significant time and effort, and the lack of information usually also causes serious problems.

List of interviewees

Because of the clear legislation there was no need for sectoral interviews.

List of explored laws

- *Act 100 of 2001 on the recognition of foreign diplomas and certificates*
- *Government Decree 137/2008 (V. 16.) on the state-recognized language examination certifying foreign language skills and the naturalization of language certificates issued abroad in Hungary*
- *Government Decree 423/2012 (XII. 29.) on academic admission procedure*

Legal recommendation

The conclusion of our research was that legislative recommendation is not necessary.

Policy recommendation

For handling this situation, we recommend the following:

- better supply of information to people concerned (e.g. information about the Hungarian preliminary procedures for the schools with Hungarian tuition language in the neighbouring countries);
- operation of a country specific score calculator on the www.felvi.hu portal, for the applicants from neighbouring countries;
- support of document authentication for those applicants who have 'Certificate of Hungarian Nationality' (in Hungarian: 'Magyar Igazolmány');

For revealing concrete problems and difficulties the preparation of an on-line questionnaire for the graduates of the schools with Hungarian tuition language and for those who are in the Hungarian preliminary procedure from abroad is required. Identification of next necessary steps should be based on the answers given to the questionnaire.

A4. It would be preferable if obligatory voluntary work required for the Hungarian baccalaureate could be completed at an organisation across the border as well. [Esztergom]

Description of the situation

The regulation of this matter is legally in order, Hungarian legislation allows the students voluntary activities at foreign organisations in case of voluntary work required for graduation in Hungary under special circumstances (place of residence abroad, acceptance by the school, accessibility of the school for the implementation period).

List of interviewees

- Ministry of Human Resources, Department of Public Education Management

List of explored laws

- *Act 88 of 2005 on volunteering of public interest*

Legal recommendation

According to research in this field, legislative recommendation was not necessary.

Policy recommendation

We recommend an information campaign, at least in the secondary schools in micro-regions near the border.

A5. + A6. + A7. Problems of equivalence in the field of professional qualifications

A5. Regulations for vocational training differ on the two sides of the border (e.g. the names of national training courses vary per country), which is why the mobility of professional instructors is also facing limitations. [Esztergom, Nyíregyháza]

A6. Recognition of degrees and certificates is problematic. According to a new national vocational training legislation, regardless of even 20 years of work experience, the employees must retake their exam to obtain an EU-wide accepted document certifying their profession. Certificates obtained in Slovakia can only be nationalised in the Hungarian equivalence centre in exchange of a relatively high fee. [Győr]

A7. The diploma of teachers graduated from the higher education system must be accredited. [Esztergom]

Description of the situation

Although one of the main pillars of the European Union is the free movement of labour, the fact that the acceptance of qualifications is not automatic in the EU, owing to the different national vocational systems, still poses a significant barrier in this field. The accreditation of foreign qualifications is needed in case of missing bilateral agreements on the mutual acceptance of regulated professions qualifications. The accreditation fee can, in certain cases, be rather high, depending on the level of equivalence of the body of knowledge previously acquired; this is regulated by the *Act 100 of 2001 on the recognition of foreign diplomas and certificates*.

List of interviewees

- National Office of Vocational Education and Training
- Hungarian Chamber of Commerce and Industry, Directorate of Education and Training

List of the explored best practices

- **J21.** Attempts to harmonize the vocational training systems in Germany and Denmark
- **J22.** Promotion of cross-border joint training system with a Memorandum between the Netherlands and Germany
- **J23.** Collegium Polonicum (Germany and Poland)

- **J24.** Cooperation between Tornio and Haparanda (Finland and Sweden)
- **J25.** Support of the labour market between the Galicia province in Spain and the Norte Region in Portugal
- **J29.** Virtual University – UGR (FRANCE, Germany, Belgium, Luxemburg)
- **J50.** Meuse-Rhine Euroregion, promoting cross-border cooperation (the Netherlands, Belgium, Germany)

List of explored laws

- *Government Decree 63/1999. (IV. 28.) on the announcement of Agreement between Republic of Hungary and Republic of Austria on equivalence of studies carried out in higher educational institutions*
- *Government Decree 102/1999 (VII. 6.) on the announcement of Agreement between Republic of Hungary and Government of Romania on the mutual recognition of diplomas, certificates of study and academic degrees issued by accredited educational institutions*
- *Government Decree 106/1998 (V. 27.) on the announcement of Agreement between the Government of Republic of Hungary and the Government of Republic of Croatia on the recognition of diplomas, certificates of study and academic degrees issued in Hungary and Republic of Croatia*
- *Government Decree 122/2000 (VII. 11.) on the announcement of Agreement between Government of Republic of Hungary and Government of Republic of Slovenia on the mutual recognition of diplomas and certificates of study*
- *Government Decree 137/2008 (V. 16.) on the state-recognized language examination certifying foreign language skills and the naturalization of language certificates issued abroad in Hungary*
- *Government Decree 14/1999 (II. 5.) on the announcement of Agreement between Government of Republic of Hungary and Government of Ukraine on the mutual recognition of equivalence of diplomas, certificates of study and academic degrees certifying studies and qualifications carried out in Hungary and Ukraine*
- *Government Decree 148/2000. (VIII. 31.) on the announcement of Agreement between the Government of the Republic of Hungary and the Government of the Republic of Slovakia on the mutual recognition of equivalence of documents certifying qualifications*
- *Government Decree 159/1994 (XII. 2.) on the announcement of Agreement by Government Decree signed in Vienna on 6 April 1994 between the Government of Republic of Hungary and the Government of the Republic of Austria on cooperation in professional training and the mutual recognition of equivalence of vocational training certificates*

- *Act 100 of 2001 on the recognition of foreign diplomas and certificates*
- *Act 99 of 2001 on the announcement of recognition of Agreement signed in Lisbon on 11 April 1997 on higher education qualifications in the European region*
- *Act 204 of 2011 on national higher education*
- *Act 187 of 2011 on vocational training*
- *Act 190 on national public education*
- *Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ('IMI Regulation')*
- *Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications*
- *Recommendation of the European Parliament and of the Council of 23 April 2008 on the establishment of the European Qualifications Framework for lifelong learning*
- *Directive 2013/55/EU of the European Parliament and of the Council of 20 November 2013 amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation')*
- *The Bruges Communiqué*

Proposal concerning priority area

Handling of the obstacles in this group of obstacles is crucial from the point of view of labour force mobility, so we developed complex recommendations to manage the problems of equivalency within the prioritised area. To sum up our recommendations such interventions are needed which could contribute to the equivalent acceptance of the widest possible range of professional qualifications regulated in the frameworks of cross-border labour force mobility without any extra procedures in either of the two countries involved. We recommend the completion of existing bilateral agreements with the types of the equivalency-lists already successfully applied on the Austria-Hungary border.

A8. + A31. Different systems regarding the recognition of student passes

A8. Recognition of student passes is different on the Slovak side of the border. [Esztergom]

A31. Student card recognition varies in public transport. Because of this diversity, students cannot acquire their due discount on the other side of the border. [Esztergom]

Description of the situation

Recognition of student passes is a complex issue, which comes from two main factors. On the one hand, most states consider only their own student passes fully valid, the recognition of foreign student passes is rather varied and erratic, and this applies even for the student passes issued by international organisations (ISIC, EYCA) as well. On the other hand, the extent and list of preferences for the students is also very different in each country.

List of interviewees

- Ministry of National Development, Department of Transport Service
- ISIC

List of the explored best practices

- **J16.** Cross-border public transport cooperation between Germany and Poland: coordination of regional public transport schedule and cross-border bus service between Frankfurt (Oder) and Słubice

List of explored laws

- *Government Decree 6/2001. (I. 17.) on certain discounts entitled to library users*
- *Government Decree 85/2007. (IV. 25.) on public passenger transport travel discounts*
- *Government Decree 194/2000. (XI. 24.) on discounts entitled to visitors of museum institutions*
- *Government Decree 362/2011. (XII. 30.) on student cards*
- *Act 131 of 2002 on higher education (SK)*
- *„CD-2004-3048/6280-1“ directive on the rules of technical preparation of student ID (SK)*

Proposal concerning priority area

In our opinion it would be of great importance removing the obstacles to the cross-border mobility of students; because of this in the topic of mobility we formulated complex recommendations for this field. To sum it up it can be concluded that there is a need for a well communicated initiative, which could ensure that all students of the European Union have a unified official student pass. This pass then would certificate their legitimacy for all the preferences Europe-wide.

A9. Due to the increase in waiting time at border crossings, cross-border commuting has become impossible regarding both employment and education. [Nyíregyháza UA, Nyíregyháza RO, Szeged RS]

Description of the situation

In the case of border crossings, the regulations on minimal control, given by the *Regulation 2016/399/EU*, have a prevailing tendency. However, some easement for cross-border commuters is allowed at member state level. For example, Point 5.2, Annex VII of the *Schengen Borders Code* makes it possible that the commuters who are personally known by the border patrol are required to undergo only occasional border control. Whereas, *Regulation 1931/2006/EC* which regulates the local border traffic system provides a possibility for the easement of border crossing at the borders with neighbouring third countries, there is no direction for this in the local border traffic agreement between Hungary and Ukraine.

List of interviewees

- National Police Headquarters Budapest, Department of Border Police, Division of Border Representation
- National University of Public Service, Department of Police Theory and History

List of the explored best practices

- **J20.** Connection over the Øresund strait between Sweden and Denmark

List of explored laws

- *Regulation (EC) No 1931/2006 of the European Parliament and of the Council of 20 December 2006 laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention*

- *Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code)*
- *Act 153 of 2007 on the announcement of Agreement between the Government of Hungary and the Cabinet of Ministers of Ukraine on the regulation of small border traffic*
- *Information on explanatory decision made in criminal case no. I.956/2015 by Metropolitan Court of Appeal*

Proposal concerning priority area

The frequency and quality of cross-border interactions are highly prejudiced by the calculability and time-compulsory level of border crossing. For the sake of the development of social and economic relations, it is crucial to assure calculable and as smooth as possible border crossing possibilities for the residents of the border region. For this on the Hungarian-Romanian border the development of control procedures is recommended, and on the Hungarian-Ukrainian border there is a possibility for the revision of the local border traffic agreement. In our recommendations, there are technical (separate track) and legal (eased crossing for daily commuters) solutions as well.

