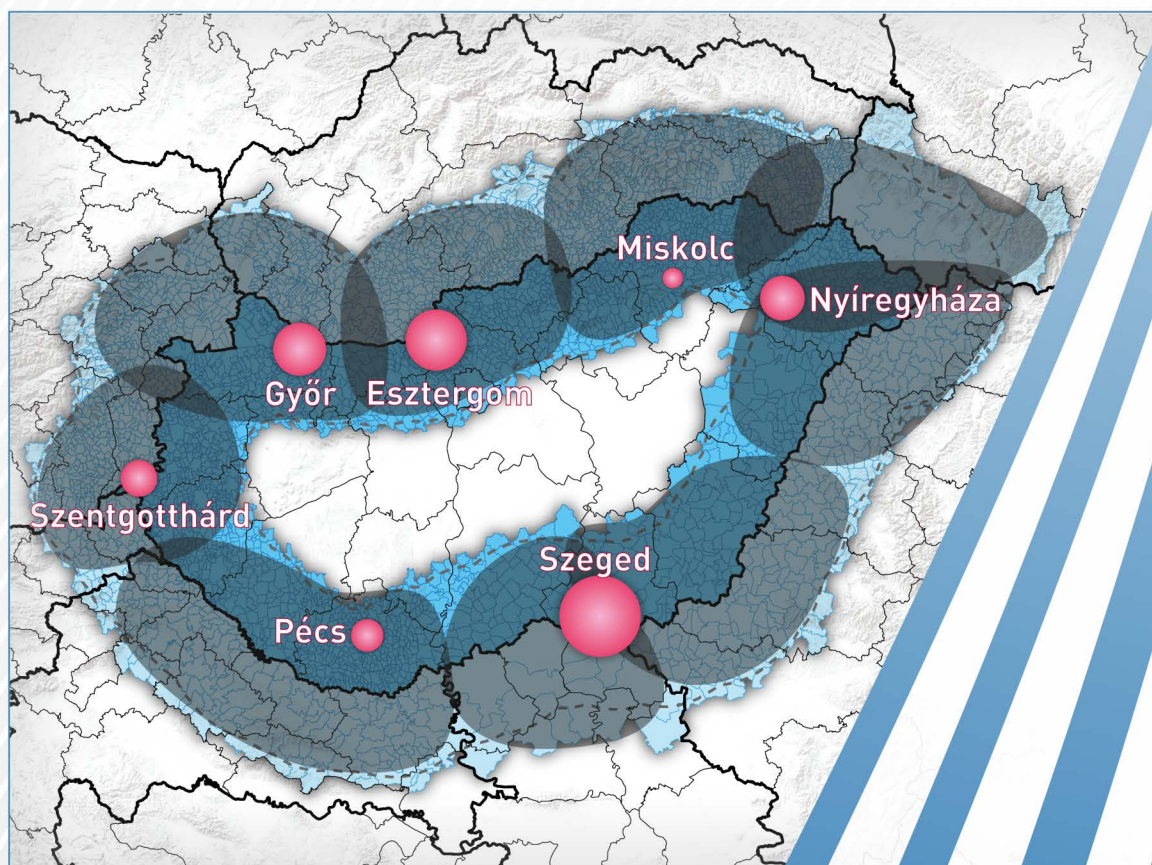


## Legal Accessibility

### Summary Report on the Stakeholder Workshops



Written by:  
CESCI  
Budapest, 2016

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## Background

### About the project

The lives of citizens living in border areas are daily affected by countless small or major, but nonetheless annoying problems of legal and administrative nature. These obstacles might leave determining traces, cause lifelong damage or even death for instance if the nearest hospital happens to be on the other side of the border and therefore impossible to reach.

Corina Crețu, Commissioner for Regional Policy in the European Commission who takes programmatic action against these kind of difficulties, launched an official consultation on 21 September in Vienna, aim of which is to draw up and solve the legal-administrative barriers hindering the existing cooperation between member states. During the Consultation, online questionnaires, senior counsellor consultations, as well as stakeholder workshops were organised.

Prior to the EU consultation, CESCI contacted the Ministry of Justice with the idea of a project that is very similar in its thematic and methodology and which envisions reducing the number of administrative obstacles present today along the Hungarian border and thereby strengthen cross-border cooperation. The coincidence in time of the two initiatives allows for the results of the 8 month Hungarian research to be implemented into the documents created and the suggestions made in the framework of the EU consultation.

Within the framework of the Legal Accessibility project, workshops are being organised along every border (9 in total, on the longer border sections 2 each) to which participants active in the cross-border cooperation of the border region are invited. During the course of the workshops we collect information on the difficulties experienced by local parties through round table discussions. The primary aim of these discussions is to identify problems on a territorial basis. An inventory was made about the issues raised by local participants. Based on this inventory, in the next phase of the

project we will be conducting interviews with sectorial experts, which will help explore the legal and administrative aspects of individual problems.

## Site selection

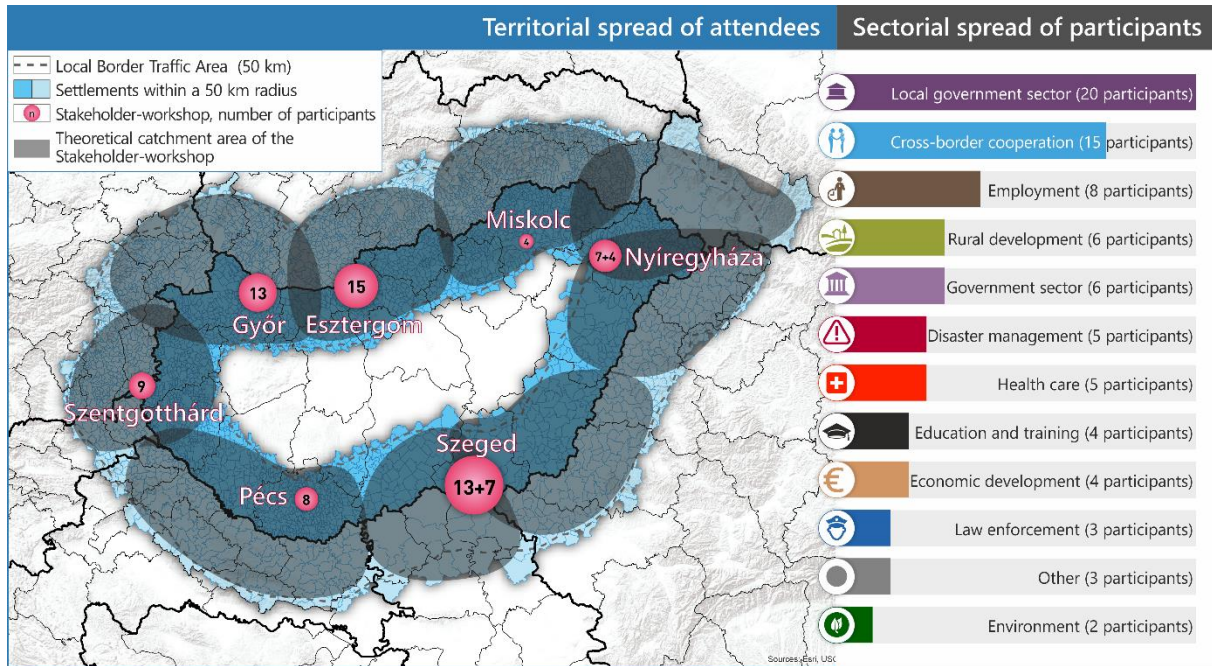
Whilst deciding on the location for the stakeholder workshops, the most important aspects were that the candidate city be easy to access and have a significant catchment area. Seven cities were selected where, during the course of three weeks and with the help and coordination of five CESCI associates, in total 9 workshops were organised, meaning that on two occasions, two consecutive workshops were held in the same city:

- Esztergom (Slovakia): 27 January 2016
- Győr (Austria, Slovakia): 2 February 2016
- Miskolc (Slovakia): 4 February 2016
- Nyíregyháza (Ukraine): 9 February 2016
- Nyíregyháza (Romania): 9 February 2016
- Szeged (Serbia): 11 February 2016
- Szeged (Romania): 11 February 2016
- Szentgotthárd (Slovenia): 16 February 2016
- Pécs (Croatia): 18 February 2016

During the 9 workshops, overall 81<sup>1</sup> people were addressed in the field of legal obstacles related to the seven border sections. Workshops held in Esztergom, Győr and Szeged had the highest number of attendees, with more than 10 people present. The following image shows the territorial and sectorial division of attendees:

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<sup>1</sup> In order to reach one of the project indicators' target value, an additional workshop will be held. These results will be included into this summary afterwards.



## Course of the stakeholder workshops

The workshops all had an almost identical course of action. Invitation and registration to the consultations were all done on-line. During the workshop, participants received a short briefing on the Legal Accessibility project and its background, as well as its goals and planned activities. After explaining the role of the workshop within the project, legal obstacles experienced by attendees during their cross-border activities were gathered with the help of each two CESCI associates on the spot. The identified obstacles, best practices and other relevant comments were summed up in a so called 'problem grouping' table.

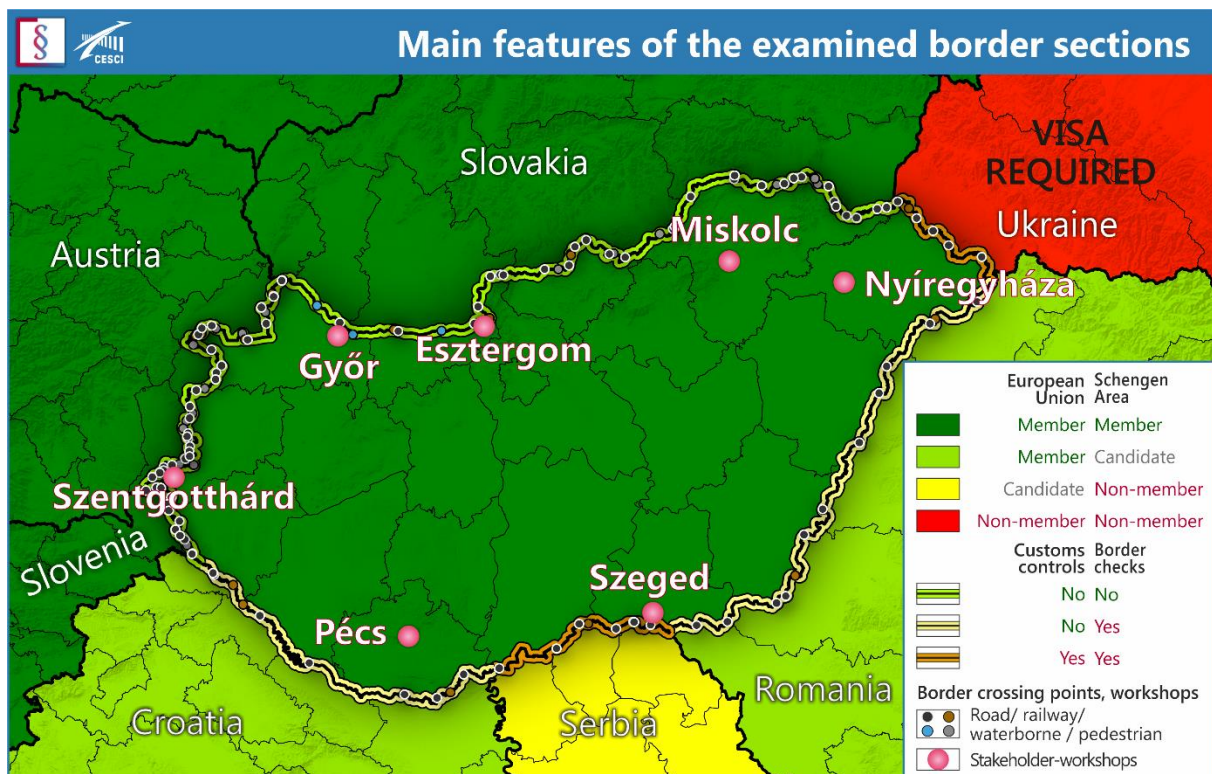
Identifying the obstacle		Suggested solutions	Comments
Sector	Naming the obstacle, describing the problem		

The individual obstacles that were mentioned were grouped by sector, and if the local actors concerned had any suggestions on how to resolve of the issue, it was also indicated. During the consultations, it was not uncommon for obstacles of non-legal nature to emerge. These will not be examined closely during the project, but they will be briefly presented in the last chapter of the paper, to allow for their solution in the future.

