

## International Visegrad Fund

# LEGAL ACCESSIBILITY AMONG THE V4 COUNTRIES

REPORT ON THE STUDY TOUR TO THE NORDIC COUNCIL'S SECRETARIAT



Compiled by CESC I in 2018



## On the project – in a Nutshell

### PARTNERS OF THE PROJECT

- ❖ [Central European Service for Cross-border Initiatives](#) (HU)
- ❖ [University of Szeged](#) (HU),
- ❖ [Central European Service for Cross-border Initiatives Carpathia](#) (SK)
- ❖ [Masaryk University Faculty of Science – Department of Geography](#) (CZ),
- ❖ [University of Warsaw – Centre for European Regional and Local Studies](#) (PL).

### THE MAIN OBJECTIVES OF THE PROJECT

- ❖ To facilitate cross-border mobility among the V4 countries
- ❖ To enhance cohesion of the V4 group
- ❖ To contribute to an enhanced cohesion of the EU
- ❖ To improve the brand of the V4 cooperation

In order to achieve these objectives, the partners study the model of the Nordic Council's Freedom of Movement Council and draft a proposal how to adapt the model at V4 level.

### Briefly on the study visit

The study visit has taken place from 21<sup>st</sup> to 23<sup>rd</sup> May, 2018 in Copenhagen and in Malmö. The members of the V4 delegation were: Katarzyna Wojnar (EUROREG, Warsaw), Katarzyna Kos (Governmental Legislation Center of Poland), Pavol Foltín Office of the Governor of South Moravian Region, Brno), Tomáš Swiatlowsky (Ministry of Agriculture and Rural development, Bratislava), Katalin Fekete (Ministry of Foreign Affairs and Trade, Budapest), as well as Zsuzsanna Fejes and Edit Soós (University of Szeged). The leader of the delegation was Gyula Ocskay secretary general of CESCI, the lead partner of the project.

The programme of the visit contained the following activities:

#### May 22, 2018

10:00 – 12:45 Visit at the Nordic Council of Ministers

10:00 – 10:05 A Short Look at the Upcoming Programme (Claes Håkansson & Petri Suopanki, Senior Advisors at the Secretary General's Office, GSK)

10:05 – 10:20 Introduction to Nordic Cooperation + Questions (Kenneth Broman, Chief of Staff, GSK)



10:20 – 10:40 Regional Cooperation in the Nordic Countries (Lise Østby, Senior Advisor at the Department for Growth and Climate)

10:40 – 11:10 Visegrad: About the Project Initiative and Goals for the Visit

11:10 – 11:25 Pause

11:25 – 12:45 The Freedom of Movement Council

- ❖ Claes Håkansson: Operation, Structure and Decision-Making of the Council
- ❖ Daniel Jaakkola: Definition of a Border Obstacle
- ❖ Petri Suopanki: Documentation

Discussion on the Process

12:45 – 13:30 Lunch at NCM

14:00 – 15:00 Train to Malmö, Sweden

15:00 – 17:15 Visit at Øresunddirekt (Host: Sandra Forsén)

15:00 – 15:05 Welcome (Sandra Forsén, Head of Office)

15:05 – 15:45 Greater Copenhagen – History and Development (Britt Andréén, Senior Analyst at Øresunds Institute)

15:45 – 17:15 Øresunddirekt – Mission, Organisation and the Cross-border Obstacle Process (Sandra Forsén, Head of Office and Malin Dahl, Coordinator at Swedish Employment Service)

17:15 - 18:30 Train back to Copenhagen

18:30 Dinner in Copenhagen

### **May 23, 2018**

10:00-12:00 Visit at Greater Copenhagen Office (Host: Matilda Sommelius)

- ❖ Greater Copenhagen Now and In the Future (Matilda Sommelius, Project Manager at Greater Copenhagen)
- ❖ Hallo Norden Denmark And Its Role In Cross-Border Obstacle Process (Jakob Tråsdahl, Project Manager at Hello Norden Denmark)

Discussion

12:15-13:15 Lunch at NCM



## Lessons learnt

### THE NORDIC COOPERATION

The cooperation between the nordic countries has a long tradition. The Nordic Council, the „parliament“ of the Nordic States (including 87 deputies) was established in 1952 while the intergovernmental institution, the Nordic Council of Ministers (the „commission“ of the Nordic countries) was set up in 1971.