A10. Záhony is closed for pedestrian crossing, which is why many have to hitchhike to get across the border. [Nyíregyháza UA]

Description of the situation

At the Hungarian-Ukrainian border, the order of crossing is regulated by the *Act 68 of 2012* in an international agreement, and the operation of border stations is regulated by the *Government Decree 332/2007*. Nevertheless, the identified obstacle in this matter is not a legislative one but, instead, of a technical-infrastructure nature. In the case of Záhony station, border crossing is assured by a bridge without side-walk, and with a capacity planned earlier not for the current vehicle traffic.

List of interviewees

- National Police Headquarters Budapest, Department of Border Police, Division of Border Representation
- Police Command of Nyíregyháza, Police Headquarters of Szabolcs-Szatmár-Bereg County

List of the explored best practices

- **J20.** Connection over the Øresund strait between Sweden and Denmark

List of explored laws

- *Government Decree 1007/2016 (I. 18.) on the cross-border public road infrastructure developments*
- *Joint Decree of KPM-BM 1/1975. (II. 5.) on the rules of road transport (Road Traffic Regulation)*
- *Government Decree 332/2007. (XII. 13.) on the opening and operation of border crossings and temporary border crossings as well as on the border crossing point*
- *Act 68 of 2012 on the announcement of the Agreement between the Government of Hungary and the Cabinet of Ministers of Ukraine on the control of public road and railway border traffic at border crossing points*

Legal recommendation

For the solution of the identified obstacle as revealed by our research, at the first place a policy decision is needed on the necessary infrastructure development; which could lead to further needs of the revision of certain regulations.

Policy recommendation

In the case of Záhony border crossing station, it is recommended to put pedestrian-compatible solutions into the priorities of future infrastructural developments.

For the sake of citizens who have no cars, the development of alternative border crossing possibilities (such as public transportation) is also reasonable by a needs assessment survey.

A11. In the Hungarian-Ukrainian border region, cross-border community and cultural cooperation is hindered by the visa requirement. Sometimes participants of cultural events cannot cross the border. [Nyíregyháza UA]

Description of the situation

Visa issues of third country citizens arriving to the European Union is an EU level competence and it is regulated by the *Regulation 810/2009/EC*, which cannot be overruled by national legislation. These visa requirements regulated on EU level, however, could be particularly eased by bilateral local border traffic agreements; in the case of Ukraine the *Agreement between the Government of Hungary and the Cabinet of Ministers of Ukraine on the regulation of small border traffic (Act 153 of 2007)* provides this possibility.

List of interviewees

- National University of Public Service, Department of Police Theory and History

List of explored laws

- *Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement*
- *2007/840/EC: Council Decision of 29 November 2007 on the conclusion of the Agreement between the European Community and Ukraine on the facilitation of the issuance of visas*
- *Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code)*
- *Act 153 of 2007 on the announcement of Agreement between the Government of Hungary and the Cabinet of Ministers of Ukraine on the regulation of small border traffic*

Legal recommendation

Based on our research, legislative recommendation was not necessary.

Policy recommendation

For the representatives of the Hungarian State, the first policy recommendation could be the support of the visa-free status of Ukraine in the European discourse.

It is also recommended to inform the nearby border communities from Zakarpattya region about their possibilities for simplifying the entry visa procedures. This way they should be aware of the possibilities provided by the local border traffic agreement, and the visa simplifying agreement between the European Community and Ukraine.

A12. Firearms are not allowed to be taken across the border. Even though it would be significantly easier for associates of the Duna-Ipoly National Park Directorate in the Börzsöny to access a shooting range (located in Hungary as well) by crossing the border on the way, border crossing regulations will not allow it. [Esztergom]

Description of the situation

The movement of firearms within the territory of European Economic Community is ruled by the *Council Directive 91/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons*. Carrying weapons during a journey across two or more member countries is only permitted after a certain permission procedure. Without

preliminary permission, only hunters and marksmen are allowed to carry firearms for their activities during their journey across two or more member countries. Cross-border transportation of service-rifles is only possible with special permissions from the start and end countries as well. Permission procedure in Hungary is regulated by the *Government Decree 253/2004. (VIII. 31.) on the firearms and ammunition.*

List of interviewees

- National Police Headquarters Budapest, Department of Border Police, Division of Border Representation, Major General of Police
- Duna-Ipoly National Park Directorate, Division of Law and Administration
- National University of Public Service, Department of Police Theory and History

List of the explored best practices

- **J42.** Police and fire fighting cooperation between Denmark and Germany

List of explored laws

- *Act 159 of 1997 on the armed security guards, the ranger service and the field security service*
- *Act 24 of 2004 on the firearms and ammunition*
- *Act 120 of 2012 on the activities of persons performing law enforcement duties as well as on the amendment securing action against truancy of specific Acts*
- *Government Decree 4/2000. (I. 21.) on the detailed rules for rangers*
- *Decree of Ministry of Environment 9/2000 (V. 19.) on the Service Regulations of Ranger Service*
- *Government Decree 253/2004. (VIII. 31.) on firearms and ammunition*
- *Council Directive 91/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons*
- *Directive 2008/51/EC of the European Parliament and of the Council of 21 May 2008 amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons*

Legal recommendation

Based on our research, legislative recommendation was not necessary

Policy recommendation

Although the regulation of cross-border transportation of firearms is adequate, in the field of information there are notable deficiencies. Due to the handling of these matters further efforts are needed. For the implementation of information obligation ordered by the regulation, national park directorates should compile a verified written

information brochure with the ministry in charge, which should be delivered to the colleagues in a unified way.

It is also advised to implement a survey on the relevance of cross-border transportation of service-rifles among the armed forces. In case there is a certain need for this, it should be rewarding to work out bilateral agreements on the topic with neighbouring countries.

A13. Animal transport across the border is limited to certain border crossings only, which is problematic especially regarding equestrian tourism. [Szeged RS]

Description of the situation

In the EU and in third countries as well, there are quite strict veterinary regulations for cross-border shipping of horses; from this aspect, the *Council Directive 2009/156/EC* is to be considered as standard regulation for those involved. For transportation within member states a so-called 'horse passport' (suitable for identification) is required, import and export of livestock from or to third countries is only possible at properly equipped and approved veterinary border stations by *Council Directive 91/496/EEC*.

List of interviewees

- Hungarian Equestrian Tourism Association of Public Benefit
- National Food Chain Safety Office, Directorate of Animal Health and Animal Welfare, Division of Surveillance and Tracking of Live Animals

List of explored laws

- *Decree of Ministry of Public Administration 14/2008. (XII. 20.) on the equestrian service activity*
- *Decree of Ministry of Rural Development 87/2012. (VIII. 27.) on the animal health rules for domestic transport of live animals*
- *Government Decree 110/2013. (IV. 9.) on the identification of equine specimens*
- *Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC*
- *Council Directive 2009/156/EC of 30 November 2009 on animal health conditions governing the movement and importation from third countries of equidae*
- *2009/821/EC: Commission Decision of 28 September 2009 drawing up a list of approved border inspection posts, laying down certain rules on the inspections*

carried out by Commission veterinary experts and laying down the veterinary units in Traces

- *Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law')*
- *2004/211/EC: Commission Decision of 6 January 2004 establishing the list of third countries and parts of territory thereof from which Member States authorise imports of live equidae and semen, ova and embryos of the equine species, and amending Decisions 93/195/EEC and 94/63/EC*
- *2010/346/: Commission Decision of 18 June 2010 on protective measures with regard to equine infectious anaemia in Romania*
- *Commission Implementing Regulation (EU) 2015/262 of 17 February 2015 laying down rules pursuant to Council Directives 90/427/EEC and 2009/156/EC about the methods for the identification of equidae (Equine Passport Regulation)*

Legal recommendation

We consider that legislative recommendation is not necessary, because EU and national veterinarian regulations such as those regulating the transportation of horses are quite strict owing to the heterogenous epidemic status in member states and third countries. Easement of these regulations could raise the risk of epidemic disasters.

Policy recommendation

Because there is an increasing demand for the development of touristic activities in the field of cross-border riding programmes, it is recommended to re-estimate the relevant border crossing points, and where the necessary funds are available to initiate new veterinary border stations or the capacity development of older ones.

In member states or third countries with a less favourable epidemic situation, the use of local horses is recommended for touristic purposes.

Recommendation for the European Union

On EU level, it is recommended to explore those resort possibilities, which can fasten the border crossing of horse types especially from third countries around the EU's external borders and frequently involved in cross-border touristic activities (e.g. operating a joint database about the horse types from the neighbouring territories; operating mobile border crossing points). If necessary, the revision of the required regulations is also advised.

A14. In agricultural areas, keeping grazing livestock within the border is posing a problem. In this case, it would be useful to provide access to fields across the border. [Miskolc]

Description of the situation

The issue of grazing near to the borders is regulated on the level of Community by the *Regulation (EU) 2016/429 ('Animal Health Law')*, referring the question to the competent authorities, preventing the risk (animal health) through moving. Crossing of the borders needs appropriate animal testing and it can be implemented through licensing procedures that is regulated by the *Act 46 of 2008* in Hungary.

List of interviewees

- National Police Headquarters Budapest, Department of Border Police, Division of Border Representation
- National Food Chain Safety Office, Directorate of Animal Health and Animal Welfare, Division of Surveillance and Tracking of Live Animals
- National Food Chain Safety Office, Directorate of Animal Husbandry, Division of Breeding Management and Performance Assessment
- National University of Public Service, Department of Police Theory and History

List of explored laws

- *Decree of Agriculture and Rural Development 119/2007. (X. 18.) on the enclosures, cultures and the national registration system for all the data related*
- *Government Decree 269/2007. (X.18.) on the rules of maintenance of Natura 2000 grasslands*
- *Act 89 of 2007 on the state border*
- *Act 46 of 2008 on the food chain and regulatory supervision*
- *Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law')*

Legal recommendation

Legal amendment is not necessary because of the justified severity of epidemiological, animal health norms.

Policy recommendation

The raised question can be managed through several legislations, but is recommended, in the absence of practical experience, that the competent authorities inform the

interested parties through their website, information offices and they should prepare sample documents.

