



REPORT TO THE EUROPEAN COMMISSION

Outcomes of the Visegrad Four conference
on legal accessibility

14-15 September 2021.
Visegrád, Hungary



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1 THE CONTEXT

During the recent years, attention paid to the obstacles stemming from the lack of legal harmonisation in the EU has been increasing. Although, the scope of *acquis communautaire* permanently broadens and the new regulations are included in the national legislation, experiences show that due to the differences between the national administrative systems and the legal background numerous legal obstacles make difficult the border citizens' everyday lives and the success of cross-border cooperation.

Accordingly, in 2015 the European Commission launched the Cross-Border Review project which aimed at unfolding the persisting legal and administrative barriers between the Member States and to formulate policy recommendations for their elimination. These recommendations have been summarised in the Communication Boosting Growth and Cohesion in EU Border Regions which envisaged EU level interventions in 10 fields, the setting up of the Border Focal Point commissioned with the communication tasks related to obstacle management (set-up in 2018) and the B-Solutions initiative. The projects amounting above 100 supported within the B-Solutions initiative so far provide a comprehensive and systematic approach to legal obstacles.

In Hungary, CESCO implemented the first *Legal accessibility* project¹, in 2016, with the support of the Ministry of Justice. The project was successfully accomplished: the CESCO team unfolded the background of 39 legal-administrative obstacle and made recommendations on their solution, based on 10 stakeholder workshops, more than 30 interviews, a compilation of European best practices and the analysis of nearly 250 legal documents. The documentation of nearly 600 pages has prioritised four fields of interest (namely: cross-border mobility, health care, cross-border labour mobility and short supply chains – local products) and discussed also two horizontal issues which may facilitate the systematic (non ad-hoc) management of obstacles: one was about the potential institutional background of legal accessibility, while the other addressed the elimination of lack of information.

Since the completion of the first project, the Ministry of Justice has been supporting CESCO's activities dealing with the obstacles and their elimination, every year. Within the framework of the milestones of the initiative, several sectoral legal and administrative challenges have been identified, and proposals have been made in order to provide solutions therefor, from cross-border movement of ambulance cars, through cross-border retail of local products to information provision facilitating the management of everyday problems. Apart from the concrete legal challenges, CESCO has also been working on the development of mechanisms and solutions which make the occurrence and resolution of similar obstacles manageable.

¹ Website of the project: <https://legalaccess.cesci-net.eu/en/legalaccessibility/>