Since 1957, the citizens of the partner countries are allowed to enter other states without passport, since 1982 a fully integrated labour market makes possible to commute and work in any of the member countries and since 1996 there is a free access to higher education for any of the citizens of the cooperation. It is the reason why 280 000 nordic citizens live in another nordic country and 70 000 workers are commuting in a daily life.

The Nordic region includes 5 states (Iceland, Norway, Sweden, Denmark and Finland) and 3 autonomous regions (Greenland, the Faroe Islands and Åland). All members have the same rights. The total population of the region is 27 M with a total GDP of 8800 billion DKK.

### THE NORDIC COUNCIL OF MINISTERS

The major political cooperation body of the Nordic States is the Nordic Council of Ministers (NCM). In each country, a ministry is appointed to be in charge of nordic cooperation. The NCM has 11 permanent committees and one ad-hoc committee on digitalisation. The members of the councils are delegated by the relevant ministries and they meet twice a year (sometimes more). All decisions must be reached by unanimity.

The work of the council is supported by senior officials and working groups, while the administrative duties are undertaken by the Secretariat operating in Copenhagen (with approx. 130 employees).

The Council itself has an extended network of institutions including 12 institutions being present in each member state, employing approx. 300 people in all together. The total budget of the NCM amounts 150 M €.



- The Nordic Council of Ministers (NMR) consists of the Ministers for Nordic co-operation and 10 ministerial councils (MRs), which cover different sectors and are supported by 16 committees of senior officials (EK).
- The Secretary General is responsible for the day-to-day running of the intergovernmental co-operation.
- 12 Nordic institutions and the three Baltic offices



### The Nordic Council of Ministers

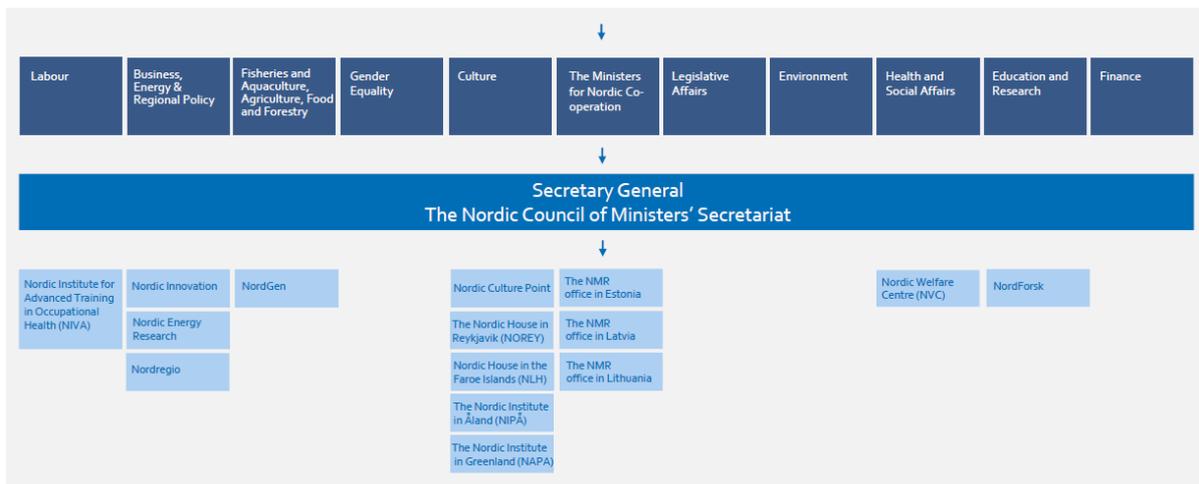


Figure No1: The organigram of the Nordic Council of Ministers

Source: [www.norden.org](http://www.norden.org)

The NCM works along priority themes defined by the (rotating) chairmanships. For the current planning period, three themes have been selected:

- ❖ sustainable development in rural areas
- ❖ innovative and resilient regions
- ❖ sustainable cities and urban development.

In line with the general philosophy of the Nordic model, some cross-cutting issues are always taken into account. These are:

- ❖ gender equality
- ❖ children and youth
- ❖ economic, social and environmental sustainability.

In addition, the cooperation itself is in the centre of the activities which has its cross-cutting themes as follows:

- ❖ The Arctic
- ❖ Integration
- ❖ Administrative reforms.

