

ZSUZSANNA FEJES¹

CURRENT TRENDS IN PUBLIC ADMINISTRATION IN EUROPEAN TERRITORIAL COOPERATION IN HUNGARY

Abstract

The aim of the article is to examine the institution-building process of cross-border territorial cooperation processes in Hungary. First, the paper examines how the Council of Europe and European Union (EU) can support establishing preconditions with a sensitive and differentiating approach to regional and territorial policies and instruments. The article analyses the Regulation 1082/2006 (revised in 2013) on European grouping of territorial cooperation (EGTC), which has become a response to the lack of legal and institutional instruments of cross-border co-operations and ensured competencies for subnational authorities in Hungary. Finally, the paper summarizes how to respond to new alternatives in order to increase efficiency, legitimacy and transparency of cross-border territorial cooperation.

KEY WORDS: decentralization, europeanization, cross-border

1 INTRODUCTION

The strengthening of cross-border cooperation all over Europe is a result of Europeanization and decentralization processes. They are concerned about new opportunities in a democratic society related to the implementation, management and performance of public authority (Imrovič, 2016). The importance of cooperation systems evolving along the external and internal borderlines of the European Union has been increasing since the last enlargements (in 2004 and 2007, 2013). In accordance with the Charter for Border and Cross-border Regions the border areas are the building blocks and bridges in the process of European unification, ensuring the coexistence of European populations, including minorities. „At least, some 32% of the population in more than 40% of the territory comprising

¹ Dr Zsuzsanna FEJES, PhD, associate professor, University of Szeged Faculty of Law, International and Regional Studies Institute, National University of Public Service, Faculty of Political Science and Public Administration, zsuzsanna.fejes@gmail.com

the enlarged EU live in border regions. European policies make allowance for this fact through including border areas in the Lisbon Treaty and acknowledging and funding all border regions at the internal and external borders as a European priority.”(European Charter for Border and Cross-border Regions, Gronau, AEBR, 2011, Preamble. p. 3.).

The development and strengthening of the competencies of the local and regional authorities, especially in external relations, have started only recently with the process of European integration and the evolution of the regions (CdR 89/2009 fin. The Committee of the Regions’ White Paper on Multilevel Governance (CoR, Brussels, 17-18 June 2009). The traditional functions of the state have changed in the 21st century, and the subnational levels in public administration have received new competencies and powers to establish cooperation across the borders within the EU as well (Cservák, 2014, pp. 52-65). Through the permeability of the Union’s internal borders they also create new spatial structures and new forms of governance across the existing administrative borders in accordance with subsidiarity and multi-level governance policies.

The aim of the study is to examine the institution-building process of cross-border territorial cooperation processes in Hungary. First, the presentation examines how the Council of Europe (CoE) and European Union (EU) can support establishing preconditions with a sensitive and differentiating approach to regional and territorial policies and instruments. Second, I analyse the Regulation 1082/2006 (revised in 2013) on European grouping of territorial cooperation (EGTC), which have become a response to the lack of legal and institutional instruments of cross-border co-operations and ensured competencies for subnational authorities in Hungary. Finally, the presentation summarizes how to respond to new alternatives in order to increase efficiency, legitimacy and transparency of cross-border territorial cooperation.

2 INSTITUTIONALISATION PROCESSES OF CROSS-BORDER COOPERATION – LEGAL FRAMEWORKS

The implementation of the principle of subsidiarity and that of the European network of cross-border cooperation requires such a new type of governance (Börzel, Tanja A. and Thomas Risse. “When Europe hits his home: europeanisation and domestic change” *European Integration Research Papers (EIoP)* Vol. 4 Issue 15 (2000); Conzelmann, Thomas. “ ‘Europeanisation’ of Regional Development Policies? Linking the Multi-Level Governance Approach with Theories of Policy Learning and Policy Change” *European Integration online Papers (EIoP)* Vol 2. Issue 4 (1998).

Thus in the European Union more and more emphasis is placed on the

strengthening of the institutional frameworks in relation to further development of the single, so-called European Administrative Space, based on the common European values and traditions, and on common horizontal efforts. Within the framework of these the importance of strengthening cross-border relations and the continuous improvement of social dialogue must also be accentuated. Cross-border cooperation – local, regional and international – however, can fulfil its real role only on condition that there exists a constitutional and administrative environment capable of harmonizing the different legal structures and competencies, and also if:

- the legal-administrative set-up of the member states significantly differs from each other;
- the decision competences, resources, and powers of the cooperating administrative units differ in several aspects;
- institutional diversity has led to difficulties resulting in many different forms of cross-border cooperation, where there is no commonly accepted organisational system.