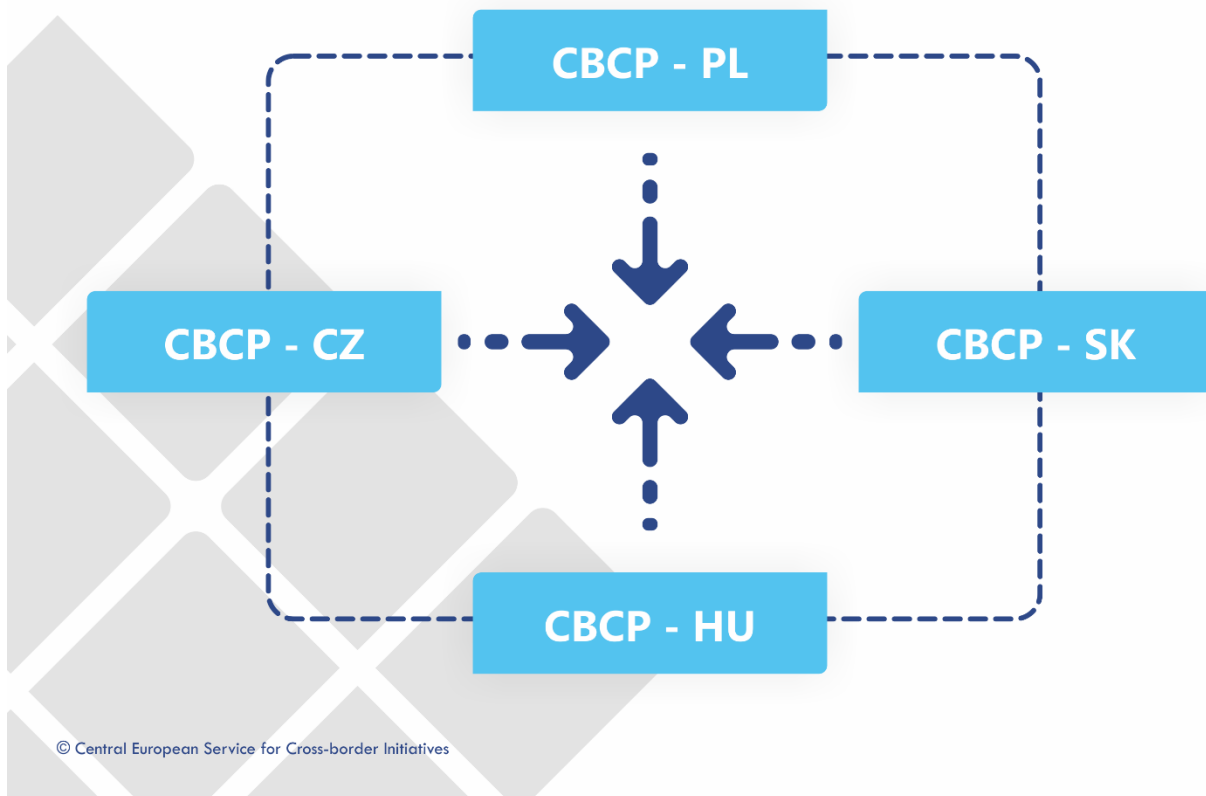
In 2018 and 2019, with the support of the International Visegrad Fund and with the involvement of the experts of the four countries, a V4 level project aiming to develop a joint mechanism for the elimination of legal obstacles between the partner countries, was implemented². The four countries' experts representing the University of Szeged (HU), the Masaryk University (CZ), the CESCİ Carpathia (SK) and the University of Warsaw (PL) used the model of the Freedom of Movement Council of the Nordic Council of Ministers as a basis for a proposal targeting the establishment of a platform adapted to the legislative procedures and economic-social-political circumstances of the Visegrad countries.

The experts of the four countries have developed three alternative structures dedicated to obstacle management.

The first (the simplest) model (consultative cooperation) was based on the draft Regulation on a European Cross-Border Mechanism, and it was restricted to the setting up of a national coordination point (NCP) in each state to be designed for ensuring the platform for negotiations between the V4.



