

Proposal on the V4 Mobility Group

**as intergovernmental structure for border obstacle
management**

elaborated within the framework of the project

'Legal accessibility among the V4 countries'

funded by the Visegrad Fund



2018

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30 November 2018

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Executive summary

The document aims at analysing the existing political government structures of the V4 countries and at elaborating the methodological and structural basis for the V4 Mobility Group including the intergovernmental organs to be set-up, the internal communication and information mechanisms of their operation, in addition the potential financial resources to be applied. As related initiative on EU level, the introduction of the draft EU regulation on a mechanism to resolve legal and administrative obstacles in a cross-border context was also made.

In order to get a comprehensive picture on the national public administration systems and legislation processes of Czechia, Hungary, Poland, Slovakia, in addition on the existing bodies and features of the V4 cooperation project partners analysed the relevant literature and legal documents, made interviews with the competent office-holders on national and V4 level and invited external expert.

As a result a country benchmark were elaborated according to which it turned out that the political and governmental structure of the V4 countries a quite high level of uniformity can be observed. First of all, in all four cases the supreme legislative and executive bodies are separated. The legislative body in Hungary and Slovakia is unicameral and its members are elected for four years. In contrast, in the Czech Republic and Poland, the Parliament is bicameral and the members are elected for four or six years.

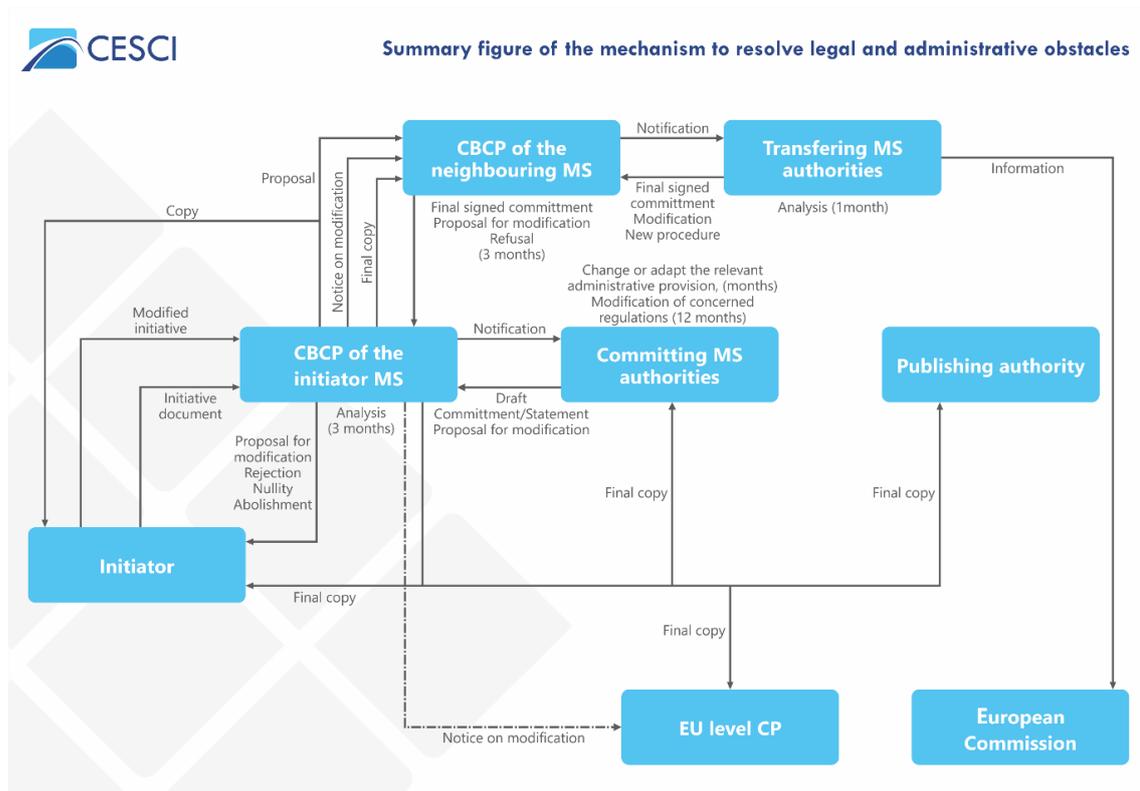
The other branch of the political structure apart from the legislative body is the executive body, which is the government. In all four countries the political and administrative roles of utmost importance are organized in a similar way. In all V4 countries the head of the state is the President. The Prime Minister appoint the other members of the Government. In all cases the President is elected through a direct, anonymous vote, while the Prime Minister is usually the leader of the majority party or of the majority coalition after the given election.

It is a shared characteristics of the four analysed countries that in each case the administrative system is divided into three levels; beside the national level, certain government structures are present on the regional and on the local level respectively. These structures are broadly similar across the countries with smaller national specificities.

When analysing the division of power in each countries it was found that the competences of the regional governmental level is the one where the most differences can be found among the V4 countries, even if these differences are not overly pronounced. In broad terms it can be said that while in Hungary (and to a lesser extent in the Czech Republic) the role of the regional level is mostly reduced to be either symbolic or be more distinct in planning and strategy making

In both cases, the derogation is initiated by the local actors and the legal background of the initiative is to be analysed first. The mechanism prescribes a quite complicated and multi-layered procedure by the end of which, the application of the rules of the neighbouring country may start.

Figure 1.: The scheme of the ECBM



The procedure is presented in the Regulation in details along by the following stages:

- ❖ preparation and submission of the initiative document (Article 8 and 9)
- ❖ preliminary analysis of the initiative document by the committing Member State (Article 10)
- ❖ preliminary analysis of the initiative document by the transferring Member State (Article 11)
- ❖ finalisation of the initiative document (Article 12)
- ❖ preparation of the draft Commitment or Statement (Article 13 and 14)
- ❖ transmission of the draft Commitment or draft Statement to the competent Cross-border Coordination Point of the committing Member State (Article 15)
- ❖ concluding and signing of the Commitment or signing of the Statement (Article 16 and 17).

The main critical remarks considering the new tool coming from different institutions (e.g. the European Economic and Social Committee, the Working Party on Structural Measures, REGI of the European Parliament) and the national authorities address among others

- ❖ the voluntary nature of the tool (either it should be further enhanced with the opportunity of creating a new mechanism of any form or it should be made obligatory in order to avoid "further fragmentation of legal practice"¹⁵);
- ❖ the obligatory setting-up of the CBCP (it should be obligatory for every Member State regardless of the selected mechanism);
- ❖ the complicated structure of the mechanism;
- ❖ the necessary communication ("The implementation of the regulation should be accompanied by a clear and practical information campaign to facilitate application for stakeholders.")¹⁶;
- ❖ the territorial scope of the Regulation (NUTS II regions are not eligible).¹⁷

The final results of the debate cannot be forecasted but some topics seem to be very probable to be adapted, e.g. the set-up of CBCPs and the voluntary application of the ECBM tool or another solution per internal EU borders.

From the point of view of the current study, the V4 countries can follow three different paths:

- ❖ they can apply separately the ECBM,
- ❖ they can develop own solution,
- ❖ they can develop a V4 level mechanism of obstacle management.

What seems to be very likely, they cannot avoid to implement one of these three options. In the current study we draft a proposal favouring the last option with a view to further enhancing the cooperation among the V4 countries – similarly to the Benelux Union and the Nordic Council.

¹⁵ See the Opinion of the European Economic and Social Committee on Proposal for a Regulation of the European Parliament and of the Council on a mechanism to resolve legal and administrative obstacles in a cross-border context [COM(2018) 373 final – 2018/0198 (COD)]. <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/regulation-cross-border-mechanism-2021-2027>

¹⁶ Draft opinion. Cross-Border Mechanism. COTER-VI/048. <https://cor.europa.eu/EN/our-work/Pages/OpinionTimeline.aspx?opId=CDR-3596-2018>

¹⁷ The whole legislative procedure can be tracked on the following link: <http://www.europarl.europa.eu/legislative-train/theme-new-boost-for-jobs-growth-and-investment/file-mff-mechanism-to-resolve-cross-border-obstacles>

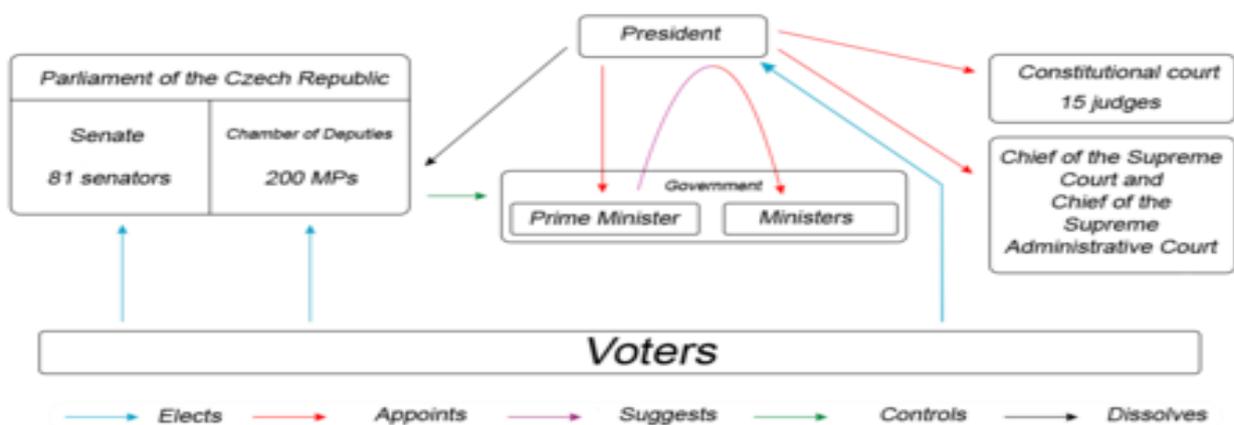
2. Analysis of the public policy making methods of the V4 countries

2.1 Czechia

2.1.1 Political structure

The system of government of the Czech Republic takes the form of a parliamentary democracy. The Constitution of the Czech Republic proclaims it as a unitary state divided into fourteen administrative regions.

Figure 2.: Political structure of the Czech Republic



Legislative system:

Legislative power in the Czech Republic is vested in a bicameral Parliament. The Parliament consists in two chambers, the Senate and the Chamber of Deputies.

The Senate is constituted of 81 seats, with members elected by popular vote for six-year terms and one third of the total number of Senators elected every two years. Elections to the Senate are held by secret ballot on the basis of universal, equal and direct suffrage, pursuant to the principles of the majority system [Art 18 (2) Constitution].

The Chamber of Deputies is made up of 200 seats, with members elected for four-year terms. Elections to the Chamber of Deputies are held by secret ballot on the basis of universal, equal and direct suffrage and pursuant to the principles of proportional representation [Art. 18(1) Constitution].

Executive power:

President

The President is elected for a term of five years, since 2013 by the direct vote based on two-rounds majority system. The President may hold office for a maximum of two successive terms. The powers of the President include the appointment and recalling of the Prime Minister and other members of the Government as well as the acceptance of their resignations. The Government is held accountable to the Chamber of Deputies. The President appoints the Prime Minister and, pursuant to his suggestion, appoints other members of the Government. The adoption of any Government resolution requires the obtainment of an absolute majority of votes, as the Government makes decision as one body. In order to implement law, within the scope of its authority, the Government has the right to issue decrees.

The supreme organ of executive power is the Government, acting as a collective entity. It is comprised of the Prime-minister, Deputy Ministers and Ministers. „The Constitution provides a basic framework for cabinet decision-making; the Constitution stipulates that the cabinet makes decisions collectively and that in order to adopt a resolution, it is necessary to secure a majority support of the cabinet. The Constitution demands that the Cabinet make decisions on individual proposals through a collective vote and does not give the Prime Minister any prerogatives in this respect.” (Kabele)

Regional administration:

Figure 3.: Regions of the Czech Republic



Table 2.: Local government entities in the Czech Republic - Regions

Entity name	Regional Assembly (Zastupitelstvo)	Regional Committee headed by a Chairperson (Hejtman) (Rada)
Election manner	Direct elections	Elected by the Assembly
Term of office	4 years	4 years
Competences	Supervises the budget and subsidies granted to the municipalities, may propose draft laws	An executive body
Additional information	Consists of a Chairperson (Hejtman), Deputy Chairperson and other members	

The municipal competences comprise in particular: management of the communal budget, local development, municipal guards, water distribution, building renovation, agriculture, pre-primary and primary schools, housing, social assistance, urban planning.