By now the borders and border areas of Hungary enjoy a nearly full coverage of cooperation. In the process of subnational level integration cross-border cooperation forms gained greater importance in the Hungarian national policy, in the cohesion policy of the European Union as well as in the formation of neighbourhood policy. (See Annex 1)

Annex 1. Cross-border Co-operations in Europe



Source: Association of European Border Regions, AEER, 2015

Hungary's borders well represent all border types of the European Union, since we have borders of at least five different statuses, where cooperation can be created under different legal and administrative conditions. Hungary borders on

- an "old" member state, in the case of the Austrian border;
- member states joining the EU at the same time as Hungary, in the case of the Slovakian and Slovenian borders;
- a member state that joined the EU in 2007, in the case of the Romanian border;
- a member state, the latest to join the European Union on 1st July, 2013, in the case of the Croatian border;

states aspiring to join the EU but facing numerous legal and political challenges, in the case of the Serbian and Ukrainian borders (Soós, 2017, pp. 77-88).

2.1 Legal framework – Council of Europe

The Council of Europe has always recognized the crucial importance of democracy at both local and regional levels. The Council of Europe has taken up a significant role in dismantling barriers to regional and international cooperation as well as strengthening cooperation across borders, with the aim of decentralisation. Numerous documents aiming to establish the legal framework for cross-border cooperation have been produced, including the Madrid Convention (1980) and the Additional Protocols (1995; 1998; 2009), the European Charter of Local Self-government and its Additional Protocol (1985; 2009), as well as the Council of Europe Reference Framework for Regional Democracy (2009).

At European level, there is only one document that makes an attempt to create comprehensive regulation on cross-border cooperation systems, namely the Madrid Convention, passed by the Council of Europe in 1980 (European Outline Convention on Trans-frontier Cooperation between Territorial Communities or Authorities, 1980). The Convention plays a compensatory role, in which it defines the concept of cooperation across borders and offers patterns and proposals for the Member States to make the cooperation of regions and settlements across borders easier. The aim of the Convention is to promote cross-border agreements between local and regional authorities within the scope of their respective powers. Such agreements may cover fields as regional, urban and rural development, environmental protection, the improvement of public facilities and services and mutual assistance in emergencies, etc., and may include the setting up of the transfrontier associations or consortia of local authorities (European Outline Convention on Trans-frontier Cooperation between Territorial Communities or

Authorities, 1980, Preamble).

In accordance with the Convention the transfrontier cooperation means any concerted action designed to reinforce and foster neighbourly relations between territorial communities or authorities within the jurisdiction of two or more Contracting Parties and the conclusion of any agreement and arrangement necessary for this purpose. Transfrontier cooperation takes place in the framework of territorial communities' or authorities' powers as defined in domestic law (European Outline Convention on Trans-frontier Cooperation between Territorial Communities or Authorities, 1980 (in force, Article 2).

The concrete forms of cooperation are derived from the internal legal regulation of each Member State, accordingly to the Convention only provides a legal framework that must be filled with specific content by the internal legislations of the ratifying Contracting Parties. The Convention must meet specific expectations, to be applied to the local and territorial relations of the ratifying Member States. Having variable legal and political systems, it must also create frameworks of bilateral and multilateral agreements. To allow for variations in the legal and constitutional systems in the Council of Europe's Member States, the Convention sets out a range of model and outline agreements, statutes and contracts appended to itself, to enable both local and regional authorities as well as States to facilitate them with carrying out their tasks effectively (Appendix numbered 1.1 to 1.5 and 2.1 to 2.6. These model and outline agreements, statutes and contracts are intended for guidance only and have no treaty value. (See European Outline Convention on Trans-frontier Cooperation between Territorial Communities or Authorities, 1980 ,Article 3).

The Convention has been modified several times, and three Additional Protocols (1995; 1998; 2009) were drafted. However, several recommendations and opinions of the international organisations representing regional interests (Council of Europe; Assembly of European Regions; Association of European Border Regions) only provide a framework for cooperation, which can be filled with the expected content only by national legal regulation. (See Annex 2)

Annex 2. Documents of Council of Europe

EUROPEAN TREATY SERIES (COUNCIL OF EUROPE)	HUNGARY	SLOVAK REPUBLIC
European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (Madrid Convention) ETS No. 106.		
Signature	06/04/1992	07/09/1998
Ratification	21/03/1994	01/02/2000
Entry into force	22/06/1994	02/05/2000

Additional Protocol to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities ETS. No. 159.	-	02/05/2000
Protocol No. 2 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning interterritorial co-operation ETS No. 169.	-	01/02/2001
Protocol No. 3 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning Euroregional Co-operation Groupings (ECGs) ETS. No. 306.	-	-
European Charter of Local Self-Government		
Signature	06/04/1992	23/02/1999
Ratification	21/03/1994	01/02/2000
Entry into force	01/07/1994	02/06/2000
Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority	01/06/2012	-

Source: Council of Europe, *European Treaty Series*. <http://www.conventions.coe.int>

In order to allow the Hungarian border areas to become ‘building blocks’ of the ‘Regions of Europe’ and participate in cross-border co-operations, two conditions need to be met: the internal condition is the democratic development of the neighbouring countries taking part in the cooperation, while the external one is compliance with the standards and frameworks established under the auspices of the Council of Europe: the Madrid Convention and its annexes outlining two types of cross-border cooperation opportunities: agreements between intergovernmental and local or regional authorities.