The model of consultative cooperation

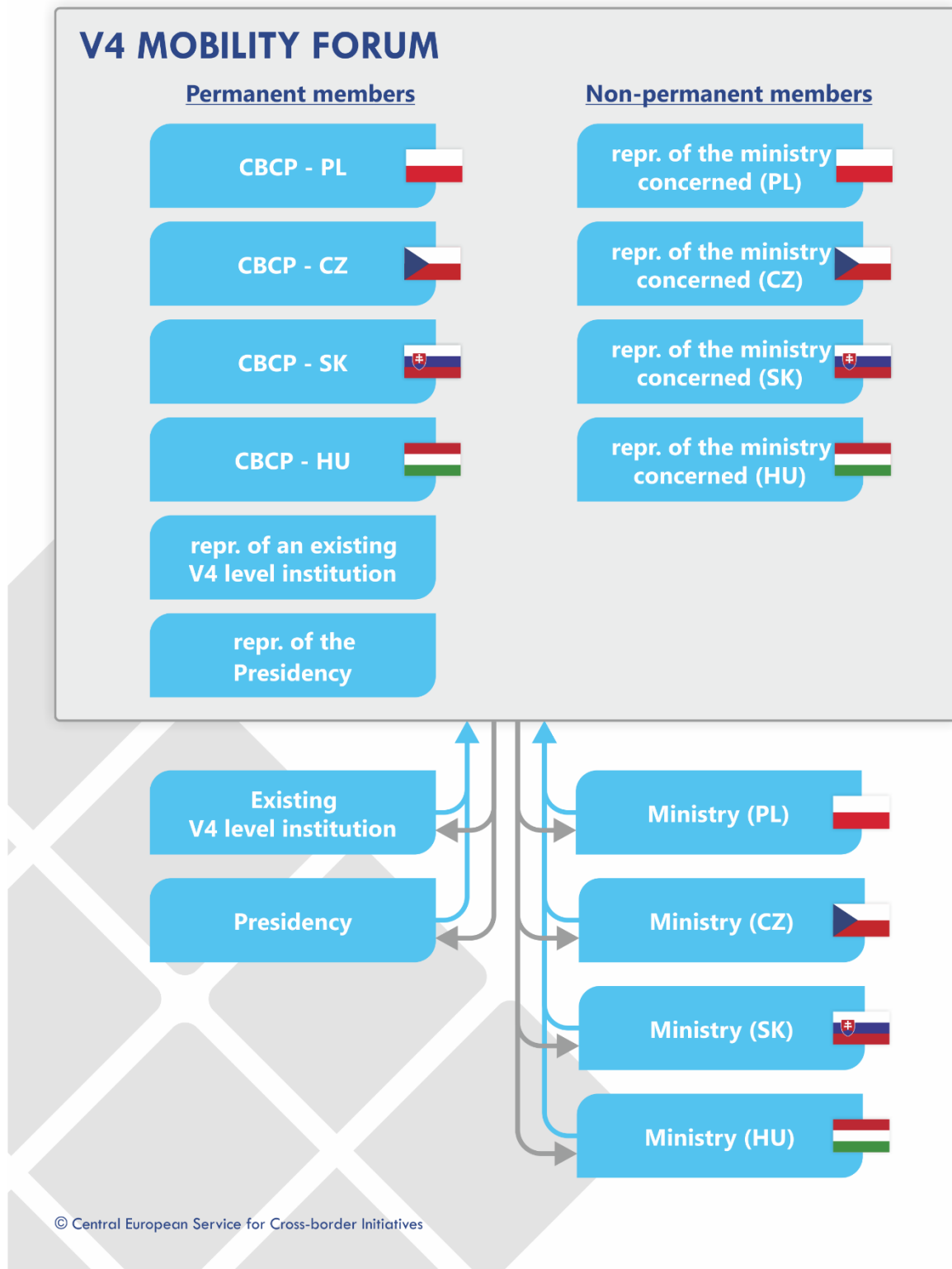


² More details about the project can be read here: <https://legalaccess.cesci-net.eu/en/about-the-v4-project/>

The second alternative (the V4 Mobility Forum) completes the system of the NCPs with a permanent coordinating institution (through an already existing V4 level body) and the rotating presidency. The meetings of the forum would involve the representatives of the ministries responsible for the targeted obstacle.



