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ПРАВНИ ФАКУЛТЕТ У НОВОМ САДУ



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ÁLLAM- ÉS JOGTUDOMÁNYI KAR

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Европске уније**

**A szerb és a magyar jog harmonizációja az
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**Harmonisation of Serbian and Hungarian Law
with the European Union Law**

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ХАРМОНИЗАЦИЈА СРПСКОГ И МАЂАРСКОГ ПРАВА СА ПРАВОМ ЕВРОПСКЕ УНИЈЕ

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PREFACE

Researchers from the Law Faculty of the University of Novi Sad and the Law Faculty of the University of Szeged cooperate within the international scientific project '*Harmonization of Serbian and Hungarian (domestic) Law with the European Union Law and Cross-Border Cooperation*' in 2017 as well. This special publication is a result of common effort to observe various aspects of harmonizing Serbian and Hungarian law with the legal system of the European Union. Also, certain issues concerning cross-border cooperation of those two States have been observed, and all papers have passed the double review made by the prominent experts coming from both States.

In decades after the World War II, the Europe stepped into the process of integration, which resulted in the creation of the European Union as a complex and a unique international subject. Over decades of existence of the European Union, it has built the unique legal framework by which functioning of the EU members' legal systems has become coordinated in an original manner. After the fall of the Eastern Bloc in late 1990s, the majority of former socialist states expressed the intention to join the European Union. The process of accession to the European Union implied transition of those states for the purpose of building a modern market, a democratic society and for establishing the rule of law, as well as for the purpose of adapting legal institutions to the specific legal framework which has been developed in the European Union.____

Hungary began the process of European integrations nearly after the fall of socialism. After the process of transition was successfully and efficiently conducted, this State joined the European Union in 2004. On the other hand, Serbia became involved in the process of transition and European integration relatively late, after the political change in 2000. A favorable circumstance for Serbia is a possibility to use the models of Eastern European states which have been successfully integrated in the European Union. Therefore, analyzing the Hungarian experience could be an immeasurable benefit for Serbia, in order to complete the mentioned process in the most successful manner.

A collected paper is intended primarily for the scientific public, but also for the creators and interpreters of law in both States. On the basis of the insight in published papers, it can be concluded how much Hungary and Serbia harmonized its law with *acquis communautaire*, how much work is to be done, as well as possible alternative legal solutions which could be adopted, in order to benefit from the European integration as much as possible.

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Challenges of Good Governance in the European Union's External Border Area¹

Abstract: *The European Union created new form of cross-border cooperation in 2006, an opportunity for members to establish the European Grouping of Territorial Cooperation (EGTC). The EGTC regulation is the first example among EU regulations in the course of which a legal instrument grants special rights to local, regional and national public law institutions of the different Member States in order to develop unified structures with legal personality and the efficient use of Union resources.*

Referring to the EGTC Regulation (EGTC Regulation 1082/2006) the creation of an EGTC is the competence of the cooperating parties. An EGTC as an acknowledged legal entity can support new approaches to cross-border governance, the legal framework of an EGTC can promote the cross-border institutionalisation, thus development of a good governance in the border areas. The European Union provided a stable, institutional framework for the application of a new, non-national state space concept. Since its entry into force in 2007 the number of EGTCs has been growing. Lately, the EGTC Regulation 1302/2013 has amended the legal framework of the EGTC, establishing conditions for the participation of entities from non-EU Member States.

The analytical framework of the study is the concept of Good Governance which is today's prevailing discourse on public administration. The EU Member States play a role in creating the conditions for 'good governance', they offering new perspectives as practised at the national and subnational levels. The study addresses the challenges of 'good governance' in the external border areas of the European Union, analyses the conditions, opportunities and limitations of public governance.

¹ This research was supported by the project nr. EFOP-3.6.2-16-2017-00007, titled *Aspects on the development of intelligent, sustainable and inclusive society: social, technological, innovation networks in employment and digital economy*. The project has been supported by the European Union, co-financed by the European Social Fund and the budget of Hungary.

The study is based on the review and analysis of academic research, documents, extracting and linking key findings from existing research and practice.