The Nordregio publishes the State of the Nordic Region report in every two years.

Further information on the NCM are available at:

[www.nordregio.se](http://www.nordregio.se)

[www.norden.org](http://www.norden.org)

[www.nordmap.se](http://www.nordmap.se)

### THE STRUCTURE OF THE FREEDOM OF MOVEMENT COUNCIL

One of the 11 councils of the NCM is dedicated to the permeability of the borders and facilitating the mobility of the people among the member countries, it is the Freedom of Movement Council (FMC). The council was set up in 2014 based on the *Declaration by the Nordic prime ministers on the work against border barriers concluded on 29 October 2013*.

The council has three main missions:

- ❖ to break down existing border obstacles
- ❖ to prevent new border obstacles to occur
- ❖ to enhance and improve information efforts.

The membership of the council is composed by the representatives of the members, the Secretary General of the NCM and a representative of the Nordic Council (the parliament).

## The Freedom of Movement Council

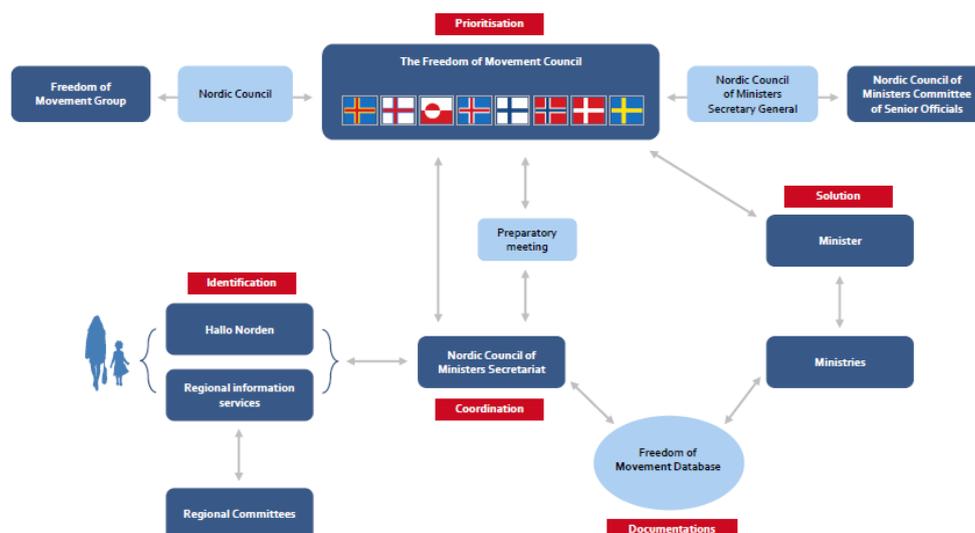


Figure No2: The structure of the Freedom of Movement Council  
Source: NCM presentation, May 2018