In the 1990s Hungary signed the majority of interstate treaties, the bilateral agreements on good neighbourly relations and friendly cooperation, which enabled most of the cross-border cooperation (Bilateral Agreement between Hungary and Ukraine, Article 8; Bilateral Agreement between Hungary and Slovenia, Article 9; Bilateral Agreement between Hungary and Croatia Article 8–10; Bilateral Agreement between Hungary and Slovakia Article 7, Subsection (3); Bilateral Agreement between Hungary and Romania, Article 7.)

In addition, bilateral interstate agreements on border cooperation were specifically made with Ukraine and Slovakia, which were specifically based on the principles of the Madrid Convention, taking into account the specific circumstances of the two countries (Government Decree No. 200/2001. (X. 20.) and Government Decree No. 68/1999. (V. 21.)

The importance of the bilateral intergovernmental agreements between Hungary and its neighbours lies in creating an opportunity to explore the experience and problems of lower-level cooperation organizations, joint committees as well as coordination forums established within these agreements, which guarantee

holding the problems of the border areas on the agenda in order to ensure continuity.

2.2 Legal framework – the European Union

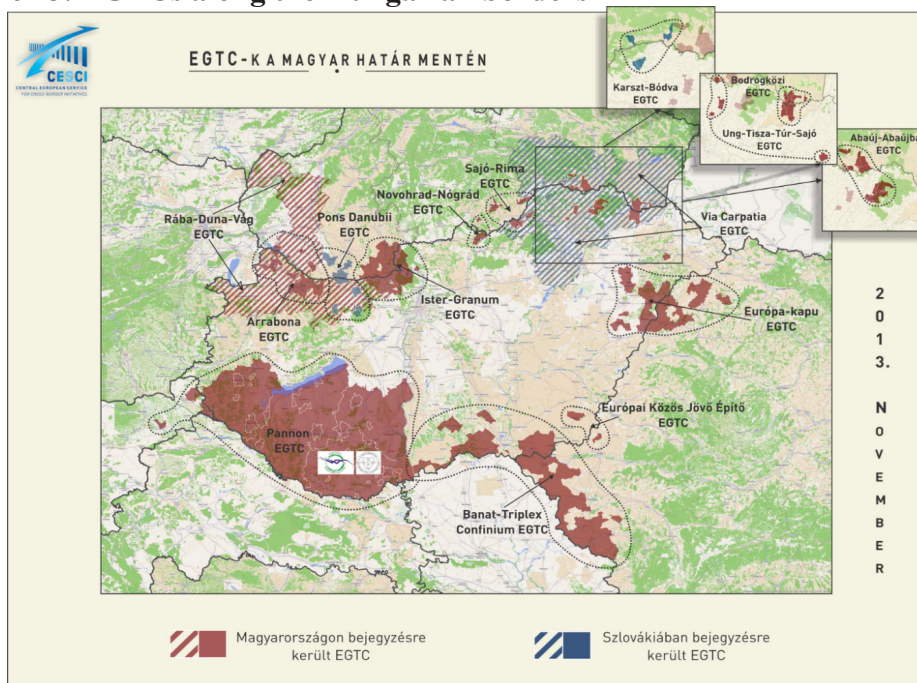
After more than 25 years adopting the Madrid Convention by the CoE, Regulation (EC) 1082/2006 of the European Parliament and of the Council on a European grouping of territorial cooperation (EGTC) is a response to the lack of legal and institutional instruments, and ensures cooperation facilities for the local and regional authorities and Member States under EU *acquis communautaire* (The EGTC was established by Regulation (EC) No 1082/2006 of the European Parliament and of the Council (5 July 2006) and came into force on 1 August 2006).

Cross-border cooperation – local, regional and international - however, can fulfil its real role only on the condition that there exists a constitutional and administrative environment capable of harmonizing the different legal structures and competencies and also if

- the legal-administrative set-up of the Member States significantly differs from each other;
- the decision competences, resources and powers of the cooperating administrative units differ in several respects;
- institutional diversity has led to difficulties resulting in many different forms of cross-border cooperation, where there is no commonly accepted organisational system.