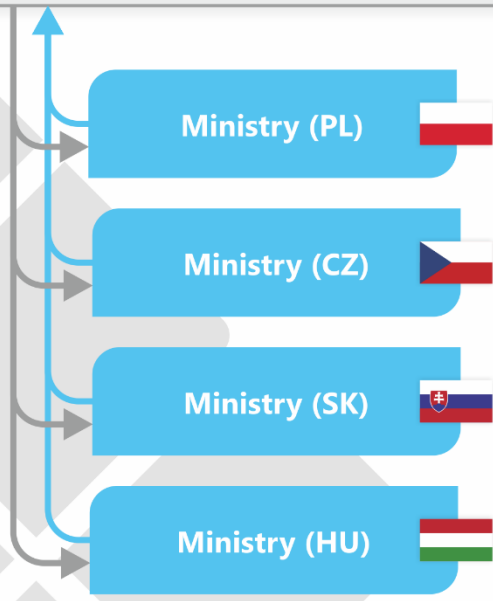
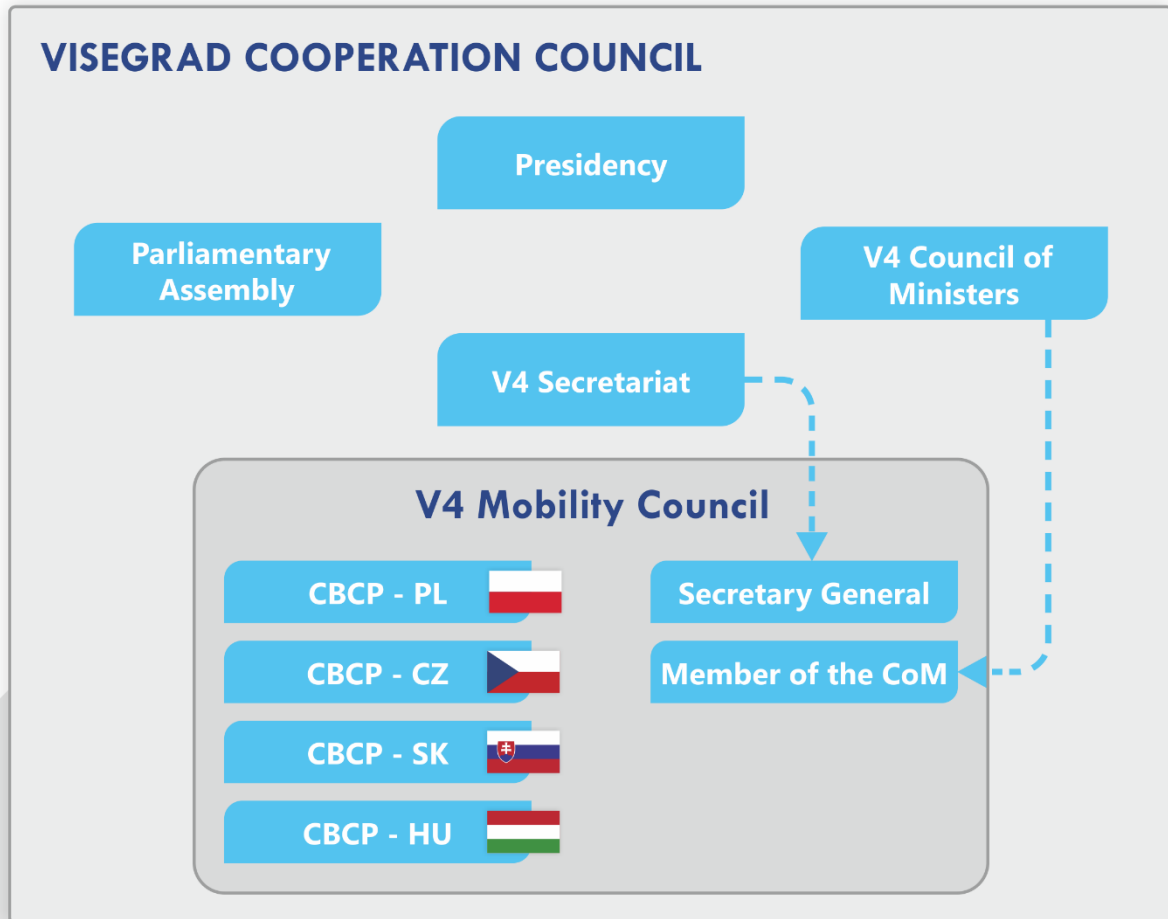
The model of the V4 Mobility Forum



Finally, the most complicated model (the V4 Mobility Council) would follow the solutions developed by the Nordic States.



The model of the V4 Mobility Council



2 THE FORUM AND CONFERENCE

2.1 The event

On 14-15 September 2021, CESCO with the support of the Ministry of Justice organized a forum and an international conference on legal accessibility between the Visegrad countries in Visegrád as part of the *Legal Accessibility Project*. The main objective of the event was to encourage the four governments to do their utmost to facilitate mobility between the Visegrad countries, including recognizing the degrees, harmonizing the transport and planning standards, providing access to health and social services in each other's countries, realizing student and faculty exchanges or facilitating the market access of local products.

On the first day of the event, the audience was able to learn about the history, current challenges, and future opportunities of the Visegrád cooperation in a round-table discussion. The forum was attended by Tibor Bial, Ambassador of the Czech Republic, Jerzy Snopek, Ambassador of Poland, Attila Szép, First Secretary of the Embassy of the Slovak Republic in Budapest, Sławomir Tokarski, Director of the European Commission's Directorate-General for Regional Policy, and Péter Kiss-Parciu, Deputy State Secretary of the Hungarian Ministry of Foreign Affairs. The discussion was moderated by the Secretary General of CESCO, Gyula Ocskay, who organised the discussion of the forum around five main issues. Participants of the round-table discussion first revived personal experiences and memories of the EU accession and the closed borders prior the democratic transformation, and then analysed the impact of the COVID-19 epidemic on the region and the countries' responses. Afterwards, the state of integration of the V4 countries was discussed, followed by the issue of legal and administrative obstacles that had already been overcome and those to be still solved. Finally, the discussion ended with an outlook to the future, during which the invited speakers discussed the future opportunities and challenges of the V4 countries.