Keywords: *European Grouping of Territorial Cooperation, good governance, external bordered area, EGTC setups, decentralisation, cooperation with third countries.*

1. Introduction

Good governance is one of the modes of network governance which focuses on the relations between the tiers of the EU from the supranational through nation states to subnational levels whether regions or municipalities.

The cooperation of Member States, regional or local authorities or other bodies, governed by public law of public administrations in the border areas is vital to improve European governance. The implementation of the good governance approach in the field of cross-border cooperation and of the partnership principle, paying special attention to relations and interactions between the different levels of government: European, national, regional and local. The principle of subsidiarity plays a specific role – due to the decentralisation of central assignments – in the division of power of states at local and regional level.

For the creation and effective operation of cross-border cooperation systems, it is necessary to create the legal framework within which these cooperation systems could achieve their objectives. The European Union provided a stable, institutional framework for the application of a new, non-national state space concept by the adoption of the Regulation (EC) No. 1082/2006 of the European Parliament and of the Council of 5 July 2006 on the European Grouping of Territorial Cooperation (EGTC). The EGTC regulation is the first example among EU regulations in the course of which a legal instrument grants special rights to local, regional and national public law institutions of the different Member States in order to develop unified structures with legal personality.

The revision of the EGTC regulation tended to clarify, simplify and improve the legal framework governing the EGTC setups. The amended Regulation (EU) 1302/2013 has enlarged the scope of the eligible entities by clarifying the participation of entities from non-EU countries. The EGTC regulation states that agreements can be reached between Member States and third countries also to allow regions and local governments outside the EU to participate in an EGTC, thus facilitating cross-border cooperation on the European Union's external borders as well.

2. European Good Governance

The study of government has traditionally had a strong political science and public administration perspective, and includes the study of the machinery of

central government, local and regional government, public services as well as an element of the differing theories of the state.

In the past decades both legal and political sciences have increasingly been focusing on the issue of statehood, the changing role of nation-states in the process of European integration and globalisation. There has been a concerted emphasis in the EU over the past two decades in particular on the need to reform governance in ways which depart from traditional hierarchical forms of law-making and policy-making. Governance is generally seen as an alternative to the monolithic and hierarchic concept of government and it is rather orientated towards building vertical partnerships and horizontal networks.

The development of the construction of the EU has introduced new concepts, among them is a concept of good governance. The theory of good governance must be distinguished from the theory of centralism, which stipulates that the policy of the European Union is determined primarily by national governments. The core assumption of the state-centric governance approach is that the European integration does not challenge the nation-states but strengthens it, thus the sovereignty of the state is not harmed.



Source: Tanja A. Börzel, 2003. 3.

One way of linking the bottom-up and top-down dimension in the relationship between the EU and its Member States is to focus on the role of national governments as shapers and takers of EU policies. The European Union represents a new form of supranational authority. It is still based on strong national systems that are surrendering varying degrees and types of national sovereignty across a

wide spectrum of public policy areas. Nevertheless, national executives hold a key position in both the decision-making and the implementation of European policies and thus influence the way in which Member States shape European policies and institutions and adapt to them.

Offering expertise and information to the European Commission in the drafting of policy proposals is also an effective way of injecting national preferences into the European policy process. Being present in the various networks that prepare and accompany the European negotiation process both at the domestic and EU level demands considerable staff-power, expertise and information as well as a significant amount of coordination, which the Member States do not have equally available.²

With no conventional EU-level 'government' making policy, 'governance' has emerged as a widely embraced concept for capturing the policy-making processes taking place which has led to the extension of this concept into 'multilevel governance'. The polycentric governance model is the recognition of the fact that governance extends not only across levels, but there is also functional specialisation over levels that varies with the particular policy sector.

'Governance' means the inclusion of formal and informal actors involved in decision-making and implementing the decisions made, and formal and informal structures that have been set in place to arrive at and implement the decision. This implies the involvement of civil society and economic and social interests into the networks of government policy formulation and service delivery. The process of governing through governance, therefore, is complex. The government and governance are multi-leveled³ and differentiated, with the location of sovereignty, power and legitimacy being a shifting negotiated, multi-centred set of entities.