The EGTC is a new European legal instrument with the particular aim to facilitate and promote territorial cooperation, including one or more types of the cross-border, transnational and interregional cooperation (There are three forms of European territorial cooperations: 1. Cross-border cooperation between adjacent border regions in neighbouring countries; 2. Trans-national cooperation between groups of countries and regions, mainly in the field of spatial planning; 3 Inter-regional cooperation between regions or cities in various countries.) between its members with the aim of strengthening the Union's economic, social and territorial cohesion. (See Annex 3) (Regulation (EC) No 1082/2006 of the European Parliament and of the Council, Article 1. Subsection (3)).

Annex 3. EGTCs along the Hungarian borders



Source: CECI, 2013

The EGTC has legal personality, it is unique in the sense that it enables public authorities of various Member States to team up and deliver joint services without requiring a prior international agreement to be signed and ratified by national parliaments. Measures were necessary to reduce the significant difficulties encountered by Member States and, especially by local and regional authorities in implementing and managing actions of territorial cooperation within the framework of differing national laws and procedures (Maier, 2008. pp. 37-40).

In each Member State the EGTC has the most extensive legal capacity accorded to legal persons under that Member State's national law, and the registered office of the EGTC is located in a Member State under whose law at least one of the EGTC's members is established Regulation (EC) No 1082/2006 of the European Parliament and of the Council, Article 1. Subsection (4)-(5) Where it is necessary to determine the applicable law under European Union law or private international law, the EGTC is considered to be an entity of the Member State where it has its registered office (Regulation (EC) No 1082/2006 of the European Parliament and of the Council, Article 2.). With some exceptions the members of EGTC can be states, local and regional authorities as well as other bodies and public undertakings – if they are located on the territory of at least two

Member States (Regulation (EC) No 1082/2006 of the European Parliament and of the Council, Article 3.2. and 3a Subsections (2) and (5).

The tasks and competencies of the EGTC are to be set out in its convention. The tasks given to the EGTC by its members do not concern the exercise of powers conferred by public law or that of duties whose object is to safeguard the general interests of the State or of other public authorities, such as police and regulatory powers, justice and foreign policy (Regulation (EC) No 1082/2006 of the European Parliament and of the Council, Article 7. and 7. Subsection (4). The EGTC has at least the following organs:

- assembly, which is made up of representatives of its members;
- director, who represents the EGTC and acts on its behalf (Regulation (EC) No 1082/2006 of the European Parliament and of the Council, Article 10.1.).

The EGTC establishes an annual budget which shall be adopted by the assembly, containing, especially a component on running costs and, if necessary, an operational component (Regulation (EC) No 1082/2006 of the European Parliament and of the Council, Article 11.) The revised EGTC Regulation (1302/2013/EU) contains the most important pieces of legislation related to the cohesion policy and most of the programmes funded by the EU in the period 2014-2020.

However, the adaptation of the form of EGTC is not obligatory; it is an instrument besides the existing ones, and choosing it is optional, it represents a new alternative to increase the efficiency, legitimacy and transparency of the activities of territorial cooperation, and at the same time secures legal certainty. It is applicable in every Member State, even in those that have not signed the Madrid Convention and its Additional Protocols or the special bi- and multilateral agreements. The new legal instrument supplements the already existing initiatives and forms of cooperation.

The EGTC regulation environment is adjusted to the conceptual framework of multi-level governance whose vertical projection connects actors appearing at different levels (European, national, sub-national) and involves them in the common European decision-making; on the other hand, its horizontal dimension will result in the interaction of actors being at the same level thus creating a European network whose operating principle is autonomy based on vertical and horizontal partnerships in accordance with multilevel governance (Perkmann, 2007, pp. 861-879).

Multi-level governance is justified by the fact that very often the administrative boundaries do not correspond to the functional, economic, landscape and socially integral boundaries of the areas. Both the White Paper, (CdR 89/2009 fin. The Committee of the Regions' White Paper on Multilevel Governance (CoR, Brussels, 17-18 June 2009) issued on the subject by the Committee of the Regions 2009,

and the Charter,(Charter for Multilevel Governance in Europe (CoR, Brussels, 20 February 2014) adopted in the wake of this highlight the importance of local actors in shaping more organic spatial structures and forms of government than the current one. The White Paper addresses the EGTC model specifically as well as the macro-regional strategies,(CdR 89/2009 fin. The Committee of the Regions' White Paper on Multilevel Governance (CoR, Brussels, 17-18 June 2009), pp. 29-31.) these being the new forms of governance restructured and evolved in the course of the EU integration from supra- and sub-national or national government roles (Trnski, Marko. "Multi-Level Governance in the EU" *Regional Co-operation as Central European Perspective* Eds. Tarrósy, Istán and Gerald Rosskogler. Pécs: Európa Centrum PBC, 2005. pp. 23–32.).