On the second day of the event, an international conference was held, which consisted of two main parts. The audience first got to know the European context through presentations by Pavel Branda (Deputy Mayor of Rádlo Municipality, Member of the COTER Commission for Territorial Cohesion Policy and EU Budget), Jean Peyrony (Director-General of the Mission Opérationnelle Transfrontalière) and Martín Guillermo-Ramírez (Secretary-General of the Association of European Border Regions). In his presentation, Pavel Branda outlined the future of cross-border cooperation within the European Union, based on the Resolution adopted on 1 July 2021 by the Committee of the Regions on *'The Future of Cross-Border Cooperation'*. The Director-General of the MOT then described the use of a planned new EU instrument, the European Cross-Border Mechanism (ECBM), and the operation of the associated 'national coordination points' and finally, Martín Guillermo-Ramírez provided an insight into the B-Solutions accessibility initiative. In the second section of the conference, local obstacles – at the borders of the V4 countries – were discussed, using the methodology offered by B-Solutions. Obstacles were mentioned in areas such as labour law, multilingualism, health care, emergency care, infrastructure development, urban management, emergency rescue, money transfer, social security and health insurance.

2.2 The main findings

2.2.1 The obstacles presented by the speakers

2.2.1.1 Lithuanian-Polish border: governance

Border section	LT-PL
Name and position of the speaker	Rafael Peszka, initiator of the Lithuanian-Polish trans-border functional area
Sectoral classification of the obstacle	governance
Brief description of the obstacle	<p>The speaker introduced four obstacles:</p> <ol style="list-style-type: none"> 1. Lack of cooperation protocol for Polish-Lithuanian cross-border institutional cooperation in emergency management: although there are comprehensive legal documents, detailed protocols are missing, especially for the operation of firefighter organisations. 2. Legal obstacles to setting up and funding a cross-border business incubator: The relevant legislations in the two countries are not harmonized and does not allow local governments to transfer money to another municipality for services, and Lithuania lacks the necessary implementation documents. 3. The current social and health insurance regulations pose a problem for border residents working on both sides of the border at the same time: Current EU and national legislation on cross-border workers focus on people living in one country and working in another, but this border area is not densely populated, so it is often the case that someone lives on one side of the border but works on both sides (teachers, artists, technicians). 4. Development of a cross-border water supply network: due to low population density, low investment and the former border policy of the Soviet Union, people living in the border area have limited access to clean water; local governments alone are unable (without sufficient resources) to solve this problem.
ECBM relevance (can the ECBM tool be used to eliminate the obstacle?)	Yes, it could be applied within each subregion.

Border section	LT-PL
Proposal(s) to eliminate the obstacle	<ul style="list-style-type: none"> • Develop closer cooperation between public firefighter organisations. • Establishment of a cross-border institution based on the EU law: European Grouping of Territorial Cooperation (EGTC), which could be the legal entity managing the entire cross-border functional area. • Have an employee / business category that applies to those working on both sides of the border.

2.2.1.2 Hungarian-Slovak border: labour law, social insurance

Border section	HU-SK
Name and position of the speaker	Péter Nagy Director, Ister-Granum EGTC
Sectoral classification of the obstacle	Labour law, social insurance
Brief description of the obstacle	<p>In the field of cross-border work, differing social and health insurance rules are a major concern for workers. The problem is particularly significant if the worker is employed in two EU countries at the same time, as they can only be covered by the social security system of one country. It is up to the competent authority of the employee's country of residence to decide which country to register with. In the framework of the procedure, a so-called Application A1 must be completed and sent to the social security authority of the country of residence. Personal experience has shown that the assessment of the application is inconsistent. The outcome of the decision is independent of the employee's place of residence, but also of the number of man-hours at the place of work. Thus, it may have happened that two employees living in Slovakia but simultaneously working in Hungary and Slovakia received a completely different treatment: a person who works 60% of their man-hours in Hungary is subject to Hungarian law, while a person who works 70% of their man-hours in Hungary, it is classified to the Slovak social security system. This unpredictable system not only makes questionable decisions, but the length of administration is too long and too bureaucratic.</p>