The European Commission launched a significant reform of governance in the White Paper on European Governance (2001) in order to drive forward changes which proposes opening up the policy-making process to get more people and organizations involved in shaping and delivering EU public policy. European governance and administration is characterized as a system of rules that affect the way in which powers are exercised and institutions established by the European Community. The White Paper makes reference to principles that underpin democratic governance and rule of law in the Member States. These principles are the openness, participation, accountability, effectiveness and coherence which applies to all levels of government – European, national, regional and local.

² Tanja A. Börzel: *Shaping and Taking EU Policies: Member State Responses to Europeanization*. Queen's Papers on Europeanisation 2/2003, 7

³ The European integration is a polity-creating process in which authority and policy-making influence are shared across multiple levels of government, supranational, national and subnational. In: Liesbet Hooghe – Gary Marks: *Multi-Level Governance and European Integration*. Lanham, MD: Rowman and Littlefield Publishers, Oxford 2001, 2-3

— *Openness*. The Institutions should work in a more open manner. Together with the Member States, they should actively communicate about what the EU does and the decisions it takes.

— *Participation*. The quality, relevance and effectiveness of EU policies depend on ensuring wide participation throughout the policy chain – from conception to implementation. Improved participation is likely create more confidence in the end result and in the Institutions which deliver policies. Participation crucially depends on central governments following an inclusive approach when developing and implementing EU policies.

— *Accountability*. Roles in the legislative and executive processes need to be clearer. Each of the EU Institutions must explain and take responsibility for what it does in Europe. But there is also a need for greater clarity and responsibility from Member States and all those involved in developing and implementing EU policy at whatever level.

— *Effectiveness*. Policies must be effective and timely, delivering what is needed on the basis of clear objectives, an evaluation of future impact and, where available, of past experience. Effectiveness also depends on implementing EU policies in a proportionate manner and on taking decisions at the most appropriate level.

— *Coherence*. Policies and action must be coherent and easily understood. The need for coherence in the Union is increasing: the range of tasks has grown. The enlargement increases diversity; challenges such as climate and demographic change cross the boundaries of the sectoral policies on which the Union has been built since regional and local authorities are increasingly involved in EU policies. Coherence requires political leadership and a strong responsibility on the part of the Institutions to ensure a consistent approach within a complex system.

The application of these five principles reinforces those of proportionality and subsidiarity. From the conception of policy to its implementation, the choice of the level at which action is taken (from EU to local) must be in proportion to the objectives pursued. This means that before launching a policy initiative, it is essential to check systematically (a) if public action is really necessary, (b) if the European level is the most appropriate one, and (c) if the measures chosen are proportionate to those objectives.⁴

The European Commission was convinced of the importance of improving European governance at the beginning of the 21st century and took the view that the basic objectives and approaches of the White Paper are promoting new forms of governance.

⁴ European Commission: European Governance – A White Paper COM (2001) 428 final, 7-8

3. Contribution of the European Grouping of Territorial Cooperation (EGTC) to European Good Governance

The limits to the White Paper's understanding of 'governance' are that it focuses predominantly on the effectiveness and efficiency of the EU decision-making system, while disregarding the issues of democratic legitimacy.⁵ Henceforward the issue how to improve the legitimacy of the EU's good governance system and how to put multilevel governance into practice remains on the agenda. It is expected from 'good governance' to bring about improved proximity between citizens and European institutions. The cross-border governance networks are supposed to make the proclaimed economic, socio-cultural and spatial European integration work on the very local level.