The fundamental characteristic of multi-level governance (Hooghe, Liesbet and Gary Marks. *Multi-Level Governance and European Integration*. Oxford: Rowman-Littlefield Publishers, 2001. pp. 4-29.) is the existence of a great variety of forms of cooperation, (See also Hix, Simon. "The study of the European Union II: the 'new governance' agenda and its rival" *Journal of European Public Policy* Vol 5. Issue 1 (1998). pp. 38–65.; and Rhodes, Roderick Arthur William. *Understanding Governance*. Buckingham: Open University Press, 1997.) from which the parties concerned can select the type of form of cooperation that provides a more favourable solution to developing cross-border relations.

3 CROSS-BORDER CO-OPERATION IN HUNGARY

The intensity of the cooperation beyond borders in Central and Eastern Europe is lower than it is in Western-Europe because of the nationalizing of the States and the homogenization processes, which are obstacles to the development of the border regions (Hardi,2000. pp. 595-596.) In the Central and Eastern European countries not only the settlements have become fragmented after constitutional and self-government reforms, but usually their interest representation system also became poor, asymmetric, and fragmented. Due to the historically centralized national States, the sub-national levels lacked important competencies and political power. There was a consensus about the need to fill the gap between the central government and subnational level, as "the missing middle" together with institutional weaknesses, through the creation of a strong regional mezzo-level, which could counterweight the strong central administrative, political and economic power (Pálné Kovács, 2008. pp. 129-196).

The overall answer to daily challenges is most frequently provided by local and regional governments which create good or bad conditions for investments to deliver local and regional services. This question may be clarified from two aspects:

- "Lack of the really political and legal competences at the local and regional levels, bad conditions for local and regional service delivery (weakness of local

and regional governments, strong influence of national level).

- The financial conditions of the sub-national level are not evaluated. In the context of the new cohesion policy for the period 2014-2020, the creation of the EU's legal basis for enhancing territorial cooperation in the EU constitutes a major priority for local and regional authorities as it brings along added value by helping them to overcome the practical difficulties that cooperation faces at this moment in the EU.

(...) However, political competence is the core of local democracy and of local public service management, which partly overlaps the management of local self-government.” (European University Institute Florence. *Study on the Division of Powers between the European Union, the Member States, and Regional and Local Authorities*. Brussels: The Committee of the Regions, 2008. pp. 30-33).

It seems, the status of internal borders becomes the key factor of the future of the EU. In order to safeguard the achievements of a quasi-borderless Europe a new impetus is needed supporting the tendencies strengthening the cohesion; a positive message on the role the open borders can play in ensuring a peaceful coexistence of European nations; and first and foremost success stories of CBC underpinning this message.

EGTC is an organisational form with legal personality defined by European law, designed to facilitate and promote cross-border, transnational, and interregional cooperation. EGTC members are at different levels, they can be EU Member States, regional and local authorities, associations, and any other public body from different Member States. The EGTC is an experimental territory of the multi-level governing system which makes a two-level communication channel that works with the “theory of initiating from the lower level” and it is a mediator for the issues about borders. The diversity of the forms of the cooperation in the EGTC is an essential condition of multi-level governing and the advantage of this system is that the interested parties can decide which form of cooperation is more suitable for the improvement of their relations beyond borders.

According to Article 16 of the EGTC Regulation “Member States shall make such provisions as are appropriate to ensure the effective application of this Regulation.” Due to this rule Hungary adopted its national provisions in 2007 with Act XCIX of 2007 on European Groupings for Territorial Cooperation (EGTC). Act CXXVI of 2010 on the metropolitan and county government offices, on the formation of metropolitan and county government offices, which is coherent with the territorial integration, also amended Act XCIX of 2007 on European Groupings for Territorial Cooperation (EGTC). The amended law entered into force on 4th December, 2010. Other rules entered into force on 16th December, 2010:

- 212/2010. (1st July) government decree on the duties and competences of each minister and those of the State Secretary heading the Prime Minister's

Office connected to the law

- 283/2010. (15th December) government decree amending the 56/2008. (26th March) government decree on the tasks carriable by the judicial officials
- 16/2010. (15th December) Regulation of the Ministry of Public Administration and Justice on the rules of the EGTC's process of approval.