Border section	HU-SK
	<p>The difficulties of the dual employment in the Hungarian-Slovak relation are multifactorial. The basic problem is the lack of information, as there is no clear directive and no specific information channel that would make it easier for citizens to be informed. It is not clear to employees how to complete the A1 certificate, and the employer is not informed of the decision of the social security authority at all. The length of the assessment is too long, up to half a year, and since the employee's payroll is prepared at the workplace, there is a risk that contributions will not be paid to the appropriate state. In such a case, the taxes and contributions paid must be reimbursed in the country concerned, while in the other country not only the arrears but also the fine for the delay must be paid. This may be exacerbated by difficulties arising from differences in different tax and social security systems. Thus, much higher amounts may have to be paid in another country than contributions paid and then refunded in one country. The situation is further aggravated by the fact that part of the salary and contributions of the worker concerned is financed by (EU) tender support, as current tender reports may be drawn up during the six-month period, which will then have to be adjusted due to reclassification between countries.</p>
ECBM relevance (could the ECBM tool be used to stop the obstacle?)	Yes
Proposal(s) to eliminate the obstacle	<ul style="list-style-type: none"> • Preparation of an operational manual, available in the languages of both countries. The EGTC currently has a study on a similar topic, but due to its length it is not suitable for use in everyday life. The aim is to make the language and length of the handbook appropriate for those involved in the subject. • The deadline for assessing the A1 certificate should be a maximum of 2 months. • Not only the employee but also the employer should be informed of the outcome of the procedure. • There is a need to standardize the forms for all EU countries.

2.2.1.3 Austrian-Hungarian-Slovak border: multilingualism

Border section	AT-HU-SK
Name and title of the speaker	Péter Halinka (Managing Director, West Pannon Nonprofit Ltd.)
Sectoral classification of the obstacle	Multilingualism
Brief description of the obstacle	<p>In many cases, the main obstacle to cross-border cooperation does not stem from a lack of willingness to cooperate, but from insufficient language skills. In regions where national languages differ significantly, cooperation is often limited to one of the international languages. In border areas people are less likely to speak even the major international languages, due to the peripheral location and the underdevelopment of the area, thus the establishment of primary contacts between locals is a difficult task. Due to this language barrier, even after Schengen the divisive effect of the border persists as a kind of mental barrier, which separates the populations of the two countries and hinders cross-border mobility. This phenomenon is clearly visible along the triple border between Austria, Hungary and Slovakia, where local communication between people of different language families is highly limited. Multilingualism, however, does not only enable cross-border social cohesion, communication and the exploration of a new culture, but it also contributes to the economic development of the region, as people who speak the language of the neighbouring countries have a wider range of options for employment, further education and training. The language barrier affects all age groups in society, therefore progress is also needed in the area of adult education to overcome this, involving not only children but also parents, teachers, education and teacher training institutions. Learning the language of the neighbouring country contributes to the development of cooperation between educational institutions, the exchange of methodologies and good practices, and the accumulation of personal experience.</p> <p>For this kind of initiative and a chance to succeed on both sides, external support and the establishment of a coordinating unit are essential. Municipalities, kindergartens and smaller educational institutions are unable to launch such a comprehensive process on their own, as the capacities available to them are often only sufficient to tackle day-to-day challenges. With the possession of adequate language skills, personal relationships could come to the forefront and an active community could be created.</p> <p>In the triple border region between Austria, Hungary and Slovakia the systematic development of language skills for different social groups has been pursued for 20 years.</p>

Border section	AT-HU-SK
EBCM relevance (can the EBCM tool be used to eliminate the obstacle?)	Yes
Proposal(s) to eliminate the obstacle	<ul style="list-style-type: none"> • The promotion of different languages: language teaching for children in kindergartens and schools; establishing cooperation between kindergartens and schools • Academic networking: the joint development of teaching materials, common guidelines, concepts and aids. • Awareness-raising: communicating the importance of multilingualism towards parents, decision-makers and institutions. • The development of innovative knowledge transfer: transferring region-specific knowledge in a multilingual space; providing joint training opportunities; involving teacher training institutions.