## 1. Border description

In the last couple of years, Hungary's borders have undergone significant change concerning cross-border interactions. This change, however, is rather different in each border section. One common feature is the fact that most border sections – from an administrative point of view at least – are moving towards a more open approach. However, this approach depends significantly on the EU integration status of the border section. Along these lines, three main border groups can be set up:

- fully open are the Austrian, Slovak and Slovene borders, as these neighbouring countries all are EU member states and part of the Schengen Area as well;
- mostly open are the Croatian and Romanian borders, where the Schengen Agreement is not fully in act yet, despite the countries' EU membership; because of this, border police control is still present along these borders;
- the Serbian and Ukrainian borders are considered the EU's external borders, which is why customs and police control are both still active; additionally, traffic entering from the Ukrainian side falls under visa requirement.



Besides their legal status, interoperability between borders is greatly influenced by their physical accessibility, which is significantly determined by the number of border crossings (or in the case of open borders, crossing points), as well as their density. These values (mostly in the case of Austria and Slovenia) have undergone significant development during the last decade, which is why today's situation can be deemed quite favourable. In the case of Slovakia, despite the open border, the Danube and the Ipel' forming an actual physical obstacle on the western side of the border section is a problem factor, which makes it more difficult to construct crossing points. Another border river (Drava) is forming a physical obstacle towards Croatia. It is along this section that the distance between two crossings is the biggest, whereas crossing options have increased in the last few years on the Romanian side (however, the density of crossings remains fairly low). The reason for this is partly that due to the delay in Romania's Schengen adhesion, the existing transboundary public road infrastructure was not put into use, as a way of avoiding extra costs related to the building of border checkpoints.

In the case of the Serbian and Ukrainian border, the border crossing network is scarce, and even these only have a limited crossing capacity; there are only 3 crossings on both border sections that are open day and night.<sup>2</sup>

Openness and physical crossing options are necessary, but not satisfactory conditions of developing cross-border interactions. However, a linear connection between institutionalised relations and (theoretical) crossing options cannot be pointed out specifically. Cross-border partnerships, euroregions and territorial groupings are mostly found along the Slovak-Hungarian border, and their number is also high along the Romanian and Croatian border. In contrast, their number along the fully open Austrian and Slovene borders is insignificant. Similar institutionalised cooperation initiatives are emerging along the Serbian and Ukrainian border as well, in their case however, obstacles can primarily be ascribed to their non-EU membership, as well as

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<sup>2</sup> Whilst examining physical crossing possibilities, we did not take into account the current temporary border closure along the southern borders.

lack of legislative harmonisation with the EU, and only secondly to difficulties in border crossing.

In the next part, the situation, social-economic status and specific problems of individual border sections and the regions they divide will be presented one by one.

## Hungarian-Austrian border section

The approximately 356 km long Austro-Hungarian border is traditionally representing Hungary's "western border", which is why it serves as entrance for innovation in many aspects, and thus also related to intense cross-border interactions. Even though for decades it was closed by the Iron Curtain, the border section is considered relatively open since 1990, and has been free from any physical hindrance since Hungary joined the EU, and especially since its integration into the Schengen Area. As a result of its infrastructural conditions, as well as recent developments, crossing points follow one another quite closely.

Lives of citizens on both sides of the border are closely intertwined with each other socially and economically. Several thousand commuters are crossing between the two countries day by day (mostly to work in Austria), and entrepreneurs in the region have business interests and experience in both countries. In the northern part of the border section, especially in the region of Sopron and Mosonmagyaróvár, Vienna has a significant attraction force for the Hungarian local population, whereas in the south, in the area around Szentgotthárd, it is Graz that is especially attractive to the region's citizens. However, cities on the Hungarian side (primarily Sopron and Szombathely) also play a central role to some settlements on the Austrian side. The western neighbour's attractiveness can be assigned to higher wages, whereas Hungary's advantage lies in its lower price level regarding certain products and especially services. These differences are the main stimuli for cross-border mobility. It is along this border that the most active labour movement can be registered: in 2015, more than 70 thousand Hungarian employees commuted to Austria to work. Additionally, educational commuting can be seen as well, whilst the presence of Austrian businesses



on the Hungarian side is significant as well. Many choose to move to Hungary permanently or to spend their retirement in one of its homes. These phenomena are all by themselves significant in the process of collecting and (if possible) liquidating obstacles of legal-administrative nature.

## Hungarian-Slovak border section

The Hungarian-Slovak border is the longest among all of its borders with its 679 km. Just like the Austrian one, this border section has also witnessed dynamic liberalisation in the past decades. Strengthening of social and economic relations linking the two sides has become especially common in the western part of the border section, in the area around Mosonmagyaróvár, Győr, Komárom and Esztergom. After the EU accession, daily cross-border commuting became quite intense, mostly towards Hungary (exception being Mosonmagyaróvár and its surroundings, where Bratislava has quite a big impact, and recently also Košice). However, this tendency is significantly influenced by the actual economic situation, such as the proportion of tax and wages, as well as the Forint-Euro exchange rate. For example, following the economic crisis in 2008, the drop in commuter numbers (approx. 50%) was indeed noticeable. Today we can see that due to the higher salary in Slovakia, jobs across the border are getting more and more attractive in the eyes of Hungarian employees.

This border section is divided by the Danube. Consequently, limited infrastructural options of river crossing make for limited options in cross-border interactions, yet concerning institutionalisation, it is precisely this border section that is most active in the field of cooperation compared to all other Hungarian border regions (Arrabona EGTC, Rába-Duna-Vág EGTC, Pons-Danubii EGTC, Ister-Granum EGTC).

Somewhat dissimilarly, along the eastern border section mostly social cooperation initiatives are dominant; economic relations on both sides of the border between unfavourable areas are basically negligible. Even though several medium sized urban hubs can be found in the immediate proximity of the border (e.g. Balassagyarmat, Salgótarján, Ózd, Sátoraljaújhely), all of which have a less significant magnetic force

due to their restricted economic development. Despite the number of institutionalised cooperation initiatives in the past few years to support cross-border cooperation (Abaúj-Abaújban EGTC, Bodrogközi EGTC, Novohrad-Nógrád EGTC, etc.), the overly problematic situation of the areas fighting structural crisis is severely restricting initiatives' additional value potential. Still, cross-border urban sprawl such as experienced in Bratislava's agglomeration can now be seen in Košice and its surroundings: more and more people are moving to the Hungarian side of the border, since crossings are easier to access and getting more frequent. Also, they can buy a house with a garden for the same price they would pay for a small apartment in Košice. These processes are not yet followed by the emergence of a service providing network such as experienced in Bratislava, where a local bus connection has already been established, and Slovak speaking teachers were hired to the kindergarten in Dunakiliti. Settlements of the North-Cserhát and Abaúj in an unfavourable demographic and economic situation are increasingly getting interested in Košice's public services; especially education is widely used by Hungarian citizens.

Similar movements, but in the other direction can primarily be observed in the wider agglomeration of the Hungarian capital and along the western border, where the number of daily commuters has reached its peak in 2007, with an estimated 27,000 people legally employed on the other side of the border. Certain researches put the number of illegal workers at approximately the same number. Many southern Slovak Hungarian families choose Hungarian schools for their children even at elementary level, and a trend in the Hungarian direction can be seen too, although less intense than the Romanian example.

One particularity of the Hungarian-Slovak border is that many Hungarian citizens have purchased Slovak automobiles in the past, as there was no registration tax in our neighbouring country. However, this can only be operated through a Slovak enterprise. It is partially due to this that many Hungarian owned businesses were founded in South Slovakia.

As a parallel process, southern shopping tourism is very popular along the border due to the advantageous Euro exchange rate.

Overall, it can be said that out of all our borders, the most active movement can be seen along the Hungarian-Slovak border.

### **Hungarian-Ukrainian border section**

In the case of the relatively short (137 km) Hungarian-Ukrainian border section, the main problem is caused by the latter not being part of neither the European Union, nor the Schengen Area, and citizens are required to have a visa, which makes puts administrative barriers in the path of crossing the border. Furthermore, the infrastructural background of border crossing is problematic, as there aren't many crossing points, and circumstances (especially lengthy waiting time) are not fit for daily cross-border interactions. Another factor hampering local/regional relations is that both sides of the border are rather underdeveloped, peripheral areas that are heavily suffering from social-economic problems, which puts a limit on resource mobilisation and makes them less attractive for the neighbouring side of the border.

A closed border is very unfavourable for maintaining relations and cooperation. In the ten years following Hungary's EU accession, vehicle traffic plunged to a third, commercial freight transport is stagnating, and the number of Hungarian sister townships is the lowest here in comparison to other border regions.

However, differences in price level and life quality between the two sides of the border create significant cross-border traffic. In the direction of Ukraine, migration is rather shopping related, whereas towards Hungary, migration has more to do with employment, even though neither is really present on a daily basis due to the obstacles mentioned above. The rate of people seeking employment westwards is significantly strengthened by the consequences of the Eastern Ukrainian conflict, as it is also a way of escaping military duty for the male population.

## Hungarian-Romanian border section

The border between Hungary and Romania (the second longest with its 453 km) shows a very complex picture, as it divides two EU member states, one of which (Romania) is not part of the Schengen Area. Accordingly, border crossing is not free from administrative and physical hindrances, yet, thanks to the EU framework, barriers have significantly diminished during the last decade. Cross-border entrepreneurship and employment has become more and more frequent in the past few years, even though the unbalanced availability of jobs and difference in wages, as well as difficulties in border crossing still put firm limits on these activities. According to local actors' experiences, it is usually seasonal, unregistered employment aimed movement that is more common.

Border crossing infrastructure is in need of development and expansion. The number of crossing points and their density is relatively low compared to the length of the border, yet border crossing circumstances have significantly improved in the last few years (mostly regarding waiting time). Cross-border relations are showing most intensity in the area of Szeged to the South, and in the area of Debrecen in the mid-eastern section of the border. However, most of the border is connecting relatively unfavourable, rural territories on both sides, which weakens the intensity of interactions.

## Hungarian-Serbian border section

The Hungarian-Serbian border (164 km) is an external border from both the EU's and the Schengen Area's point of view, which makes border crossing difficult. There are not many crossing points and the waiting time is usually quite long, which is why the border forms a significant obstacle from the point of view of daily relations and thus also commuting. Still, relations are fairly active, especially in the area of the biggest metropolitan agglomeration along the border: Szeged. The city has a central cultural, educational and economic role to the other side of the border, and there is also a considerable shopping tourism. Both sides take interest in several cross-border

cooperation initiatives (DKMT Euroregion, Banat-Triplex Confinium EGTC), however, only limited participation is possible from the Serbian side, which can partially be ascribed to physical obstacles, and from another part to administrative legislation.