We recommend that the process and the sample documents should be prepared by considering the relevant procedural information. In a regulated case, the following considerations should be taken into account:

- 1) In case of overgrazing or mutual overgrazing, the Hungarian, other EU, or third country farmers, who graze along the common borders, must sign a written agreement with legal effect in both countries. Contents of the agreement should be clarified in advance. For example:
 - in respect of user right: ownership, rental property use, other user rights;
 - in respect of land use: private person, agricultural primary producer, individual entrepreneur, or business association;
 - in respect of the location and classification of the concerned area: certification in case of Hungarian land, valid regulation in case of ownership on the territory of an EU membership, as well as regulation on the territory of third country, outside of the European Union;
 - specific frontier regulations: see case of a temporary safety closing of border.
- 2) Notification of livestock, grazing and moving of animals is compulsory in states. The written agreement of the farmers, including approval, resolution and registration, must be sent, because foreign animals appear within the area of livestock of different country, hence the risk of infection appears. Risk may be avoided by segregation of animals and their observation until the required documents arrive. Subsequently, it is useful to attach the needed annexes to the request or to submit the missing documents as soon as possible:
 - valid veterinary documents that are needed for breeding;
 - if the lands belong to „Natura 2000“ they are considered as nature reserve, relating documents of environmental protection agency, special authority;
 - territorially competent municipal licenses (it is useful to inquire at the competent municipality council, depending on the location of the land);
 - regulation of competent authorities;
 - prescribed documents of the EU Regulation on production of agricultural ecological products on the land situated in the Union, as well as labelling agricultural products and food.

A15. + A54. + A59. Customs legislation

A15. Serbian customs regulations are overly severe, which often hinders cross-border cooperation initiatives. If a partner on the Hungarian side of the border publishes free brochures and would like to distribute them on the Serbian side, they must be declared. The same goes for interpreter's cabins for one-off events. [Szeged RS]

A54. Validity of certain certificates is different in Serbia than in Hungary. The Serbian side can restrict validity of documents issued in Hungary. [Szeged RS]

A59. Validity of ATA cards enabling temporary transport of goods can be restricted by the Serbian side, which hinders more significant and/or long-term presence of Hungarian businesses. [Szeged RS]

Description of the situation

The „*Agreement of Istanbul*” appropriately regulates the issue on international level, which was involved in the Hungarian legislation under the *Act 168 of 2005*. Based on regulations, products, which are free from import duties and taxes, must undergo custom clearance, too. The agreement with the use of the ATA-carnets, establishes an appropriate legal framework for temporary transfer of goods beyond the borders; the Agreement was accepted by Serbia, too. It is not the regulation that generates an obstacle, rather, the obstacle is generated by the inconsistent application of the Agreement.

List of interviewees

- SOLUTION-C.A.A. Customs Advisory Agency

List of explored laws

- *Decree of Ministry for National Economy 12/2016. (IV. 29.) on the implementation of detailed rules of duty-free customs procedures*
- *Act 168 of 2005 on the announcement of the Agreement and its Annexes signed in Istanbul on 26 June 1990 on the temporary import of goods*
- *Act 13 of 2016 on the enforcement of EU customs law*
- *Council Regulation (EC) No 1186/2009 of 16 November 2009 setting up a Community system of reliefs from customs duty*

Legal recommendation

Analysis of the situation revealed that the issue cannot be solved in Hungarian legislation because of the current international agreement. Therefore, legal recommendation was not articulated.

Policy recommendation

Cross-border programs offer appropriate information for their beneficiaries about custom regulations of the implemented activities in the framework of projects (e.g. transfer of translation booths), as well as about products (e.g. free publications).

Launching of an information campaign would be needed for those who work with cross-border transport of goods, hence they can receive information about the legal possibilities of the existing regulations.

Besides, it would be useful to investigate and explore the jurisdictional source of the identified problems. In a particular case an interstate coordination with the Serbian customs office may also be necessary to eliminate the problematic practice.

Recommendation for the European Union

International negotiations are recommended in the long run to implement the transport of goods delivered in the frameworks of cross-border cooperation, across the external borders of the Union without custom controls.

A16. + A17. + A20. Selling of local / small producer products beyond the border

A16. Differing regulations regarding local products. [Szentgotthárd]

A17. Hungarian legislation regulates the maximum distance at which a product can be sold compared to the original location of production, to be registered as a “local product”. [Esztergom, Szentgotthárd]

A20. Establishment of cross-border local market is not possible. If the vendors arriving from across the borders want to be present at the market of the given municipality, an international market needs to be organized. [Esztergom]

Description of the situation

The scope and distribution of products of local/small producers are regulated by each state separately. In the case of Hungary, it is regulated by the *Decree No. 52 of 2010 of the Ministry of Agriculture and Rural Development on the conditions of food production, processing and marketing by small-scale producers*. At the same time, there is no coordination between member states in this field; consequently, products are understood as local products only in their individual country, and they fall under the general food security and trade regulations in other countries.

List of interviewees

- National Food Chain Safety Office, Division of Food Chain Safety and Food Distribution Supervision
- Esztergom Environmental Cultural Association
- Szimpla háztáji, Agri Kulti Ltd., Házikó
- National Food Chain Safety Office, Division of Food Chain Safety, Quality Inspection and Supervision
- Börzsöny-Duna-Ipoly Rural Development Association

List of explored laws

- *Act 164 of 2005 on retail trade*
- *Decree No. 52 of 2010 of the Ministry of Agriculture and Rural Development on the conditions of food production, processing and marketing by small-scale producers*
- *Government Decree 55/2009. (III. 13.) on the fairs, markets and shopping centres*
- *Government Decree 210/2009. (IX. 29.) on the conditions for conducting trading activities*
- *Government Decree 360/2011 of the Slovak Republic (on products of small-scale producers)*

Proposal concerning priority area

We articulated a complex recommendation, in favour of equal access to local products that are considered healthy food, with the aim to modify the current restrictive regulation. Our proposal recommends the mutual licensing in the domain of trading of local products within the frontier zone, as well as to eliminate the relating practical difficulties (competition disadvantages). The recommendation contains the conclusion of bilateral territorial agreements with the neighbouring countries.

A18. Food security regulations are not in line with each other on the two sides of the border: Hungary does not accept the Slovak certificate. [Esztergom]

Description of the situation

Despite the fact the hygiene rules have, in theory, been harmonized, products of the small producers still meet several obstacles in cross-border trade. Primary obstacles are the following ones: state-level protectionist approach towards the trading area of local products and the fact that the authorities which control small producers do not have any competence beyond the border. Simply, it can be stated that the problem is

generated by the fact that there is no coordinating cooperation in the process of controlling local markets situated in the border area.

List of interviewees

- National Food Chain Safety Office, Division of Food Chain Safety and Food Distribution Supervision
- Szimpla háztáji, Agri Kulti Ltd., Házikó
- Börzsöny-Duna-Ipoly Rural Development Association

List of explored laws

- *Decree of Ministry of Rural Development 51/2012. (VI. 8.) on the food safety conditions for the sale on local farmers' markets*
- *Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety*
- *Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs*
- *Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin*

Proposal concerning priority area

It is not necessary to propose a separate legal recommendation in the field of food safety because the harmonization of the hygienic norms is regulated by the European Union and by the relevant national legislation procedures. Moreover, so-called 'easing conditions' following the principle of flexibility further assist the trading process of local products. At the same time, however, cross-border trade of local products is hindered by lack of cooperation between those authorities which are responsible for controlling the local producers. Consequently, we try to manage these difficulties by offering complex proposals for local products.

A19. A vendor entering Hungary must register as VAT subject thus indirectly increasing his/her product prices compared to Hungarian producers. [Esztergom]

Description of the situation

Based on the *Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax* and the Hungarian legislation (*Act 127 of 2007 on the value added tax*), trading with imported goods is subject to VAT and it is necessary to apply for a tax number. Those small producers who are economically not settled in Hungary, who do not have a Hungarian residence or sojourn in Hungary, cannot enjoy the benefits of a tax exemption within the Hungarian tax system. Subsequently, the small producers who arrive from across the border are burdened with additional administration and costs in comparison with the Hungarian small local producers. These conditions relate to the national regulation of local products that was introduced earlier in our work.

List of interviewees

- National Tax and Customs Administration of Hungary

List of explored laws

- *Act 92 of 2003 on the regime of taxation*
- *Act 127 of 2007 on the value added tax*
- *Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax*

Proposal concerning priority area

After proposing a complex recommendation on local products and small producers, there is a need to react also to the issue of competitive disadvantage that is generated in the field of VAT. We articulated a policy recommendation within the project because of the complexity of the tax regulations. The recommendation contains the idea that local producers arriving from the specified border zone should have the same trading conditions as the Hungarian local producers.

A21. Several product types along the Serbian border, such as several items that can be considered as local products, can only be transported, irrespective of their size, by forwarding agents which renders the presence of primary producers impossible. [Szeged RS]

Description of the situation

The legal frameworks for trading of agricultural products are defined by the third part of a EU Regulation (trading with third countries, *Regulation 1308/2013/EU of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007*). These frameworks do not make any distinction between commercial trading, local producing, as well as among products that are produced in large scale. Moreover, they do not offer any exemption from customs on the basis of a quantitative threshold. Consequently, customs procedures must be applied in case of imports from third countries and in case of exports to third countries. To facilitate business activity of those who participate in customs procedures, there is a possibility to appoint a customs representative deal with these customs issues.

List of interviewees

- National Tax and Customs Administration of Hungary, Central Administration, Department of Customs
- SOLUTION-C.A.A. Customs Advisory Agency

List of explored laws

- *Decree of Ministry for National Economy 11/2016 (IV. 29.) on the detailed rules of implementation of EU customs law*
- *Act 13 of 2016 on the enforcement of EU customs law*
- *Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007*
- *Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code*
- *Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU)*

No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code

- *Commission Delegated Regulation (EU) 2016/341 of 17 December 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards transitional rules for certain provisions of the Union Customs Code where the relevant electronic systems are not yet operational and amending Delegated Regulation (EU) 2015/2446*
- *Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code*

Legal recommendation

Based on our research, it is not necessary to articulate any legislative recommendation towards the Hungarian legislation system.

Policy recommendation

It is useful to measure the needs of cross-border trading of small producers (primary producers) and to prepare an information program (brochures, lectures, etc.) with the mediation of the relevant chambers and farmers based on identified results.

A22. Public procurement legislation is blocking transfer of local products meeting the basic needs of municipal social institutions, regardless of the primary producer's nationality. [Miskolc]

Description of the situation

In the relevant Hungarian regulation (in the field of public procurement: *Act 143 of 2015 on the public procurement*, in the field of small food producers: *Decree of Ministry of Rural Development 62/2011. (VI. 30.) on the food safety conditions of the production and distribution of catering products*) Hungarian small producers have the possibility to act as suppliers in the domain of Hungarian public catering, if they fulfil all the national food safety standard requirements. Nevertheless, national regulations are in force only within the territory of an individual member state, it is not extended to other countries. Consequently, those small producers that are not established on the territory of Hungary can supply the Hungarian public catering system only when they fulfil the general food security and trade regulation standard requirements.