The border areas of the countries of Western Europe took the first steps towards organized cooperation as early as the 1950s, when the state borders did not correspond to natural linguistic, ethnic, cultural or economic communities. At first it was done spontaneously, lacking any formality, later on the cooperation gradually evolved into appropriate institutional structures. The importance of cooperation systems evolving along the external and internal borderlines of the EU has been increasing since the eastern enlargement (in 2004 and 2007, 2013). In Europe, more than 40 % of the areas are border regions, inhabited by more than one third of the population, which increases the importance of the EU strengthening its economic influence and its subsidy policy in these areas. The purpose of the EU is to improve cooperation between communities along the borderlines, within the whole of Europe.⁶

The building-up and institutionalisation of cooperation systems are largely influenced by the differences of legal and administrative systems.⁷ It is essential for the development of the institutions' operative relations that all participants have the same jurisdiction and legitimacy. However, due to their construction, competence and possibilities the levels in some neighbouring countries are not compatible with their neighbouring counterparts. To provide alternative solutions to problems stemming from legal and institutional deficiencies, the creation of the EU's legal basis for enhancing territorial cooperation in the EU constitutes a major priority for local and regional authorities in the context of the new cohesion policy for the period 2007-2013.

⁵ European Commission: Report from the Commission on European Governance. European Communities, Luxembourg 2003, 9

⁶ Zsuzsanna Fejes: Republic of Serbia towards the European territorial cohesion and cross-border cooperation – with special focus on Vojvodina. *The Central European Journal of Regional Development and Tourism* 3/2013, 90

⁷ Edít Soós: EGTC Setup on Hungary's External Border in the Hungarian-Romanian-Serbian Triple-Border Area. *Acta Universitatis Sapientiae, European and Regional Studies* 1-2/2012, 81

EGTC was approved by the EU in 2006 (EGTC Regulation 1082/2008). A new legal instrument offers a homogeneous legal basis that could be applied directly in all EU Member States on the basis of public law, and for both long-term strategic cooperation and project-based cooperation. The EGTC is the first European cooperation structure with a legal personality defined by European law.

The EGTC regulation is completed by national provisions adopted by each Member State of the EU. EGTCs shall be made up of members within the limits of their competences under national law. According to article 3 of the EGTC regulation, members of EGTC must be member states, regional or local authorities or other bodies, governed by public law. EGTC shall be made up of members located on the territory of at least two member states.

There are four key features distinguishing EGTCs from other types of cooperation:

- they have the most extensive legal capacity accorded to legal persons under that member state national law where EGTC has its registered office (EGTC regulation, Article 1. (3)-(4));
- they have the competence for decision-making;
- they entail the coordination and handling of several cross-border projects and initiatives;
- they have the specific structures necessary for supranational programs.

Concerning the institutional stability of cross-border governance it is flexible with respect to time and space and the institutional profile can be characterized by variety of cross-border institutions. The EGTCs are governed by the regulation, the conventions and the statutes, which are its constitutive documents, and by the laws of the Member State where the EGTC has its registered office. All Member States involved must authorise the convention and the statute of the EGTC.⁸

The EGTC is a formalised structure of cooperation's partnership along the border. Each EGTC has a specific structure, with an assembly, which is made up of the representatives of its members, headed by a director, who represents the EGTC and acts on its behalf. The conventions may provide for additional organs with clearly defined powers, e.g. the senate is the managing body of the general assembly, permanent secretariat and administrative staff, commissions and thematic working groups and experts. One of the major milestones in the development of groupings is hiring staff.⁹

There are three major types of the EGTCs at the end of 2017; cross-border that mainly address local and regional aspects, transnational whose territory is considerably wider than, for example, cross-border cooperation areas, and network

⁸ Alfonso Alcolea Martinez: Towards a New Generation of European Groupings of Territorial Cooperation. *European Structural and Investment Funds Journal* 2/2014, 89

⁹ For 2017, 53 of the 68 EGTCs reported staff hired directly. Compared with 460 persons in 2016, approximately 510 were working at EGTCs in 2017. In. *EGTC Monitoring Report 2017*, 108

EGTCs with members who typically do not have connected territory. There are 68 cross-border EGTCs and only a few are truly transnational or network oriented.

The coordinated action of the various levels of government and the coordination of policies and instruments are vital to improve good governance in the border areas. Good governance is not simply a question of translating European and national objectives into local and regional action, but must also be understood as a process for integrating the objectives of local and regional authorities within the strategies of the European Union. The dimensions of good governance is a heart of the process to establish and manage EGTCs. However, good governance fosters interconnection and interaction between different stakeholders through the institutional framework of EGTCs: the creation of broad partnerships between the political, economic, cultural and civil actors, with regional and local authorities and all public or private entities (universities, chambers of commerce, foundations, etc.) with closer cooperation with citizens must include all aspects of everyday life along borders.¹⁰ All these interactions promote strengthening the horizontal partnerships on the ground, thereby they increase the added value of good governance in the border areas.