During the Balkan wars, tens of thousands of people moved from Vojvodina to the South of Hungary. Some returned after a while, others moved on, but fair numbers have settled for good in the region, many of whom are living a dioecious life, with businesses on both sides of the border. Simplified domestication has equally kindled a wave of movement among Hungarians in Vojvodina, but there are many working or studying in Hungary who do not actually live here, despite their Hungarian nationality.

### Hungarian-Croatian border section

The situation of the Hungarian-Croatian border section (355 km) is similar to the border between Hungary and Romania, since Croatia is not (yet) part of the Schengen Area. Consequently, border crossing is simplified but not fully without hindrance. The number and density of border crossings is astonishingly low, not just to the European average, but also compared to Hungarian standards (with a road crossing approximately every 50 km). The situation is especially unfavourable on the section laid out by the Drava and Mura rivers due to the scarcity of bridges.

The settlement construction is mostly rural, with small villages on both sides of the border, which are fighting similar structural socio-economic problems (agricultural crisis, unemployment, emigration, aging, etc.). As a result, the region is lacking asymmetries that would stimulate cross-border mobility. The Slavonian side, however, was badly hit by the Balkan wars, with it being the stage of the heaviest battles apart from Bosnia, which didn't only result in a drop in population numbers (by several hundred thousand people), but also caused damage to the infrastructure and settlement structure. Still, spontaneous interactions are frequent, partially thanks to the Croatian communities in southern Hungary; however, formal cooperation initiatives are still in an early stage. The most important initiative, the Pannon EGTC started its expansion towards Croatia last year, but the number of new members is still very low.

The most dynamic relations can be seen on the eastern side of the border section, where the connection between the two sides is more favourable, and the two major cities' relative proximity (Pécs and Osijek) has a dynamic effect on the region's economy.

### **Hungarian-Slovene border section**

Shortest among the examined border sections (102 km), the Hungarian-Slovene section, which can be considered fully open since both countries' EU accession in 2004, and the two sides' connectivity, as well as border crossing facilities can be deemed quite good. Similar to the Croatian example, the border here again separates two regions that are considered peripheral, rural areas within their own country, and which primarily have an unfavourable social-economic status, which is why cross-border interactions are less intense. In the field of institutionalised cooperation, some initiatives can be highlighted (such as the Muránia Euroregion, based in Lenti, or the Őrség-Rába-Goričko tri-national nature reserve). Social relations between the two sides have started to intensify lately, also due to programmatic approach of the two governments.

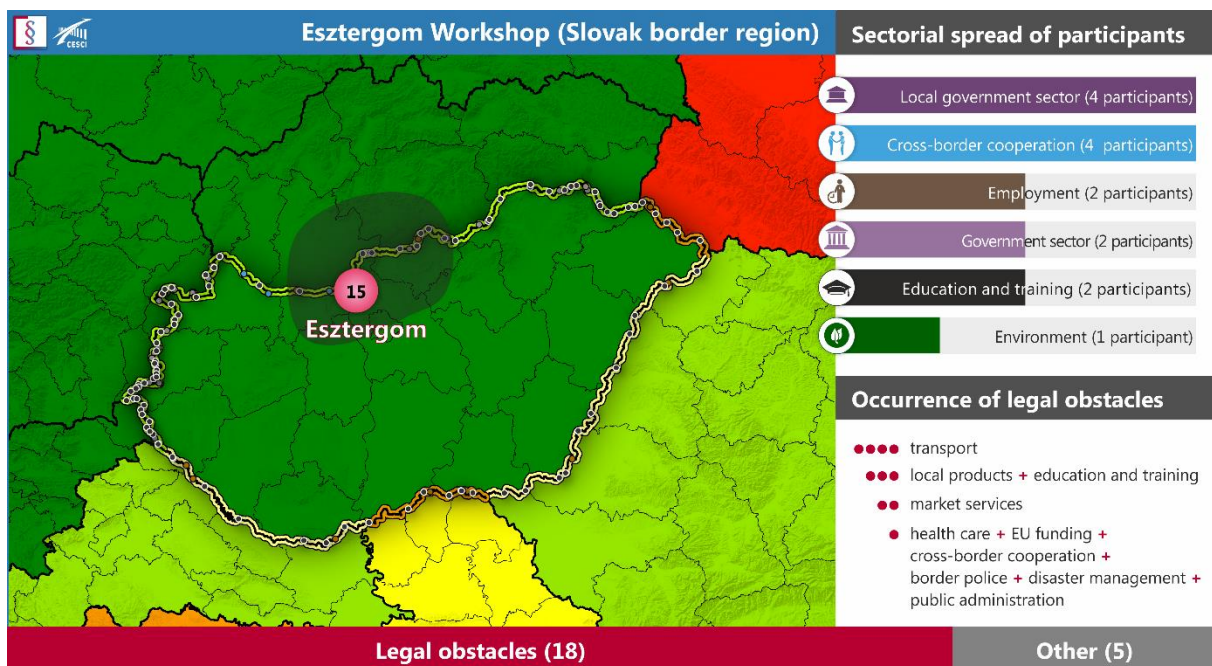
## 2. Legal obstacles identified during the workshops

In the next chapter, the data collected during the workshops. This information can mainly be dealt up into three categories:

- legal obstacles,
- best practices,
- other obstacles of non-legal nature or comments.

After having presented all mentioned information on a territorial basis, this chapter will be about ordering them by sector, which will provide guidance for the next phase of the project.

### Esztergom Workshop (Slovak border region)



Attendees of the Esztergom Workshop reported on the fact that cross-border commuting is mainly difficult from a transport organisational point of view. Apart from the fact that traffic services crossing the border are not meeting present demands, they fall under different Hungarian jurisdiction than inland ones (different technical regulations, required international driver's licence, different tariff system), which makes transport organisation more difficult, and operation (and thus, indirectly, the prices as

well) more expensive. This problem is especially relevant upon examining the connection between the Lower Ipeľ area and Esztergom. In comparison, regulations on the Slovak side regarding national coach services are less strict, which provides competitive advantage for businesses on the Slovak side compared to the ones in Hungary. For those commuting across the border, what poses a problem are the unsynchronised stops and schedules of contracted and regular services.

Komárom and Komárno have solved this problem by extending their own local services to across the border within the framework of a mutual agreement. However, the legal background of the cooperation was not specified during the workshop.

Use of student discount, especially on public transport is causing a lot of trouble: student discount is not default on international level, and only national student IDs are accepted in Hungary. Slovak students are allowed to travel by train free of charge with a special card, but such documents cannot be acquired by Hungarian students.

In the field of employment policy, apart from physical obstacles, what often causes a problem in the case of cross-border commuting employees is managing administrative affairs, such as calculation and conversion years spent in active employment (especially if employment was officially established in both states), entitlement to allocations and subsidies (difference in the number of years between the countries), as well as the lengthiness of accreditation processes of certificates (e.g. teacher's degree) which can sometimes take months. A related issue is the fact that in some fields of vocational training, transition between course requirements, as well as the whole training system of the two countries is very limited – there are differences in titles, study material, etc. Mentioned problems are however not always caused by legal obstacles. The lack of information and lack of alignment between international systems is also a significant hindrance.

A further inconvenience in the field of education is the mutual recognition of certificates, internships completed in the other country or student cards. For example,



Slovak students are not yet allowed to fulfil their recently introduced 50 hours of community work in their home country.

Most of the participants deemed health care to be problematic too. In this field, mainly based on experiences in the Ister-Granum region, identified problems are partly linked to cross-border patient transportation, and on the other hand linked to emergency care of foreign citizens in Hungary. While Slovak patients (at least those who have a contract with the Dôvera insurance company) have access to the Esztergom hospital's in- and outpatient services, in the case of an emergency, ambulances are not allowed to transport them to the other side of the border to Esztergom, even though it is the closest option for people in the Štúrovo Region. Another problematic fact is that an ambulance cannot transfer its patients from Szob to Esztergom (or the other way around) via Slovakia.

On a similar note, firemen cannot interfere on Slovak ground (there has been one example on limited assistance in an emergency, where an apartment in Štúrovo was on fire).

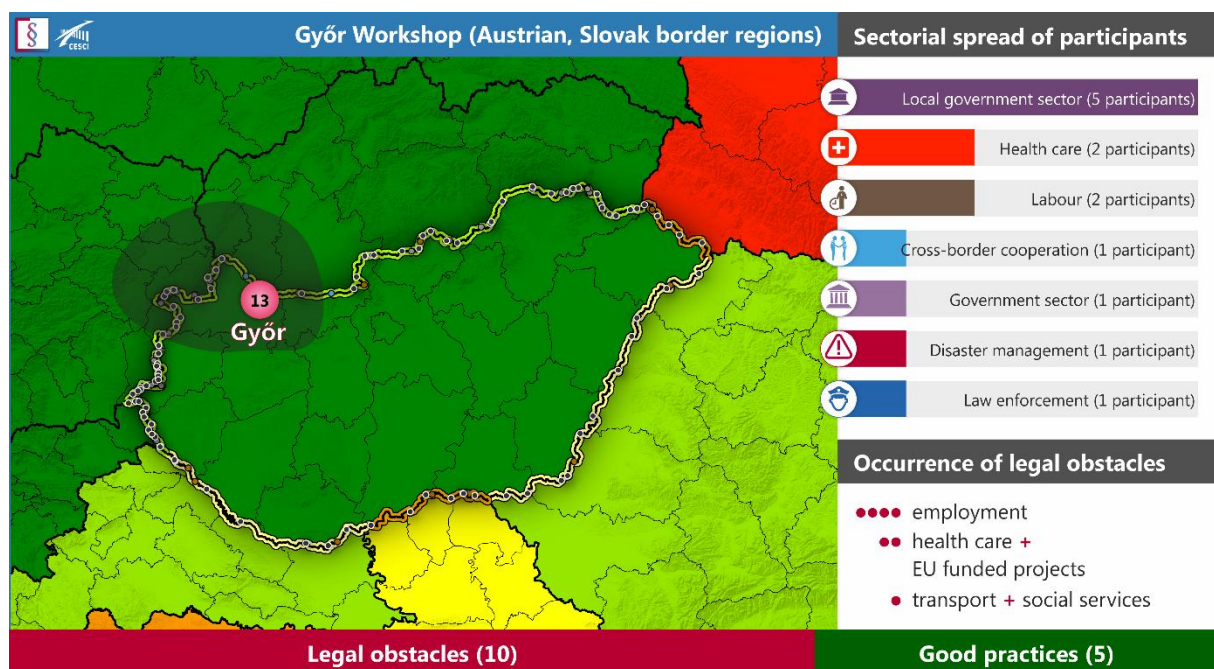
Last but not least, legal obstacles have been raised concerning local products and smaller difficulties concerning cross-border nature protection cooperation initiatives, as well as double public procurement obligations of cross-border projects. Hungarian distribution of local Slovak products is facing administrative obstacles: local producers have to register as VAT subject, and thus gets faces competitive disadvantage compared to Hungarian primary producers. Additionally, the Hungarian side of the border disposes of more rigid food safety regulations, which are difficult to adhere to (this is also why Slovak producers may not market meat products in Hungary). Interestingly however, the above mentioned restrictions do not apply for markets.