List of interviewees

- National Food Chain Safety Office, Division of Food Chain Safety and Food Distribution Supervision
- Esztergom Environmental Cultural Association

List of explored laws

- *Decree of Ministry of Rural Development 62/2011. (VI. 30.) on the food safety conditions of the production and distribution of catering products*
- *Act 143 of 2015 on the public procurement*

Legal recommendation

Based on our research, it is not necessary to articulate any legislative recommendation.

Policy recommendation

The National Rural Strategy is in full harmony with the expectations regarding healthy and quality public catering and their assurance. This process builds also on the local producers. In our view launching an awareness rising campaign would be an important step that would gradually draw attention to the importance of appropriate food materials, food, as well as it might draw attention to the small producers, too.

It is important to underline that obligatory procurement in public catering is not necessary. Elimination of trade chains can generate an appropriate environment where local food, food processing and trading can be linked with public catering of local institutions (nurseries, kindergartens, schools, offices, local health departments).

A23. There is no EU legislation regarding trademarks. For example, the local brand of a cross-border region must be registered separately in both countries. [Esztergom]

Description of the situation

In connection with this theme it can be claimed that the domain of trademarks is regulated on Community level by the *Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark*; nevertheless, this regulation does not eliminate national trademarks; the *Directive 2008/95/EC of the European Parliament and of the Council of 22 October 2008 to approximate the laws of the Member States relating to trade marks* attempts to harmonize them. Based on the related regulations, there is a possibility to register community trademarks, or trademarks registered in several countries, or even to register multilingual trademarks. Labelling of agricultural products and food labelling is separately regulated by the *Regulation (EU) No*

1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs. However, cross-border trademark is never mentioned explicitly in the regulations.

List of interviewees

- Ministry of Agriculture
- Esztergom Environmental Cultural Association
- National Food Chain Safety Office, Division of Food Chain Safety, Quality Inspection and Food Supervision
- Hungarian Intellectual Property Office

List of the explored best practices

- “Calidad Rural” (Quality of the countryside) trademark programme

List of explored laws

- *Act 11 of 1997 on the Trademarks and Geographical Indications*
- *Directive 2008/95/EC of the European Parliament and of the Council of 22 October 2008 to approximate the laws of the Member States relating to trade marks*
- *Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark*
- *Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs*
- *Report from the Commission to the European Parliament and the Council on the case for a local farming and direct sales labelling scheme (COM/2013/0866)*

Proposal concerning priority area

Harmonization of community and national trademarks has been appropriately performed on the level of the European Union regulation and the necessary legislation was approved. Nevertheless, there is a need for further relief in the domain of cross-border local products. Thus, within the frame of bilateral framework agreement that concerns local products, there is a need to deal with conditions of development and establishment of cross-border trademarks which are connected to local products.

A24. Ambulances cannot cross the border in case of an emergency, not even if the nearest hospital or health service institution is on the other side of the border. This is mutually the case in all neighbouring countries around Hungary except Austria. Austrian ambulances cross the border without notice to retrieve Austrian patients. [Esztergom, Győr, Nyíregyháza UA, Szentgotthárd]

Description of the situation

Cross-border rescue, transport of patients and health care are separated from each other. In case of a rescue, cross-border transport is mainly implemented on the basis of a bilateral agreement that is regulated by inter-state agreements. In case of transport of a patient, services are separated between service assured by state insurance companies, transport based on agreement between the insurance companies and the paid transport assured by private providers, where the latter cannot prevent fulfilment of transports that are located within the competency of the former providers. On the Community level the *Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare* defines those conditions, when the patients can be transported to other states to receive safety and high quality health care treatment.

List of interviewees

- Hungarian National Ambulance Emergency Service

List of the explored best practices

- **J5.** Cross-border health care cooperation on the territory of Meuse-Rhine Euroregion (the Netherlands, Belgium, Germany)
- **J9.** Bilateral, cross-border health care cooperation between Denmark and Germany

List of explored laws

- *Decree of Ministry of Health 5/2006 (II. 7.) on the rescue*
- *Decree of Ministry of Welfare 19/1998. (VI. 3.) on the patient transport*
- *Act 154 of 1997 on the healthcare*
- *Act 112 of 1999 on the announcement of the Agreement signed in Budapest on 26 April 1996 between the Republic of Hungary and the Republic of Austria on the mutual assistance in the event of major disasters or accidents*
- *Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare*

Proposal concerning priority area

We primarily dealt with the topic of transport of patients within the domain of health care. Our recommendation aims to progressively achieve the following important elements through the establishment of the necessary legal regulations like ambulance care can implement cross-border interventions, dispatcher services can cooperate with each other, development of linguistic competences that support cross-border cooperation, marking of border zones and their effective operation.

A25. Cross-border integration of health care information systems is not possible, but this is mostly due to copyright issues. [Miskolc]

Description of the situation

Protection of health care data is primarily regulated by the *Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)* that profoundly limits the access possibilities to health care data, except for some cases of critical health care or public interest. The Community Regulation tries to achieve a unique balance between the protection of personal data and the provision of effective health care. In case of Hungary, this field is regulated by the *Act 47 of 1997 on the processing and protection of health care data and associated personal data* that is similar to the Community legislation, its manner and approach.

List of interviewees

- National Health Insurance Fund of Hungary, Department of International Relations and Legal Relationship Register

List of the explored best practices

- **J6.** Telemedicine Pomerania (Germany, Poland)

List of explored laws

- *Act 20 of 1996 on the identification methods which replaced the personal identification code, and on the use of the identification codes*
- *Act 47 of 1997 on the processing and protection of health care data and associated personal data*
- *Act CXII of 2011 on Informational Self-Determination and Freedom of Information ("Privacy Act")*

- *Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare*
- *Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)*
- *Regulation (EC) No 1338/2008 of the European Parliament and of the Council of 16 December 2008 on Community statistics on public health and health and safety at work*
- *Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data*
- *Commission Staff Working Document on the existing EU legal framework applicable to lifestyle and wellbeing apps, 10/04/2014*
- *eHealth Action Plan 2012-2020: Innovative healthcare for the 21st century*
- *Green Paper on mobile health, 10/04/2014*

Proposal concerning priority area

Data handling is unavoidable in case of emergency: security of interventions cannot be identified and there is no way to perform a consultation with the home doctor. At this point, we recommend an introduction of a smart card on the Community level which contains the basic health care information of the patient, like blood group, sensitivity to drugs and all the information concerning his/her previous health care.

A26. Cross-border patient mobility is not possible due to the differing health insurance systems by country. In case of an emergency, accountancy between companies does work, however, there has already been an example to the contrary as experienced by one of the Via Carpatia EGTC's associates. [Győr, Miskolc]

Description of the situation

Endorsing cross-border health care patient rights is regulated by the Community (*Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare*). This Directive generates an environment where a patient, with appropriate conditions, can receive health care treatment in other member states. The Directive contains information on reimbursing the costs of cross-border care and it provides a guidance for health care benefits that require prior authorization. Hence, mobility of patients is possible; however, the

majority of national adaptations generate substantial obstacles, especially in favour of balancing their health care budget.

List of interviewees

- Ministry of Human Capacities of Hungary, Legal Department
- Ministry of Human Capacities of Hungary, Deputy of International and EU Affairs

List of the explored best practices

- **J1.** Organized Zones of Access to Cross-Border Healthcare (ZOAST) on the French – Belgian border
- **J2.** Hospital of Cerdanya between Spain and France
- **J4.** Health-care cooperation between Valga (Estonia) and Valka (Latvia)
- **J5.** Cross-border health care cooperation on the territory of Meuse-Rhine Euroregion (the Netherlands, Belgium, Germany)
- **J6.** Telemedicine Pomerania (Germany, Poland)
- **J7.** Cooperation in the treatment of rare diseases between Malta and the United Kingdom
- **J8.** Cooperation between Finland and Norway to provide health care for the Sami population
- **J9.** Bilateral, cross-border health care cooperation between Denmark and Germany

List of explored laws

- *Government Decree No 340/2013. (IX. 25.) on the detailed rules governing medical treatment abroad*
- *Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare*
- *Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems*
- *Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems*

Proposal concerning priority area

We made a health care proposal that is similar to the already functioning and effective health care zones along the French-Belgian border and which are based on bilateral agreement. In other words, our proposal is based on an identified best practice that can be found in Western part of Europe, and our proposal takes into account the principle of burden reduction of health insurance systems.

A27. + A28. + A29. Harmonizing the acknowledgement of a foreign social insurance relationship

A27. In theory, it should not be possible to pay social insurance contributions simultaneously in two countries. However, mostly due to the lack of information, many are doing so, causing problems as the databases of the two countries are not synchronised. [Szeged RS]

A28. In the case of employees residing across the border, certifying a person's entitlement to certain services is equally problematic. [Győr AT]

A29. Even though the entrepreneur pays his social insurance and health contributions abroad, these payments cannot be accounted for in his homeland (the working relationship is not automatically recognised). [Esztergom]

Description of the situation

Harmonization of social provisions in the EU is performed through the *Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems*. This Regulation explicitly pronounces prohibition of dual insurance and accumulation of provisions, as well as it harmonizes the acknowledgement of a foreign insurance relationship and the principle of export of benefits. In the Hungarian-Serbian Social Security Convention, promulgated by the *Act 234 of 2013 concerning the promulgation of the Agreement between Hungary and the Republic of Serbia on social security*, the procedure between the two states is almost identical to the EU Regulation. Subsequently, this area is considered as properly regulated, thus the obstacle is rather caused by lack of information.

List of interviewees

- Central Administration of National Pension Insurance, Pension Payment Directorate, Administrative body responsible for investigating international pension claims
- Ministry of Human Capacities of Hungary, Deputy of International and EU Affairs

List of the explored best practices

- **J35.** Solution of cross-border labour problems between Slovenia and Croatia
- **J50.** Meuse-Rhine Euroregion, promoting cross-border cooperation (the Netherlands, Belgium, Germany)
- **J51.** Infobest office (France, Germany, Switzerland)

List of explored laws

- *Act 234 of 2013 concerning the promulgation of the Agreement between Hungary and the Republic of Serbia on social security*
- *Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems*
- *Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems*

Legal recommendation

Based on our research it is not necessary to articulate a legislative recommendation.

Policy recommendation

To safeguard the ensuring benefits, there is a need for an effective communication between the responsible health care and social insurance authorities. This flow of communication might generate that administration affairs and acquisition of the right to entitlement benefits are arranged within an appropriate time period. Besides, there is a need to appropriately inform the affected employees, too.