The so-called towns with a special status play a special role in the local government of the Czech Republic - currently there are 27 such towns (Brno, Chomutov, České Budějovice, Děčín, Frýdek-Místek, Havířov, Hradec Králové, Jablonec nad Nisou, Jihlava, Karlovy Vary, Karviná, Kladno, Liberec, Mladá Boleslav, Most, Olomouc, Opava, Ostrava, Pardubice, Plzeň, Prague, Prostějov, Přerov, Teplice, Třinec, Ústí nad Labem, Zlín). They have been granted extended competences due to their size, economic, social and cultural importance for the regions in which they are located.

Competences of the Municipality

The municipality administrates its matters independently – in the independent competence. The municipal bodies perform as well state administration in cases specified by law. In these cases, it is spoken about performance of delegated powers – performance of state administration delegated on bodies of fundamental territorial self-governing units by the State on the basis of special laws.

Law through exemplary enumeration defines independent competence of municipalities and further in accordance with the local conditions and local customs, the municipality attends also to the fostering of conditions for the development of social care and to satisfaction of needs of its citizens. This includes, in particular, meeting the needs for housing, protection and development of health care, transport and communications, information, education and training, general cultural development, and protection of public order (Marek, Pánková, Šímová 2004).

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- ❖ cooperation with other regions, participation in cohesion regions,
- ❖ **stipulation of the extent of basic transport services in the region,**
- ❖ **strategy of development of tourism industry,**
- ❖ imposition of penalties in independent competence etc.

On the basis of special laws following competences belong to independent competence of a region:

- ❖ strategy of care for historical monuments, operating plans for reservation and reconstruction of historical monuments,
- ❖ arrangement of preparation for emergency situations, participation in conduct of rescue and liquidation works and in protection of population,
- ❖ secondary schools, technical training institutions, special primary schools, conservatories,
- ❖ regional institutions of social care, institutions for social-educational activities, institutions for professional consultancy for children, institutions for performance of foster care,
- ❖ establishment of healthcare institutions, ambulances, institutions for treatment of alcohol abusers, prevention of alcoholism and of other addictions,
- ❖ strategy of waste management of the region,
- ❖ participation in proceedings and evaluation of influences on the environment, elaboration of strategies for protection of nature, strategy for protection of air, etc.
- ❖ Generally speaking, the regional government is responsible for the secondary schools (generally working with students aged 15 – 19), road networks, social assistance services, environment protection, public transport, regional development and health services.

Associations of regions and municipalities

The Czech regions and municipalities founded two respective bodies gathering them - Association of Regions and Association of Towns and Municipalities. Both these associations are based upon principles of European Charter of the Local Self-Government.

Both of these association have their committees for international co-operation, however there is no major accent on V4 co-operation.

Since 1993, 60-70% of the communal revenues have come from various types of income taxes, as well as from other taxes and charges, communal bonds, the sale of communal property, bank loans, etc.

Table 3.: Bodies responsible for issuing legal binding acts in the Czech Republic

Acts by legislative bodies	Acts by executive bodies					Acts by regional bodies	
Parliament	Government	Ministries	Cz. National Bank	Municipalities and regions in delegated competences	President	Municipalities	Regions
Constitutional Laws	Regulations	Decree	Decree	Regulations	Some decision of specific natures – such as amnesty	Generally binding rules	Generally binding rules
Laws							
Senate legal measures							

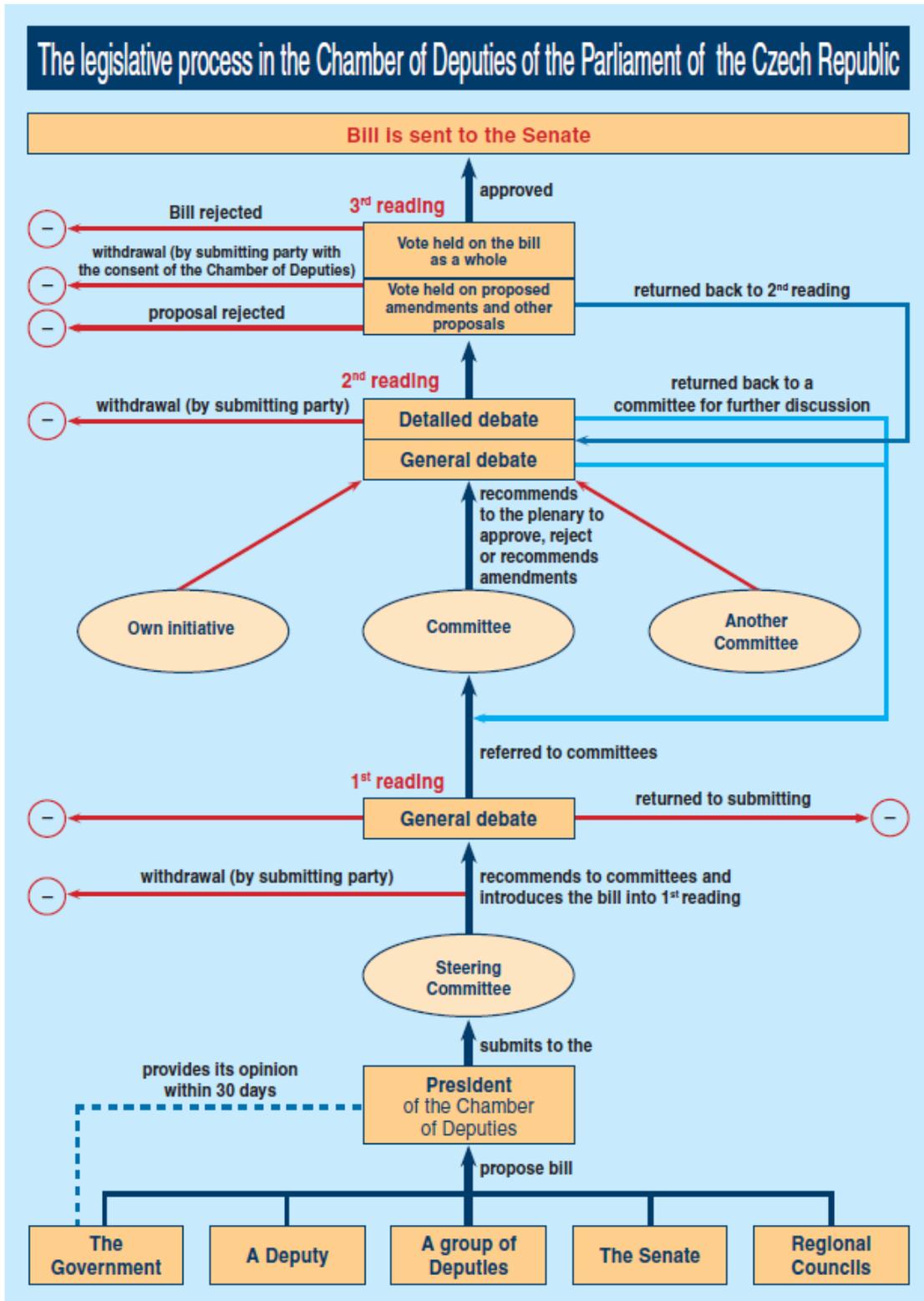
The individual ministers/members of government are responsible/allowed to for initiating legal acts/laws within their competences, as it is described at other place. This is also the case for the need to comply with EU legislation. Once the certain EU-wide legal act is adopted by the EU institutions, the Office of Government of the Czech Republic/ EU liasons section “attributes” the responsibility for a single legal act (in this case EU Regulation on a mechanism to resolve legal and administrative obstacles in a cross-border context) to a relevant ministry, which then decides about following action – most commonly novelization of existing legal act or proposing the new one. This must afterwards go through the whole legislation process.

The legislative process is based upon the role of the lower chamber (Chamber of deputies) of the Czech Parliament. The following group of actors are provided with the right to propose a bill/legal act in the country:

- ❖ A member of (lower chamber) parliament of group of lower chamber parliament members
- ❖ The Senate (Upper Chamber) of the Parliament
- ❖ The Government
- ❖ Regional governments

The following scheme shows how are the bills processed. It must be stressed that the lower chamber of parliament has the most important role in the whole mechanism, as it has the right to overvoted the eventual vetos of president or the upper parliament chamber – Senate.

Figure 4.: The legislative process in the Chamber of Deputies of the Parliament of the Czech Republic



5. Other sources of law taken in a broader sense and not qualifying as legislation

5.1. Legal instruments of state administration

The Hungarian legal system includes legal instruments of state administration which, although they contain normative provisions, do not qualify as legislation.

The Legislation Act (Act CXXX of 2010) defines two types of legal instruments of state administration: normative decisions and normative orders. These are rules of conduct that are not generally binding, i.e. not binding on everyone. They are merely internal provisions, organisational and operational rules relating solely to the issuer or subordinated bodies or persons.

5.2. Normative decisions

In normative decisions the National Assembly, the government and other central administrative bodies, the Constitutional Court and the Budget Council may lay down their own organisation and functioning, activities and action programmes.

Local government representative bodies can also lay down their own activities and those of bodies run by them, as well as their action programmes and the organisation and functioning of bodies run by them in normative decisions.

5.3. Normative orders

Within their remit and as provided for in legislation, the President of the Republic, the Prime Minister, the head of central administrative bodies (with the exception of the government), the President of the National Judicial Office, the Supreme Prosecutor, the Commissioner for Fundamental Rights, the Governor of the National Bank of Hungary, the President of the State Audit Office, the head of the metropolitan or county government office, mayors and town clerks may lay down the organisation, functioning and activities of bodies led, run or supervised by them in normative orders.

Moreover, the National Assembly, the President of the Republic, the Constitutional Court, the Commissioner for Fundamental Rights, autonomous regulatory bodies, the Prime Minister's Office and the head of the official organisation of the ministry may issue normative orders which are binding on the organisation's staff.

Scope of application of legislation

The geographical scope of application of legislation extends to the territory of Hungary, while that of local government decrees extends to the administrative area of the local government. The personal scope of application of legislation extends to natural persons, legal persons and

Table 4.: The legislative process: stages of discussion

Detailed debate	Standing committee
General debate	Plenary sitting
Detailed debate	Meetings of standing committees
Proceedings of the Committee on Legislation	Meeting of the Committee on Legislation (which votes on amendments proposed by Members and drafts a summary report and summary of proposed amendments)
Debate on committee reports, the supplementary summary report and the summary of proposed amendments	Plenary sitting
Vote on the summary of proposed amendments and a closing vote	Plenary sitting

The process of debating proposed legislation comprises an alternating succession of debates in committees and plenary sittings.

After the submission of the legislative proposal, the Speaker shall designate a standing committee for carrying out the *detailed debate* on it ('designated committee'). In the case of a legislative proposal submitted by a standing committee, the submitting committee may also be designated. Any standing committee may announce in writing its intention to hold a detailed debate with regard to the provisions of the legislative proposal falling within its functions ('committee connected to the debate').

The discussion of the legislative proposal shall be started with the *general debate*. The general debate shall consist of discussing the necessity and the governing principles of the whole of the legislative proposal or of its parts.

The general debate is followed by the phase of the *detailed debate* which is held in the designated and cooperating committees ('reading committees'). During the debate, committees vote on proposed amendments, support them, uphold them with changes or may formulate additional planned amendments

According to the Art. 45 of the Resolution 10/2014. (II. 24.) OGY the 'reading committee' adopts an amendment which closes the detailed debate and submits it to the Speaker with its final report on the detailed debate. The Committee on Legislation forms an opinion on the amendments adopted in committee with the close of the detailed debate. It combines the amendments adopted in committee with the close of the detailed debate and its own proposals into a single proposal ('summary of proposed amendments').

