

## Cross-border cooperation between local and regional authorities of Ukraine and the Visegrad Group states

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### **Abstract**

This article researches cross-border cooperation (CBC) between local and regional authorities (LRAs) of Ukraine and the Visegrad Group states (V4).<sup>2</sup> An analysis of the legislation of Ukraine and the V4 regarding CBC of LRAs was carried out that determines that a considerable number of regulatory acts have been developed regarding the implementation of CBC by LRAs in Ukraine and the V4. Unlike Ukraine, the V4 do not consider the legal instruments developed by the Council of Europe to develop CBC. Rather, they develop CBC within the framework of EU legal instruments. Despite the different regulations of CBC in Ukraine and the V4, there are still existing problems in regulating this cooperation in Ukraine and the V4, which need to improve the national legislation. Furthermore, former and current forms of CBC of LRAs of Ukraine and the V4 are analyzed, and it is determined that the most effective form of CBC of LRAs of the V4 is a European grouping of territorial cooperation (EGTC). It has been investigated an ineffectiveness regarding the implementation of CBC projects, the insufficient level of quality of project management and low ability to attract external financial resources for the implementation of joint projects by LRAs of Poland, Hungary and Slovakia with LRAs of Ukraine on the Polish-Ukrainian border, Slovak-Ukrainian border and Hungarian-Ukrainian border. Conclusions and recommendations are also developed for the development of effective CBC between LRAs of Ukraine and the V4.

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## Introduction

Modern globalization processes significantly impact the socioeconomic development of Ukraine and the Visegrad Group states (V4) which face new ongoing external and internal challenges, such as the impact of covid-19, war, migration, humanitarian and economic crises, to name a few. Simultaneously, in their totality, these processes cause a sharp differentiation in the development of individual regions. An important step to overcome this phenomenon is to use the potential of cross-border cooperation (CBC) as an innovative tool of state regional policy in combination with other available means of regional development. Under the conditions of proper state support and coordination, CBC can become a powerful catalyst for the development of the regions of Ukraine and the V4. The choice of the topic of the policy paper is due to the fact that the proper legal, administrative, technical, and information activities of CBC of Ukraine and the V4 are of utmost importance. The elimination of legal, administrative, technical, and informational barriers of CBC will create a basis for the successful implementation of cross-border programs and projects that will contribute to the reconstruction of Ukrainian regions post-war and the rapid development of the regions of the V4. This paper aims are to research the impact of borders on the socioeconomic development of border regions of Ukraine and the V4, and develop recommendations regarding its improvement for developing effective CBC between LRAs of these states. The primary focus is on: 1) the analysis of the legal basis of CBC of LRAs of Ukraine and the V4, because internationalization, universalization of regulatory models, as well as the peculiarities of the impact of legal globalization processes on domestic legislation significantly increase the need to modernize the CBC of Ukraine and the V4; 2) identifying effective<sup>3</sup> institutional form of CBC of LRAs of Ukraine and the V4, the creation and functioning of effective forms of CBC will contribute to strengthening the institutional capacity of LRAs, attract additional financial and economic resources to solve tasks related to local and regional development, intensify partnerships and deepen good-neighbourly multilateral relations between LRAs of Ukraine and the V4; and 3) determining a level of quality of project management of LRAs of Ukraine and the V4, their ability to attract external financial resources to implement joint projects, and develop effective CBC. Based on this study, conclusions and recommendations are developed for eliminating legal, administrative, or technical difficulties that delay the development and implementation of CBC of LRAs of Ukraine and the V4.

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<sup>3</sup> In this policy paper, effectiveness should be understood as sufficient level of quality of, project management at the level of forms of CBC (EGTC, euroregions and other forms) and LRAs of Ukraine and the (V4), which determines their ability to attract external financial resources to implement joint projects for the development of their regions and develop effective CBC.