A30. Cross-border bus services are considered international. This poses a problem along several border sections, because it complicates commuting and, also, setting tariffs. International bus services cannot be used for inland travel; the buses can only stop at the station of departure and destination. Sometimes travelling conditions differ on both sides of the border. In Slovakia for example, regulations are not as strict regarding this issue as in Hungary, which is why Hungarian transport companies have a competitive disadvantage. [Esztergom, Győr, Miskolc, Szeged RS]

Description of the situation

Interactions of cross-border areas, their quantity and quality, are significantly influenced by the fact that so called cabotage (boarding of passengers and their transport within the same member state on a scheduled international public transport) is not allowed on the basis of a Community regulation, *Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006*. Bilateral agreements of Hungary with its neighbours do not allow cabotage on a reciprocal level. Nevertheless, some agreements offer a possibility to the authorities to provide special permission.

List of interviewees

- National Transport Authority, Department for Road Vehicles
- Central West Hungary Transport Centre Ltd., Division of Traffic Management of Komárom-Esztergom County

List of the explored best practices

- **J15.** Wide range of public transport options in the Lille-Kortrijk-Tournai Eurometropolis EGTC (France, Belgium)
- **J16.** Cross-border public transport cooperation between Germany and Poland: coordination of regional public transport schedule and cross-border bus service between Frankfurt (Oder) and Słubice
- **J17.** Cross-border bus service between Nova Gorica and Gorizia (Italy, Slovenia)

List of explored laws

- *Cabinet Decree No. 6/1973 (II. 7.) on the announcement of the Agreement between the Government of the Hungarian People's Republic and the Government of the Romanian Socialist Republic on the international passenger and freight transport, signed in Timișoara on 9 February 1972*
- *Government Decree 65/1996. (V. 15.) on the announcement of the Agreement signed in Budapest on 22 March 1994 between the Government of Republic of Hungary and the Government of Ukraine on international road transport*
- *Government Decree 78/2000 (VI. 2.) on the announcement of the Agreement signed in Budapest on 6 July 1999 between the Government of the Republic of Hungary and the Government of the Republic of Slovakia on international road passenger transport and freight transport*
- *Government Decree 89/1993. (VI. 8.) on the announcement of the Agreement on the international Hungarian-Croatian road passenger transport and freight transport*
- *Government Decree 130/1999. (VIII. 26.) on the announcement of the Agreement signed in Copenhagen on 26 May 1998 between the Government of the Republic of Hungary and the Government of the Republic of Austria on the international road passenger traffic via non-scheduled international passenger transport*
- *Government Decree 154/1992. (XI. 25.) on the announcement of the Agreement on the regulation of the Hungarian-Slovenian international road passenger and freight transport*
- *Act 41 of 2012 on passenger transport services*

- *Act 58 of 2014 on the announcement of the Agreement between the Government of Hungary and the Government of the Republic of Serbia on international passenger transport and freight transport*
- *Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006*

Proposal concerning priority area

Relieving the limiting obstacles of cross-border transport of people would be especially important in the border areas that are functionally interwoven with each other, mainly in those regions where the use of central municipal functions (e.g. trade, market services, education, culture, health care roles) or the level of integration of labour market make it necessary. Thus, our proposals figure among priority areas, involving complex proposals for the development of cross-border public transport services which expand the scope of definitions, thus making cross-border public transport services available on a reciprocal basis.

A32. Minors cannot cross the border without escort. [Pécs]

Description of the situation

The articulated obstacle as legal limitation does not appear in the relevant legislation. However, the practice of border controls show that children, during their travel, need a written proof of parental consent. Bearing in mind the number of missing underage kids who are annually declared as missing children, changing the current provisions is not recommended.

List of interviewees

- National Police Headquarters Budapest, Department of Border Police, Division of Border Representation

List of explored laws

- *Act 5 of 2013. on the Civil Code*
- *Act 12 of 1998 on travelling abroad*
- *Government Decree 101/1998. (V. 22.) on the implementation of the Act 13 of 1998 on traveling abroad*

Legal recommendation

Based on our research, it is not necessary to articulate a legislative recommendation. The current legal provision and its strictness is appropriate if we consider the number of missing children.

Policy recommendation

On the marked portal, complex information can be received during the organization of a journey. Moreover, periodic summary information for schools is also recommended.

Development of a bilingual form is recommended which reflects the declaration given by the special authorities. The recommended form should contain information that is included in the already used declaration. It should be written in the relevant state language; although it is highly useful to create its English version, too. The unified form may contribute to smoother administration and it may also ease the burden of those (e.g. parents, schools) who deal with children.

A33. Hungarian citizens cannot drive a car with a foreign number plate in Hungary. [Esztergom]

Description of the situation

Hungarian law (*Act 1 of 1988*) allows several possibilities for vehicles without Hungarian authorization and plate number to take part in vehicular traffic; the main condition is that the owner of the car must live and work in another country. Therefore, this issue can be considered as well regulated, it doesn't function as a real obstacle, the main problem is only the lack of information.

List of interviewees

Legislative background of the obstacle is clear, for this reason sectoral interviews haven't been conducted.

List of explored law

- *Act 1 of 1988 on the Road Transportation*

Legal recommendation

Our research showed that legislative recommendation was not necessary.

Policy recommendation

Since there is a relatively high public interest in this topic, because of the aim of decreasing the costs related to car buying and maintaining, there are more and more

foreign (mainly Slovak) number plated cars in the Hungarian vehicular system, it is reasonable to develop an information programme towards the citizens, or make the Hungarian car maintaining environment more attractive.

A34. Serbian driving licences are not recognised in Hungary, which complicates employment in certain job sectors. [Szeged RS]

Description of the situation

The use of foreign driving licences in Hungary is regulated by the *Government Decree 326/2011*. With clear reference to the *Vienna Convention on Road Traffic*, the regulation allows the use of foreign driving licences without a Hungarian translation for one year starting from the beginning of the habitation. After this period the nationalization of the licence is obligatory. Therefore, this issue is regulated, mainly the lack of information and slow administration could be considered as obstacles.

List of interviewees

- Central Office for Administrative and Electronic Public Services, Department of Vehicle and Driving License Administration and Registration, Division of Vehicle and Driving License Administration

List of explored laws

- *Government Decree 276/2006 (XII. 23.) on the Establishment, Duties and Competence of the Central Office of Administrative and Electronic Public Services*
- *Government Decree 326/2011. (XII. 28.) on road traffic administration tasks and the issue and withdrawal of road traffic documents*
- *Vienna Convention on Road Traffic (done at Vienna on 8 November 1968)*
- *Law-decree 3 of 1980 on the announcement of the Convention on Road Traffic opened for signature at Vienna on 8 November 1968*

Legal recommendation

Our research showed that no legislative recommendation was necessary.

Policy recommendation

Policy recommendation could only be developed for the improvement of information mechanisms.

A35. It is especially difficult to acquire public sector employee status in the field of health care for foreign citizens in Hungary. According to public sector employment regulations, foreign citizens are facing severe restrictions. [Győr]

Description of the situation

The existing regulations on public servant tenancy (*Act 33 of 1992*) do not make any restriction regarding nationality which would put non-Hungarian citizens who legally live in Hungary at a disadvantage in terms of employment. In case of foreigners the recognition and naturalisation of professional qualifications can constitute an obstacle. In terms of medical qualifications, we can state that the rules on mutual recognition of certifying documents of obtainment of medical qualifications are relatively forward-looking within the European Union (*Directive 2005/36/EC*).

List of interviewees

- Vaszary Kolos Hospital, Department of Controlling and Financing
- Vaszary Kolos Hospital, Human Resources department

List of the explored best practices

- **J2.** Hospital of Cerdanya between Spain and France
- **J3.** Cross-border mobility of the medical staff between Călărași (Romania) and Silistra (Bulgaria)

List of explored laws

- *Act 33 of 1992 on the Legal Status of Public Servants*
- *Act 1 of 2007 on the Admission and Residence of Persons with the Right of Free Movement and Residence*
- *Act 2 of 2007 on the Admission and Right of Residence of Third-Country Nationals*
- *Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC*

Legal recommendation

Legal recommendation is not necessary because the regulation on public servants taking into account the EU principles is adequately regulating the employment of foreigners.

Policy recommendation

However, as a policy proposal, practice-oriented notification on employing foreigners as public servants is recommended, especially in the case of institutions along the borders.

A36. Overcoming bureaucratic obstacles is very tiresome. To become employed, a Hungarian health insurance card is needed, and diplomas need to be accredited as well. [Győr]

Description of the situation

According to the Hungarian regulation (*Government Decree No 355/2007*) those foreigners who are citizens of one of the EU member states and who have the right to move and reside freely, are not required to have a work permit. Only the employer is obliged to register their employment. If the employee would like to continue to be entitled to health care in his/her own country, he or she must indicate that in an separate process. On the other hand, third country nationals must have work permit, except cases listed by the *Government Decree No 445/2013*. In case of foreigners, recognition and naturalisation of professional qualifications can constitute an obstacle which we have described previously in connection with obstacles A5. + A6. + A7.

List of interviewees

Interviews with professionals from the sector have not been made.

List of the explored best practices

- **J31.** Establishment of a digital information portal to increase the cross-border labour market between Germany, Belgium and the Netherlands
- **J32.** Establishment of a digital information network between the Netherlands, Belgium and Germany
- **J50.** Meuse-Rhine Euroregion, promoting cross-border cooperation (the Netherlands, Belgium, Germany)
- **J51.** Infobest office (France, Germany, Switzerland)

List of explored laws

- *Government Decree No 355/2007 (XII. 23.) on the transitory rules applicable to the free movement of workers by the Republic of Hungary in respect of persons enjoying the right to free movement and the right of residence*
- *Government Decree No 445/2013 (XI. 28.) on the Authorization of the Employment of Third-country Nationals in Hungary by a Procedure Other Than a Single*

Application Procedure, on Cases of Exemptions from the Authorization Requirement, on the Involvement of the Employment Centers of County (Budapest) Government Agencies in Single Application Procedures in the Capacity of Specialist Authority, on the Notification of the Employment of Third-country Nationals Who can be Employed Without a Work Permit, and on Wage Compensation

- *Act 4 of 1991 on Job Assistance and Unemployment Benefits*
- *Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems*

Proposal concerning priority area

In terms of the acceptance of professional qualifications, we draw up complex recommendations within priority areas of vocational training and employment. Accelerating the intensity of communication between social security systems, the speed of information transmission is recommended in order that a customer-oriented management can be implemented, for instance with regard to obtaining the entitlement to health care provided by the country of residence.