2.2.1.4 Czech-German-Polish border: healthcare and transport

Border section	CZ-DE-PL
Name and title of the speaker	Hynek Böhm, Professor, Technical University of Liberec
Sectoral classification of the obstacle	Healthcare and transport
Brief description of the obstacle	<p>The presentation identified two obstacles:</p> <ol style="list-style-type: none"> 1. The area around Šluknov in the Czech Republic is quite specific, as its physical geographical features separate it from the central Czech areas, while it is also surrounded by German settlements on three sides. The closure of the Czech hospital in the area posed a dilemma for local residents, as the two nearest hospitals are on the other side of the border, in Saxony. However, relying on German healthcare is not an attractive option for Czech citizens, as care costs a third more than it does in the Czech Republic and, although EU legislation allows for refunds, the difference between the two treatment costs is paid by the patient. The lack of coordination within the health sector stems from the right of Member States to determine the cost of medical care based on their own national price lists. However, in urgent and life-threatening situations, it is essential that Czech citizens have access to services provided by nearby German hospitals, although there is no clear regulation on how to ensure this.

Border section	CZ-DE-PL
	<p>2. Euroregion Nisa is divided by the Nisa River at the Czech, Polish and German borders. Negotiations on the construction of a common footbridge connecting the three countries were initiated in 2004, but construction has not yet started due to the differences in the procedures for obtaining a building permit in the three countries. While cross-border infrastructure usually requires bilateral agreements, in this case a tripartite agreement is needed. The main obstacle is that three different national building permits need to be obtained and the Czech authorities do not recognise technical documentation submitted by Polish engineers. Permission to carry out the construction work in the Czech Republic as part of the project has been denied: in order to proceed with the selected activities within the Czech Republic, it is necessary to apply to the chamber for the recognition of professional qualifications and for inclusion on the list of registered persons. For the German and Polish engineers, however, meeting any of these conditions is extremely time-consuming and expensive, and not worth it for the sake of a single project.</p>
EBCM relevance (can the EBCM instrument be used to eliminate the obstacle?)	Yes
Proposal(s) to eliminate the obstacle	<p>Regarding health services</p> <ul style="list-style-type: none"> • One possible solution would be the amendment of existing Czech legislation on health insurance and services to regulate the refunding of the cost of medical treatment abroad. This should be achieved along with measures based on multi-level governance structures and bilateral agreements, also involving the German stakeholders. • Life-threatening and emergency situations could be more easily handled by introducing small technical facilitation measures to immediately inform national health associations if a patient needs care at the nearest hospital across the border (e.g. dedicated smartphone apps or a telephone hotline). • Provisions regarding refunds in such situations should be included in the amendments of national laws. <p>Regarding infrastructure investments</p> <ul style="list-style-type: none"> • One solution could be to swap the role of the main contractor for each project element or to expand the team of civil engineers with engineers from abroad.