The Committee on Legislation sends the Speaker the combined language of the legislative proposal and the summary of proposed amendments ('unified proposal') signed by the

The decree shall be signed by the mayor and the notary. The notary arranges its publication in the official gazette of the representative body. Decisions may be overruled by the Constitutional Court and by the courts, and exclusively in case of breaches of law.

Local government decrees must be sent to the capital or county government office immediately after their promulgation. If the capital or county government office finds the local government decree or any of its provisions to be in breach of any law, it may initiate a judicial review of the local government decree.

The representative body passes its decisions (decree, resolution) with open voting. The *simple majority or qualified majority of votes* are required. A qualified majority is needed for example for the adoption of a local government decree, for the establishment of an inter-municipal cooperation or institution, the exclusion of a councilor or to establish the a conflict of interest or the indignity.

Duties of the representative body can be classified as *non-transferable duties*, in which only the representative body can make decisions, and *transferable duties*. The adoption of a local government decree, the main organisational duties and powers and main personnel decisions, the major economic and business decisions, access to the inter-municipal associations and international cooperation belong to the non-transferable duties.

The representative body may delegate certain of its powers to the mayor, the committee, the representative body of the partial local government, the inter-municipal associations and to the notary. It may give instructions for the exercise of these powers, it may repeal these powers. The transferred powers cannot be further transferred.

In the *Organisational and Operational Rules* the representative body determines the organisation of its committee, it elects its committees. With regard to municipalities with a low population, the Act CLXXXIX of 2011 regulates their situation flexibly. At the municipalities with a population lower than 100 people the committee tasks are undertaken by the representative body, at the municipalities with a population lower than 1000 people the obligatory committee tasks and powers may be undertaken by a single committee. According to the Article 57(2) for the municipalities with a population larger than 2000 people it is obligatory to create a financial committee. The Act CLXXXIX of 2011 may also order the formation of other committees. The representative body may create a temporary committee for the undertaking of the local government tasks.

The committees have an outstanding status among the organs of the local government. As a principal rule, the representative body determines the structure of the committee, its tasks,

Local public affairs are connected to providing the population with the services of public utilities. The representatives may establish municipal institutions, enterprises, other with the purpose of providing public services belonging to its range of tasks, and may appoint their leaders/managers. The bodies of representatives are also free to form associations, in order to be able to tackle their tasks efficiently and expediently.

The municipality, the town, the district seat, the town with county rank, the capital and the metropolitan district, as well as the county may have different tasks and powers.

The Act of 2011 differentiates in the determination of the compulsory tasks and powers, taking into account the nature of the tasks and the powers, and **abilities** and **other** attributes of local authorities, in particular the economic capacity; the number of population and the size of the administrative area.

Table 5.: General division of tasks and powers

National level
<ul style="list-style-type: none"> ❖ The Parliament holds exclusive legislative powers; ❖ The Prime Minister determines the Government's general policy; ❖ The central Government enjoys exclusive powers in matters relating to national sovereignty (justice, foreign affairs, finance and national defence); ❖ The Government has competence in all matters not expressly delegated to another body; ❖ The Government has a civil service at its disposal, which is also deconcentrated at the County (County government offices) and local levels (metropolitan government offices).
Territorial level
<ul style="list-style-type: none"> ❖ Territorial development; ❖ Rural development; ❖ Land-use planning; ❖ Coordination activities.
Local level
<ul style="list-style-type: none"> ❖ municipal development, spatial development, municipal management (public cemeteries, public lightening, chimney sweeping etc.), ❖ kindergarten services, ❖ social, childcare and child-welfare services and provisions, ❖ health care basic service (GP, dentist etc.), services aimed at the creation of a healthy life-style, environmental-health (e.g. public sanitation, disinsection), ❖ cultural service (library, public education, support of art and theatre etc.), ❖ local environmental and nature protection, water-management, water damage prevention, provision of drinking water, water-sewage disposal, treatment, purification (water-channel service), ❖ housing and space management, ❖ national defense, civil defense, rescue services (disaster management), ❖ cooperation in the provision of the public-safety of the municipality, ❖ local public-employment, ❖ tasks connected to local tax, economic management and tourism, , ❖ tasks related to sport and youth, ❖ themes connected to nationalities and ethnicities, ❖ waste-management ❖ • district heating services.

2.3 Poland

2.3.1 Political structure

According to the Constitution of the Republic of Poland, the executive power is exercised by the President and the Council of Ministers, with much larger role of the government. The main legal documents regulating the government's actions are: the Constitution, Bill on the Council of Ministers, work regulations of the Council of Ministers and the Bill on limitation of business activity by persons performing public functions. The Council of Ministers conducts internal and foreign policy and manages the government administration. The Council of Ministers consists of the Prime Minister and ministers. Ministers manage specific departments of government administration or fulfil tasks appointed to them by the Prime Minister. The scope of activity of the minister managing a given department is defined by the Bill on the division of government. Individual departments can be combined under one ministry. The Prime Minister is designated by the President of the Republic of Poland. After presentation of the composition of the Council of Ministers he or she is appointed by the President and then presents the program of action of the Council of Ministers to the Sejm and requests a vote of confidence.²²

A system of public administration is therefore consisting of:

- ❖ **ministers** – Prime Minister and vice Prime Ministers; ministers directing a specific department of the government; chairmen of committees that are part of the Council of Ministers;
- ❖ **central government administration** - directors of central administration offices subordinate or supervised by the Prime Minister or competent minister; directors of other equivalent state offices settling matters regarding by making administrative decisions regarding relations between local government, government administration bodies and state authorities and other entities appointed by law;
- ❖ central government administration bodies;
- ❖ **voivodes** – territorial representatives of the government on regional (voivodship) level;
- ❖ **other territorial government administration bodies** - acting on behalf of the voivode or on their own behalf (combined and non-combined);
- ❖ bodies of **regional self-government** units (marshal office);
- ❖ bodies of **local self-government** units (counties and gminas);

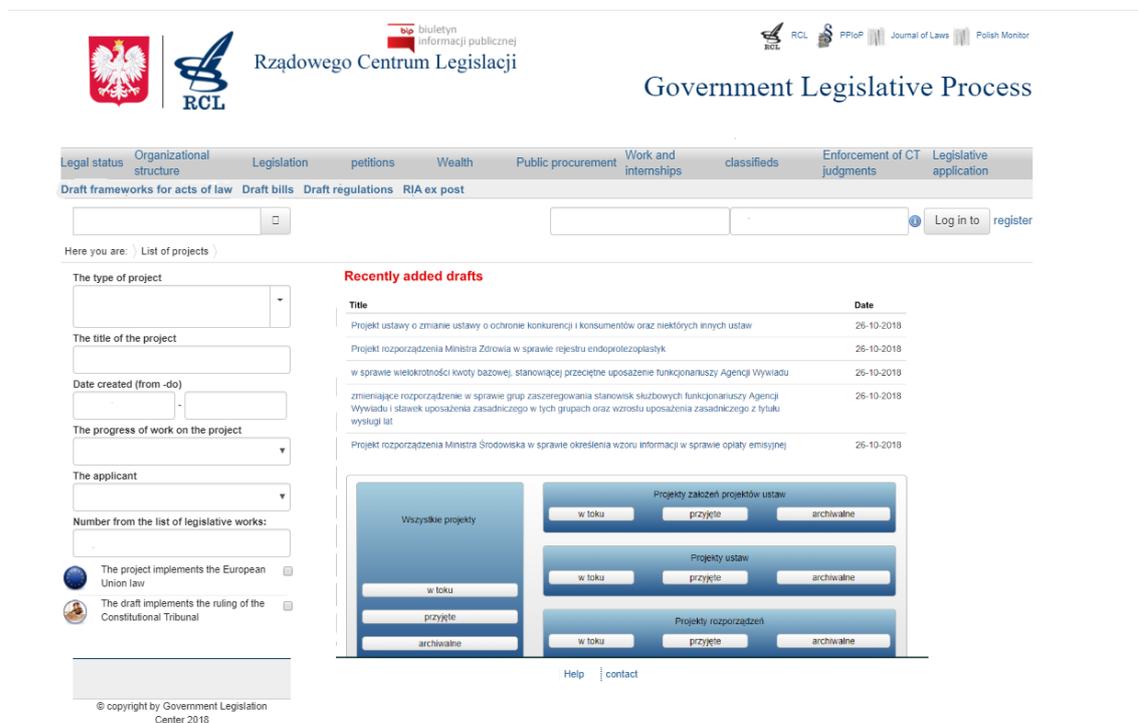
²² Mechanizmy przeciwdziałania korupcji w Polsce. Raport z monitoringu, eds: Aleksandra Kobylńska, Grzegorz Makowski, Mark Solon-Lipiński, Instytut Spraw Publicznych, Warszawa 2012, p.76

indicated by the Prime Minister. A press release is also prepared informing about the subject of the government meeting and taken resolutions²⁶.

Draft guidelines for bills, draft normative acts and all documents regarding works on these projects are available in the Government Public Information Bulletin of the Legislation Center. Draft government documents, including draft normative acts and frameworks for future bills, are prepared by members of the government and the head of the Chancellery of the Prime Minister. On the basis of the frameworks adopted by the government, draft bills are prepared by the Government Center of Legislation. Despite the above described solutions regarding the process of creation of draft acts by the Government Center for Legislation, and not by the ministries, it still is the case that the government uses a gap that allows preparing laws at the level of ministries.

There is public transparency regarding draft acts of law and legislation procedure and a main tool of that is a public database of the draft acts of law managed by the Government Center of Legislation. The database provides multi-category search engine that helps identify groups or particular draft documents that a user is looking for.

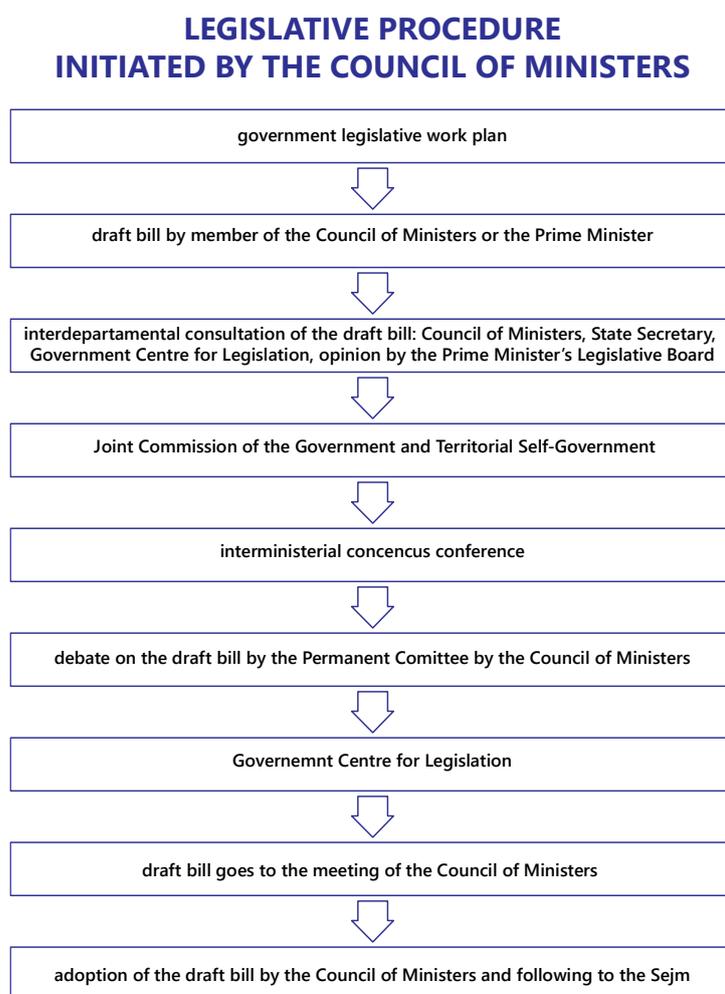
Figure 5.: Public database of draft acts of law (Source: <https://legislacja.rcl.gov.pl/> with Google Translate web translation tool and own editing.)