In the case of nature protection, daily work of authorities is obstructed by work organisational restrictions (e.g. superior approval is needed in Slovakia for all international activities). (There was an experiment in the 1990's to create a cross-border national park in the area, however, legislation made it impossible.)

Required individual public procurement in both countries for the realisation of cross-border projects is significantly increasing their time and costs, and in some cases even prevents them. Separate public procurement calls are needed even in obviously common projects like bridge construction. Further problems are caused by scenarios where the call is successful on one side of the border but fails on the other.

As a commercial obstacle, participants mentioned the fact that in order to purchase a Hungarian phone subscription, a Hungarian home address is required. This regulation, probably invented for debt collection purposes, does not exist in Slovakia. Obligation of home address cards tends to pose a problem for accessing other services as well.

## Győr Workshop (Austrian, Slovak border region)



During the Győr Workshop, relatively many legal obstacles were mentioned concerning employment. As mentioned by participants, in this aspect, equivalence issues are the result of difficult recognition of certificates, bureaucratic nationalisation of official documents, as well as the international differences between regulations related to simplified employment.

The biggest obstacle in the field of employment is the recognition of vocational training degrees. It can generally be said that in Hungarian workplaces where adequate

qualifications are required, a Europass certificate is insufficient. For example there is a big shortage of forklift drivers in Győr's industrial parks, despite there being a significant interest for these positions in Slovakia. However, qualified people need to undergo an assessment process in the equivalence centre, which costs around HUF 60-80 thousand and can take several months.

Recently, a new legislation on vocational training was put into effect which has both positive and negative effects. According to the new law, regardless of even 20 years of working experience, employees have to retake their exams in order to acquire a certificate to be accepted throughout the EU. However, and there has already been precedents for this, if the original vocational certificate was emitted in Austria (i.e. that is where the studies were completed), the "old" document (that is to say one not obtained within the new system) will no longer be accepted in Hungary.

A further employment issue consists of the fact that legislation regarding simplified employment differs on both sides of the border. This way, Hungarian parties cannot apply Austrian simplified employment regulations, even though it concerns Hungarian citizens, because something else is understood under the same term. This problem mainly concerns commuters to Austria, or seasonal, temporary employees.

Apart from employment, health care was also a popular topic. Identified legal obstacles were on the one hand related to cross-border patient transfer, and on the other hand to the financing of foreign citizens in Hungarian hospitals.

In 2011, there was a car accident on the M15. Legal issues escalated all the way to the National Directorate for Disaster Management. Capacity of hospitals in Győr and Mosonmagyaróvár was limited. In the end, 13 injured people had to be taken to Tatabánya, which is significantly farther away from where the accident had happened. From the Hegyeshalom area, the location of the accident, patients had to be transferred over a distance of 120 km because they could not be taken to Bratislava due to the border's hindering factor. A similar accident happened in Slovakia between Medved'ov

and Čiližská Radvaň. In this case, it was the nearby hospital of Győr that could not be accessed.

Compared to Austria, the legal environment of patient transfer is uneven. While Austrian ambulances have no problem transferring patients from Hungary over the border, even with rescue helicopters if necessary, it doesn't work the other way around: a woman in labour close to the Hegyeshalom crossing point cannot be transported by ambulance across the border to Eisenstadt or Wiener Neustadt. Instead of taking her to hospitals nearby, she has to be transferred within Hungary – in the case of this workshop that would be for example Győr or Mosonmagyaróvár. According to Hungarian law, patients always have to be taken to the nearest hospital. It is also written that Hungarian patients have to be transferred to Hungarian hospitals.

Concerning the financing of medical treatment, it needs to be highlighted that in reality, a lot more Slovak citizens are living in Hungary than can be seen from the official statistics (see for example Bratislava's cross-border suburbanisation). According to participants of the workshop, their real number is supposedly a lot bigger. The reason for this is that many Slovak citizens do not register themselves in Hungary after the move and do not officially live in Hungary. This is also a problem because the national health system does not refund medical services of foreign citizens to the Aladár Petz Traing Hospital in Győr. (Sometimes it concerns treatment costs from HUF 300,000 to up to 500,000.) Some cases of debt settlement can be extreme, on one occasion, mortgage was put on the patient's house, because he at least had property in Hungary, whilst being indebted several thousands of Forints. Providing different services related to employment and residency are also a source of problems, as well as verifications related to social and other service access. Hungarian employees have to prove not having of a Hungarian home address, as well as their everyday residence in Austria to be able to have access to social services from the state. This, however, is sometimes not clear even to law abiding Hungarian citizens.

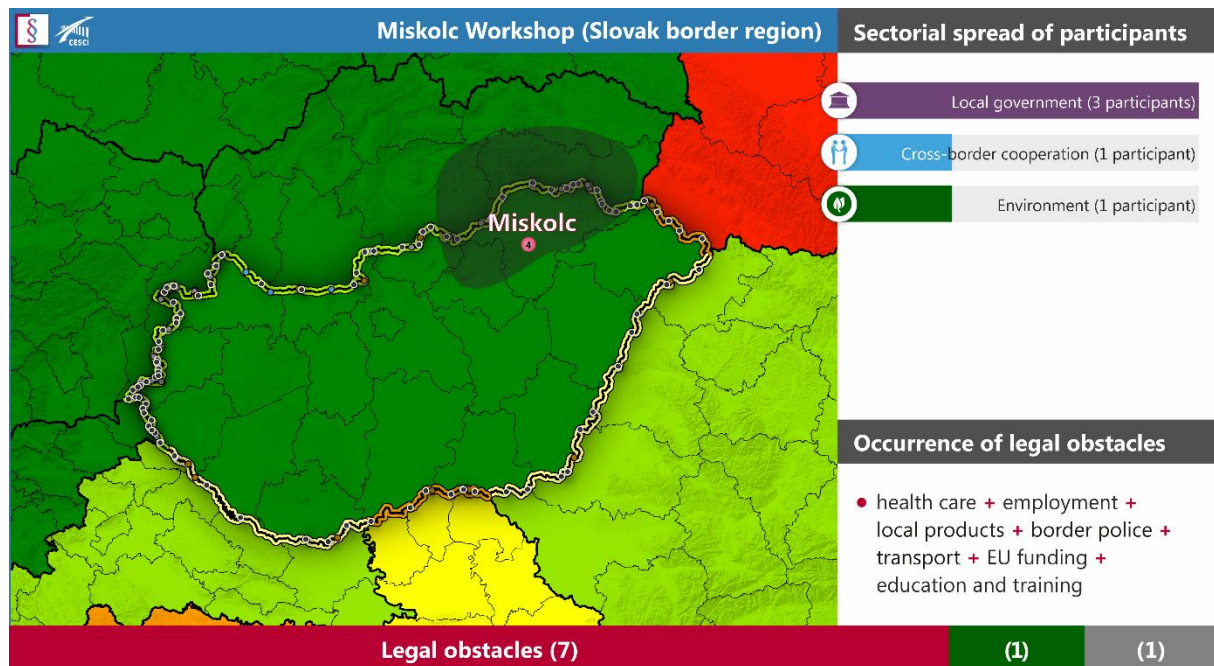
Questions concerning foreign employment in Hungary and their public servant status were also raised. Legislation related to public servants in the field of employment puts

significant provisions on foreign citizens. In order to gain employment in the health care sector, certificates have to be nationalised, while in several Western European countries it is sufficient to pass a professional exam to start working. In Hungary, this process takes at least six months. For the candidate to be employed, a memorandum of understanding is needed from the institution itself. Future employees have to apply for a Hungarian national insurance card at the government office, which has to be provided within 30 days. Furthermore, an operation registration number is needed, chamber membership needs to be applied for, etc. in order to fulfil a health care public servant or doctor's status.

In the field of border control and police, two best practices were raised: one is the common duty stations, and cases of cross-border criminal activity.

Last but not least, problematics in public transport have to be mentioned regarding international cross-border bus lines. There is also the unsolved issue of pre-financing international EU projects on local government level. In the former example, the problem is caused by the fact that the Győr-Velký Meder service is officially regarded as an international line, which is why it cannot be used for inter-country travel. This means that passengers cannot get off in the same country they embarked in. Since the coach cannot stop at small settlements along the line, its operation places a heavy financial burden on the shoulders of the operator.

## Miskolc Workshop (Slovak border region)



Part of the problems identified during the Miskolc workshop were related to local production and establishing short supply chains. In settlements along the border, compliance with national legislation concerning animal husbandry poses a problem when it comes to keeping livestock within the border. On the other hand, a public procurement issue was also raised concerning acquisition of local products by municipal institutions (kindergartens, schools, etc.). As it happens, this is not only a cross-border phenomenon.

Besides farming and local products, health care was another important topic. Free cross-border flow of patients (apart from emergency cases) is obstructed by legislative shortcomings, despite the 2011/24/EU directive. In order to overcome the problem, medical treatment of foreign patients is often documented as acute. This is how pregnant women from Bratislava can give birth in the Czech Republic, where they have access to a higher level of services. Apart from this, it was mentioned as a good practice, that one associate of the Via Carpatia EGTC is entitled to health care services in both countries, even though he is officially employed in Hungary. The exact legal background of the example was not specified during the workshop. In the field of

health care, cross-border integration of information systems used during medical services is facing multiple obstacles related to data protection obstacles.

Cross-border education and employment is fundamentally hampered by the lack of cross-border public transport, development of which is hindered by mainly legal/legislative obstacles. Representatives of the local government sector pointed out that the legal environment of Ukrainian aspects of cross-border employment is not clear, which is why illegal or semi-illegal employment often occurs. Simplification and specification of relevant legislation could be a solution to the problem.<sup>3</sup>

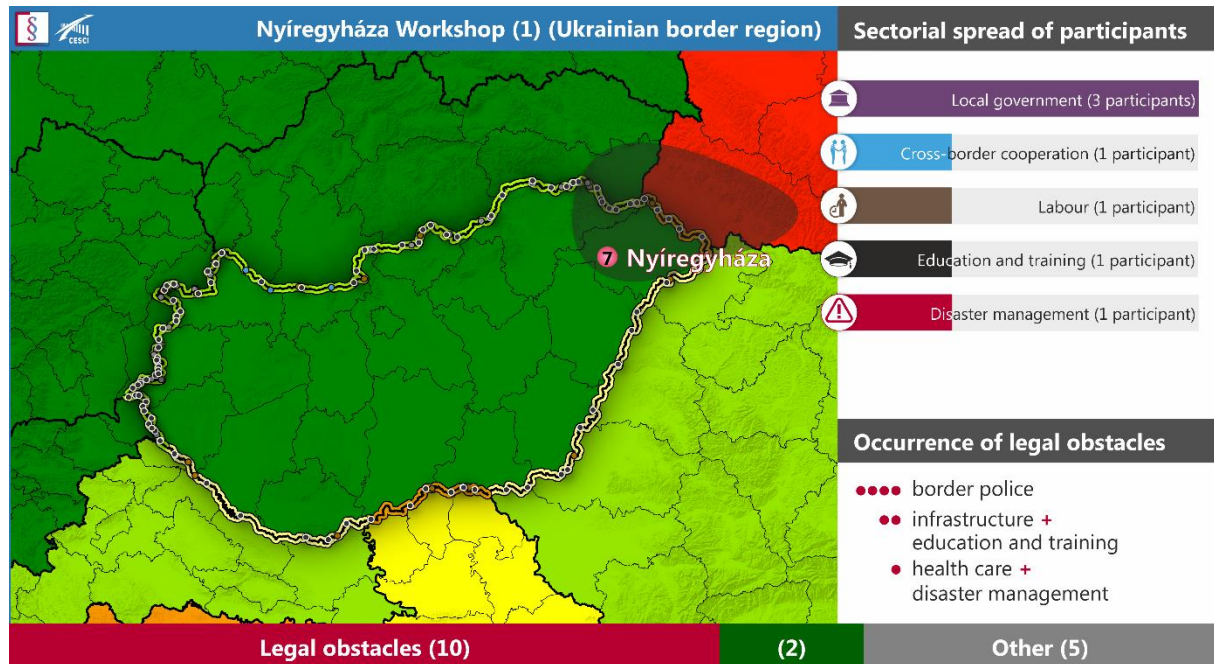
Access to EU funding is rendered difficult by the fact that foreign children in kindergarten can only frequent Hungarian establishments in exchange of a tuition fee. This is expressed as an income for the education establishment, which decreases the sum of the accessible funds at kindergarten or school enlargement calls. Finding means of obtaining the remaining necessary funding is a big problem for some institutions.