Furthermore, more efficient notification would be necessary for the concerned domestic employers and cross-border workers as well because in the beginning phase of obtaining the necessary documents they are faced with a huge lack of information which makes this process even harder for them.

A38. There are significant differences in the terminology related to simplified employment legislation. Hungarian participants of the health care and social service sector cannot apply related Austrian legislation regarding simplified employment, as relevant Hungarian regulations do not comply with those applied in Austria. Many Hungarian citizens employed in Austria are not aware of the differences and that the domestic system will handle their foreign employment status obtained in Austria in the frameworks of simplified employment in a way other than might be expected. [Győr]

Description of the situation

Despite the EU legislation containing the coordination rules and the bilateral agreements, differences between national regulations are clearly visible. Health insurance doesn't automatically form part of simplified employment, only based on voluntary contributions. Basic differences can be determined between the regulation of the two countries, Austria and Hungary. More social benefits are associated with simplified employment in Hungary than in Austria. This is the root of the problems, legal differences which those who returned from Austria must have met in the domestic legal system.

List of interviewees

- Government Office of Vas County – Employment Office, EURES Office
- Government Office of Győr-Moson-Sopron County – Employment Office, EURES Office

List of explored laws

- *Government Decree 243/2000. (XII. 24.) on the announcement of the Agreement signed in Budapest on 31 March 1999 between the Government of the Republic of Hungary and the Government of the Republic of Austria on social security*
- *Act 75 of 2010 on Simplified Employment*
- *Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems*
- *Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems*
- *Federal law of 9 September 1955 on the general social insurance (also known as General law on social security) (Bundesgesetz vom 9. September 1955 über die Allgemeine Sozialversicherung) (AT)*

Proposal concerning priority area

In terms of handling problems rooted in the different interpretation of the forms of simplified employment we can draw up recommendations within priority areas of vocational training and employment aimed at matching the concerned authorities on both sides of the border and, on the other hand, providing proper information for the employees.

A40. The operation of EGTCs is problematic in the Romanian border region. To open a Romanian bank account, many administrative obligations must be met (such as disposing of a tax number, but as the EGTC operates with a Hungarian seat, Romania cannot provide one). [Szeged RO]

Description of the situation

In the studied case, postulation of a new tax number is only needed if the applicant is organically part of an EGTC (European Grouping for Territorial Cooperation), but by the Romanian law it should also have an independent legal entity with its own tax number. Theoretically it is also conceivable that some activities require their own tax number in Romania (or other countries), but this is such a special legal situation, of which the Hungarian-seated EGTC should be aware even before the act with the given bank, requesting prior information from its legal representative or from the assigned Romanian (or Hungarian) authority.

List of interviewees

- Ministry of Foreign Affairs and Trade of Hungary, Cross-border Economic Cooperation Department
- Pons Danubii EGTC
- OTP Bank România

List of the explored best practices

- **J2.** Hospital of Cerdanya between Spain and France (EGTC - Hospital de Cerdanya)
- **J30.** The European Campus EGTC on the Upper Rhine (France, Germany, Switzerland)

List of explored laws

- *Act 237 of 2013 on Credit Institutions and Financial Enterprises*

Legal recommendation

Based on our research, legal recommendation is not necessary.

Policy recommendation

We recommend the development of the notification mechanism concerning EGTC management information which can be realized as a guidance on websites of the national EGTC authorities and by providing personal information contact possibilities.

A42. Differing public procurement per country is also causing significant difficulties for border bridges and cross-border projects. Cross-border common public procurement should be enabled for related programmes. [Esztergom]

Description of the situation

The regulation on public procurement (*Act 118 of 2015 on Public procurement*) opens the door to common procurement. Considering the regulation (*Act 24 of 2012 on the announcement of the Agreement between the Government of Hungary and the Government of the Republic of Slovakia on the characteristics of public roads crossing the joint state border*) and the example can be seen that the precondition of differing from national procurement is that the two participants (member states) can agree on a common implementation.

List of interviewees

- Ministry of Foreign Affairs and Trade of Hungary, Cross-border Economic Cooperation Department
- Directorate General for Audit of European Funds, Audit Directorate of Economic Development and International Assistance
- Closure Department of the Interreg V-A - Romania-Hungary Programme
- Joint Technical Secretariat of the Interreg V-A - Hungary-Croatia Programme
- Joint Technical Secretariat of the Interreg V-A - Slovakia-Hungary Programme
- Joint Technical Secretariat of the IPA CBC Programme Hungary-Serbia

List of explored laws

- *Act 24 of 2012 on the announcement of the Agreement between the Government of Hungary and the Government of the Republic of Slovakia on the characteristics of public roads crossing the joint state border*
- *Act 46 of 2014 on the announcement of the Agreement between the Government of Hungary and the Government of the Republic of Slovakia on the construction of a Hernád bridge between Abaújvár and Kechnec on the joint state border of the two countries*
- *Act 118 of 2015 on Public procurement*

Legal recommendation

Based on our research, legal recommendation is not necessary.

Policy recommendation

Based on our research, policy recommendation is not necessary.

A44. Up until now, the government always advanced full grant amounts to budgetary organisations, but now these regulations were repealed. Pre-financing and own contributions are causing difficulties nowadays. [Győr]

Description of the situation

The changes having been mentioned in the obstacles inventory are in line with the fact that repayable funds are getting higher importance than non-repayable ones in the new programming period for 2014-2020 (however, this will be quantifiable more precisely only at the end of the budget period). There are no allocations for covering the own contribution of local governments from the central budget, however according to the Hungarian regulation in force, local governments or central budgetary bodies can apply for pre-financing from the central budget – even in case of the cross-border

cooperation programmes (see *Government Decree 126/2016*). EGTCs recently are not eligible for this kind of pre-financing.

List of interviewees

Interviews with professionals from the sector have not been made.

List of explored laws

- *Government Decree 75/2016. (IV. 5.) on the use of financial sources deriving from the instrument of Connecting Europe Facility*
- *Government Decree 126/2016. (VI. 7.) on the implementation of particular Cross-Border Cooperation Programmes of the European Regional Development Fund and the Instrument for Pre-Accession Assistance in the programming period of 2014-2020*
- *Government Decree 272/2014. (XI. 5.) on the Rules of the Use of Funds from Certain European Union Funds in the 2014-2020 Programming Period*
- *Government Decree 285/2012. (X. 9.) on the detailed regulation of use of EU Own Contribution Fund*
- *Government Decree 368/2011. (XII. 31.) on the Implementation of the Act on Public Finances*
- *Government Decree 465/2015 (XII. 29.) on the amendment of the Government Decree 368/2011. (XII. 31.) on the implementation of Public Finance Act and other related Government Decrees*
- *Act 100 of 2015 on the 2016 central budget of Hungary*

Legal recommendation

Modification of the *Government Decree 126/2016. (VI. 7.) on the implementation of particular Cross-Border Cooperation Programmes of the European Regional Development Fund and the Instrument for Pre-Accession Assistance in the programming period of 2014-2020* to make EGTCs, the main actors of cross-border developments, eligible for pre-financing support.

A47. Differences between the procedures of building authorities, which do not allow to apply the equal opportunities by the Romanian and Hungarian applicants

Description of the situation

In the case of cross-border cooperation projects, it is a problem that the concept of preliminary building permits has been deleted, on 31 December 2012, from the *Act 78 of 1997 on the formation and protection of the built environment*. Therefore, on the Hungarian side, a more detailed (and more expensive) building documentation is required for the application than on the Romanian side, which puts Hungarian applicants in a competitive disadvantage.

List of interviewees

- Closure Department of the Interreg V-A - Romania-Hungary Programme
- An expert in urban planning (Master of Science in Architecture)

List of explored laws

- *Act 78 of 1997 on the formation and protection of the built environment*
- *Act 140 of 2004 on the General Rules of Administrative Proceedings and Services*

Legal recommendation

Regarding the different state-of-play on the two sides of the border, we recommend the harmonisation of the procedures for resolutions of the Hungarian and Romanian housing authorities concerning EU and national tendering applications for funding. In Hungary, the competent authorities cannot deliver any resolutions or similar documents before the expensive building permission (the mandatory information and consultancy service of local governments is not equal with the preliminary building permission), whereas the Romanian authorities provide preliminary documentation on the planned investment to those applicants, who meet the requirements of the programme (title of the document: „Certificate de urbanism”).

In our viewpoint, the harmonisation process does not require the joint involvement of authorities from both sides of the border, since the Romanian practice is working well while the one on the Hungarian side does not. In addition, the bureaucratic bilateral negotiations would take a lot of time, which negatively affects the application to be submitted in the meantime.

Harmonisation can be carried out by the urgently proposed and accepted modification of the relating Hungarian law, by virtue of which the competent authorities could deliver a special documentation for project applications. The document would consist,

based on the available and justified data, facts and status, that the applicants could implement the investment according to the status quo. The legal background of this document would be ensured by the official certificate justifying the facts, status and other data, on the one hand, and the official public register, on the other. However, the previous one proves only that the given building is on the building site, the official register could certify the specifications of the property. In this way, it can be proved that the planned building can be built according to the regulations in force.

Policy recommendation

If the regulation cannot be modified in the foreseeable future, we propose to change the call for proposal to avoid discrimination.

A50. The lack of interoperability and information between the projects negatively affect the implementation of the project and the financial stability of the beneficiaries. Approved finance for one candidate is unknown, thus it may receive financial support that exceeds its capacity, taking away a chance from other applicants.

Description of the situation

A database with real time data on the projects and applicants of cross-border cooperation programmes is missing. This causes problems, in case an applicant submits a project proposal to several calls for proposals. It is doubtful from the financial viewpoint that the applicant could manage more projects at the same time. To avoid these situations, a database is needed. Subsequently, the evaluators can use the database to check the projects which are in progress.

List of interviewees

- **Keep EU cooperating**

List of the explored best practices

- KEEP portal (www.keep.eu)

List of explored laws

The obstacles have no legal nature; therefore, their legal framework has not been investigated.

Legal recommendation

Based on our research, legal recommendation is not required.

Recommendation for the European Union

We propose to develop the KEEP on-line database to get real time information from the monitoring system of the individual programmes. Modules, available only for those participating in the evaluation of the project proposals, are also recommended.