Concerning the territorial coverage of EGTC setups, have been established, which can be classified into three groups of member states.

- Spain, France, Portugal have the longstanding history of cooperation in this part of Europe. Their cooperation is one of the remarkable assets that contributed to the success in establishing these groupings. Most of EGTCs take a broad approach to territorial cohesion.
- Along the borders of Hungary, Slovakia, and Romania most of the groupings focus on a broad range of regional policy issues, in particular the promotion of entrepreneurship (e.g. through tourism development).
- The group of EGTCs located in the core areas of the EU – i.e. the territories of France, Belgium, Germany and Luxembourg – focuses on spatial planning and urban development with initiatives in the fields of culture, sports and education.
- Among the EGTCs in preparation there are many groupings which include countries that are not yet represented in the EGTC landscape. They include the Baltic States.

The geographical implementation of the EGTCs led by France, Germany and Belgium and the Mediterranean.

¹⁰ Gianluca Spinaci – Gracia Vara-Arribas: The European grouping of territorial cooperation (EGTC): New Spaces and Contracts for European Integration? EIPASCOPE 2/2009, 9

Table 1: Type and geography of EGTCs

| Geography of EGTC | Total |
|--|--------------|
| Cross-border Iberia and Southern France | 15 |
| Cross-border North-West Europe | 11 |
| Cross-border Alpine area | 4 |
| Cross-border area involving Germany, Poland and Czech Republic | 3 |
| Cross-border areas involving Hungary and Slovakia | 25 |
| Cross-border areas central and eastern Mediterranean Sea | 1 |
| Transnational | 4 |
| Network | 5 |

Source: EGTC monitoring report 2017, 107

Establishment of an EGTC with participation of third countries

European policies like regional policy faces deeply rooted institutional and regulatory structures. If both fit together, implementation should be a smooth and unproblematic process. If European policies do not match existing traditions, however, implementation should be highly contested, leading to considerable delays, and involving a high risk of total failure.

The EGTC regulation cannot be applied directly in non-EU Member States. The EGTC Regulation (EC) 1082/2006, as amended by Regulation (EU) 1302/2013 includes several provisions which are likely to raise the chance that EGTCs will go beyond the boundaries of the EU member states.

The long external land border of the Union with the neighbouring countries Russia, Belarus, Moldova and Ukraine has recently become a reminder of the fragile geo-political situation in these territories. The area is marked by striking economic and social contrasts between EU Member States and southern countries bordering the Mediterranean. The EGTC would be excellent tool of cooperation with the countries of the European Economic Area (Switzerland, Norway), the EU candidate countries and the countries where the European Neighbourhood Instrument applies. But the uptake of the EGTC regulation's amendment is slow with the first members from Switzerland, Ukraine, Palestine and Albania.

Table 2: EGTCs with members of third countries

| | | | | |
|-------------------------|--|---|---|--|
| NAME of the EGTC | Amphictyony of Twinned Cities and Areas of the Mediterranean EGTC (2008) | Interregional Alliance for the Rhine-Alpine Corridor EGTC (2015) | EUCOR – The European Campus EGTC (2016) | Tisza EGTC (2015) The EGTC structure is essential as this is the first time that cooperation has been established between EU and non-EU countries in Hungary |
| Territory | Greece, Cyprus, Italy, France, Albania and Palestine (2016) | Germany, Italy, Netherlands, Belgium, France and Switzerland | France, Germany and Switzerland | Hungary and Ukraine |
| Members | 39 municipalities from Greece, 7 municipalities from Cyprus, 1 municipality from Italy, Ramallah from Palestine | 20 members. This includes a non-EU member, the Swiss canton of Basel-Stadt | University of Freiburg, University of Haute- Alsace, Karlsruhe Institute of Technology and the University of Strasbourg, University of Basel | Szabolcs-Szatmár-Bereg County and Kisvárdá; Transcarpathia ; 229 municipalities (in Hungary) and 609 (in Ukraine) |
| Grouping seat | Athens | Mannheim | Freiburg im Breisgau | Kisvárdá, Hungary |