As a best practice, long-term strategic partnership of water service organisations was mentioned not just on a daily operational level (continuous communication, common use of warning systems), but also in the case of an emergency.

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<sup>3</sup> However, during the Nyíregyháza Workshop, the head of the Government Office's Department for Employment reported that legislation concerning employment flows from Ukraine are adequate.

## Nyíregyháza Workshop I. (Ukrainian border region)



The Ukrainian-Hungarian border region differs significantly from border sections with EU member states both in experiences related to cooperation, as well as border crossing options. Formal cooperation and relationships are not in a very advanced stage yet, and common development initiatives have not yet reached a point of identifying specific obstacles.

The most important legal barriers from a Ukrainian-Hungarian point of view were raised in the field of border control. Border crossing conditions have deteriorated lately for locals. According to participants' reports, pedestrian crossing has been closed down at Záhony, which makes many turn to alternative means of transport, such as hitchhiking, thereby crossing the border seated in the car of a stranger. The reason for these severe measures is said to be illegal tobacco trafficking. This all results in there not being a predictable border crossing routine for daily commuting or cross-border cooperation. This is why in the field of education, rather than to commute on a daily basis, students usually stay in dorms. Another border control obstacles was mentioned, namely the fact that musicians and participants from across the border cannot get to the common event to Hungary, because visa are difficult to come by. Stakeholders asked to explore the legal environment of ad hoc and/or group visa options.



Among the development concepts of the region, there are some which would require their legal background to be further examined, such as the possibility of a common drinking water and sewage network between Záhony and Cop, which is still only in the planning stage. This kind of developments would be necessary because environmental consciousness is still quite rudimentary on the Ukrainian side. In some places, sewage is drained directly into the Tisza.

In the field of education and training, one of the problems mentioned is that free public education on the Hungarian side of the border can only be accessed by students with a permanent Hungarian home address. As a solution, just like along other border sections with similar difficulties, it is a common practice to acquire a Hungarian home address.

Concerning training, a significant hindrance is caused by the different legislations and difficult system harmonisation of certain profession in both countries. In the meantime, cross-border vocational training options are continuously increasing in Hungary. Hungarian citizens in Ukraine usually cross the border to study to benefit from the more favourable opportunities.

Technical instructor mobility is impossible due to the rigid legal regulations. Hungarian employment of Ukrainian teachers for general subjects is never really an option, as less and less instructors of this kind are needed within the Hungarian vocational training system.

Regarding employment, participants of the workshop gave account of the appropriate regulation of employment of workforce arriving from across the border. Illegal employment is regularly checked in the area, and those who are caught are facing heavy fines. Accordingly, authorities experience a decline in this trend.<sup>4</sup>

In the field of health care, the same obstacle was mentioned along the previous border sections, namely that ambulances cannot cross the border. In one occasion, a

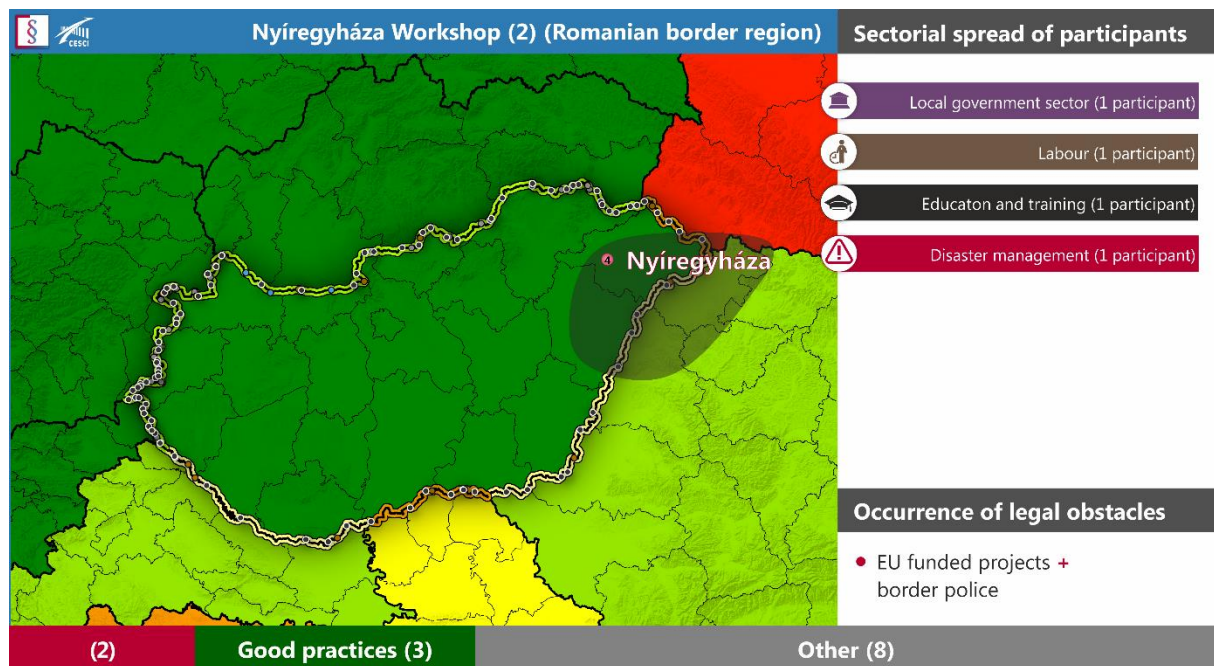
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<sup>4</sup> Controversially, a representative from the local government sector at the Miskolc Workshop reported on there still being significant semi-illegal or illegal employment in the region streaming in from Ukraine.

Hungarian citizen was taken ill right at the border, but the Hungarian ambulance did not have any jurisdiction to pick him up, and the patient was thus transported to Cop. However, there are many who cross the border from Ukraine in order to have access to better medical services in Hungary (usually dual citizens who also dispose of a Hungarian home address). Additionally, several women come to Hungary to give birth. In these cases, all administrative duties concerning the baby are done by Hungarian authorities.

Concerning disaster management, cross-border relations are fairly weak. In addition, higher level consultations would be necessary for cooperation as well as common operative work in both countries.

## Nyíregyháza Workshop II. (Romanian border region)



Participants of the workshop reported that due to the reinforced border control, daily commuting has become more difficult recently, which is why facilitating border crossing for local commuters is considered to be very important, for example by opening a special lane just for this purpose. Another problem related to the topic of border control is the one-sided, increased inspection of trucks on the Romanian side, which causes significant congestion in the area.

In the field of disaster management, there is already some form of cooperation between Romanian and Hungarian colleagues, even though cross-border cooperation would require a higher level of consultation between the two countries. In urgent risk management cases, organised units of both nations are allowed to cross the border. Thus, common practice sessions are held from time to time.

In the region of Biharkeresztes, in the previous EU financing period, a tender was submitted for the creation of a common Hungarian-Romanian emergency health-care centre. However, the tender was not successful. Legal background of setting up a common centre still needs to be explored.

Participants of the workshop agreed that common projects and calls financed from cross-border programmes, a unified accounting system would be necessary.

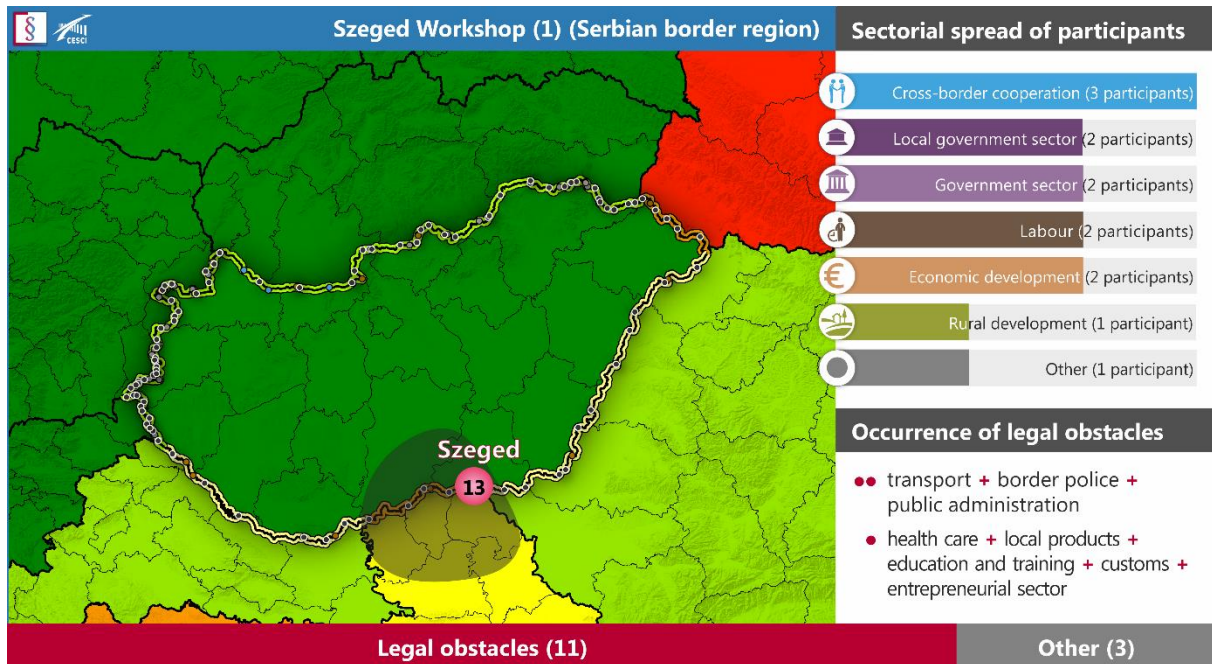
Founding a so called Market Alliance is among the development concepts of the region. Five settlements from Bihar County and ten from Hajdú-Bihar County, as well as representative of Hajdú-Bihar County have signed a declaration of intent related to this project. The aim of the Market Alliance is to “seek out products related to alimentation, traditional folk culture, trade and handicraft in rural production, to create its cluster, present it to the wide public and assure its sale options.” According to the Mayor, who was also attending the workshop and signed the declaration himself, the legal environment related to the sales options realised within the framework of the Market Alliance still needs to be explored, since its obstacles are not fully known yet to all cooperating parties.