26 Mechanizmy przeciwdziałania korupcji w Polsce. Raport z monitoringu, eds: Aleksandra Kobylińska, Grzegorz Makowski, Mark Solon-Lipiński, Instytut Spraw Publicznych, Warszawa 2012, p. 80

The Bill on the Council of Ministers allows the creation of consultative bodies, which are composed of representatives of groups of stakeholders and experts. There are many advisory and consultative councils, differing in both rank (for example the Trilateral Commission established through a bill) and the scope of competence (from very broad to narrow, for example the National Road Safety Council). In addition, in many cases, the government is obliged by law to consult draft acts of law with specific stakeholders. This matter is not regulated by a single legal act and - in the opinion of experts - a very important role is played here by the tradition of the existence of certain bodies, which, over the period of its functioning, worked out greater or lesser importance.

Figure 6.: Legislative procedure initiated by the Council of Ministers in Poland. (Source: Podstawy legislacji dla nieprawników... (2009)²⁷)



27 Materiały Szkoleniowe z Tematu Pn. „Podstawy Legislacji Dla Nieprawników”, Chancellery of the Prime Minister, Warsaw 2010; <https://dsc.kprm.gov.pl/sites/default/files/f34.pdf>

Figure 7.: Legislative procedure in Poland (www.sejm.gov.pl)

LEGISLATIVE PROCEDURE

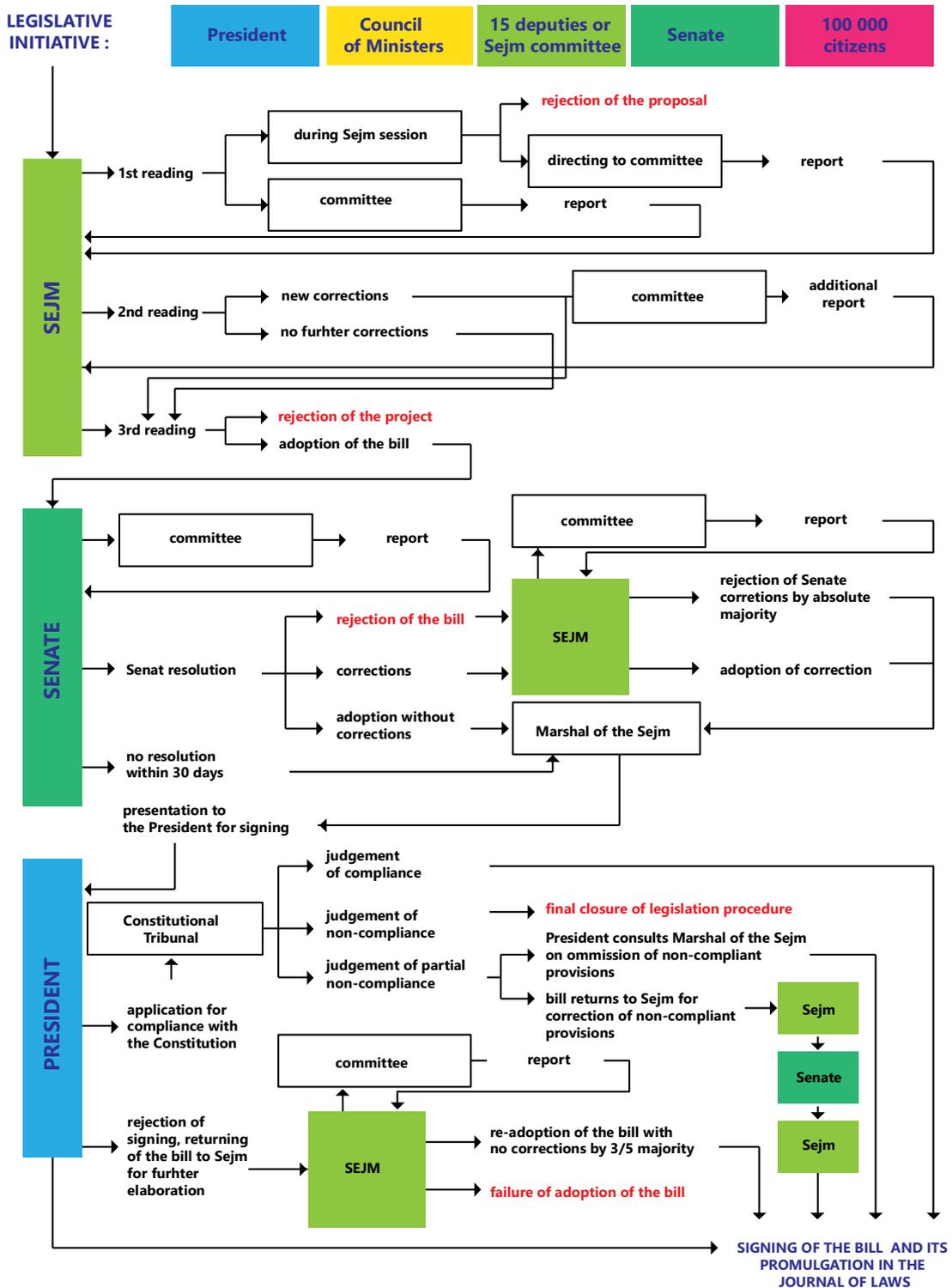
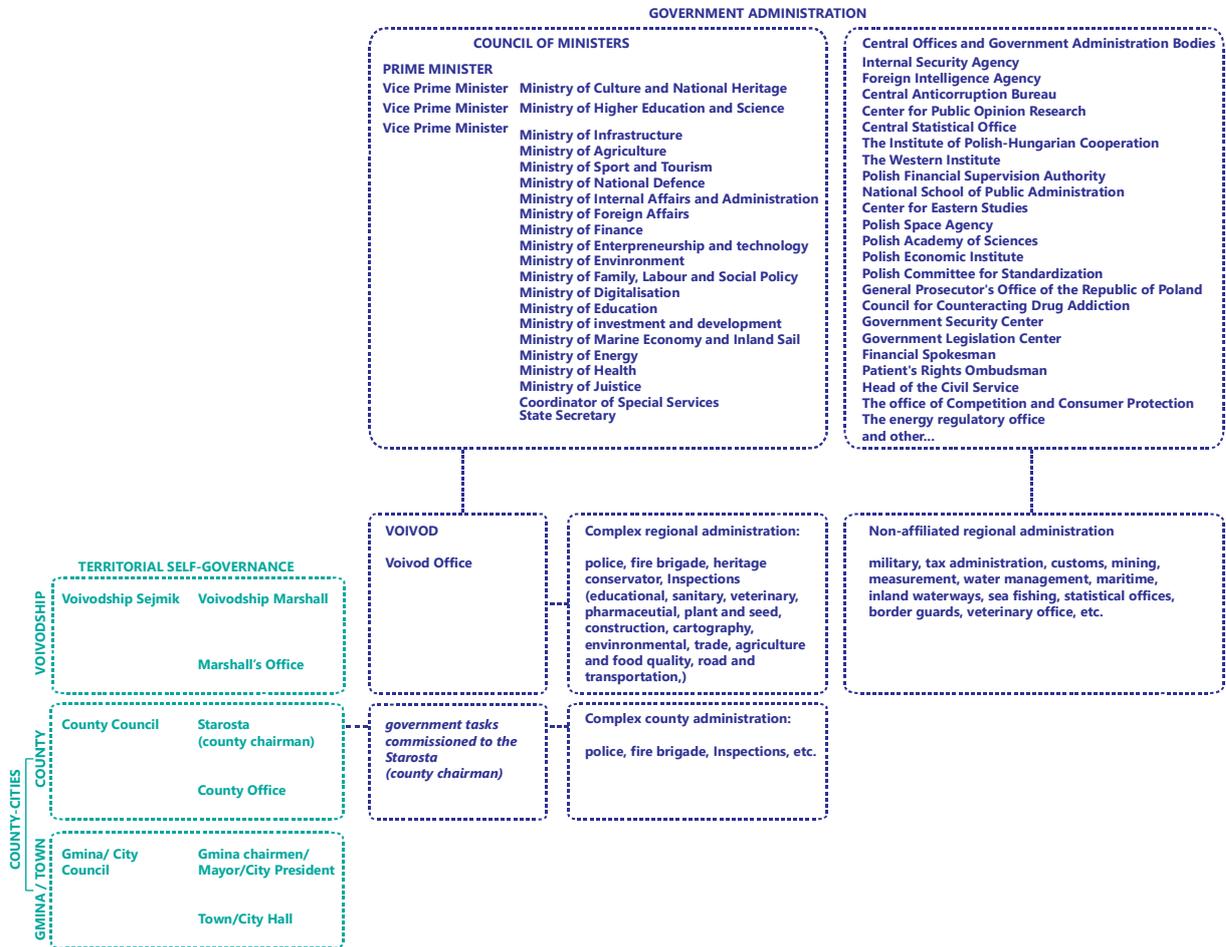


Figure 8.: Competences of government and self-government institutions in Poland (Source: own elaboration based on literature review.)



Parallel to self-governance units there is a network of territorial state administration, of which main representatives are regional governors called Voivods (wojewoda), who are directly appointed and supervised by the Prime Minister after the Minister of the Interior and Administration presents possible candidates for these positions. Duties of the Voivod include supervision of territorial units of government administration in regions and counties (police, social care, inspections of environment protection and guards) and the supervision of local self-government units with regard to compliance with the law. The Voivod also appoints or approves Commanders-in-Chief and Heads of Inspection.

The principle of decentralisation is defined by the Constitution (Art. 15). Moreover, the Constitution describes the principles underlying local government (Art. 163-172): local self-government units possess legal personality and have property rights. They may associate themselves in order to fulfil tasks of common interest. Local government units have legislative powers for areas of local interest (Art. 94). The residual competences lay in gminas (in other

words it performs all tasks of local government not reserved to other units of local government.). The Prime Minister exercises supervision over local government units (Art. 148).

Besides the Constitution of 1997, various acts give set out the territorial organisation and division of powers:

- ❖ The 1990 Bill on Municipalities;
- ❖ The 1998 Bill on the three-tier division of the country;
- ❖ The 1998 Bill on the Regions;
- ❖ The 1998 Bill on the governmental administration of the Regions;
- ❖ The 1998 Bill on the Counties; and
- ❖ The 2003 Bill on Local Government Revenue²⁸.

Table 7.: Competences of self-government in Poland according to territorial level (Source: own elaboration based on Bills regarding self-government units.)

Self-government level	Thematic fields of competence and regulation
Regional level: Voivodship Voivodship Sejmik (regional council; legislative power) Voivodship Marshall Office (executive power)	Economic development; Employment and labour market policy (fight against unemployment); Protection of employees claims in case of employer insolvency; Transport (regional roads management and transport management); Telecommunications; Health (health promotion, specialised health services, medical emergency and ambulance services); Regional cultural institutions; Planning (spatial development; water management, land amelioration; maintenance of hydro-installations); Rural areas modernisation; Education (running post-secondary schools, some secondary schools and vocational schools, teacher training colleges, voivodeship libraries; initiating the establishment and financing of higher education); Social welfare; Sports and tourism; Consumer rights protection; Defence; Maintenance of public order; Environmental protection; and Pro-familial policy (including family support and foster care system).

28 <https://portal.cor.europa.eu/divisionpowers/countries/MembersNLP/Poland/Pages/default.aspx>

2.3.4 Implementation of the ECBM Regulation

According to the official governmental stand towards the EU Regulation on a mechanism to resolve legal and administrative obstacles in a cross-border context from 29th June 2018²⁹, a leading institution responsible for implementation of this regulation is going to be the Ministry for Investment and Development with supporting functions of Ministry of Finance, Ministry of Internal Affairs and Administration and Ministry of Foreign Affairs.

In the same document Polish government recognizes the need to facilitate cooperation in cross-border areas and acknowledges that there are obstacles to this cooperation. The Polish government is interested in supporting various initiatives and ideas for overcoming barriers in cross-border cooperation at the internal and external borders of the EU.