Source: The table is based on the EGTC monitoring report 2016

An amendment of the EGTC regulation aimed to clarify and support the participation of members from non-EU countries in EGTCs and allows for different procedures. According to Regulation (EU) 1302/2013 an EGTC may be made up of members located in the territory of at least two Member States of the European Union. The participation of members from third countries neighbouring an EU Member State in EGTCs established between at least two Member States should be possible where the legislation of a third country, or agreements between at least one participating Member State and a third country, so allows.

As an exception to the conditions specified in article 3a. of the Regulation (EU). 1302/2013 the bilateral EGTCs are possible under the same rules. An EGTC may be made up of members located in the territory of only one Member State and one or more third countries neighbouring that Member State, including its outermost regions, where the Member State considers that EGTC to be consistent with the scope of its territorial cooperation in the context of cross-border cooperation under the European Neighbourhood Instrument (ENI) and the Instrument

for Pre-accession Assistance (IPA II), but also in the context of complementary financing from the European Development Fund.

Table 3: Objectives of the EGTCs with members of third countries

| NAME of the EGTC | OBJECTIVE |
|--|---|
| Amphictyony of Twinned Cities and Areas of the Mediterranean EGTC (2008) | The EGTC organises seminars for the elected representatives and staff of municipalities that are members of the EGTC Amphictyony. Regarding the involvement of the EGTC in EU projects, it acts as leader or as partner in programmes and projects. It is envisaged to incorporate other municipalities from Israel, Lebanon and Northern Africa. |
| Interregional Alliance for the Rhine-Alpine Corridor EGTC (2015) | The main objective of the EGTC is to facilitate and promote territorial cooperation among its members and to jointly strengthen and coordinate the territorial and integrated development of the Rhine-Alpine Corridor from the regional and local perspective. In this framework, the EGTC has developed a „Joint Strategy” for the Rhine-Alpine Corridor. |
| EUCOR – The European Campus EGTC (2016) | The EGTC, the Eucor universities wish to promote cross-border cooperation between higher education institutions in the tri-national Upper Rhine region. The EGTC serves as an instrument for the universities to raise their profile and enhance their standing in the European and international cooperation for funding, students and researchers. |
| Tisza EGTC (2015) | Building connections at the external border of the EU with a neighbouring third country is a challenge for the EU, Hungary and Ukraine. The biggest advantage of the Tisza EGTC is that it allows the implementation of international projects with joint planning and cross-border impact, which is of crucial importance in the region. Many problems need to be solved cooperatively, from the common flood protection and the renovation of Transcarpathian wastewater treatment plants. |

Source: The table is based on the EGTC monitoring report 2016

The actual creation and operation of cooperation systems largely depends on the legal system and political attitude of the neighbouring countries, where the authorities of the central governments are still convinced that each type of international relations is the monopoly of the bodies of the central government

The central governments acknowledges the significance of cooperation but try to keep them under state control, favouring the initiatives generated by the

central state authorities. Consequently, the building-up and institutionalisation of cooperation systems are largely influenced by bilateral agreements signed by central governments.

1. That is why it is very important to adopt bilateral and multilateral agreements with neighbouring countries.
2. For third country partners interested in an EGTC to be involved in it is essential to pass a national legal regulation that allows such a form of cooperation.

Closing remarks

Our main objective in this paper was to explore how the development of cross-border networks was affected by the existence of national borders and how local actors could use the border situation to act as brokers vis-à-vis their neighbours in the external border areas.

Cross-border governance operates on coordinated action by the EU, the Member States and regional and local authorities in accordance with the principles of subsidiarity and proportionality.

The European Grouping of Territorial Cooperation (EGTC) can be a useful tool for implementing permanent, flexible and accountable cooperation structures. The EGTC can empower peer regional and local authorities to carry out bottom-up initiatives and to manage a programme or a part of it. These groupings can facilitate the EU co-funding of projects and ensure that action is sustainable.¹¹ The revision of the EGTC regulation opens up new perspectives for the participation of entities from third countries.