A51. + A52. + A57. Cooperation in the field of disaster management

A51. On both the Hungarian and Ukrainian side, top-down authorisation is needed for cooperation between disaster management bodies. [Nyíregyháza UA]

A52. Regarding the Austrian-Hungarian border region, it was not clarified during the workshop whether there is any form of cooperation or bilateral convention in the field of disaster management between the two countries. [Szentgotthárd]

A57. In case of heavy snowfall, special vehicles cannot come to help from across the border even though there seems to be open-mindedness about such a cooperation initiative at organisational level. [Szentgotthárd]

Description of the situation

Prevention and actions against disasters is still fully in the competence of the Member States, cooperation in this field can be regulated by bilateral agreements. Hungary has bilateral assistance agreements with all its neighbours, which regulate the joint activities.

List of interviewees

- Ministry of Interior, National Directorate General for Disaster Management

List of the explored best practices

- **J40.** Crisis management and fire service between Baarle-Hertog and Baarle-Nassau (the Netherlands, Belgium)
- **J41.** Cross-border crisis and disaster management cooperation of the Scheldemond Euroregion (the Netherlands, Belgium)
- **J42.** Police and fire fighting cooperation between Denmark and Germany
- **J43.** Disaster management cooperation between South-Limburg and Heinsberg (Belgium, Germany)

List of explored laws

- *Governmental Decree No 114/1998. (VI. 11.) on the announcement of the Agreement between the Republic of Hungary and the Republic of Croatia for the*

protection of natural and technological disasters, signed in Budapest on 9 July 1997.

- *Governmental Decree No 150/1995. (XII. 12.) on the announcement of the Agreement between the Republic of Hungary and the Republic of Slovenia on mutual assistance in case of disasters and major accidents*
- *Governmental Decree No 212/1997. (XII. 1.) on the announcement of the Agreement between the Republic of Hungary and the Republic of Slovakia on mutual assistance in case of disasters and major accidents*
- *Act 112 of 1999 on the announcement of the Agreement between the Republic of Hungary and the Republic of Austria on mutual assistance in case of disasters and major accidents*
- *Act 9 of 2000 on the announcement of the Agreement between the Government of the Republic of Hungary and the Government of Ukraine on the cooperation and mutual assistance to prevent disasters and serious accidents and to eliminate their consequences, signed in Budapest on 27 October 1998*
- *Act 81 of 2004 on the announcement of the Agreement between the Republic of Hungary and the Republic of Romania on mutual assistance in case of disasters and major accidents*
- *Act 197 of 2013 on the announcement of the Agreement between the Government of Hungary and the Government of the Republic of Serbia on the cooperation and mutual assistance in the event of disasters*

Legal recommendation

Based on our research, legal recommendation is not required.

Policy recommendation

Based on our research, policy recommendation is not required.

A53. Church weddings are officially accepted in Slovakia (even replacing civil service), but not in Hungary. [Esztergom]

Description of the situation

In case of marriages made in other countries, ecclesiastical marriage is equal with civil marriage in the process of naturalization, if the ecclesiastical marriage is approved by the state and proved by official certificate. In Slovakia, it is part of the administrative procedure of the ecclesiastical marriage that the certifying document, signed and stamped by the church, is forwarded to the competent registry department of the given

municipality. The registry department delivers the same marriage certificate in case of ecclesiastical and civil marriage as well.

List of interviewees

- Nové Zámky, Mayor's office
- Prime Minister's Office, Ministerial Commissioner for Simplified Repatriation

List of explored laws

- *Decree 32/2014 (V. 19.) of the Minister of Public Administration and Justice on the detailed regulation of the provision of tasks related to birth registration*
- *Government Decree No. 125/1993 (IX.22.) on the Implementation of Act LV of 1993 on Hungarian Citizenship*
- *Legislative Decree No. 11 of 1973 on the promulgation of The Hague Convention of 5 October 1961 abolishing the requirement of diplomatic or consular legalisation for foreign public documents*
- *Law-Decree No. 13 of 1979 on Private International Law*
- *Act 93 of 1990 on Duties*
- *Act 55 of 1993 on Hungarian Citizenship*
- *Act 29 of 2009 on Registered Partnership and Related Legislation regulating the establishment and termination of same-sex partnerships*
- *Act 1 of 2010 on Birth, Marriage and Death Registration*
- *Law no. 97/1963 Coll. the Law on private and procedural international law (Zákon č. 97/1963 Zb. Zákon o medzinárodnom práve súkromnom a procesnom)*
- *Law no. 36/2005 Coll. the Law on family in text of amendments (Zákon č. 36/2005 Z.z. o rodine v znení neskorších predpisov)*
- *Coll. the Law on the Registers in text of amendments (Z.z. o matrikách v znení neskorších predpisov)*
- *Regulation (EU) 2016/1191 of the European Parliament and of the Council of 6 July 2016 on promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union and amending Regulation (EU) No 1024/2012*

Legal recommendation

Based on our research, legal recommendation is not required.

Policy recommendation

Based on our research, policy recommendation is not required.

A55. In the case of certificates issued for foreigners, names of the subjects are spelled according to Hungarian regulations. This, however, can cause problems later in the country of birth (e.g. in the case of inheritance). [Szeged RS]

Description of the situation

In the course of the naturalisation process, the act of name change is not mandatory since the text of the law (*Act 55 of 1993 on Hungarian Citizenship*) also contains the term of „they *can* request it” but in the case of the name change, only the modified new name will be included in the new documents and there is no possibility to keep the former name, in parallel, in the document. In case the former official documents are kept (which is not forbidden by the rules in Hungary) they can be used during the legal procedures occurring / being obligatory in the country of birth.

List of interviewees

- Prime Minister’s Office, Ministerial Commissioner for Simplified Repatriation

List of explored laws

- *Act 55 of 1993 on Hungarian Citizenship*

Legal recommendation

Based on our research, legal recommendation is not required.

Policy recommendation

The problem can be addressed by keeping the former official documents issued in the other country: these documents contain the proper name before the change, consequently they make possible to handle occurring / necessary legal procedures in the country of birth without problem. The Hungarian provisions do not forbid to keep the former official documents.

A56. It is not clear whether cross-border regions have the possibility to establish a common sanitation network/sewage system. [Nyíregyháza UA]

Description of the situation

Basically, the establishment of cross-border infrastructure is being ruled by interstate bilateral agreements. For the works affecting the state border, the prior approval of the border committee set-up by international agreement is needed.

List of interviewees

- Ministry of National Development, Department of Major Public Services

List of the explored best practices

- **J39.** Environmental cooperation between Croatia and Slovenia
- **J45.** Modernization of water and sewage network in Berehove (Hungary, Ukraine)

List of explored laws

- *Government Decree No. 41/2001. (III. 14.) on the announcement of the Agreement between the Government of the Republic of Hungary and the Government of the Republic of Slovenia on the issues regarding water management*
- *Cabinet Decree No. 55/1978 (XII. 10.) on the announcement of the Agreement between the Government of the Hungarian People's Republic and the Government of the Czechoslovak Socialist Republic on the regulation of issues regarding transboundary water management, signed in Budapest on 31 May 1976*
- *Government Decree No. (VIII. 6.) on the announcement of the Agreement between the Government of the Republic of Hungary and the Government of Ukraine on the water management of the transboundary watercourses, signed in Budapest on 11 November 1997*
- *Government Decree No. 127/1996 (VII. 25.) on the announcement of the Agreement between the Government of the Republic of Hungary and the Government of the Republic of Croatia on the issues of cooperation in the field of water management, signed in Pécs on 10 July 1994*
- *Law-Decree No. 32 of 1959 on the announcement of the Agreement between the Hungarian People's Republic and the Republic of Austria on the regulation of the border area's water management questions in the border area, signed in Vienna on 9 April 1956*
- *Government Decree No. 196/2004 (VI. 21.) on the announcement of the Agreement between the Government of the Republic of Hungary and the Government of Romania on the cooperation in the field of the protection and the sustainable use of transboundary watercourses*
- *Act 89 of 2007 on the borders of the state*
- *Agreement (1955) between the Hungarian People's Republic and the Government of the Socialist Federal Republic of Yugoslavia on issues concerning water management questions*

Legal recommendation

Based on our research, legal recommendation of general scope is not required. Nevertheless, in the relevant phase of infrastructural development, the signing of a bilateral agreement between the governments affected can be necessary.

Policy recommendation

Based on our research, policy recommendation is not required.

A58. Without a residence card, it is not possible to acquire a second banking card e.g. for a family member (at certain financial institutions). [Esztergom]

Description of the situation

In the course of the consumption of financial services the list of mandatory data to be given is governed by the *Act 136 of 2007*. The Hungarian provision (*Government Decree No. 262/2016*) tailored to the new Community level legislations (*Directive 2014/92/EU*) does not exclude any more the opening of a bank account for individuals without a Hungarian residence. At the same time, the internal protocols of particular banks can limit the free and full use of banking services.

List of interviewees

- **OTP Bank**

List of explored laws

- *Government Decree No. 262/2016 (VIII.31.) on the Access to Basic Account and the Features of and Charges Payable for the Keeping of Basic Accounts*
- *Act 93 of 2001 on the abolition of foreign exchange restrictions*
- *Act 112 of 2011 on Informational Self-Determination and Freedom of Information ("Privacy Act")*
- *Act 136 of 2007 on the Prevention and Combating of Money Laundering and Terrorist Financing*
- *Directive 2014/92/EU of the European Parliament and of the Council of 23 July 2014 on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features*

Legal recommendation

Based on our research, legal recommendation is not required.

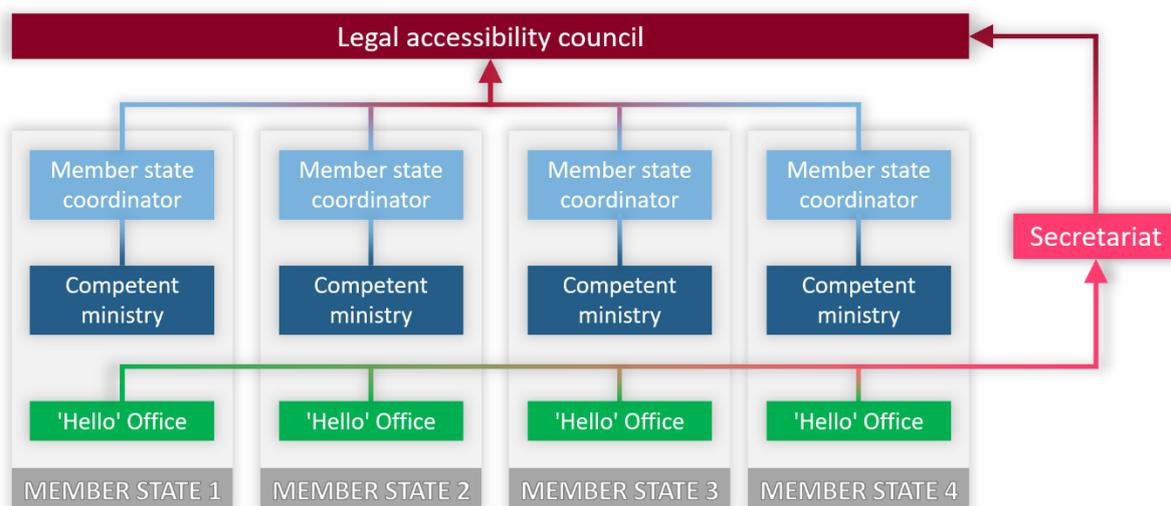
Policy recommendation

It is recommended to call the attention of the banking service providers to the relevant point of the regulation in force, namely that they might perhaps review the list of personal documents required for these banks' administrative protocols. Furthermore, we recommend to review the conditions for requesting additional cards in the case of the re-introduction of base account and related services.

