

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

Following the empowerment stipulated by Article 20 of Act LXXV of 2014 on the European Grouping of Territorial Cooperation acting according to my tasks as stipulated by Point 3 of Article 85 of the Government decree 152/2014 (VI.6.) on the scope and activities of the members of the Government I hereby order the following:

Article 1

(1) The request for the registration as a member within the EGTC (hereinafter referred to as request for approval) and the request for registration for the EGTC with a seat in Hungary (hereinafter referred to as request for registration) shall be submitted to the Minister responsible for foreign policy (hereinafter referred to as Authority).

(2) On the course of the administration of the requests referred to in paragraph (1) the provisions of the Act CXL. of 2004 on the general rules of the public administration authority processes and services (hereinafter referred to as Ket.) shall be applied with the deviations as regulated by this present decree.

(3) The request for approval shall include, above the data defined by the Ket., the planned name, seat, objective and tasks of the European territorial association.

Article 2

(1) For the request for approval the followings shall be attached above the ones foreseen by the 1082/2006/EC Regulation of the European Parliament and of the Council (hereinafter referred to as Regulation and the 1302/2013/EU Regulation of the European Parliament and of the Council amending the Regulation):

a) with the exception of the state, the approval of the body referred to in paragraph (2) in the case of applicants according to point a) and b) of paragraph (1) of Article 6 of the Act CVIII. of 2011 on the Public Procurement (hereinafter referred to as PPA) that it can participate in a EGTC according to the draft convention,

b) in case the applicant is a national nationality self-government budgetary organ, a local government budgetary organ or a local nationality self-government budgetary organ an approval of the representative body or assembly for its membership in the EGTC according to the draft convention and draft statute,

c) in the case the applicant is a nationality self-government the extract of the decision of the representative body or assembly of the support of the membership in the EGTC,

d) the draft of the convention and statute of the EGTC, countersigned by a legal representative that is entitled to perform legal representation in accordance with the Civil Code, and moreover in case those were not prepared in Hungarian language, then their officially certified translations.

(2) With respect of point a) of paragraph (1) the approval is given

a) in the case of a ministry by the Government,

b) in the case of an organ entitled for call for tenders on the course of central public procurement by the supervisory organ or the body,

c) in the case of the budgetary organ not defined by point a) of paragraph (1) of Article 6 of the PPA by the supervisory organ of the budgetary organ.

Article 3

(1) In case the seat of the EGTC is in Hungary and the foreign member already has its approval, the request for registration can be filed to the Authority together with the request for approval. In this case, the foreign approvals according to paragraph (3) and 3a) of Article 4 of the Regulation and their officially certified Hungarian translations should be submitted as well.

(2) In other cases than referred to in paragraph (1) the adopted convention and statute shall be annexed to the request and the original pieces of the foreign approvals according to paragraph (3) and 3a) of Article 4 of the Regulation.

(3) A request for registration shall include furthermore the data defined on points a)-g) of paragraph (2) of Article 7 of Act LXXV. of 2014 on the European Grouping of Territorial Cooperation (hereinafter referred to as Act).

(4) The registration shall not be refused if the adopted convention meets the requirements as stipulated by the Regulation and the Act and all members have the approvals in accordance with paragraphs (3) and (3a) of Article 4 of the Regulation, except the case when the circumstances of the time of approval have changed to such an extent that according to the Authority a new approval procedure is necessary.

Article 4

There shall be a maximum 10-day deadline given for the completion of documents in relation to the requests for approval and registration, which can be prolonged upon request with another 10 days.

Article 5

This decree stipulates the necessary provisions in order for the implementation of

a) the 1082/2006/EC Regulation of 5 July 2006 of the European Parliament and the Council on the European grouping of territorial cooperation, and

b) the modification of the 1082/2006/EC regulation on the European grouping of territorial cooperation that is the 1302/2013/EU regulation of 17 December 2013 of the European Parliament and the Council on the clarification, simplification and correction of the establishment and operation of the groupings.

Article 6

(1) This decree shall enter into force on the following day after its publication.

(2) The decree 16/2010 (XII. 15.) of the Ministry of Public Administration and Justice on the detailed rules for the process of approval concerning the European Grouping for Territorial cooperation cease to have effect at the same time.

Péter Szijjártó
Minister