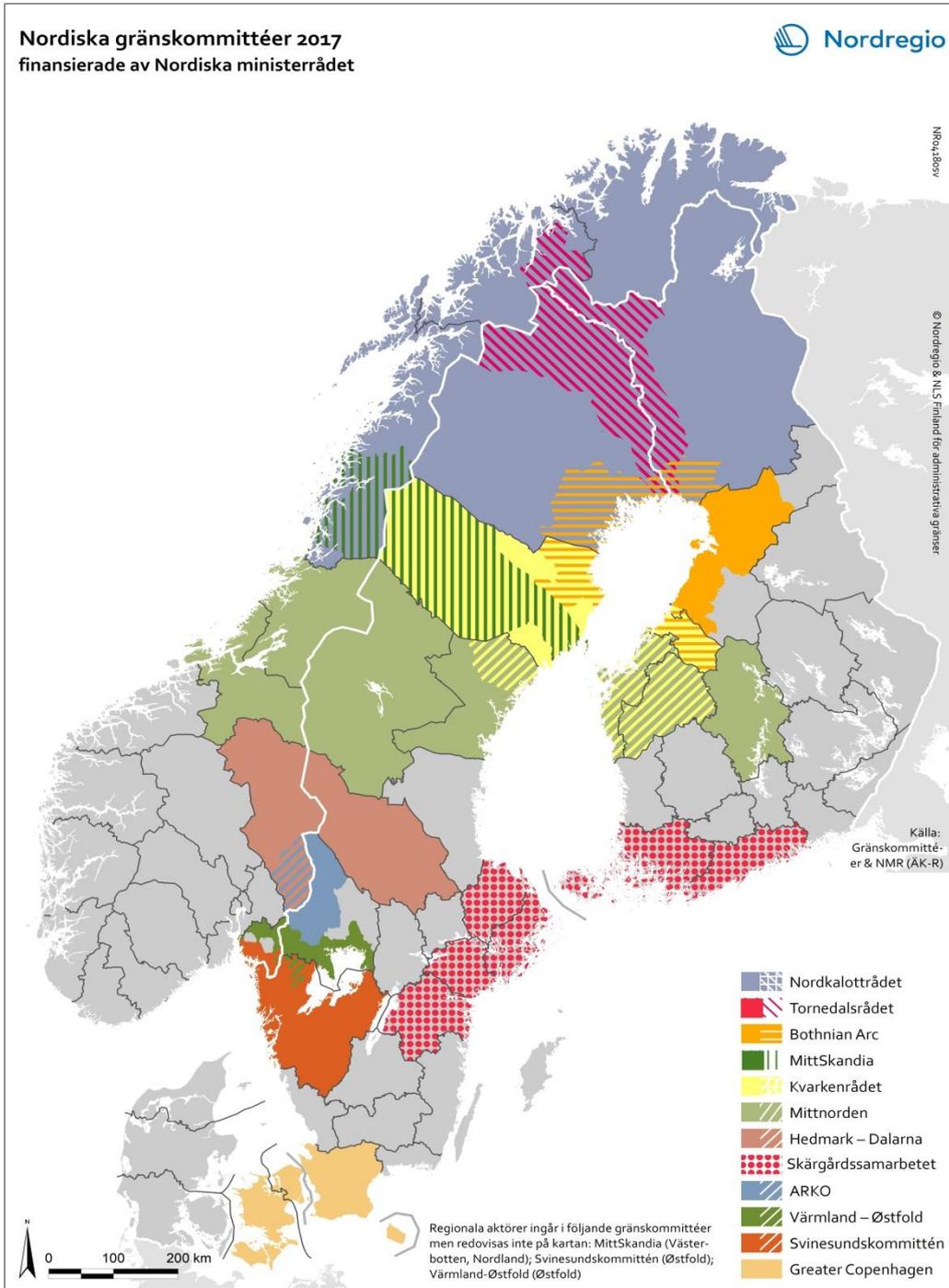
The FMC's competences consist of gathering and analysing the border obstacles and drafting proposals on the elimination thereof. The council monitors the steps and achievements made by the member states. Each year, the council has one annual kick-off meeting where the members summarise the results of the previous year and draft the annual working plan, selecting also the obstacles to start eliminating in the given year. The FMC holds further 4 regular meetings every year and approves an annual report on the status of the elimination processes.

## THE PROCEDURES OF THE FMC

### (1) Identification and reporting

The obstacles are identified and reported by the local and regional partners of the council. These partners can be grouped into three:

- ❖ the Hello Norden offices: one information office is operated at each member (8 in total), financed by the NCM and run by a local civil association or an NGO;
- ❖ the cross-border structures (the so-called 'regional committees', 12 in total, see the Map No1; which are also financed by the NCM via one of their member municipalities);
- ❖ by professional organisations involved in cross-border activities ('Nordic information offices', like the Öresinddirekt office in Malmö).



Map No1: Regional committees of the Nordic States  
Source: NCM presentation, May 2018

## **(2) Analysis**

The identified and reported obstacles are first analysed by the Secretariat where 3 employees (senior officials) are working on the obstacles.

The analytical procedure contains the following steps, based on an internal checklist:

- ❖ identification of the obstacle: is it a legal problem or not (very often, the obstacle is not legal by nature but pragmatic, physical or it does not even exist but only the appropriate information is lacking at local level);
- ❖ identification of the territorial relevance of the obstacle: whether is it a cross-border obstacle (it can happen that the obstacle is originating from a wrong national application of a regulation);
- ❖ identification of national level administrative barriers hampering the elimination (e.g. security, food health, physical barrier, etc.);
- ❖ identification of the nature of the relevant legislation: does it fall under the competence of the national governments or is it a business case.