1. However, the development of cross-border cooperation in the external border areas is slow yet because the contribution of regional and local levels of good governance is determined by the extent how the central government broadens their competence in public law. Although there is a clear trend in Europe towards a process of decentralisation, which is not uniform, the conditions for such shared governance have not yet been met in full, and the competences devolved to regions and municipalities vary between the EU Member States. The needs and challenges facing local and regional authorities in the third countries are the public administration reform and the fiscal decentralisation, as required by the principles of the European Charter of Local Self Government. There is a need for a boost in public administration reform, the need to speed up the development of local democracy, transparency and

¹¹ Committee of the Regions CORLEAP: Time to rethink the Eastern Partnership – Report from Local and Regional Authorities for the Eastern Partnership to the Heads of State and Government at the Eastern Partnership Summit Vilnius, Lithuania, 2013, 6

citizen participation, working closely with civil society as experts and stakeholders in this matter.

2. Decentralisation of political authority in the practice of 'good governance' needs to be supported politically and financially by actors at all levels of governance in the EU: supranational, national and local.
3. Decentralisation will only succeed when local communities become involved, participate in the local decision-making process, express local priorities, and hold their local officials accountable for delivering the local services desired in a cost-effective manner. To assess the impact of EGTCs, it is important to see how they locate themselves within broader policy networks. To what extent have they appropriated space for themselves in the often complex governance systems of the borderlands, including actors at different territorial levels and with different political roles? This can be investigated as an issue of lobbying and advocacy work, but also, given the EU origin of the EGTC format, as an issue of fitting into the existing EU frameworks for distributing resources.¹²
4. The EU's commitment and assistance need to be matched with the dedication of non-EU governments to implement the necessary political and legal reforms, to establish the required administrative capacity, and to cooperate amongst themselves.

¹² Overview of the EGTCs around Hungary, (Ed.: Sara Svensson –Gyula Ocskay): Central European Service for Cross-Border Initiatives, 2016. 106

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A „jó kormányzás” kihívásai az Európai Unió külső határtérségében

Összefoglaló: A „jó kormányzás” kihívása a globalizáció korában a nemzeti kormányzati rendszerek közeledését jelenti. A szubnacionális szintű integrálódás során felértékelődnek a határon átnyúló együttműködési formák a fejlesztéspolitikában, az Unió kohéziós politikájában, valamint a harmadik országokkal a szomszédságpolitika alakításában.

A határ menti együttműködések jogi-normatív szabályozása terén az Európai Parlament és Tanács 1082/2006/EK rendelete az európai területi együttműködési csoportosulásról (EGTC) a tagállami joggal szemben elsőbbséget élvez, közvetlenül hatályosul, és közvetlenül alkalmazható, figyelembe veszi a szubszidiaritás és az arányosság elvét, úgy alakítja a szabályozási kereteket, hogy közben tiszteletben tartja valamennyi tagállam alkotmányos rendjét. Az EGTC rendelet megteremtette a különböző típusú határon átnyúló kooperációk jogi keretét, homogén jogi bázist és jogi stabilitást biztosít az együttműködések intézményesülésére. Az EGTC a decentralizált partnerségek együttműködését segíti elő, és megfelel annak a demokratikus ismérvnek is, hogy a határon átnyúló együttműködések hatásköreik révén kiegészítik a központi kormányok tevékenységét. Ezzel a „kormányzás új formájának” megteremtésére adnak lehetőséget a határrégiókban. A tanulmány azt vizsgálja, hogy mi az EU tagállamai központi kormányainak szerepe a határ menti kapcsolatok és együttműködési gyakorlat erősítésében, a decentralizált határon átnyúló együttműködések jogi korlátainak felszámolásában az Európai Unió külső határtérségében.

Kulcsszavak: Európai Területi Együttműködési Csoportosulás, jó közigazgatási gyakorlat, az Európai Unió határain kívül lévő területek, az EGTC szabályozása, decentralizáció, nem tagállamokkal való együttműködés