Since September 2015, there has been a regular bus service between Oradea and Biharkeresztes. Between the two cities, there are daily three services on weekdays and six on weekends with 9 stops each. Even a Romanian hypermarket is among the financial contributors. The hypermarket hopes to this way win customers, who can profit from the Sunday opening times as well as the lower VAT rate. Additionally, the bus connection is means of commuting for approximately 700 Bihar County residents, who live in Biharkeresztes but work in Nagyvárad, or have children who go to school there.<sup>5</sup>

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<sup>5</sup> Nagyvárad-Biharkeresztes bus service operating again as of Saturday.  
URL: <http://itthon.transindex.ro/?hir=40544> Accessed: March 23 2016

## Szeged Workshop I. (Serbian border region)



In the case of the Serbian-Hungarian border, a fundamental problem is the fact that crossing it is still quite complicated, posing a significant obstacle in front of daily relations and thus commuting due to the low number of crossing points and long waiting time. Underdeveloped cross-border public transport as well as weak infrastructural equipment is also hindering border crossing. In this aspect, the migrant crisis was cause for further regression: not only is there now a wire obstacle, but the Szeged-Subotica railway connection was also discontinued, even though a direct connection has ceased to exist a good while ago because the Serbian Railway services' new carriages did not have a Hungarian authorisation.

Mutual recognition of certain certificates and official documents is also problematic and forms an obstacle not only for cross-border trade but also tourism. The fact that potential stakeholders are not well informed is also restricting entrepreneurial relations, even though there has been some improvement recently. Interoperability between labour and education systems also poses problems. However, a solution was found in most of the cases. Still, daily commuting is not common due to the border crossing difficulties above, people usually move permanently to the area.

As a specific administrative obstacle, it was mentioned that the due date of ATA Cards, aiding temporary freight transport can be restricted by Serbian authorities, which renders long-term Serbian presence difficult for Hungarian businesses. Customs regulations on the Serbian side are very strict: if the partner on the Hungarian side publishes free brochures for a project and would like to distribute them on the other side of the border, they have to be declared. The same goes for the transfer of necessary equipment for a one-off event (e.g. interpreter booths).

Among agricultural border regions, only the Rösztke border crossing is fit for transporting crops and livestock. At Tompa, conditions are partially adequate. However, traffic is always heavy at the former border crossing, and transporting vehicles have to cross through one lane only. In theory, this is also the only place where horse riding tours may cross the border. One solution could be to open another lane or to equip other border crossings with the necessary technical and human capacities.

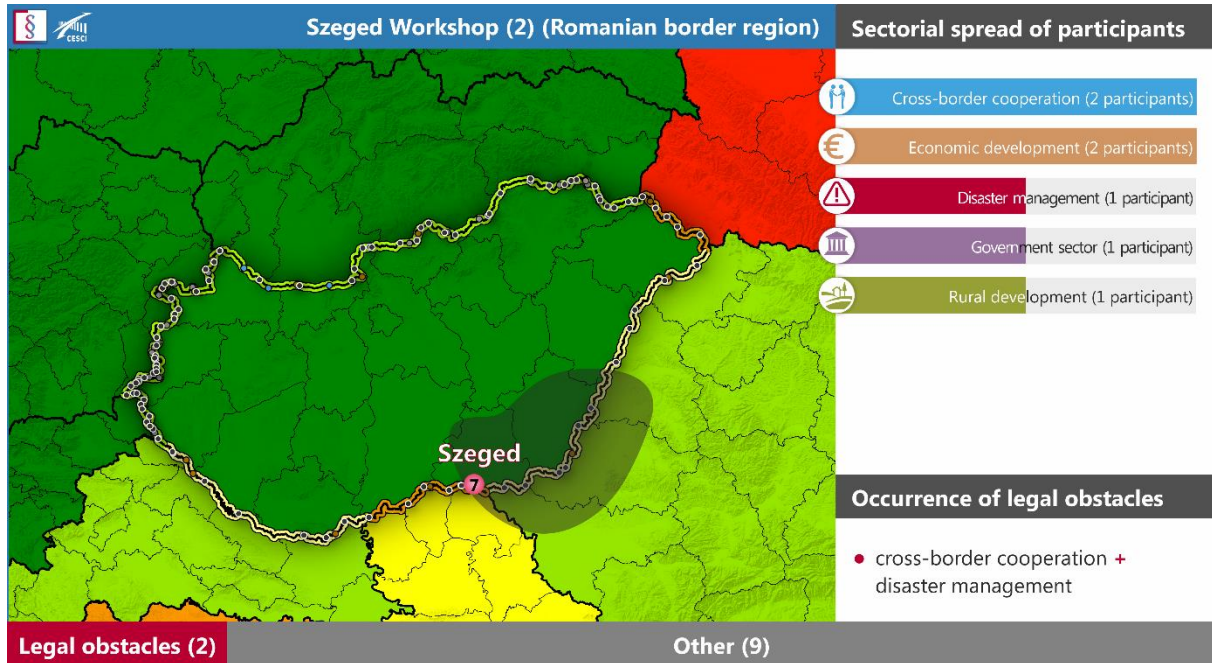
A problem known from other workshops was also mentioned, namely accessing health care services. This picture is further nuanced by the high number of Hungarian citizens across the border. As Hungarian citizens, Serbian residents cross the border for employment or educational reasons, but they often do not have a Hungarian health insurance or alternatively are paying their insurance in both countries, as the health insurance system databases of the two states allows it. Another issue is the fact that Serbian driving licenses are not accepted in Hungary, which limits job options for certain (otherwise Hungarian) citizens.

Just like along the Slovak border, the issue of baccalaureate recognition for Hungarian students on the other side of the border aspiring accession into tertiary education is still problematic. On the other hand, courses finished in Serbian count as an advanced language certificate, putting Hungarian students in a disadvantage.

Attendees drew attention to the issue deriving from name transcription, namely the fact that upon acquiring a Hungarian certificate, their names get rewritten according

to the Hungarian rules, which is known to have caused problems in the past in a heritage case in the person's country of birth.

## Szeged Workshop II. (Romanian border region)

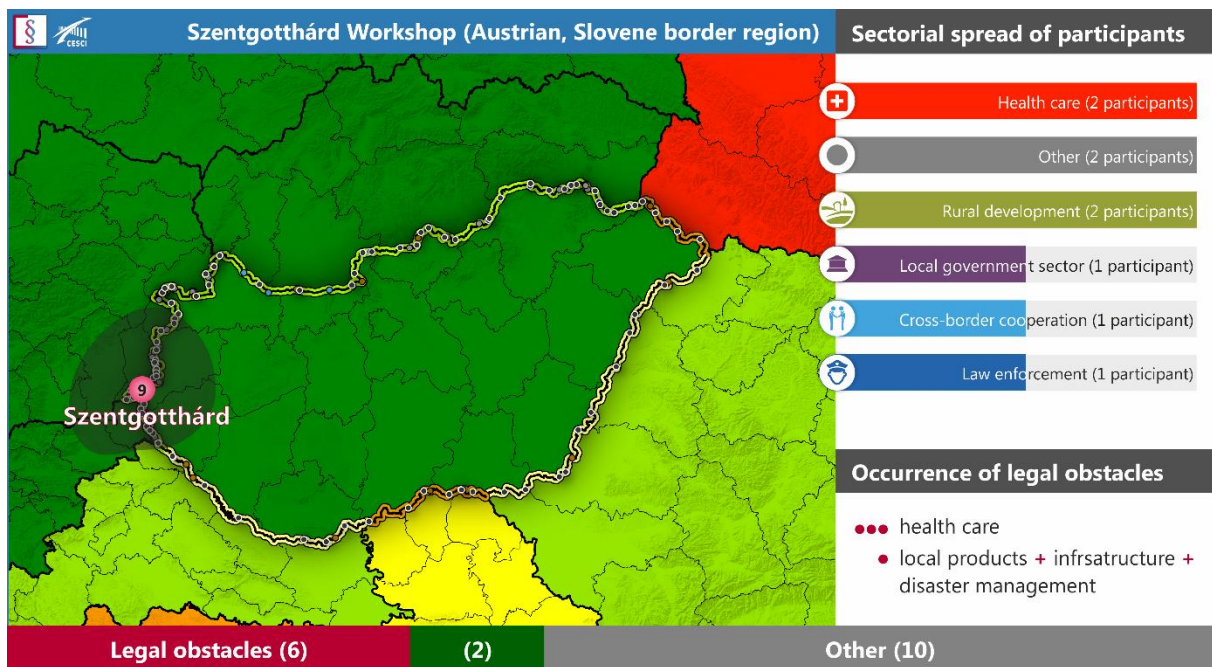


Crossing the Romanian-Hungarian border has significantly simplified since both countries joined the EU. However, the physical infrastructure of border crossing is still underdeveloped (crossings are scarce), as is cross-border public transport. Functioning of cross-border institutionalised cooperation initiatives is hindered by many an administrative obstacle, mainly on the Romanian side, and cross-border public health care services could not be established due to the lack of cooperation between Romanian and Serbian public insurance companies conflicted by the question of financing, despite a previous initiative by the DKMT Euroregion (regional health insurance card). Further problems are posed by differences in the quality of health care services, which is the reason for many Romanian citizens to access premium services on the Hungarian side of the border (e.g. separate room for women in labour). This is often encouraged by Hungarian hospitals for financial reasons, but it can cause a drop in quality for local patients.

Cross-border entrepreneurial activity is less frequent due to the lack of information that actors dispose of. However, there have been good practices in this aspect. There is an exemplary, regulated cooperation between regional disaster management authorities, but inter-university relations are not as developed as they could be, mainly due to problematic connectivity.

The representative of the BTC EGTC reported on anomalies related to having a bank account in Romania. Accordingly, a European Grouping for Territorial Cooperation registered in Hungary cannot open a bank account in Romania. Another issue mentioned was the fact that legal labour mobility is not very common; it is rather unregistered workforce that arrives for seasonal work.

### Szentgotthárd Workshop (Austrian, Slovene border region)



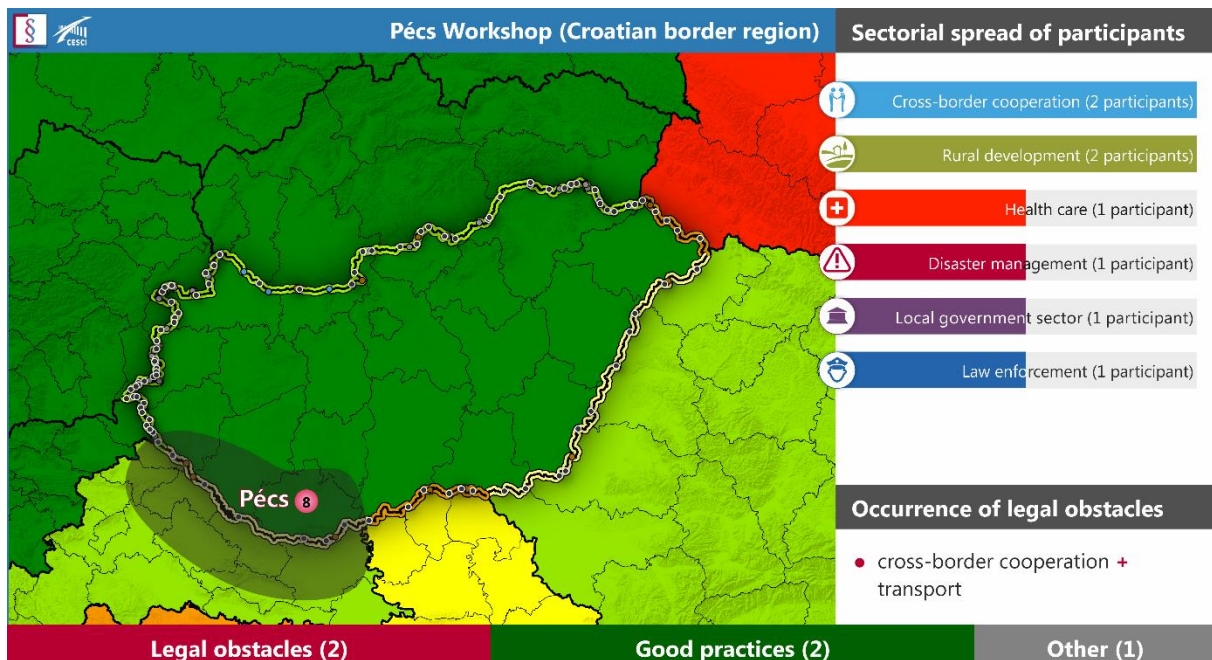
The most important legal obstacle mentioned during the workshop was put forward by the representatives of the National Ambulance Service. Cross-border professional relations are working well in the field of common trainings and rescue practices, but daily operative cooperation is facing several legal obstacles. Related organisations have spoken on multiple forums about specific cooperation initiatives and their hindrances, so far without finding a solution. At the discussion, it was stated that while Hungarian

Ambulances cannot cross the border with a patient, Austrian colleagues often do so without informing Hungarian authorities. According to the current practice, the Hungarian ambulance takes the patient to the border, where the Austrian party takes over. However, it would be more humane and logical if the Hungarian ambulance could go all the way to the Austrian hospital.