## ***The legal basis of cross-border cooperation of local and regional authorities of Ukraine and the Visegrad Group states***

Ukraine and the Visegrad Group states (V4) have many regulatory acts regarding the realization of cross-border cooperation (CBC) by local and regional authorities (LRAs). In particular, these are the Constitutions of states, international treaties of states that regulate relations in the sphere of cross-border cooperation, consent to the binding of which it has been granted by the parliaments of these states, the laws of these states and by-laws, which the parliaments of the states create to establish the appropriate legal space, within which international connections can be established and carried out by LRAs. Although a considerable number of regulatory acts have been developed regarding the realization of CBC by LRAs of the V4, the V4, unlike Ukraine, do not consider the legal instruments developed by the Council of Europe for the development of CBC. Instead, they develop CBC within the framework of EU legal instruments. There are still existing problems in regulating this cooperation in Ukraine and the V4. For example, Poland must improve the procedure for creating a European grouping of territorial cooperation (EGTC), as the process is currently extended and exhausting. Moreover, it is important to regulate more specifically the steps of creation, the financial management and supervision of the EGTC etc. Hungary must improve the regulation of the responsibility of the body that registers EGTC and to improve legislative and institutional issues on the development of small and medium-sized businesses in the border regions etc. Slovakia needs to improve the legislation regarding General Assembly into law and determine the term and competencies of the director of EGTC. Also, it is important to improve the legislation about accounting and tax concerning of EGTC etc. Czechia needs to improve legislation concerning the procedure of creation and financial responsibility of EGTC. Also, Czechia needs to improve the legislation of the responsibility of the body that registers EGTC etc. Ukraine needs to unify terminology and coordinate with European standards, bring the legislation of Ukraine in the sphere of CBC into compliance with the provisions of the European Online Convention on Transfrontier Cooperation between Territorial Communities or Authorities' Protocol No. 2 and 3, which clearly establishes the status of the body of CBC under the Euroregional Cooperation Groupings. It is needed to demarcate the bodies of CBC and the organizational structures of CBC in the legislation. It is also advisable to make changes to the Law of Ukraine "On Local Self-Government in Ukraine" and clearly establish the competence of local authorities regarding to the approval of agreements on the EGTC, making decisions on the formation of the EGTC, about joining or leaving such an association, approving the statute of the EGTC and making changes to it.

## ***Study of the effectiveness of institutional forms of cross-border cooperation of local and regional authorities of Ukraine and Visegrad Group states***

Local and regional authorities (LRAs) of Ukraine and the Visegrad Group states (V4), in accordance with the provisions of the laws, can carry out cross-border cooperation (CBC) in various forms. The simplest is the development and implementation of joint initiatives, activities, projects, programs, strategies and the conclusion of agreements on CBC in certain spheres: social, scientific, technical, cultural, educational and ecological etc.

LRAs of Ukraine and the V4 are the founders of numerous Euroregions. However, an effective form ensuring the development of CBC by LRAs of the V4 is an EGTC, unlike the Euroregions. At the same time, we note that the use of the Euroregion by LRAs as an organizational form for CBC was complicated by various unfavourable factors, among which are disproportions in models of administrative-territorial division, the unequal scope of competence of the involved subjects of CBC, and insufficiency or absence of adequate resources, including the occasional deficit of guaranteed national financing of the Euroregions' activities. In addition, as demonstrated time and the experience of creating Euroregions did not always lead to creating a legal entity which is one of the important factors for the effective development of CBC and attracting funds for the development of regions. One of the reasons for this was the lack of appropriate national legislation in the states for creating such joint structures. Compared with the EGTC, the legislation does not regulate the Euroregion's purpose, tasks, directions of activity, the order of its creation and legal status. It also does not regulate whether the Euroregion can have the status of a legal entity, the corresponding amount of legal capacity in accordance with national legislation, whether it has the right to its own budget, enter contracts, hire staff, acquire movable and immovable property, perform procedural actions, and more.