The new regulations related to the EGTC are Act LXXV of 2014 on the European Grouping of Territorial Cooperation and 2/2014. (XII.30.) MFAT decree of the Minister for Foreign Affairs and Trade on the detailed rules concerning the approval and registration proceedings of the EGTCs. The Hungarian name for the "European grouping of Territorial Cooperation" (EGTC) is "európai területi társulás" (European territorial association, in short ETT) (Act LXXV. of 2014 on the European Grouping of Territorial Cooperation. Art.1.). (See Annex 3)

The possible objectives of the establishment of EGTC is the traffic, transportation, environmental protection, education, training, health care, first aid, energy use, innovation instruments, research and development, culture, creation and development of jobs, social services, tourism, sport, agriculture. However, EGTCs may not be established with the primary aim of pursuing business activities and may not perform public authority activities (Act LXXV. of 2014 on the European Grouping of Territorial Cooperation. Art 3 (1).

Because of the limited liability, within the EGTC, the liability of the association of the local governments and of the budgetary organisation of the local government may not exceed the extent of its material contribution (Act LXXV. of 2014 on the European Grouping of Territorial Cooperation. Art. 3. (4). In case the liability of any of the members of the EGTC is limited then the name of the EGTC should include the wording "EGTC with limited liability" (Act LXXV. of 2014 on the European Grouping of Territorial Cooperation. Art. 4).

The compulsory elements of establishing an EGTC are provided for in Act LXXV of 2014. The EGTC membership is authorized by a national approval authority. The participation of each member in the grouping is allowed by the approving body of its own member country. The Hungarian approval authority is the Ministry of Foreign Affairs and Trade. The approval and the registration, as regulated by Article 4 of the Regulation, are decided upon by the minister responsible for foreign policy (Act LXXV. of 2014 on the European Grouping of Territorial Cooperation. Art. 5 (1).

The approval of the supervisory body and the draft of the agreement and the constitution should be attached to the application. After the approval the Ministry registers the EGTC, if the conditions required for the establishment are fulfilled and the members attached the required documents (2/2014. (XII.30.) MFAT decree of the Minister for Foreign Affairs and Trade on the detailed rules concerning the approval and registration proceedings of the EGTCs).

The approval authority holds record on the data of the organisations with

approvals as regulated by Paragraph (1). The records shall include the following data: a) the name of the approved applicant and its seat, b) the name of the EGTC and its seat, c) the objective and task of the EGTC, d) the date of the entry into force of the decision on the approval of the support (Act LXXV. of 2014 on the European Grouping of Territorial Cooperation. Art. 5 (4). In such a case when the seat of an EGTC is in Hungary and the conditions required for the registration are met, the Authority acts upon request in order to register the EGTC in the records. (2) The EGTC is established by the registration and may begin its activity following the entry into force of the decree on its registration (Act LXXV. of 2014 on the European Grouping of Territorial Cooperation. Art. 6).

The Committee of the Regions regularly publishes a Monitoring Report on the development of the European Grouping of Territorial Cooperation. By the end of 2016, 65 EGTCs were established in total, five of which were founded in 2016. The last EGTC Monitoring Reports found that a focus on Central and Eastern European territories could be observed. These include more than 800 national, local and regional authorities from 20 different Member States. The dominant type of partnership is composed of local authorities: half of all groupings are powered by the local level. The second largest group comprises EGTCs of regional authorities, with the number of partners ranging between two and six (Pucher, Jürgen and Nicole Hauder. 2016. pp. 1-3). (See Annex 4)