According to attendees, there are also barriers in front of cooperation between public service providers in times of heavy snowfall. Special vehicles from both sides of the border cannot help each other due to legal obstacles, but participants gave account of the related institutions' willingness to cooperate in these situations.

The police representative reported on the good relationships with the relevant border countries and their fruitful cooperation, which also reaches out to daily operative routine.

## Pécs Workshop (Croatian border region)



A problem hindering everyday life that came up during the Pécs workshop was organising daily transport for students across the border. Organising cross-border school bus services is difficult because of the legislative environment; all efforts in this field have failed so far. One of the participants of the workshop shared the fact that



according to regulations related to the Schengen Area, as of the 1<sup>st</sup> of July 2013, transporting children under age is only possible in an organised framework, under surveillance and with parental consent.

Daily, employment related commuting is not common in the area, seasonal labour migration is more frequent, which is formed spontaneously and is not facing obstacles. Transport of workforce is managed with the inclusion of private bus companies.

As a good practice, continuous cooperation between public safety and disaster management bodies was mentioned, which is emphasised by a bilateral convention between the two countries. This is realised by common duty service in the case of the police (one Hungarian and one Croatian officer), while in the case of disaster management, by regular common simulation practice.

The ambulance service representative gave account of the fact that a Hungarian ambulance can only cross the border in previously foreseen (not emergency) cases. As the region is sufficiently equipped with hospitals and other health establishments, there seems to be no demand for cross-border emergency transport (except a few extreme cases, when those injured in accidents need to be transported home; this, however, is to be organised by the insurance companies).

The Chamber of Commerce and Industry (as well as Enterprise Europe Network's local organisation) is also maintaining good cross-border relations, but has to face information asymmetry rendering daily activities difficult. A frequent phenomenon is when Hungarian entrepreneurs ask for information regarding business setup along the Croatian sea side; however, these data are not even available in Hungarian to the Chamber itself. Together with the neighbouring Croatian region, the Regional Development Agency holds a representative office in Brussels, which is not only a source of possibilities, but also has hindering effects, for example due to the differing representation competences in each country.

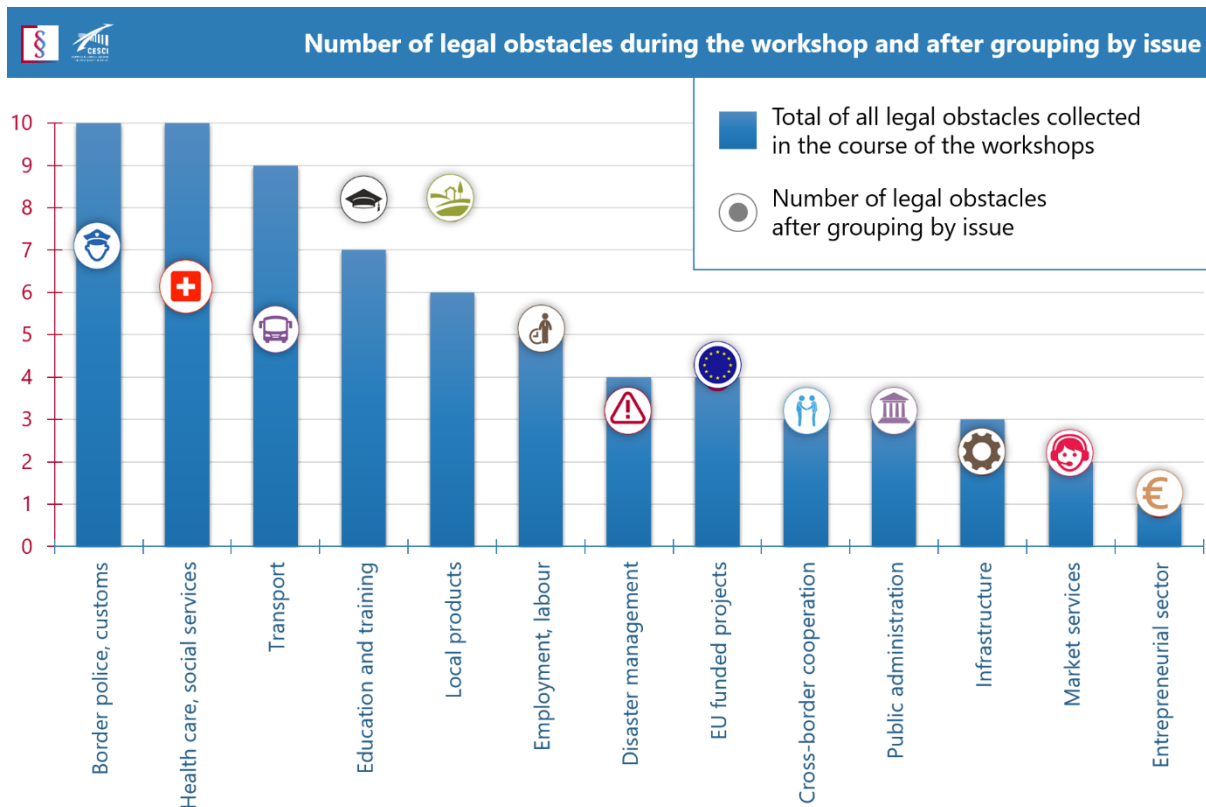
### 3. Inventory of Obstacles

In the following section, we have summarised all legal obstacles related to cross-border activities that were mentioned during the workshops by sector. After each obstacle, the relevant workshop is stated in brackets. However, this does not mean that the issue only forms a problem in the named border region.

All legal obstacles first require modifications to the national legal environment, but in some cases, the problem is caused by policies of a neighbouring country, and sometimes an overall EU level regulation would be needed to solve the issue. This is to be determined in the next phase of the project (Investigating regulations).

It is possible that some problems of legal nature mentioned during the workshops do have a fitting legislative environment, but stakeholders do not know of it due to the lack of information. This is why the following inventory contains all mentioned legal obstacles, in order to be able to clarify their background to participants in the upcoming phases of the project (Sectoral interviews, Investigating regulations).

Before setting up the inventory, all mentioned legal obstacles were summarised by sector and cases with similar legal features were merged. The following figure shows how many individual legal obstacles could be identified after grouping the problems based on raw bits of collected information.



All problems and obstacles of non-legal nature will be dealt with in the next chapter.

## Education and training

- **There are no subsidies for students across the border**, which is why they have to pay tuition fees. This is often the reason why a Hungarian residence is arranged for many Hungarian students on the other side of the border. [Esztergom, Miskolc, Nyíregyháza]
- **Tuition fee paid by students from across the border appears as income** in accountancy and this has to be subtracted from possible tender support(s). [Miskolc]
- **Recognition of a baccalaureate acquired on the other side of the border is problematic.** In the Slovak border region, the continuously changing recognition process was mentioned as a difficulty, while in the Serbian border region, the problem is that students coming to Hungary have to redo their final exams in order to apply for a university course. Yet, state language of students

across the border is recognised as an advanced language certificate by the Hungarian system, which is a disadvantage for local students. [Esztergom, Szeged RS]

- It would be preferable if obligatory **voluntary work needed for the Hungarian baccalaureate could be fulfilled at an organisation across the border** as well. [Esztergom]
- **Regulations for vocational training differ** on the two sides of the border (e.g. the names of national training courses vary per country), which is why mobility of professional instructors is also facing limitations. [Esztergom, Nyíregyháza]
- **Recognition of degrees and certificates is problematic.** According to a new national vocational training legislation, regardless of even 20 years working experience, the employee has to retake their exam in order to obtain an EU-wide accepted document certifying their profession. Certificates obtained in Slovakia can only be nationalised in the Hungarian equivalence centre in exchange of a high fee. [Győr]
- **Diplomas of pedagogues with university qualifications need to have their certificates accredited.** [Esztergom]
- **Recognition of student passes** is different on the Slovak side of the border. [Esztergom]

## Border control, customs

- Due to the **increase in waiting time** at border crossings, cross-border commuting has become impossible regarding both employment and education. [Nyíregyháza UA, Nyíregyháza RO, Szeged RS]
- **Záhony is closed for pedestrian crossing**, which is why many have to hitchhike in order to get across the border. [Nyíregyháza UA]
- **In the Hungarian-Ukrainian border region, cross-border community and cultural cooperation is hindered by the visa requirement.** Sometimes participants of cultural events cannot cross the border. [Nyíregyháza UA]

- **Firearms are not allowed to be taken across the border.** Even though it would be significantly easier for associates of the Danube-Ipoly National Park Directorate in the Börzsöny to access a shooting range (located in Hungary as well) by crossing the border on the way, border crossing regulations will not allow it. [Esztergom]
- **Animal transport across the border is limited to certain border crossings only,** which is problematic especially regarding equestrian tourism. [Szeged RS]
- In agricultural areas, **keeping grazing livestock within the border** is posing a problem. In this case, it would be useful to provide access to fields across the border. [Miskolc]
- Serbian customs regulations are overly severe, which often hinders cross-border cooperation initiatives. If a partner on the Hungarian side of the border publishes free brochures and would like to distribute them on the Serbian side, they have to be declared. The same goes for interpreter's cabins for one-off events. [Szeged RS]

## Local products

- **Differing regulations regarding local products.** [Szentgotthárd]
- Hungarian legislation regulates the **distance a product can be sold at compared to its location of production to be counted as a "local product"**. [Esztergom, Szentgotthárd]
- **Food security regulations are not in line** on the two sides of the border: Hungary does not accept the Slovak certificate. [Esztergom]
- **A merchant coming to Hungary has to register as VAT subject,** which will increase its product prices compared to Hungarian producers. [Esztergom]
- **Several product types along the Serbian border,** such as many items that can be considered as local products, **can only be transported by forwarding agents,** depending on its size, **which renders the presence of primary producers impossible.** [Szeged RS]

- **Public procurement legislation is blocking transfer of local products** fulfilling of municipal social institutions' basic needs, regardless of the primary producer's nationality. [Miskolc]
- **There is no EU legislation regarding trademarks.** For example, the local brand of a cross-border region has to be registered separately in both countries. [Esztergom]