After analysing the databases of projects of Interreg programs (2014-2020): Interreg Hungary – Slovakia – Romania – Ukraine, Interreg Poland – Belarus – Ukraine, Interreg Czechia – Poland, Interreg Poland – Slovakia, Interreg Slovakia – Czechia, Interreg Slovakia – Hungary, it is worth noting that the appropriate level of effectiveness regarding the implementation of CBC projects and the level of quality of project management have the EGTCs, which determines their sufficient ability to attract external financial resources for the implementation of joint projects. Unlike the Euroregion and other forms of CBC, the EGTC is meant to enable LRAs and other public bodies from different member states to set up cooperation groupings with a legal personality and thus develop CBC. Following the national legislation of the V4 and despite some legal conflicts that the competent authorities will eventually eliminate for the development of CBC, the legislation regulate the EGTC's purpose, tasks, sphere of activity, regulate the order of EGTC creation and legal status. The creation and functioning of the EGTC contribute to strengthening the institutional capacity of LRAs, attracting additional financial and economic resources to solve tasks related to local and regional development, and intensifying partnerships and deepening good-neighbourly

multilateral relations between LRAs of Poland, Hungary, Slovakia and the Czechia. However, LRAs of Poland, Hungary, and Slovakia do not use this form for cooperation with LRAs of Ukraine on the Polish-Ukrainian border, Slovak-Ukrainian border and have low level of usage on the Hungarian-Ukrainian border.

### ***Study of the effectiveness of LRAs of Ukraine and the Visegrad Group states regarding the implementation of CBC projects***

Cross-border cooperation (CBC) of local and regional authorities (LRAs) of Ukraine and the Visegrad Group states (V4) are supported and implemented through the Interreg programs, in particular, Interreg Hungary – Slovakia – Romania – Ukraine, Interreg Poland – Belarus – Ukraine, Interreg V-A - Czechia – Poland, Interreg V-A - Poland – Slovakia, Interreg V-A – Slovakia – Czechia, Interreg V-A - Slovakia–Hungary etc. LRAs of Ukraine and the V4 within the framework of CBC programs Interreg were implemented various projects in the spheres of conservation of natural and cultural heritage, joint actions during emergency situations, cooperation between institutions and communities, cross-border education and lifelong learning, cross-border mobility, healthcare, local culture and historical heritage, tourism and transport infrastructure etc. After analysing the databases of Interreg projects (2014-2020): Interreg Hungary – Slovakia – Romania – Ukraine, Interreg Poland – Belarus – Ukraine, Interreg Czechia – Poland, Interreg Poland – Slovakia, Interreg Slovakia – Czechia, Interreg Slovakia – Hungary, it is worth noting that the appropriate level of effectiveness regarding the implementation of CBC projects, the level of quality of project management and sufficient ability to attract external financial resources for the implementation of joint projects have Silesia, Lesser, Subcarpathian Voivodeships and southern Poland, Komar-Esztergom, Győr-Moson-Sopron, Borsod-Abauj-Zemplén, Pest, Géves, Nograd, Budapest, Sábólc-Satmar-Beregu of Hungary, LRAs of Central and Eastern Slovakia and northeastern and central Moravia, and Moravian Silesia of Czechia. However, an ineffective regarding the implementation of CBC projects, the insufficient level of quality of project management and low ability to attract external financial resources for the implementation of joint projects have LRAs of Poland, Hungary and Slovakia with LRAs of Ukraine on the Polish-Ukrainian border, Slovak-Ukrainian border and Hungarian-Ukrainian border.

## Conclusions & Recommendations

Today there are problems in the legal regulation of cross-border cooperation (CBC) between local and regional authorities (LRAs) of Visegrad Group states (V4) with LRAs of Ukraine. Ukraine and the V4 need to improve their legislation for the development an effective CBC by LRAs. An effective form ensuring the development of CBC by LRAs of the V4 is an EGTC. The EGTC is meant to enable LRAs and other public bodies from different member states to set up cooperation groupings with a legal personality and thus develop CBC. The creation of EGTCs between LRAs of Poland, Hungary, Slovakia and Czechia were contributing to strengthening their institutional capacity and the attraction of additional financial and economic resources to solve tasks related to local and regional development. However, LRAs of Poland, Hungary, and Slovakia do not use this form for cooperation with LRAs of Ukraine on the Polish-Ukrainian border, Slovak-Ukrainian border and have low level of usage on the Hungarian-Ukrainian border. The appropriate level of effectiveness regarding the implementation of CBC projects and the quality of project management by LRAs of Poland, Hungary, Slovakia and Czechia stands out, which determines their sufficient ability to attract external financial resources for the implementation of joint projects. However, there is an ineffectiveness regarding the implementation of CBC projects and the insufficient level of quality of project management, and low ability to attract external financial resources for the implementation of joint projects by LRAs of Poland, Hungary and Slovakia with LRAs of Ukraine on the Polish-Ukrainian border, Slovak-Ukrainian border and Hungarian-Ukrainian border.