The government finds the legal solution proposed by the Commission worth supporting. However, the detailed solutions included in the draft regulation require a deep legal analysis in terms of compliance with national legislation, including the Constitution. Many legal uncertainties in relation to the relationship with domestic law are particularly caused by the first solution in the form of "Commitments". In the context of implementation a specific cross-border project the "Commitment" allows a derogation of national legislation in favour of application of law of the neighbouring state. Therefore, Polish government is reserved towards this this solution. The second solution, the "Statement" requires a traditional legislative path, raises less controversy and initial legal analysis confirms that it is applicable in Poland. The assessment of legal effects by the Polish government concludes that there is a necessity to pass a national law for the implementation of certain elements of the Regulation³⁰.

Based on conducted interviews with Polish administration representatives responsible for V4 cooperation it is necessary to underline, that there are certain specific features of this cooperation that set context for possible deepening of this cooperation in terms of tasks related to the Mobility Council.

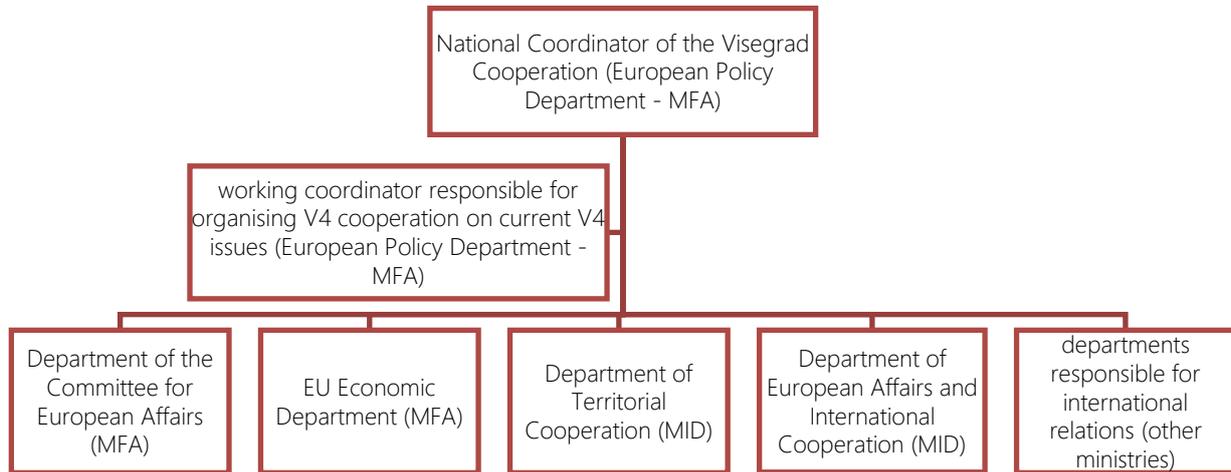
Single basic factor is an impression that there is lack of political dedication of making this cooperation tighter, formal, planned and having long-term agenda. Until now, the cooperation has been rather reactive and driven by events of international significance like economic crisis, migration crisis, Brexit. The V4 agenda is set each year by a country that chairs the presidency. In practice, apart from cohesion policy and culture there are no permanent fields of V4

29

https://www.funduszeuropejskie.gov.pl/media/61893/Stanowisko_Rzadu_RP_do_Mech_Elim_Barier_COM_2018_373_przyjete_KSE_29_06_2018.pdf

30 Ibidem

Figure 9.: General flow of coordination of ad-hoc V4 cooperation in Polish government (Source: own elaboration based on interview)



In Polish government there is a function of the National Coordinator for the Visegrad Cooperation (NCVC). At the moment it is the vice-director of the European Policy Department of the Ministry of Foreign Affairs. This is also a basic department responsible for direct contact with V4 countries. The NCVC is assisted by a working coordinator responsible for organising V4 cooperation on current V4 issues – a designated person from the same department, who plays a role of cooperation secretary and is responsible for all background tasks regarding V4 cooperation. There are several key ministerial departments that participate in V4 cooperation on regular basis: Department of the Committee for European Affairs (Ministry of Foreign Affairs), EU Economic Department (Ministry of Foreign Affairs), Department of Territorial Cooperation (Ministry of Investment and Development), Department of European Affairs and International Cooperation (Ministry of Investment and Development). One single topic that has been a permanent subject of V4 cooperation is the common stand regarding EU Cohesion Policy. Other most popular topics include cultural cooperation, migration policy, security and Brexit. In case of these topics the procedure provides that it is the department responsible for international relations of particular ministries, that take on coordination of V4 cooperation in a particular sector. They are also expected to report to the NCVC on the course of the cooperation. In more complicated inter-sectoral matters NCVC foresees the cooperation coordinated by international departments of several engaged ministries.

Table 8.: Main government units engaged in the V4 cooperation (Source: own elaboration based on official governmental www services and interviews.)

Ministry	Unit	Main tasks	Contact
Ministry of Foreign Affairs	vice-Minister Konrad Szymański	Ministry of Foreign Affairs is most directly responsible for managing, preparing and setting the agenda for the V4 Cooperation. State Secretary for European Affairs is responsible for general political cooperation with V4 countries	Tel.: +48 22 523 9201 SM.Sekretariat@msz.gov.pl
	European Policy Department	The vice-director of the EPD, Leszek Hensel is the National Coordinator of the Visegrad Cooperation. This department coordinates the government administration in the field of implementing EU law into the Polish legal system and gives opinions on legally binding acts of law in terms of compliance with EU law. In addition, the Department coordinates government administration activities as part of the proceedings of the European Commission regarding violations of EU law and Poland's participation in proceedings before EU courts and the EFTA Court. Additionally, prepares analyses in the field of EU law for the government administration. A particular unit there responsible for V4 cooperation is Section of Central Europe. This Department has also developed and coordinated implementation of the Polish Presidency agenda in the V4 Group in 2016/17.	vice-director Leszek Hensel. National Coordinator of the Visegrad Cooperation leszek.hensel@msz.gov.pl A working coordinator responsible for organising V4 cooperation on current V4 issues is Robert Szadurski (Robert.szadurski@mzs.gov.pl+48225239150) Tel: +48225239175; DPUE.Sekretariat@msz.gov.pl
	Department of the Committee for European	This department coordinates the government's European policy in the internal dimension (through the European Affairs Committee) and as part of the EU decision-making process. In particular, it is responsible for the preparations for the European Council and the General Affairs Council. It participates in the work of the sectoral policies, like: economic and financial policy, energy, environmental protection and climate, transport, social policy and employment, justice and home affairs, health, consumers, culture, telecommunications as well as agriculture and fisheries. The department is also the secretariat of the Committee for European Affairs.	Tel.: +48225237120, +48225237145 DKSE.Sekretariat@msz.gov.pl
	EU Economic Department	The Department carries out tasks in the field of European economic affairs. It is leading horizontal European policy processes such as: review of the Regulation on the Multiannual Financial Framework of the EU budget for 2014-20, develops and implements the energy and climate policy, including the Energy Union, the socio-economic strategy of the EU, internal market policy, innovation and the Digital Agenda. It runs an "early warning" system for EU projects involving the involvement of interested parties in Poland in the process of preparing an impact assessment for the most important future legislative proposals of the European Commission. It co-creates, in cooperation with relevant ministries, Poland's positions in relation to: economic strategies, economic and monetary union reform, cohesion policy, Common Agricultural Policy, EU funding, energy policy, climate policy, commercial policy, industrial policy and other sectoral policies.	Tel. : +48 22 523 7275 DEUE.Sekretariat@msz.gov.pl

Ministry	Unit	Main tasks	Contact
Ministry of Investment and Development	Department of Territorial Cooperation	<p>The Department is responsible for the implementation of tasks resulting from the functions of the Managing Authority and the National Coordinator for the ETC, ENPI and ENI 2007-2013 and 2014-2020 programs, the National Contact Point for transnational programs and interregional cooperation programs of the ETC 2014-2020;</p> <p>2. implementation of tasks resulting from the Minister performing the function of the Managing Authority for the ENPI, the Managing Authority and the National Institution for ENI programs. It is also partly responsible for the implementation of the ETC programs and the European Grouping of Territorial Cooperation.</p>	<p>tel. 22 273 81 50 sekretariatDWT@miir.gov.pl</p>
	Departament Spraw Europejskich i Współpracy Międzynarodowej	<p>The Department is responsible for conducting a coherent European and international bilateral and multilateral policy of the Ministry including:</p> <ul style="list-style-type: none"> ❖ coordination of the cooperation of the Ministry's management with the EC, the European Parliament and other EU institutions and the country holding the EU presidency, coordination of matters related to EU membership within the Ministry, including the development of Poland's position on issues arising from the Minister's competence at the level of the European Council, EU Council, The Permanent Representatives Committee and agreeing and accepting travel instructions for the meetings of the EU Council, subsidiary bodies of the EC and the EU Council, and the EP Commission. ❖ use of cooperation within the EU for the implementation of cohesion policy, country development strategy, increase of competitiveness, National Strategy of Regional Development and effective management of EU Funds. ❖ overseeing the monitoring of transposition of EU law and monitoring of EC proceedings related to the lack of transposition or incorrect transposition of EU regulations, as well as proceedings before the Court of Justice of the EU and the EFTA Tribunal; ❖ coordination and implementation of the legislative process resulting from the obligation to transpose the Directive on the availability of products and services to the Polish legal order, and the substantive supervision over the activities of the department supervised by the Minister in the Permanent Representation of the Republic of Poland in Brussels. 	<p>tel. 22 273 78 70 sekretariatDEM@miir.gov.pl</p>
Ministry of Culture and National Heritage		V4 coordinator for cultural cooperation: Piotr Mączka	pmaczka@mkidn.gov.pl

the special working group – the Structural Measures Working Party. This working group prepares and proposes legislation on the EU cohesion policy and manages the relevant EU funds. Concerning the proposal, the special working group³⁴ issued a proper preliminary opinion, in which it stated, that:

"The Slovak republic welcomes the proposal for a new EU Regulation on a mechanism to resolve legal and administrative obstacles in a cross-border context. However, the Slovak republic will pursue the full voluntary use of this mechanism by individual member states. Concerning the conclusion of a cross-border commitment, the Slovak republic has doubts whether such a commitment will be legally enforceable. It is necessary to draw attention to the potential risk of "implementing" the draft Regulation in the first variant of the two options offered, in the form of a commitment that would provide for an exemption from the normal rules. This model raises questions regarding the respect of the limits contained in the Constitution of the Slovak Republic. The Slovak republic is rather opposed to the application of the second option - the declaration. The SR does not agree with the current definition of the "joint project", which may imply that it may apply to any project implemented in NUTS 3 territory. The Slovak republic will therefore require the clarification of this definition in the sense that this is a project funded by the EU Structural Funds with the participation of two or more member states."

Law-making process on national level

The legal framework of law-making processes on different levels is laid down by the **Constitution of the Slovak republic**.³⁵ Pursuant to the Constitution, the National Council of the Slovak republic is the sole constitutional and legislative body of the Slovak republic. . The National Council is the only authority, which has the power to adopt the Constitution, constitutional laws and other laws, and to supervise their implementation. The rules of proceedings and the activities of the National Council and its committees, including the process

34 SMWP – Structural Measures Working Party – it is the working group of the Council of the European Union, which deals with the preparation and the proposal of the legislation on the EU cohesion policy and manages the relevant EU funds.

35 No. 460/1992 Coll, available at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1992/460/20141201.html> in Slovak language, in English available here <https://www.prezident.sk/upload-files/46422.pdf>

of adopting an Act, are regulated by **the Act on the rules of procedure of the National Council of the Slovak republic.**³⁶

By means of §67 of this Act, bills may be tabled by:

- ❖ Committees of the National Council of the Slovak republic;
- ❖ Members of Parliament;
- ❖ The Government of the Slovak republic.

Draft laws may be introduced by the Committees of the National Council, members of Parliament and the Government of the Slovak republic. Therefore, the legal system differentiates between parliamentary and governmental draft laws.