Annex 4. EGTCs along the Hungarian-Slovak Border

NAME	SEAT	DATE OF CONSTITUTION	MEMBERS IN SLOVAK REPUBLIC	MEMBERS IN HUNGARY	NUMBER IN CoR REGISTER
KARST-BODVA EGTC	Turňa nad Bodvou	11/02/2009	Municipality of Hrušov	Municipalities of Perkupa and Varbóc	6
PONS DANUBII EGTC	Komárno	16/12/2010	Cities of Komárno, Hurbanovo and Kolárovo	Cities of Komárom, Tata, Kisbér and Oroszlány	17
VIA CARPATIA EGTC	Košice	31/05/2013	Košice Region	Borsód-Abaúj-Zemplén County	36
ISTER-GRANUM EGTC	Esztergom	12/11/2008	40 Municipalities	42 Municipalities	2
UNG - TISZA - TŰR - SAJÓ (UTTS) EGTC	Miskolc	15/01/2009	Košice County, Prešov County	Borsod-Abaúj-Zemplén megye, Szabolcs-Szatmár-Bereg megye, Hajdú-Bihar megye And from Romania: Județ d'Arad, Județ de Satu Mare	5
ABAU AZ ABAUJBAN EGTC	Miskolc	11/06/2010	Municipalities of Nizny Lanec, Debrad, Komarovec, Resica, Perin – Chym	Municipalities of Arka, Boldogkőváralja, Boldogkőújfalu, Fony, Hejce, Hernádcéce, Korlát, Mogyorósk;, Regéc	16
ARRABONA EGTC	Győr	07/06/2011	(4 members): Municipalities of Somoja & Dunaszerdahely, Municipalities of Veľký Meder and Horný Bar, Municipalities of Veľké Dvorníky	(25 members): Municipalities of Győr and Mosonmagyaróvár, Kisbajcs, Vének, Pér, Rábapatoná, Mosonszobnok, Dunaszeg, Abda, Győrújbarát, Dunaszentpál, Bőny, Kunsziget, Győrújfalu, Mecsér, Ikény, Börcs, Municipalities of Nagyszentjános and Dunakiliti, Municipalities of Kínle, Győrság and Bagyoszóvát.	19
RÁBA-DUNA-VÁG EGTC	Tatabánya	10/12/2011	Self-governing Region of Trnava	Győr-Moson-Sopron county, Komárom-Esztergom county	25
BODROGKÖZI EGTC	Miskolc	11/04/2012	Obec Bara, Obec Cernochovej, Obec Klin nad Bodrogom, Obec Malý Kamenec, Obec Ladmóvce, Obec Malý Horeš, Obec Streda nad Bodrogom, Obec Somotor, Obec Veľký Kamenec, Obec Viničky, Obec Zemplin	Alsóberecki, Felsőberecki, Karos, Tiszacsermely, Tiszakarad, Karcsa	28
NOVOHRAD – NOGRAD EGTC	Salgótarján	21/12/2011	City of Fil'akovo	City of Salgotarjan	29
SAJÓ-RIMA EGTC	Putnok	03/04/2013	Rimavská Sobotá, Tomfa	Putnok Város Önkormányzata, Ózd Város Önkormányzata	42
TORVISA EGTC	Sárazsadány	09/10/2013	Čížatice	Gönc, Sárazsadány	43
PONTIBUS EGTC	Budapest	08/01/2016	Nitriansky samosprávny kraj	Pest Megye Önkormányzata	61
SVYNSKA EGTC	Tolcsva	09/03/2013			

Source: own edition based on CoR Register

The specific topic of the 2016 monitoring report scrutinises the potential effects of the recent Schengen area crisis and the introduction of border controls in 2015-2016. So far, most EGTCs have not experienced any impact on their work. Some were faced with longer travel times or difficulties crossing the border, but with a few exceptions, such incidents would be relevant for any other EGTC and are not related to specific EGTC activities. Nevertheless, concerns are raised that if the Schengen crisis is prolonged or border controls are extended or implemented more strictly and extensively, this could have a serious impact on several EGTCs (Zillmer, 2017. p. 8).

4 CONCLUSION

In conclusion, European territorial cooperation is not possible without decentralisation. The principle of subsidiarity plays a specific role – due to the decentralisation of central assignments – in the division of power of States at local and regional levels (COM (2001) 428 fin. White Paper on European governance (European Commission, Brussels, 12 October 200). Most cooperating organisations have developed mainly from local initiatives and traditions, and found their role in the shaping of local and regional international relations. It can be stated that, among the currently existing legal instruments, irrespectively of the size and the number of participants, the European grouping of territorial cooperation is the most efficient way to realize the common goals. The EGTC signifies decentralized cooperation, and is built on the years-long experience of Euroregional cooperation. It is an instrument of multi-level governance (MLG), and contributes to the quality improvement of local and regional cross-border cooperation. The EGTC regulation is the first example among EU legal regulations in the course of which a legal instrument grants special rights to local, regional and national public law institutions and civil law organisations of the different Member States, in order to develop unified structures that can achieve a more efficient cooperation (CdR 89/2009 fin. The Committee of the Regions' White Paper on Multilevel Governance (CoR, Brussels, 17-18 June 2009).

The currently observed dynamic changes in the functioning of a State do not only intensify the discussion but also provoke to ask new questions, especially while taking into account the role and the functions of State institutions. The role of multi-level governance, which determines the scale and the dynamics of development at the central, regional and local levels, is increasing. The modern State, which forms a flexible structure, defines its goals in different ways more and more frequently (Kaiser, 2014. pp. 57-95).

The European territorial networks at local and regional levels can make an important contribution to tolerance and building mutual trust via socio-cultural

cooperation. Cross-border cooperation therefore will remain an indispensable factor to facilitate partnerships between neighbouring countries. Partnerships of this kind can build new multilevel good neighbourly relations on the borders. The sub-national diplomacy evolving in the border regions is responsible for broadening the dialogue and strengthening the role of cultural co-operation programmes besides the traditional, development-oriented Euro-regional co-operations (where the emphasis is on economic and regional development objectives). The broadening of good neighbourly relations and the strengthening of social dialogue and local relations should include the cooperation with nationalities on both sides of the border.