## Health care, social services

- **Ambulances cannot cross the border in case of an emergency**, not even if the nearest hospital or service institution is on the other side of the border. This is mutually the case in all neighbouring countries except Austria. Austrian ambulances cross the border without notice to retrieve Austrian patients. [Esztergom, Győr, Nyíregyháza UA, Szentgotthárd]
- **Cross-border integration of health care information systems** is not possible, but this is mostly due to copyright issues. [Miskolc]
- **Cross-border patient mobility is not possible due to the differing health insurance system** by country. In case of an emergency, accountancy between companies does work, however, there has already been an example to the contrary as experienced by one of the Via Carpatia EGTC's associates. [Győr, Miskolc]
- In theory, it should not be possible to pay **social insurance contributions** simultaneously in two countries. However, mostly due to the lack of information, many are doing so, causing problems as the databases of the two countries are not synchronised. [Szeged RS]
- In the case of employees residing across the border, certifying a person's **entitlement to certain services** is equally problematic. [Győr AT]
- Even though the entrepreneur pays their **contributions** abroad, they cannot be accounted in their homeland (attachment is not automatically recognised). [Esztergom]

## Transport

- **Cross-border bus services are considered international.** This poses a problem along several border sections, because it complicates commuting and also setting tariffs. International bus services cannot be used for inland travel, it can only stop at the station of departure and destination. Sometimes conditions differ on both sides of the border. In Slovakia for example, regulations are not as strict regarding this issue as in Hungary, which is why Hungarian transport companies have a competitive disadvantage. [Esztergom, Győr, Miskolc, Szeged RS]
- **Student card recognition varies in public transport.** Because of this diversity, students cannot acquire their due discount on the other side of the border. [Esztergom]
- **Minor children cannot cross the border without escort.** [Pécs]
- Hungarian citizens cannot drive a car with a **foreign number plate** in Hungary. [Esztergom]
- **Serbian driving licences are not recognised in Hungary,** which complicates employment in certain job sectors. [Szeged RS]

## Employment and labour

- **It is especially difficult to acquire public-sector employee status in health care for foreign citizens in Hungary.** According to public-sector employment regulations, foreign citizens are facing severe restrictions. [Győr]
- Overcoming bureaucratic obstacles is very tiresome. In order **to be employed,** a Hungarian health insurance card is needed, and diplomas need to be accredited as well. [Győr]
- Besides vocational training, **difficult recognition of certificates and diplomas** is also causing trouble in the field of employment. Qualifications acquired in Slovakia have to be accepted by the Hungarian Centre for Equivalence, at a high cost. [Győr]

- There are also significant **differences in the terminology related to simplified employment legislation**. Hungarian participants of the health care and social service sector cannot apply related Austrian legislation regarding simplified employment, as relevant Hungarian regulations do not correspond with each other. Many Hungarian citizens employed in Austria are not aware of the differences and thus that the homeland system will handle their foreign employment status in a way other than might be expected. [Győr]
- The legal environment of Ukrainian citizens employed in Hungary is not yet clear, which is why **cross-border (semi-)illegal employment** is still frequent.<sup>6</sup> [Miskolc]

## Cross-border cooperation

- **Slovak government officials may only cross the border with official authorisation** – thus, in case of a common project or event, it is usually the Hungarian partner that travels across the border. [Esztergom]
- **EGTC operation is problematic in the Romanian border region**. In order to open a Romanian bank account, many administrative obligations have to be met (such as disposing of a **tax number, but as the EGTC operates with a Hungarian seat, Romania cannot provide one**). [Szeged RO]
- The **Croatian border area had a joint regional office in Brussels together with Hungary. However, representation rights were not the same**. [Pécs]

## EU-funded projects

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

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<sup>6</sup> This was mentioned by participants of the Miskolc workshop. However, concerning this very same border section, attendees from Nyíregyháza also stated that the legal environment of employing Ukrainian citizens in Hungary is well established and regulated.



- In cross-border projects **where partners from both sides of the border are involved, there are often accountancy issues**, which can partly be ascribed to legislative differences. Cross-border programme accountancy should be unified. [Nyíregyháza RO]
- Up until now, the **government always advanced full grant amounts to budgetary organisations**, but now these regulations were repealed. Pre-financing and own contributions are facing difficulties nowadays. [Győr]
- **Tuition fees paid by students from across the border count as income** for the institution, which has to be deduced from the total grant amount. [Miskolc]<sup>7</sup>

## Disaster management

- **Disaster management bodies and fire brigade officers are not allowed to take measures on the other side of the border.** [Esztergom, Szeged RO<sup>8</sup>]
- On both the Hungarian and Ukrainian side, **top-down authorisation is needed for cooperation between disaster management bodies.** [Nyíregyháza UA]
- Regarding the **Austrian border region**, it was not clarified during the workshop whether there is **any form of cooperation or bilateral convention in the field of disaster management** between the two countries. [Szentgotthárd]

## Public administration

- **Church weddings are officially accepted** in Slovakia (even replacing civil service), but not in Hungary. [Esztergom]
- **Validity of certain certificates is different in Serbia than in Hungary.** The Serbian side can restrict validity of documents issued in Hungary. [Szeged RS]

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<sup>7</sup> This problem is simultaneously present in the field of education and training as well as the grants system, which is why this obstacle has been highlighted in both topics.

<sup>8</sup> A remark from Szeged: there is cooperation between regional disaster management bodies, but the border may not be crossed. However, civil ambulance services are free to go in both directions.

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

## Infrastructure

- It is not clear whether cross-border regions have the possibility to **establish a common sanitation network/sewage system.** [Nyíregyháza UA]
- **In case of heavy snowfall, special vehicles cannot come to help from across the border** despite the fact that there seems to be open-mindedness about such a cooperation initiative at organisational level in this regard. [Szentgotthárd]

## Market services

- **Foreign citizens cannot acquire mobile phone subscriptions** (and SIM cards) as private persons, because a Hungarian residence card is needed.<sup>9</sup> [Esztergom]
- **Without a residence card, it is not possible to acquire a bank account** (at certain financial institutions). [Esztergom]

## Business sector

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

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<sup>9</sup> This can later cause trouble on the labour market for example. One business seated in Győr reported on the case of a Slovak candidate who was not called back after their job interview simply because the person did not have a Hungarian phone number.

## 4. Other useful information as discussed during the workshops

In this chapter we will present additional information mentioned during the workshops. Firstly the obstacles, problems of non-legal nature, followed by comments that reflect the situation of thematic fields considered to be problematic, or even existing good practices.

### Obstacles of non-legal nature

In this section, obstacles of non-legal nature mentioned during the workshops will be presented. In general, it can be said that the main issue is mostly caused by the lack of information and/or cooperation.

- **Border crossing restrictions** introduced due to the migrant crisis cause problems in several border sections.
- In the area of Biharkeresztes, **periodic increased control of lorries at the Romanian border** results in significant difficulties. Current traffic infrastructure on the Hungarian side is not sufficient to manage such overload.
- Cross-border **public transport** services are less frequent which hinders labour and student mobility. In some border regions, cross-border public transport or the infrastructural background and physical conditions of border crossing are not provided. Between Csongrád and Județul Timiș for example there is no coach connection whatsoever.
- For (Slovak) students, one major problem is the fact that **the system of final exam accreditation continuously changes in Hungary.**
- In practice there often is **no harmony between pension insurance systems in Slovakia and Hungary**, which can be cause for problems when establishing the number of years spent in employment.
- Non-Hungarian citizens (e.g. Austrian pensioners) often cannot have their **treatment costs** refunded.

- There are many commuters in Győr-Moson-Sopron county who only live in the region temporarily (originally from Eastern Hungary, coming to work in Austria). Since they are not moving permanently to the area, they do not register there, but this way they are only **entitled to emergency care services**.
- Regulations related to **markets** are often not known, which especially problematic for merchants arriving from across the border.

## Other

In the following, information mentioned at the workshops related to cross-border interactions within each sector will be provided. This section is primarily about the current situation and properly working cooperation initiatives.

- Unemployment rate is the highest in Szabolcs-Szatmár-Bereg County, therefore the region is incapable of employing more untrained workforce. When it does happen, however, that a given position cannot be filled in by Hungarian candidates, applicants from Romania and Ukraine may be employed. However, Romania's legal situation is different from Ukraine's as it is a member of the EU. In some professions, employees arriving from the latter have the possibility of a so called seasonal contract. In this case, labour market conditions do not have to be examined (whether there are appropriate Hungarian candidates or not). Overall, it can be said that in the field of **employment, legislation related to workforce arriving from Ukraine is appropriate**.<sup>10</sup>
- **Illegal employment** entails a severe fine, which is why it has noticeably decreased in the Ukrainian border region.
- **Emergency care** on the spot is everyone's inalienable right, regardless of nationality. **Basic services** can also be acquired in possession of the European Health Insurance Card. This can be completed by individual insurances.

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<sup>10</sup> On the contrary, during the Miskolc workshops, one of the representatives of the government sector reported that the legal environment of cross-border employment in the area is vague, as a result of which there is a lot of (semi-)illegal employment.

- Those who are registered employees in Austria are automatically entitled to **Austrian GP services**.
- During the Pécs workshop, it was mentioned that **ambulances** can cross the border legally to transport patients requesting emergency care services on the other side of the border. Administrative and financing questions are handled at a higher level (National Health Insurance Fund of Hungary). Additionally, at the workshop in Szeged related to the Romanian border region, participants stated that ambulances can only cross the border for non-emergency cases.
- Representatives of law enforcement agencies generally gave account of well-functioning or even exceptional cross-border cooperation between these bodies, for which legal basis is provided by existing bilateral agreements in many border regions. In the Austrian, Slovak and Slovene border region, best practice is provided by so called (common) contact centres (KSZH). The first contact point was founded in Austria in 2006 at Hegyeshalom, followed by Rajka. In the framework of this cooperation initiative, two colleagues of different nationality work together in one office (in this case: one Austrian and one Hungarian officer). In case of a problem, one basically just has to call over to their colleague of the other nationality. Cross-border persecution is only active since 2008-2009. Coordination of actions is done by the relevant KSZH. Usually 8-10 cross-border persecutions are conducted annually, out of which 80-90% end successfully. The key to success is that there is enough preparation time, since the relevant authorities already await speedsters on the other side of the border.

According to EU legislation, in the Croatian border region, a common network and service centre is operative which has only been opened recently in Mohács. Within the framework of this bilateral cooperation, Hungarian-Croatian joint patrol (one Croatian and one Hungarian police officer) is active in settlements along the border.

- Cooperation in **disaster management** is exceptional between Hungary and Romania. Even though regional units cannot cross the border, this restriction does not count for ambulance units outside the government structure. Joint practices are common, and in recent years, bilingual forms have also been created in order to better handle certain problems. Bilingual assistance is also provided by trained professionals on both sides of the border. Thanks to a tender submitted by the DKMT euroregion, necessary tools (e.g. tents, lifeboats) have been acquired, which can be used on the other side of the border as well in emergency cases.
- At the Miskolc workshop, one **water management** representative reported on excellent cooperation with Slovakia. Accordingly, the two sides use each other's warning systems.
- On special occasions in the Romanian border region (e.g. severe fire), the **fire brigade** may cross the border but has to submit a detailed report afterwards. It is mostly Hungarian units that cross to Romania, ordered by the Regional Disaster Management Directorate. According to a bilateral agreement, a fire engine and members of the **disaster management** agency may cross the Croatian border, but the need has not arisen yet.