In the case when the legislative initiative comes from the Parliament, the more detailed rules regulating the *way of law-making, details about the procedure of their preparation, submission and negotiation*, including their form are contained in **Legislative Rules of Law-making.**³⁷ When the draft Act is tabled by the Government, more precisely rules are contained in **Legislative Rules of the Government of the Slovak republic.**³⁸

The Government of the Slovak republic has the largest initiative in submitting proposals. The Government itself does not elaborate draft laws, but the relevant Ministry or other central state administration body. Which body draws up a bill depends on the focus of the law. Ministries and other central state administration bodies examine the issues in matters within their competence and analyze the results achieved. They take action in order to solve current issues and elaborate the concepts of development of entrusted areas. They are responsible for proper legal regulation of the matters falling within their competence. They prepare draft laws and other generally binding legal regulations, publish them and submit to the Government after discussion in the commenting procedure. They also care about observance of the lawfulness in their area of responsibility.

The Government, in a certain part of the legislative process, deals with draft laws and decides whether to pass the bill to the next legislative process (to the National Council). If the draft law is approved, or more precisely approved with comments, then it is a government bill. Prior to approval of draft bill by the Government, there must be assessed the impact of the relevant draft on the state budget, on entrepreneurial environment, on informatization of society and on public administration services. The relevant draft is discussed with the competent authorities and

³⁶ The Act No. 350/1996 Coll., available in Slovak language here <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1996/350/>

³⁷ No.19/1997 Coll. available in Slovak language here https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1997/19/vyhlasene_znenie.html

³⁸ Available at file:///D:/Stiahnute/2016_05_legislativne-pravidla-vlady-slovenskej-republiky-schavelne-uznesenim-vlady-slovenskej-republiky.pdf

On the second reading the bill is discussed by the National Council Committees to which it has been assigned. Every bill must pass through the Constitutional and Legal Affairs Committee in particular as regards its compatibility with the Slovak Constitution, constitutional acts, international treaties binding on the Slovak republic, acts and European Union law. The outcome of the Committee discussion shall be a written report, which shall include the opinion of the Committee on the proposal, the amendments and additions to the National Council, and recommendations to the Council whether to approve the proposal or not. If the proposal has been assigned to more than one Committee, they shall submit a joint written report to the National Council, which is elaborated by the Coordination Committee. This report forms the basis for the National Council discussion, and vote on the second reading bill.

In case the Coordination Committee did not recommend to the National Council to return the draft law to the submitter to complete the draft, or to postpone the negotiation or not to proceed with negotiation (in this cases the National Council shall at first vote on these proposals of the Committee) the draft law is proceeded to a debate in plenary session of the Council. In this sessions, the Member of Parliament may table amendments and additions to the draft law. The submission of such proposals requires the consent of at least 15 members.

At the end of the debate, the vote shall be taken at first on amendments and additions tabled during the session. If they weren't tabled, a vote shall be taken on the proposals alleged in the joint report of the Committees.

The third reading is restricted to those provisions of the bill for which amendments or additions were approved at the second reading. During this phase the members of Parliament may propose only corrections of legislative drafting errors and grammar and spelling mistakes. Amendments or additions intended to eliminate any other errors must be put forward by at least 30 members. The same amount is required for submitting a proposal to repeat the second reading. After these steps, the bill is voted on as a whole.

The National Council of the Slovak republic has a quorum, if more than half of all members of Parliament are present³⁹. The Constitution may be adopted or amended and individual articles repealed only if passed by a qualified majority, which means three-fifths of all the Members. For a law to be passed, it must be voted for by at least half the members present.

39 The National Council consists of 150 Members of Parliament, elected for a four-year period

The adopted bill is signed by:

- ❖ The President of the Slovak republic,
- ❖ The President of the National Council,
- ❖ The Prime-Minister.

The President has the right to exercise what is called a suspensive veto and refuse to sign an adopted act on the grounds of faulty content. If the President of the Slovak republic returns an act with his comments, the National Council shall discuss the act again and in case of its adoption, it must be promulgated (even without the signature of the President). In this case, the consent of the absolute majority of all Members of Parliament shall be required for adopting such law returned by the President.

The final stage of the legislative process is the promulgation. Legal provisions of nationwide territorial application are formally published in the Collection of Laws (Codex) the Slovak republic. This collection falls within the remit of the Slovak Ministry of Justice.

Figure 10.: The legislative process from the preparation of the proposal, it's submission to the National Council of the Slovak Republic to its final adoption and promulgation in the Collection of Laws of the Slovak Republic

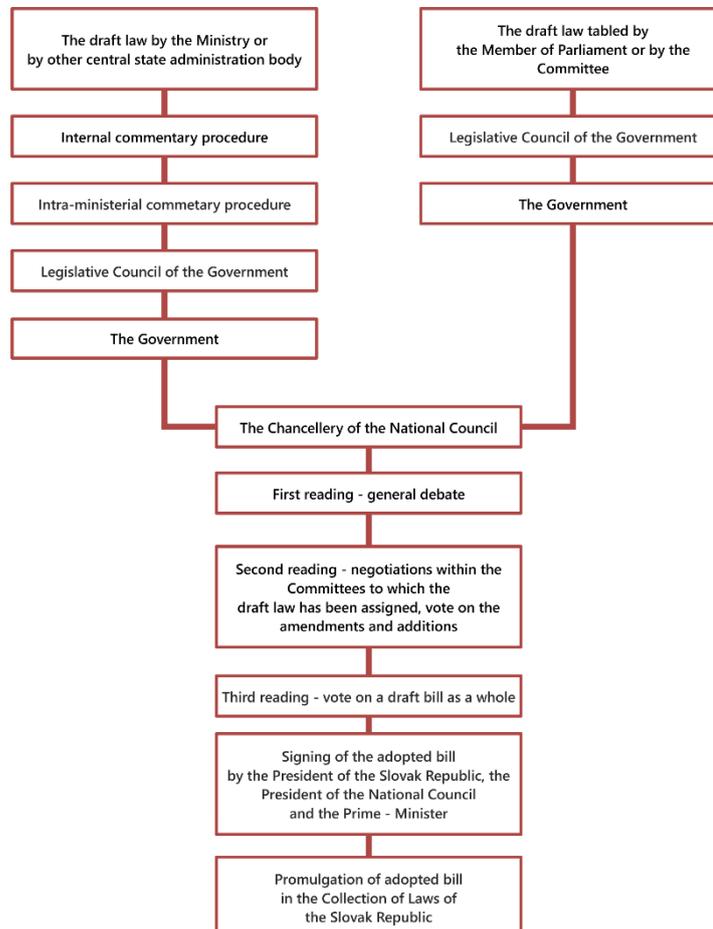


Table 10.: Competencies of the regional level (based on the collection of the European Committee of the Region)

Hungary	Slovakia	Czech Republic	Poland
<ul style="list-style-type: none"> ❖ Territorial development; ❖ Rural development; ❖ Land-use planning; ❖ Coordination activities; 	<ul style="list-style-type: none"> ❖ Social, economic and cultural development; ❖ Management of own budget; ❖ International and trans-regional cooperation; ❖ Regional planning; ❖ Social welfare (homes for children, social policy and coordination of all subjects related to this area); ❖ Healthcare (establishment of hospitals of second type, management of non-State healthcare as psychiatric hospitals and dental services); ❖ Education (secondary, professional, art and vocational schools, construction and maintenance of buildings, payment of teacher on behalf of the State); ❖ Transport (construction and maintenance of regional roads, coordination of railway system); ❖ Culture (regional theatres, libraries, museums, galleries and cultural centres); ❖ Tourism; ❖ Sport; ❖ Youth; ❖ Human pharmaceuticals (issuing licences, managing and decision-making on pharmaceutical issues); ❖ Civil defence; 	<ul style="list-style-type: none"> ❖ Education (secondary education and funding); ❖ Transport (road network, regional public transport); ❖ Social services; ❖ Environmental protection; ❖ Regional economic development; ❖ Planning (approval of planning and zoning documents); ❖ Health care, including drug prevention; ❖ Youth; ❖ Sport; ❖ Fire safety; ❖ Cohesion (regional boards on cohesion); ❖ Tourism (development plans in the field of tourism, implementation and monitoring); ❖ Prevention of criminality; ❖ Inter-regional and international cooperation with foreign territorial authorities; ❖ Other matters of regional interest; ❖ Other matters delegated by the State; 	<ul style="list-style-type: none"> ❖ Economic development; ❖ Employment and labour market policy; ❖ Transport (regional roads and transport management); ❖ Telecommunications; ❖ Health (health promotion, specialised health services, medical emergency and ambulance services); ❖ Regional cultural institutions; ❖ Planning (spatial development; water management, land amelioration; maintenance of hydro-installations); ❖ Rural areas modernisation; ❖ Education (post-secondary schools, some secondary schools and vocational schools, teacher training colleges, voivodeship libraries; initiating the establishment and financing of higher education); ❖ Social welfare; ❖ Sports and tourism; ❖ Consumer rights protection; ❖ Defence; ❖ Maintenance of public order; ❖ Environmental protection; ❖ Pro-familial policy;

Table 11.: Competences of the local level (based on the collection of the European Committee of the Region)

Hungary	Slovakia	Czech Republic	Poland
Culture and sport			
<ul style="list-style-type: none"> ❖ Public library services; ❖ Cinemas; ❖ Performing art organizations; ❖ Protection of local cultural heritage; support to local community education; 	<ul style="list-style-type: none"> ❖ Local cultural centers; ❖ Libraries; ❖ Local sport centers; 	<ul style="list-style-type: none"> ❖ Sport; ❖ Culture; 	<ul style="list-style-type: none"> ❖ Promotion, management of municipal libraries and other cultural institutions; ❖ Monument protection; ❖ Sports (promotion);
Transport			
<ul style="list-style-type: none"> ❖ Providing local public transport; 	<ul style="list-style-type: none"> ❖ Providing local public transport; 	<ul style="list-style-type: none"> ❖ Providing public transport; ❖ Management of local roads; 	<ul style="list-style-type: none"> ❖ Providing public transport; ❖ Management of local roads;
Urban development			
<ul style="list-style-type: none"> ❖ Land use planning ❖ Developing and maintaining public cemeteries; ❖ Providing street lighting; ❖ Providing industrial chimney sweeping services; ❖ Developing and maintaining public parks and other public areas; ❖ Providing space for parking vehicles; ❖ Naming public areas and public institutions in self-government ownership; ❖ Waste management; ❖ District heat supply; 	<ul style="list-style-type: none"> ❖ Local public utilities and networks including water supply and sewerage; ❖ Waste collection; ❖ Urban heating; ❖ Construction and upkeep of public areas; ❖ Cemeteries; ❖ Street lighting; ❖ Maintenance of municipal property; 	<ul style="list-style-type: none"> ❖ Management and maintenance of open spaces; ❖ Cemeteries; ❖ Water management and treatment; ❖ Urban heating; ❖ Waste processing; 	<ul style="list-style-type: none"> ❖ Water and supply sewage treatment; ❖ Maintenance of landfills; ❖ Real estate management; ❖ Public areas (including cemeteries); ❖ Maintenance of gmina buildings and public facilities; ❖ Telecommunications; ❖ Electricity, gas and heat supply;
Social services			
<ul style="list-style-type: none"> ❖ Primary healthcare, services promoting healthy ways of living; ❖ Kindergarten services; ❖ Social, child welfare and child protection services; ❖ Housing and property management; ❖ Rehabilitation of the homeless and prevention of homelessness; ❖ National defense, civil defense, disaster protection, local public employment; ❖ Nationality affairs; ❖ Participation in ensuring public safety of their municipality; 	<ul style="list-style-type: none"> ❖ Education (pre-school and primary school, maintenance and construction of buildings, payment of teacher and staff salaries on behalf of the State); ❖ Social welfare (personal assistance, homes for the elderly, social services for children); ❖ Housing (housing development, construction and maintenance of social housing); ❖ Health (establishment of outpatient departments, first aid stations, hospitals and medical centers); ❖ Public order (local police, voluntary fire-fighting units); 	<ul style="list-style-type: none"> ❖ Health services; ❖ Social welfare (social assistance and youth policy); ❖ Fire-fighting and prevention; ❖ Municipal police; ❖ Primary education; ❖ Housing; 	<ul style="list-style-type: none"> ❖ Market places; ❖ Housing; ❖ Education (kindergartens; elementary education.); ❖ Health (Primary healthcare services); ❖ Social welfare; ❖ Family support and foster care system;