Cross-border cooperation (CBC) is a multi-level system. It represents a rather complex system activity, several multifaceted connections of different levels between central, regional, and local authorities of one state and the corresponding central, regional, and local authorities of another state, as well as their connection and the need for internal cooperation. That is, the implementation of CBC by all its participants must be indissociable. However, it is worth noting that the exclusion of a necessary link in the chain of implementation of CBC may result in the impossibility of its functioning. It is necessary to invent joint solutions regarding legal and other obstacles of CBC and take appropriate measures. Elimination of legal, administrative, technical and informational barriers of CBC will create a basis for the successful implementation of cross-border programs and projects that will contribute to the reconstruction of regions of Ukraine in the post-war period and the rapid development of the regions of the V4. The Slovak-Ukrainian Intergovernmental Commission on CBC, Hungarian-Ukrainian Intergovernmental commission on CBC and the joint Polish-Ukrainian coordination Intergovernmental council on interregional cooperation should pay attention to the following:

- to organize regular and/or institutionalized consultations with the competent authorities of Poland, Slovakia, Hungary, Czechia and Ukraine on matters of common interest, to find joint solutions, determination of legal and practical obstacles of CBC, and take appropriate measures;

- to find common solutions regarding legal obstacles in CBC and take appropriate measures. Currently, there are certain problems with regulation regarding implementing a CBC by LRAs of Poland, Slovakia, Czechia and Hungary with LRAs of Ukraine;
- to provide and improve the information of LRAs of Poland, Hungary, Slovakia and Czechia about the possibilities of CBC with LRAs of Ukraine (Polish-Ukrainian border, Slovak-Ukrainian border and Hungarian-Ukrainian border), which in consequence, will contribute to the attraction of external financial resources for the implementation of joint projects;
- to establish and maintain regular consultations between different levels of government in order to identify issues of common interest, functions and powers regarding CBC and appropriate ways of solving them in the interests of the local community;
- to determine the main priorities and key tasks of CBC as a factor of sustainable socioeconomic and spatial innovation and investment development of the respective regions;
- to agree on a CBC development programs from different sides of the border of Poland, Slovakia, Hungary, Czechia and Ukraine;
- to improve the databases of Interreg programs, in particular: Interreg Hungary - Slovakia - Romania - Ukraine, Interreg Poland - Belarus - Ukraine, Interreg Czechia-Poland, Interreg Poland-Slovakia, Interreg Slovakia-Czechia, Interreg Slovakia-Hungary regarding the availability of information in English;
- to ensure the development of a system of statistical indicators and the formation of databases on relevant aspects of territorial development and CBC that will make it possible to forecast, identify and comparatively evaluate the expediency and effectiveness of CBC projects of Ukraine and the V4;
- to promote the creation and functioning of EGTCs (in economic, social, health care, scientific and technical, cultural and educational, ecological, in the sphere of providing mutual aid in emergencies, etc.) because they are the effective forms of ensuring the development of CBC. The creation of these will contribute to the strengthening of the institutional capacity of LRAs, the attraction of additional financial and economic resources for solving local and regional development tasks, the intensification of partnership and the deepening of good-neighbourly multilateral relations between LRAs of Poland, Slovakia, Hungary, Czechia and LRAs of Ukraine on the Polish-Ukrainian border, Slovak-Ukrainian border and Hungarian-Ukrainian border;
- to create appropriate conditions for the organization of advanced training on CBC of representatives of central, regional and local authorities of Poland, Slovakia, Hungary, Czechia and Ukraine;
- to contribute to increasing the level of activity regarding the implementation of CBC projects and the level of quality of project management of LRAs of Poland, Hungary, Slovakia and Czechia, which in consequence, will contribute to the attraction of external financial resources for the implementation of joint projects with LRAs of Ukraine (on the Polish-Ukrainian border, Slovak-Ukrainian border and Hungarian-Ukrainian border) by introducing different types of training, including language learning, for those involved in CBC, in particular, for employees of LRAs where appropriate.



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