## **(3) Prioritisation**

The obstacles are prioritised by the FMC in a way that priority is given to the topics of labour market, social security, business community and education. At the very beginning, the aim was to eliminate 5 to 10 obstacles per year, the mandate for the period of 2018-2021 envisages 8 to 12 obstacles to abolish on a yearly basis.

If the given obstacle is not selected for action in a given year, the member of the FMC has the opportunity to start own initiative towards the relevant ministry directly – with the professional support and under the coordination of the Secretariat.

## Member of the Freedom of Movement Council

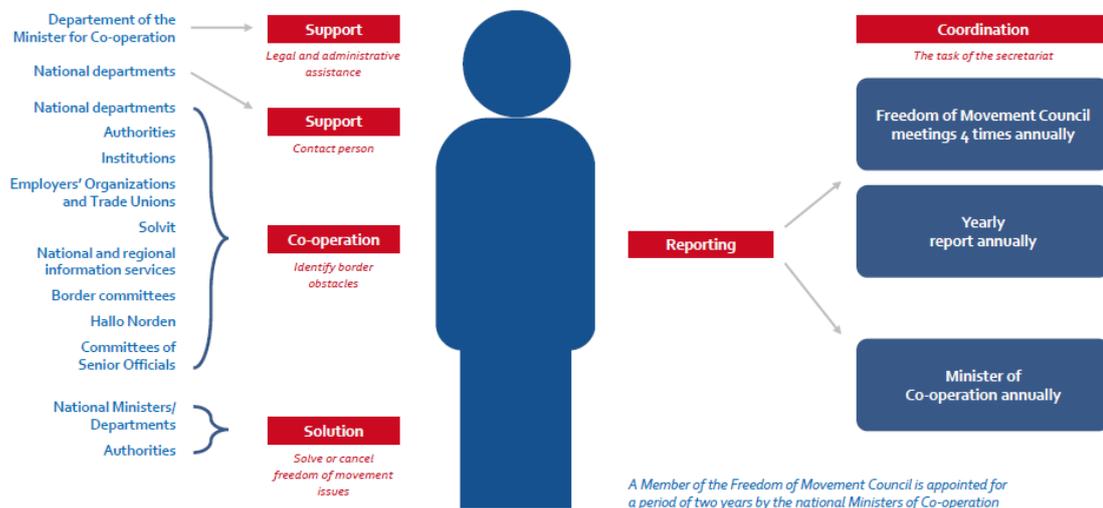


Figure No3: The role of the members of the FCM  
Source: NCM presentation, May 2018

### (4) Coordination

The duties of coordination are undertaken by the Secretariat. The main purpose of the coordination is the standardization of the interpretation and the text of the description of the obstacle. (Previously, several times different versions of texts were used which caused serious problems in harmonisation.) The redacted version of the description of the obstacle is registered in the Freedom of Movement database ([www.norden.org/ghdb](http://www.norden.org/ghdb)). For the time being, the database contains descriptions of 100 obstacles accompanied with a status definition and the data of the contact person.

The abolishing of the registered obstacles is implemented according to the prioritisation made by the council. On the one hand, the Secretariat inform the relevant ministries about the problem and suggests a solution if the stakeholders during the identification process drafted any. On the other hand, the members of the council organise preparatory meetings at national level involving the officials of the ministries affected. The main objective of these meetings is to inform and sensitise the officials and facilitate the decision-making on elimination.



## (5) Elimination

The decisions on elimination and the relevant amendments of the legislations are made at national level, at the ministries involved. The FMC follows and evaluates the steps taken by national governments for the sake of abolishing the barriers and publish it in the annual report which is approved by the governments. The report does not contain but the prioritised barriers (some 30 per year). If one of the relevant ministries inform the council on the impossibility of elimination, the procedure is cancelled.

The FCM has no right to force the national level decisions but the Council adopted a new rule on the necessity of answering within a four month period of time.

### THE ROLE OF LOCAL INSTITUTIONS

#### The Hello Norden network

The Hello Norden network was established in 1998 in Stockholm as a call center. At the moment, the network includes 8 offices which are financed by the Communication and web unit of the NCM (the total budget of the offices amounts 820 000 €). The main objectives of the offices are

- ❖ to inform the citizens on the possibilities of mobility among the member states (how to live, to work, to study, to move to another countries) via Internet (number of visits of the site is annually more than 1 million) and at social events, in every language of the cooperation;
- ❖ to answer the questions raised by citizens via Internet in each official language and English (in 2017, more than 2500 written answers were issued);
- ❖ to identify cross-border obstacles (in this perspective, the network works together with regional information offices and regional committees).