Hungary	Slovakia	Czech Republic	Poland
Environmental protection			
<ul style="list-style-type: none"> ❖ Environmental health (refuse collection, sanitation of urban environment, control of pests and rodents); ❖ Protection of the local environment and nature, water management, preventing flood damages, supply of drinking water, canalization, treatment and disposal of waste water (sewage service); 	<ul style="list-style-type: none"> ❖ not specified 	<ul style="list-style-type: none"> ❖ Environmental protection; 	<ul style="list-style-type: none"> ❖ Environment (protection; zoning and local environmental protection);
Economic development			
<ul style="list-style-type: none"> ❖ Duties related to local taxes, organizing local economy and tourism; ❖ Providing sales opportunities for small-scale producers and licensed traditional producers, including weekend markets; 	<ul style="list-style-type: none"> ❖ Local management and local taxes; ❖ Local planning and tourism development strategies; 	<ul style="list-style-type: none"> ❖ Local development; 	<ul style="list-style-type: none"> ❖ not specified

2.5.2 Legal framework of law-making and bodies responsible for adopting legal provisions

As summarized in the Table 12, concerning the legal framework of law-making, the V4 countries expose more diversity. The biggest difference is that while in Slovakia, Czech Republic and Poland the legal document of utmost importance is the Constitution, in Hungary since 2011 the document called the Fundamental Law of Hungary (together with the Transitional Provisions of the Fundamental Law) sits at the apex of the legislative hierarchy. As defined in the Fundamental Law, Acts of Parliament are adopted by the National Assembly by a simple majority of votes and are devoted to determine the rules for fundamental rights and obligations. Apart from these acts the decrees (government decrees, Prime Ministerial decrees, ministerial decrees, decrees by the Governor of the National Bank of Hungary, decrees by the heads of autonomous regulatory bodies, local government decrees, National Defence Council decrees and decree of the President of the Republic) are designed to regulate on the given level issues that are undefined on a higher level. Subsequently, the bodies responsible for adopting legal provisions are the National Assembly (acts, cardinal acts), Government (decree), Prime Minister and Ministers (decree), Governor of the National Bank of Hungary (decree), Heads of autonomous regulatory bodies (decree), local government (decree).

In contrast, in Slovakia there is a much more fragmented system where the National Council of the Slovak Republic has the legislative power to issue constitutional acts and acts, while the Government can issue government regulations. Furthermore, the Ministries and other central

Government and by scope of the obligations they do not go beyond the scope of the central administration bodies established by a special law.

Table 12.: Summarizing table of the bodies responsible for adopting legal provisions

	Hungary	Slovakia	Czech Republic	Poland
National Assembly/ Council/ Parliament	Acts, Cardinal Acts	Constitution, constitutional acts, acts, international treaties higher than acts, international treaties with the force of an act	Constitutional Laws, Senate legal measures	Constitutional Laws, Bill
Government	Decree	Regulations	Regulations	Governmental regulation
Ministers	Decree	Decrees, declarations, measures	Decree	-
Governor of the National Bank	Decree	-	Decree	-
Regional government	Decree	-	Regulation in delegated competencies, Generally binding rules	acts of local law
Local government	Decree	Generally binding regulations	Regulation in delegated competencies, Generally binding rules	acts of local law

2.5.3 The legislative process

Even though there are some particularities of the legislative process characterizing each country, in general the law-making process shows a similar logic in all the V4 countries. The first step is always the submission of the legislative proposal which can be done by the ministries, a central state administration body, or in the case of Czech Republic by the Senate as well. In case the proposal is submitted by a Ministry, then an intra-ministerial debating, commenting and voting process takes place the particularities of which is summarized in Table 13. However, if the proposal was not submitted by a governmental player, then this step is skipped.

This is followed by the process within the Parliament. Typically this contains series of debates which is usually resulting in drafting amendments which is worded by the given Committee and submitted to the initiator together with the summary of the detailed debate. After this the proposed bill is debated in the plenary, first as a general debate. If the Parliament has no proposal for amendments, the decision is made on a single vote. If, however, there are debated points, then the proposed bill is sent back to the committee on legislation to renegotiate the problematic issues. While in Hungary an intra-Parliamental committee is entrusted to check whether the new bill fits into the country's legislation, in Poland it is the Government Center for Legislation, in Czech Republic the Government Legislative Council and in Slovakia the Legislative Council that is responsible for harmonizing the new law with the existing ones. These entities have the right to reject a proposal and are consulted in every case.

Steps	Hungary	Slovakia	Czech Republic	Poland
2	Preparatory phase in committee: The Speaker designates a bill for debate in one or more standing committees	Intra-ministerial commenting procedure of other departments within the ministry (if initiated by a Ministry, if not, the bill is submitted to the Legislative Council)	Drafts of legislative materials are submitted to the relevant bodies for their opinion	Intra-ministerial consensus conference, then debate by the permanent Committee of the Council of Ministers
3	The designated standing committees establish their position on whether the bill is suitable for a general debate	The Legislative Council of the Government gives its opinion, then the bill is sent to the Chancellery of the National Council	The Government Legislative Council gives its opinion, then the bill is passed to the Chamber of Deputies	opinion of the Government Center for Legislation
3	General debate in the plenary sitting	First reading in the Parliament: general debate on the substance of the proposed act	First reading: general debate where the bill is introduced by a Steering Committee	First reading: includes justification of the bill by its sponsor, a debate on the general principles of the bill, questions of the deputies and response of the sponsor
4	Detailed debate by the reading committees: proposal on amendments and final report	Second reading in the Parliament: negotiations within the Committees to which the draft law has been assigned, vote on the amendments and additions	Second reading: general and detailed debate where the SC recommends to the plenary to approve, reject the bill or proposes amendments	Second reading: presentation of the committee report on the bill to the Sejm and, subsequently, carrying out a debate during which other motions and amendments may be submitted
5	Opinion by the Committee on Legislation: summary of proposed amendments		Third reading: vote on the amendments or the bill as a whole then forward it to the Senate	Third reading: the deputy-rapporteur presents an additional report of the committee or, if the bill has not been referred to the committee, the amendments submitted during the second reading
6	Debate on committee reports, the supplementary summary report and the summary of proposed amendments in a plenary sitting			Senate committee meeting resulting in a report
7	Vote on the summary of proposed amendments and a closing vote in a plenary	Third reading in the Parliament: restricted to those provisions of the bill for which amendments or additions were approved on the second reading, then vote on the bill as a whole		Senate sitting: debate and voting resulting in adoption, rejection (back to the Sejm), correction (back to Sejm)
8	The Speaker signs the law within 15 days and then sends it to the President of the Republic for promulgation	The adopted bill is signed by the President of the Slovak Republic, the Speaker of the National Council, the Prime-Minister	After the approval of a law by the Senate, the Chairperson of the Chamber of Deputies forwards every act of law to the President of the republic	When the position of the Senate is considered, the Marshal of the Sejm refers the bill to the President of the Republic for signature
9	Promulgation of adopted bill in the Collection of Laws	Promulgation of adopted bill in the Collection of Laws	Promulgation of adopted bill in the Collection of Laws	Promulgation of adopted bill in the Collection of Laws

2.5.5 The V4 cooperation

Upon close analysis of the V4 countries it can be stated that the mechanisms put in place to resolve legal and administrative obstacles in a cross-border context can and should be further strengthened. At the moment in each country a ministry (Hungary: Ministry of Foreign Affairs and Trade, Slovakia: Ministry of Foreign and European Affairs, Czech Republic: Ministry of Regional Development, Poland: Ministry of Investment and Development) is dedicated to handle these issues. However, their impact and added value on this specific field is quite questionable.

When looked at the actors responsible for the V4 cooperation, a similar picture can be painted. In Hungary the Ministry of Foreign Affairs and Trade and the Visegrad Cooperation and Central European Department, in Slovakia the Ministry of Foreign and European Affairs and the Conference of Ministers of Foreign Affairs, in Czech Republic the Ministry of Foreign Affairs and the Office of the Government, while in Poland the President, the Prime Minister, the Ministry of Foreign Affairs and the National Coordinator of the V4 Cooperation are the dedicated actors. The legal background of the V4 Cooperation is typically the international agreements or treaties which become part of domestic law via their promulgation by legal regulations.

4.4 Financing

Regarding the possibilities for financing the proposed intergovernmental and local-, regional-level structures and cooperation, it would worth involving and integrating different kind of financial resources including EU, V4 regional and national ones as well.

The Commissioner for Regional Policy of the European Union launched the Cross-border Review⁴⁴ initiative in 2015 which resulted in a financial instrument called B-solutions⁴⁵ this year. The pilot program promoted by the European Commission's Directorate-General for Regional and Urban Policy aims to finance actions testing solutions to cross-border obstacles in five thematic fields including institutional cooperation. It offers financial support to soft actions such as bi or bi- or multilateral meetings, preparatory and feasibility documents therefore it would be appropriate for preparing one of the proposed institutional structures. However the selection of the first round projects have been already performed, it is expected to open the call for proposals again.

Another option from the EU level could be the INTERREG V-A programmes⁴⁶ which support cross-border cooperation between 2 Member States. At the moment five programmes⁴⁷ (SK-HU, SK-CZ, PL-CZ, PL-HU) targets the V4 internal borders, which could be used for financially support the preparation and operation of the local and regional offices responsible for collecting and registering the obstacles identified on the ground or the establishment of the database of cross-border obstacles. In terms of the future of the INTERREG V programmes, there are plans for dedicating financial resources from the programmes' budget to the elimination of border obstacles during the next programming period (2021-2027).

Regarding the financing options on V4 level we would like to propose two scenarios. The first one concerns the budget of the International Visegrad Fund, as the only V4 institution having separate financial framework. The Fund is financed by the equal contributions of the four member countries and other donor states such as Switzerland, South Korea and the Netherlands.⁴⁸ The major proportion of the Fund's budget (cca. 85%) covers the grant and mobility programs (offering financial support for local actors and individuals) which could be

44 https://ec.europa.eu/regional_policy/en/policy/cooperation/european-territorial/cross-border/review/

45 <https://www.b-solutionsproject.com/>

46 <https://interreg.eu/>

47 Interreg V-A - Czech Republic-Poland

Interreg V-A - Poland-Slovakia

Interreg V-A - Slovakia-Czech Republic

Interreg V-A - Slovakia-Hungary

48 Visegrad Fund = 15!: https://s3.eu-central-1.amazonaws.com/uploads.mangoweb.org/shared-prod/visegradfund.org/uploads/2018/01/ivf_Visegrad-Fund15.pdf

used as ad-hoc source for the legal accessibility initiatives, but it also finances cooperation products such as the Visegrad Insight, the International Visegrad Prize, the Visegrad Cycling Race and structures (the Visegrad Think Tank) and institutions like the V4 Fund Secretariat on an annual basis.⁴⁹ In light of these, financing of the proposed mobility council could be performed through the adequately increased budget of the International Visegrad Fund. At this point, it is not possible to define the exact amount of the necessary increase.

The other simple and logical option for financing the new intergovernmental body and its activities is to establish a separate scheme based on national contributions, similarly to that of the Nordic one for eliminating border obstacles. The basis for defining the amount of the national contributions could be e.g. the GDP, the population living in the concerned border areas, or further indicators to be acceptable for the governments.

The third main type of the financial resources to be applied is the national, public funding. Some parts of the legal accessibility mechanism, such as information gathering and registering, harmonisation of national laws and regulations concerns the local, regional or national actors separately in the particular countries. Therefore these kind of activities, similarly e.g. to the patient issues of V4 level, may be financed separately by the member countries by offering additional financial resources together with the extra tasks to the concerned ministries or public administration departments. In the case of Hungary, there exists already a separate grant scheme for the European Groupings of Territorial Cooperation operated by the Ministry of Foreign affairs and Trade which offers financial support to the everyday operation of these cross-border structures.