4.2 Horizontal recommendations

Besides the sectoral recommendations, we also developed two recommendations, which are aimed at the better handling of obstacles.

- (1) On the one hand, we recommended a tri-level obstacle-handling mechanism, which could help the identification and handling the obstacles at Hungarian governmental level and, at the macro-regional level, in the joint committees with the neighbouring countries as well. As a government-level solution we recommended the launch of an interministerial working group, which on the one hand could pre-qualify the legal proposals affecting the border areas; and, on the other hand, it could help identifying sectoral obstacles or problems. The harmonization of legislation and the handling of cross-border obstacles make cooperation necessary with the neighbouring governments; for this interaction, the proper platform would be the level of joint committees, which were launched in 2004 but by now their activity is practically on hold. As an example, for cooperation in a wider field, we cited the Nordic Council's 'Freedom of Movement Council', together with the 'Hello Norden' information office network, as best practices in the process of identifying and dissolving these obstacles.



The organizational model of the proposed macro-regional platform

- (2) On the other hand, from a citizen's perspective, we deemed necessary to establish a general information system, which could partly be based on the portal of 'Your Europe' operated by the Commission, and could partly be built up from regional cross-border platforms and offices. It is important that the proper communication between these platforms should be ensured, and the local, regional initiatives should take into account the frames of the EU's portal and at the same time contribute to their continuous development.

5. Summary

5.1 The results of the project

The project on legal accessibility is the first initiative in Hungary which has tried to unfold legal-administrative barriers the actors involved in cross-border cooperation are facing with a comprehensive, intersectoral approach and to seek for answers how to eliminate these barriers.

From a formal point of view, the project achieved maximum success: we fulfilled all the indicators undertaken in our contract; the following table gives an overview on this:

Indicator	Target	Fulfillment	Unit
Number of implemented stakeholder workshops	9	9+1	pieces
Number of participants at stakeholder workshops	90	81+23	people
Number of prepared summary reports	1	1	pieces
Compilation of best practices	1	1	piece
Number of interviews	24	24 + 30 + 14	pieces
Number of sectors affected by interviews	8	8 + 4	pieces
Number of prepared summary reports	1	1	pieces
Legal inventory	1	1	pieces
Compilation of recommendations	1	1	pieces
Final report	1	1	pieces
Final report – English version	1	1	pieces

At the same time, it must be admitted that in terms of substance we expected more from the project at the beginning. We thought that the local stakeholders would confront us with a host of border obstacles and we would even find solutions for the major part of them, based on the existing western European good examples. Finally, much fewer barriers were mentioned at the workshops than we had expected and it turned out later that a significant part of these were not real obstacles. In other cases, the modification of the principles of the total policy background would be necessary in order to bring about essential changes. Thus, during its realisation, the focus of the project has been slightly modified.

While at the beginning we envisaged to draft a kind of compilation of legal recommendations, at the end of the day this document has gained a strong policy accent.

Nevertheless, the current compilation of obstacles should not be considered as irrelevant, since we managed to draw the attention and (we hope) to find solution to numerous problems which make the lives of the people living in border areas difficult. We are convinced that the project was implemented successfully with results to be communicated even at EU level which opens the possibility for the continuation together with the neighbouring countries.

As far as the professional results of the project are concerned, one can state that the documents drafted indicate the starting point of a procedure; they create the opportunity for the systematic monitoring and analysis of the obstacles as well as to the institutionalised development of solutions.

Hereby, we would like to thank the Ministry of Justice of Hungary for the support making possible the implementation of this project.

5.2 Comparing the results of the project with European trends

The European Union undergoes, at present, perhaps one of the most serious crises of its history which is fundamentally linked to the question of free cross-border mobility. It is of paramount importance what solutions will be worked out by the end of this crisis and whether these solutions hinder or facilitate free movement.

In parallel with the crisis, several EU policy debates are under way which are also in close relationship with the subject of our project. Our association submitted the application which can be considered as an antecedent of this project to the call of the DG Justice in February 2015. The objective of the proposal was to work out a comprehensive analysis within the central European region containing the unfolding of legal-administrative barriers and formulating recommendations based on West European good practices. The partnership involved several research institutes from the neighbouring countries, as well as, the ISIG from Gorizia and the MOT from Paris. Since our application was not successful, we approached the Ministry of Justice of Hungary with a similar proposal because the legal accessibility issue became (maybe not unexpectedly) a hot topic of the European discourse.

On the one hand, a project called *Cross-border Review* launched by Commissioner Corina Crețu attracted the attention to the significance of tackling legal and administrative problems. The project was started in the autumn of 2015. Initially, contracted experts conducted an on-line survey by which they requested the local stakeholders' opinion on the obstacles. More than 600 responses were received from all over Europe (12 from Hungary). Based on these responses and the inputs gained at the 11 counsellors' seminars as well as from the reactions of the participants of the expert group set-up also in the autumn, the experts started to compile the comprehensive study built on case study experiences. Our association delegated an expert to the expert group and we drafted a contributing document focusing on the analysis of territorial data. Our intention is to share also the results of the *Legal accessibility* project with the EU experts. At the same time, during the implementation of the *Cross-border Review* project, we also obtained and accumulated knowledge on certain issues which supported the realisation of the Hungarian *Legal accessibility* project.

When comparing the two projects, it is worth mentioning that in the case of the EU project eight sectors have been identified at the very beginning in the respect of which the analysis of the obstacles can be relevant: industry, labour market, health, transport, ICT, environment, climate change and spatial planning. At the second expert workshop held in January, 2016, the experts selected five of these eight topics that the contracted consultants would concentrate on.

At the starting phase of our project we did not follow similar preconceptions: we were interested in everything what can be a problem or obstacle for local actors. On the one hand, this approach led to the realisation of the fact that we faced numerous obstacles which were irrelevant for other countries; and, on the other, the barriers did not occur in line with a clear systematic principle or an internal logic but in an ad hoc way. It may be the reason why several „reports of obstacle” proved to be irrelevant after the interviews and the legal analysis. Regardless of this, a few problems can attract the attention also at EU level: in some of these cases we even made a proposal for their solution.

These problems are the following:

- to launch an EU student card,
- to create an EU level documentation platform of illnesses,
- to issue EU level permissions for ambulance cars,
- to create EU rules on cross-border short supply chains,
- to draft a provision supporting cross-border horse riding tourism,
- to develop an EU level solution for the abolishment of duties of duty-free products imported from third countries,
- to further develop the KEEP database to obtain real-time data.

Apart from the *Cross-border Review* coordinated by the DG Regio, it is worth mentioning the progress of the new legal solution initiated by the Luxemburg presidency, in 2015. The proposal of the Luxemburg presidency aims at the voluntary based introduction of a new legal tool (European Cross-Border Convention: ECBC) which would create a territorial exception with a view to resolving a sectoral problem of a given border region. For the sake of ensuring cross-border service provision, the tool would establish a legal framework independent from the legislations of the two countries with a territorial limitation in a provisional way; which would make it possible to give life to models exceeding the obstacles generated by the national provisions. The Cerdanya hospital is considered as a such exceptional example but also in the case of a cross-border tramway, numerous technical, financial and administrative rules should be taken into account which prevent the initiators from the construction of the tramway line. Although both the intention and the need are given and the economic operation of the tramway could be guaranteed, the different legal environment of the two neighbouring countries should be modified at so many points and furthermore at general, national level that finally the project will not be put in operation. The ECBC would make it possible to launch such exceptional legal solutions which would reflect to nothing but the particular problem within the given border region. Our association has, right from the beginning, taken part in the activities of the working group preparing the ECBC.

In recent years, the French Mission Opérationnelle Transfrontalière (MOT) has been drawing the attention, at numerous professional events, to the shortcomings of territorial statistics hindering cross-border cooperation and developments. Eurostat gathers data at NUTS III. (in some cases at NUTS II.) level only which are irrelevant from the point of view of direct cross-border interventions (affecting mainly local and regional stakeholders). Our association has joined this consultative process by organising a seminar in September, 2014. It is expected that the European Commission will initiate the cooperation of the national statistical institutions (NSIs) with a view to resolve this problem.

It is not only the European Union which is working with the problem of barriers. In 2014, the European Council contracted an NGO called Institute of International Sociology of Gorizia (ISIG) to unfold the most frequent cross-border legal-administrative obstacles in Europe. Its intention was to find the best practices delivering solution to these obstacles and to make all this information available through a portal updated permanently.

The portal was opened in 2015 and its database is permanently expanding, thanks to the increasing number of its end-users. The EDEN portal of ISIG meant a generous help during the realisation of the current project. Apart from this, the professional documents of the MOT and the AEBR (Association of European Border Regions) offered help to us too. AEBR supported the implementation also with professional consultancy as a project partner.

Regarding the responses on the obstacles, the way of overcoming them can be different case by case. The legal harmonisation process of the European Union yields sometimes surprising results; at the same time, the Community has achieved remarkable success from the point of view of the mitigation of the obstacles against the free movement of persons, goods, services and capital. One of the main lessons learnt from this project was that in several cases, the community *acquis* are already in place but there are problems with their application.

At the same time, sometimes the application of a regional solution implying bilateral agreements is more rational. It can give life even to bilateral institutionalised cooperation structures. The *Legal accessibility* project offers examples for both models.

Our aim was to launch the process within which the state administration limiting its focus on nation state frames by nature recognises cross-border reality as an issue to handle and its problems to tackle and approaches it with due openness. Since, as a matter of fact, when we seek for either EU level or bilateral solutions, we can be successful only with the positive attitude of the state level authorities.