2.2.1.5 Hungarian-Slovakian border: municipal management

Border section	HU-SK
Name and title of the speaker	Zoltán Herke (development manager, Arrabona EGTC)
Sectoral classification of the obstacle	Municipal management
Brief description of the obstacle	<p>A significant proportion of the budget of municipalities is spent on municipal management and green space management. Buying expensive and rarely used specialised machinery (seaweed cutters, briquetting machines, tall hoisting cranes, lawn mowers, etc.) is not profitable for smaller municipalities, as their purchase price, maintenance and use impose a significant financial burden on the municipality's budget, even if these machines are rarely needed. A new approach for municipalities is to purchase services instead of equipment. The online machine-sharing system developed by Arrabona EGTC to this end is a suitable tool for municipalities in the region to tackle their operational tasks. Győr, the central municipality of the EGTC, offers advice and solutions to the management of the surrounding municipalities by setting up a mentoring system and also provides the needed machinery to carry out the necessary operational tasks. Due to the special geographical characteristics of the region, Győr's agglomeration extends to the other side of the border, which means that it is theoretically capable of performing the operational tasks of the municipalities in southern Slovakia. In practice, however, a number of legal and administrative obstacles have been encountered regarding the transport and use of technical equipment across the border, as the conditions for providing services on the Hungarian and Slovakian sides differ. Questions emerged concerning the use of a specific equipment on both sides of the border, the condition in which it can be transported across the border, and whether the equipment can be transported on public roads at all and, if so, at what speed. Obtaining mandatory permits and complying with different legal rules is a major obstacle to the efficient operation of the online machine-sharing system. Another problem arises when tractors have to cross the border, as the relevant driving licence is only issued at the national level. The number plates of tractors are also problematic, as the legislation requires two number plates in Hungary and only one in Slovakia. Such minor differences observed in everyday life and the lack of a legal background hinder the provision of cross-border machinery services and the joint operation of municipalities. The same applies to the establishment of a joint mentoring scheme, since until the legal background of the obligations concerning the operation of</p>

Border section	HU-SK
	municipalities on the other side of the border is properly understood, it will not be possible to provide adequate advice.
ECBM relevance (can the ECBM instrument be used to eliminate the obstacle?)	Yes
Proposal(s) to eliminate the obstacle	<ul style="list-style-type: none"> • Conduct an analysis of the legal operating options. • Prepare proposals to amend the legislation causing the obstacle (harmonisation of legislation).

2.2.2 Visegrad Four level frames of obstacle management

During the event, several speakers referred to the significance of obstacle management.

Petr Mareš, Director of the International Visegrad Fund (IVF) highlighted the shortcomings of the cooperation's influence towards the grassroots level: while the high-level meetings of the leading politicians enhance the representativeness of the Visegrad countries at the international scene, the citizens are not involved therein and their lives are not impacted by the state-level activities. V4 governments should find ways how can they assist their citizens. Similarly, András Lázár, Hungarian V4 coordinator insisted the intensification of citizens' participation in the Visegrad cooperation and the promotion of the four freedoms of the EU between the four countries. The legal accessibility initiative provides a valuable support.

The participants of the forum put an emphasis to the achievements in the field of the economic integration promoting the development of societal ties. At the same time, they also pointed at the weak involvement of the citizens in the V4 project. The infrastructural and economic integration generate higher level of inter-state mobility. In this perspective, the role of the obstacle management is to remove those legal and administrative barriers hardening the mobility. The national level measures taken during the pandemic clearly demonstrated the need for a stronger coordination.

It was a shared view of the participants of the event that at least, some coordinating mechanism between the four governments and the four parliaments should be taken place, e.g. through the establishment of a network of the National Coordination Points. Besides, the regular meetings of the representatives of the four parliaments, provide the opportunity to put the topic in the agenda. The next messages should thus address the members of the national parliaments.

2.3 Relevant outcomes for the EU level

Some conclusions may be drawn from the event for the EU level policy making as well.

- (1) The B-Solutions initiative proved to be very useful and effective in the identification of persisting cross-border obstacles. What is more, several case studies led to a concrete solution. Consequently, the initiative is worth continuing after its completion.
- (2) The stakeholders greet the successful efforts of the Commission in terms of launching the ISO1 Interreg Specific Objective which promotes the systematic activities targeting obstacle management. It is recommended to regularly summarise the lessons learnt from these projects through an expert platform.
- (3) Although, the Council eliminated the draft proposal on the ECBM, the obstacles and barriers which have remarkable impacts upon the national economies and societies (and even the health systems) still prevail. Consequently, the Member States must be interested in the elimination of these barriers, too. If not along the original concept and by the original name, a tool for obstacle elimination still remains necessary to apply.
- (4) Due to the COVID-19 pandemic the national approaches have been strengthening accompanied with re-bordering and re-nationalising tendencies. At the same time, the pandemic also demonstrated the interdependencies of the Member States. Besides, as a consequence of the closure of the borders, the cross-border workers came to the fore, and cross-border commuting has been thematised in the policy discourse of the EU. This fact should be considered as the positive externality of the pandemic and it is to be exploited to keep the topic of cross-border integration above the surface.