

Effective from: 01.01.2018 -

Government Decree No 485/2017 of 29 December 2017

on the detailed rules of the approval and registration procedures relating to the European grouping of territorial cooperation

Based on the authorisation granted under Section 20 of Act LXXV of 2014 on the European grouping of territorial cooperation (hereinafter: 'EGTC'), acting within its roles defined in Article 15(1) of the Fundamental Law, the Government hereby orders the following:

Section 1. (1) Applications for the approval of membership in an EGTC (hereinafter: 'application for approval') and applications for the registration of a EGTC based in Hungary (hereinafter: 'application for registration') must be submitted to the minister for foreign affairs (hereinafter: 'the Authority').

(2) The application for approval must contain the planned name, registered office, objective and tasks of the EGTC.

Section 2. (1) Simultaneously with the submission of the application for approval, the following must be certified:

a) for applicants defined in Section 5(1)(a) to (c) of Act CXLIII of 2015 on Public Procurement (hereinafter: 'Act CXLIII'), other than the state, the fact that the body defined in paragraph (3) has approved the member's participation in the EGTC according to the draft convention,

b) when the applicant is the budgetary body of a national minority government, the budgetary body of a local government and the budgetary body of a local minority government, the fact that the municipal council or assembly has approved the member's participation in the EGTC according to the draft convention and the draft statute,

c) when the applicant is a local or minority government, the fact that the municipal council or assembly has approved the member's participation in the EGTC.

(2) The draft of the convention and statute of the EGTC countersigned by the legal representative entitled to proceed within the framework of mandatory legal representation pursuant to the Act on Civil Procedure and, if they were not prepared in the Hungarian language, their certified Hungarian translation must be attached to the application.

(3) With regard to paragraph (1)(a) approval is granted by

a) the Government in the case of a ministry;

b) the supervisory body in the case of an applicant which is a central purchasing body delegated by the Government;

c) the supervisory body of the budgetary body in the case of budgetary body not defined in Section 5(1)(b) of Act CXLIII.

Section 3. (1) If the EGTC is based in Hungary and the foreign member already has an approval, simultaneously with the application for approval of the Hungarian member, the registration of the EGTC may also be requested at the Authority. In that case, the availability of the foreign approvals defined in Regulation (EC) No 1082/2006 of the European Parliament and of the Council of 5 July 2006 on a European grouping of territorial cooperation (hereinafter: 'the Regulation') and Article 4(3) and (3a) of Regulation (EU) No 1302/2013 of the European Parliament and of the Council amending the aforesaid Regulation.

(2) In cases other than those referred to in paragraph (1), the adopted convention and statute must be attached to the application for registration and the availability of the foreign approvals

defined in Article 4(3) and (3a) of the Regulation must be certified.

(3) The application for registration must contain the data specified in Section 7(2)(a) to (f) of Act LXXV of 2014 on the EGTC (hereinafter: 'the Act').

(4) Registration cannot be denied when the adopted convention complies with the Regulation and the Act, and when all members are in possession of the approval defined in Article 4(3) and (3a) of the Regulation, unless the circumstances prevailing at the time of the approval have changed so much that according to the authority a new approval procedure is required.

Section 4. This Decree shall enter into force on 1 January 2018.

Section 5. This Decree establishes provisions required for the implementation of:

a) Regulation (EC) No 1082/2006 of the European Parliament and of the Council of 5 July 2006 on a European grouping of territorial cooperation,

b) Regulation (EU) No 1302/2013 of the European Parliament and of the Council of 17 December 2013 amending Regulation (EC) No 1082/2006 on a European grouping of territorial cooperation (EGTC) as regards the clarification, simplification and improvement of the establishment and functioning of such groupings.