The correctness of the information is guaranteed by the ministries and they are translated by the NCM (by contracted authorised translators) to every official language. The Hello Norden network is in charge of the appropriate setting of the information.

They do not operate a FAQ application since the laws are modified very often which influences the content of the FAQ.

## Öresunddirekt

The Öresund bridge was inaugurated in 2001 and it fundamentally changed the conditions of moving in the wider region. The travelling time has decreased producing savings of 20 billion DKK; the freight transport increased from 3 to 6,4 million tons per year; and a lively cross-border mobility started, generating more than 140 cross-border projects.

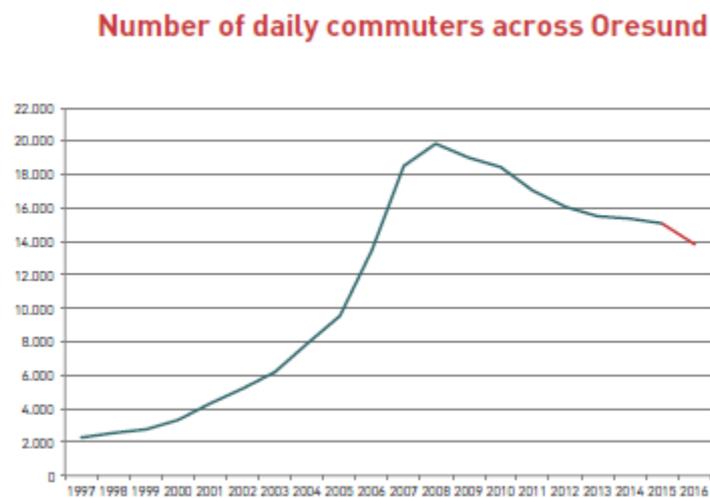


Figure No4: Number of daily commuters across Öresund  
Source: NCM presentation, May 2018

In parallel, new institutionalised forms of cooperation were born; in 2000, the Öresunddirekt; in 2014, the Öresund Institute (Danish-Swedish independent knowledge centre with more than 110 members aiming to draft analyses on the cross-border region around the Öresund straight); in 2016, the Greater Copenhagen and Skåne Committee.

The Öresunddirekt runs an information centre in Malmö and a 'web office' in Copenhagen. The services are supported by the NCM and the neighbouring regions (financially; the FMC contribution is 600 000 DKK), the national labour, the tax and the social security institutions (both financially and by seconded experts).

The mission of the office are identical with those of the FMC:

- ❖ to break down existing border obstacles
- ❖ to prevent new border obstacles to occur
- ❖ to enhance and improve information efforts.



Similarly to the Hello Norden offices, also the Öresunddirekt provides information but it does not resolve individual problems; and they are present at different events.

The office plays the role of information centre of the EURES of the Greater Copenhagen region.

In the field of the elimination process, the Öresunddirekt identifies obstacles and reports them to the FMC and the Secretariat. Besides, the representative of the office takes part at the preparatory meetings both in Sweden and Denmark.

On a yearly basis, the office deals with 20 000 clients personally and their webpage has 65 000 visits per month.

### **Greater Copenhagen and Skåne Committee**

The new committee replacing the Öresund Committee was set up in 2015. The cooperation with a form of association involves 79 local municipalities and three regions. The coordinative role is played by the political board (9 to 9 members from both sides). The professional work is coordinated by the steering group and the coordinating group holding its meetings every two weeks. The secretariat has three professionals and one administrative employee.

The committee organise regular annual meetings on the obstacles where the representative of the NCM and the social security authorities are also present. They prioritise every year three obstacles.

In 2018, these are:

- ❖ commuting of people coming from third countries
- ❖ facilitation of the recognition of qualifications
- ❖ enroll in workplace training.

They take part at the preliminary meetings as well.

The committee approved its *New border barriers strategy* in 2018. According to the strategy, the parties plan to appoint two ambassadors whose mission will be the communication of the borders towards the two governments.