Table 14.: Summary table of the phases of the legal accessibility mechanism and the relevant financial resources

Phase	Funding sources				
	European Union		V4 regional		National
	EU: central	EU: INTERREG	International Visegrad Fund	Separate fund	
Setting-up of the local/regional structures	x	x	x	x	x
Establishment of the CB obstacle database		x	x	x	
Identification and registration of obstacles					x
Prioritisation and elimination of obstacles on V4 level			x	x	
Legal harmonisation on national level					x

⁴⁹ Budget of the International Visegrad Fund: <http://old.visegradfund.org/about/budget/>

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- **Visegrad Fund**
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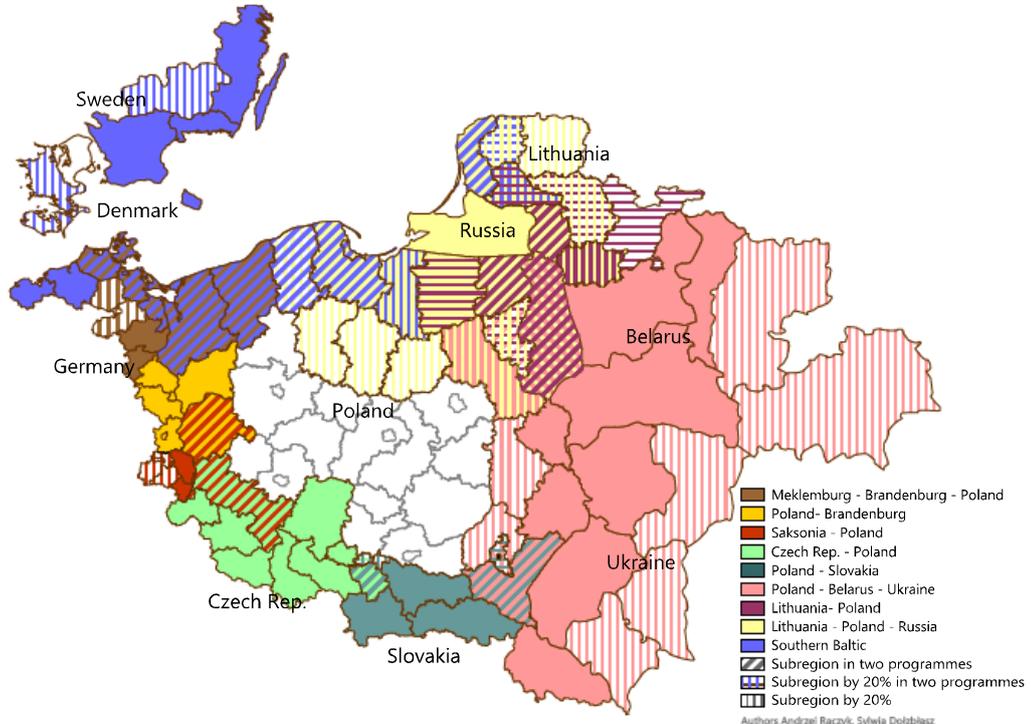
Proposal on the V4 Mobility Group as intergovernmental structure for border obstacle management

elaborated within the framework of the project 'Legal accessibility among the V4 countries' funded by the Visegrad Fund

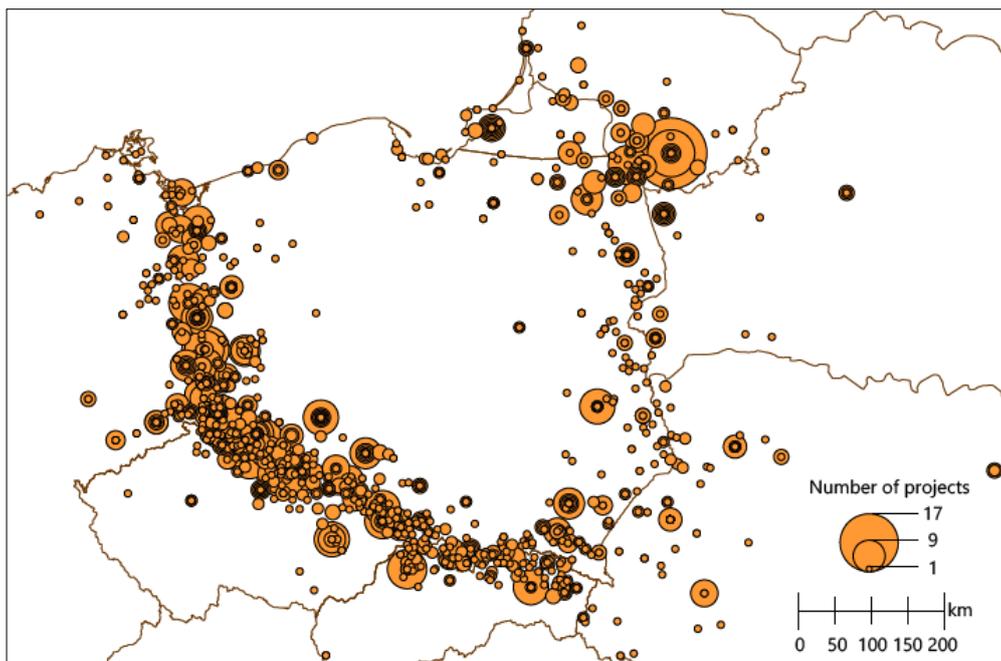
To sum up, some ad-hoc EU and V4 project fund can be involved in the preparation and establishment of the institutional and technical background of the legal accessibility initiative, however the operation and maintenance of these bodies and structures is the responsibility of the Visegrad Group together through joint fund(s) and the member countries through domestic funding.

In order to get a clear picture on the financial needs of the preparation and operation of the intergovernmental system a more detailed analysis should be delivered both on (macro-) regional and national level.

5. Annexes



Range of cross-border programmes implemented in Poland 2007-13

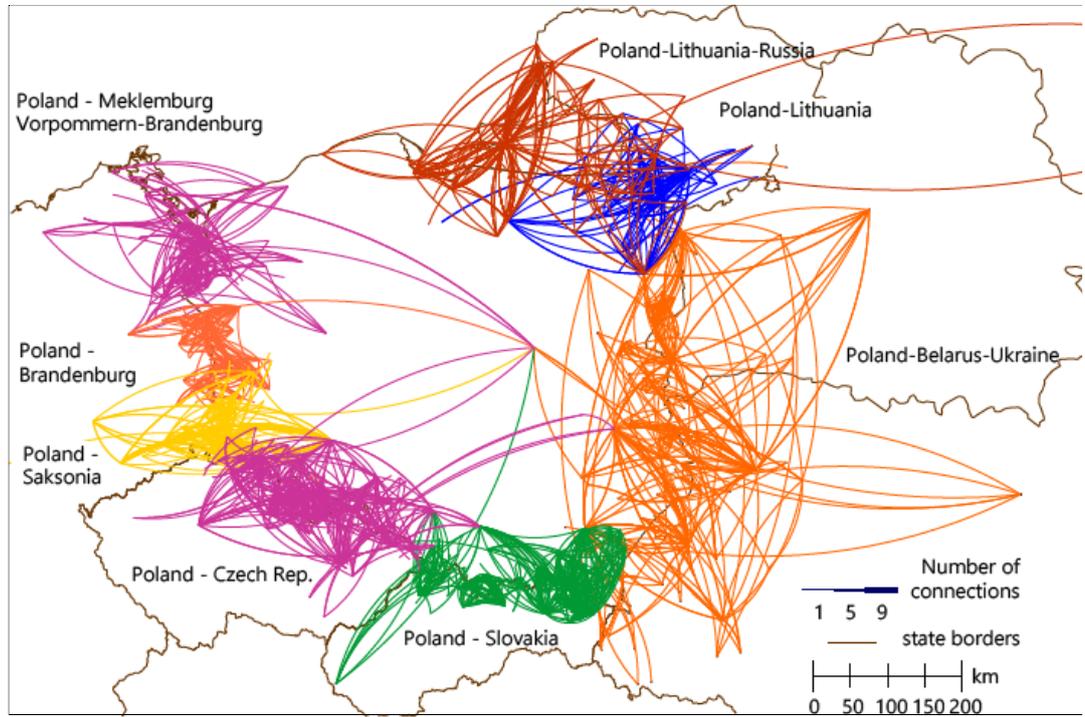


Number of ETC 2007-13 and ENPI 2007-13 projects according to institutions

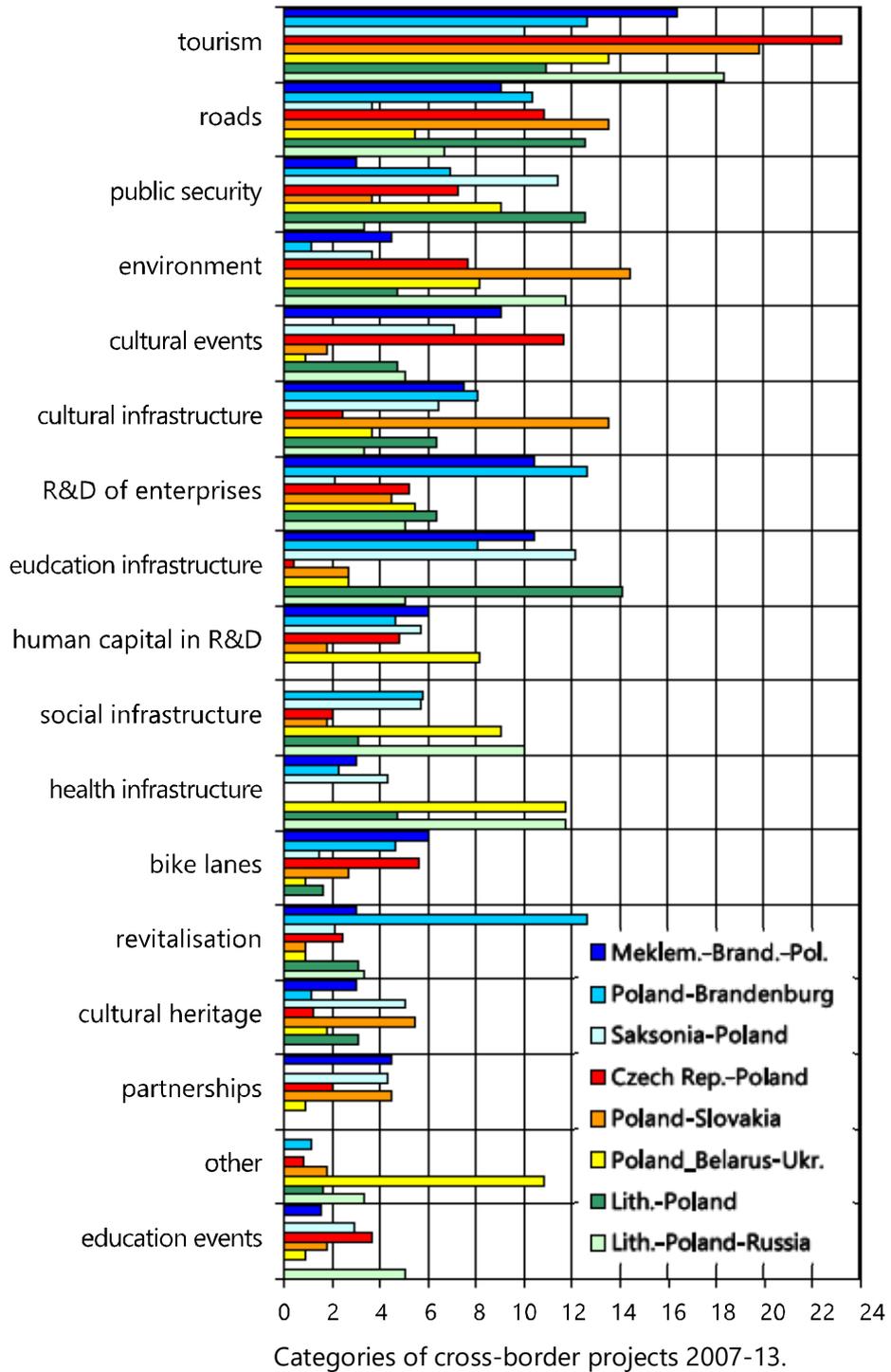
• Visegrad Fund

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Connections between ETC 2007-13 and ENPI 2007-13 beneficiaries according to number of cross-border projects.



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