REFERENCES

- Börzel, Tanja A. and Thomas Risse. “When Europe hits his home: europeanisation and domestic change” *European Integration Research Papers (EIoP)* Vol. 4 Issue 15 (2000)
- Conzelmann, Thomas. “ ‘Europeanisation’ of Regional Development Policies? Linking the Multi-Level Governance Approach with Theories of Policy Learning and Policy Change” *European Integration online Papers (EIoP)* Vol 2. Issue 4 (1998).
- Cservák, Csaba: “Népek, nemzetiségek, kisebbségek” [Demos, Nationalities, Minorities]” *Jogelméleti szemle* Issue 3 (2014)
- European University Institute Florence. *Study on the Division of Powers between the European Union, the Member States, and Regional and Local Authorities*. Brussels: The Committee of the Regions, 2008. pp. 30-33.
- Hardi, Tamás. “Államhatárok és regionális együttműködések [State Borders and Regional Co-operations]” *Magyarország területi szerkezete és folyamatai az ezredfordulón [Territorial Structure and Procedures of Hungary in the Millennium]* Eds. Horváth, Gyula and Rechnitzer János Pécs: MTA RKK, 2000.
- Hix, Simon. “The study of the European Union II: the ‘new governance’ agenda and its rival” *Journal of European Public Policy* Vol 5. Issue 1 (1998).
- Hooghe, Liesbet and Gary Marks. *Multi-Level Governance and European Integration*. Oxford: Rowman-Littlefield Publishers, 2001.
- Imrovič, Michal. “Participation at the municipal level and social networks” *Slovak Journal of Public Policy and Public Administration*, Vol. 5, no. 2 (2016) ISSN 1339-5637.
- Kaiser, Tamás. “A kormányzás új formái és a teljesítménymérés problematikája. [The new modes of government and problems of measurement of efficiency]” *Hatékony közszolgálat és jó közigazgatás: nemzetközi és európai dimenziók [Effective Public Service and Good Administration: International and European Dimensions]*. Ed. Kaiser, Tamás. Budapest: NKE, 2014.
- Maier, Johannes. *European Grouping of Territorial Cooperation (EGTC) – Regions’ new instrument for ‘Co-operation beyond borders’. A new approach to organise multi-level-governance facing old and new obstacles*. Bolzano-Luxembourg-Graz-

- Barcelona: M.E.I.R, 2008.
- Pálné Kovács, Ilona. *Helyi kormányzás Magyarországon [Local governance in Hungary]*. Pécs: Dialóg-Campus 2008.
- Perkmann, Marcus. “Policy Entrepreneurship and Multilevel Governance: a Comparative Study of European Cross-border Regions” *Environment and Planning C: Government and Policy* Vol. 25 Issue 6 (2007).
- Pucher, Jürgen and Nicole Hauder. *EGTC Monitoring Report 2015 Implementing the new territorial cooperation programmes*. Brussels: CoR, 2016.
- Rhodes, Roderick Arthur William. *Understanding Governance*. Buckingham: Open University Press, 1997.
- Soós, Edit. “Az EGTC alapítás kihívásai a hármashatár térségében. A Banat-Triplex-Confinium EGTC” *KÖZÉP-EURÓPAI KÖZLEMÉNYEK* Vol. 5. Issue 2 (2017) , pp. 77-88. Available: <http://vikek.hu/wp-content/uploads/2014/02/KEK-14-15.pdf>
- Trnski, Marko. “Multi-Level Governance in the EU” *Regional Co-operation as Central European Perspective* Eds. Tarrósy, Istán and Gerald Rosskogler. Pécs: Európa Centrum PBC, 2005.
- Zillmer, Sabine et al. *EGTC monitoring report 2016 and impacts of Schengen area crisis on the work of EGTCs*. Brussels: CoR, 2017.

Legal Documents and Regulations

- 2/2014. (XII.30.) MFAT decree of the Minister for Foreign Affairs and Trade on the detailed rules concerning the approval and registration proceedings of the EGTCs.
- Act LXXV. of 2014 on the European Grouping of Territorial Cooperation.
- Charter for Multilevel Governance in Europe (CoR, Brussels, 20 February 2014)
- European Charter for Border and Cross-border Regions (Gronau, AEBR, 15 September 2011).
- CdR 89/2009 fin. The Committee of the Regions’ White Paper on Multilevel Governance (CoR, Brussels, 17-18 June 2009).
- Regulation (EC) No 1082/2006 of the European Parliament and of the Council 5 July 2006. (in force, 1 August 2006).
- COM (2001) 428 fin. White Paper on European governance (European Commission, Brussels, 12 October 2001)
- European Outline Convention on Trans-frontier Cooperation between Territorial Communities or Authorities, Madrid, 21 May 1980 (in force, 22 December 1981) Council of Europe, *ETS No. 106*.