

CONCLUSION ON CROSS BORDER AND EU LEGAL ISSUES

Ladies and Gentlemen! Distinguished Croatian and Hungarian guests, Dear colleagues!

As we have accomplished our commitment and finished the panel sessions and discussions, I would like to summarize briefly the conclusions of the conference.

This conference was organized by the Faculty of Law in the framework of the project called Establishing **UNI**versity Cooperation Osijek – Pécs. The EUNICOP project is co-financed by the European Union through the Hungary-Croatia IPA Cross-border Co-operation Programme. IPA Programme belongs to the “new generation” of cross-border co-operation programmes in the budgetary period of 2007-2013. It assists the promotion of several cross border activities, *inter alia*, development of common curricula and of joint training facilities.

As you all well know, EUNICOP is a one-year long common research and curriculum development project between the University of Osijek and Pécs in the field of law. The EUNICOP project is operated in wide spectrum of interrelated areas and through various activities. Among these the following can be pointed out: creating joint regional research in the field of law, sharing knowledge in specific cross-border issues, enhancing cooperative teaching activity and curriculum development, exchange of good practice in tendering and project management, furthermore the promotion of joint results. These objectives are achieved through different actions: study visits, common seminars with the participation of Croatian and Hungarian students as well as common research with the involvement of Croatian and Hungarian researchers. Organizing the conference that we are concluding now where the knowledge gained during the joint research can be shared, is yet another result of activities envisaged by the EUNICOP. I believe you agree with me that it successfully brought together researchers, and various fields of law were discussed.

In my opinion, as one of those who had the pleasure of listening to as many presentations as possible, the conference proved the success of productive collaboration between Hungarian and Croatian researchers. Realizing this achievement was not extremely difficult, as all of our colleagues had great ambition to become an essential and indispensable component of the EUNICOP project. Given this enthusiasm, the conference was structured according to the

different fields of law represented by our adventurous fellows. Thus, the following topics were involved in the professional discussions: civil law, governance, human rights and environmental protection, criminal law; each including EU law aspects as well. As a peculiarity of the conference, students' mobility was discussed as well, since the other significant scope of EUNICOP is joint teaching and promoting the possibility of mutual understanding for law students.

In my concluding remarks, however, I would like to draw your attention to the fact that this conference was much more than just speaking about some pre-selected legal topics. It did make researchers conduct joint professional efforts, also by writing joint research papers with a comparative, international and supranational perspective, which is a significant result of this fruitful row of events. And, as an outcome, they will have several valuable publications in foreign and native languages, therefore they can write in their CVs that "2010: taking part in the EUNICOP project as a researcher". But more importantly, many "personal and professional advantage" of the project can be recognized here as well. These are the following. By doing research together, Croatian and Hungarian academic teams could locate a common field of interest; find the differences and the similarities, even synergies between the studied legal systems; through internet or other ways of personal discussion they could easily help each other understand legal culture and think of the representative of another nation; they widen their perspectives; they may become more open-minded, reflective and sensitive to the problems a citizen of another country may encounter. And, in the meantime they could ask the most relevant questions: "what lessons can we learn from our joint research?"

In the panels, presentations were made by several teams and additionally there were some researchers who had to work alone, having no research pair. Even then, every participant focused on the comparative or EU law aspects of their field of research. Working in pair or alone, the abovementioned basic question was asked and answered.

Now, another basic question arises: why could our initiation to make joint researches on cross-border issues be so successful? Besides the geographical vicinity, similar professional interest and activity in academic field, the reason is to be found in the very nature of cross border issues themselves.

The development of cross border issues is strictly interrelated with the expansion, transformation and strengthening of international relations among states. Accordingly, in these days, cross border issues and related regulations are attracting more and more attention and becoming one of the core issues of international and supranational relations, especially when studying the European Union. The European Union, in accordance with the subsidiarity principle, emphasizes the significance and the necessity of deepening regional cooperation among the territories even beyond state borders. It is yet another characteristic of the beginning of the 21st century that we have to face different and diverse dangers (for instance epidemics, terrorism, climate change, economic crises, globalization) threatening our lives, health and security. These phenomena obviously raise various and simultaneously similar problems clearly and manifestly apparent in each state in the field of civil, business, criminal, family as well as public law. The answer states can give to these challenges cannot be other than strengthening the cooperation and making it more and more intense. It entails the approximation of legal regulations and establishing joint operations in order to solve, among others, cross border issues. Each EU candidate, including Croatia, has to prove to have created a convenient legal environment for the prerequisites of cross border cooperation. It is obviously true that the cross border phenomenon in itself means much more that is realized in the framework of the supranational organization called European Union. It must be admitted that the Pécs Law School and the Strossmayer University have found it inevitable to establish common research and student exchange program even before Hungary joined the EU; and this cooperation didn't end after 2004, or after the first decade of this century. It has been even more strengthened as we realized that especially in the legal education and research we can widen our horizons, share our theoretical knowledge and empirical experiences on the accession and its effect to our legal system, legal theory and practice in all branches of law. This extra knowledge and experience can be utilized by Croatia in the process of becoming full member of the European Union, facilitating the candidate status and the successful accession to the EU. In turn, Hungary can deepen its knowledge and enrich its experiences in the field of different legal branches, learn new solutions for problems raised long ago and solved differently.

Ladies and Gentlemen! Now, let me summarize the most important results of our three-day-long, fascinating, intriguing but exhausting work in which all of you have participated intensively and with remarkable enthusiasm by making valuable efforts, adding thought-provoking comments as well as raising relevant questions.

I have realized that even the presentations in the panel sessions can be restructured according to the idea of “cross border phenomenon”. Let me give an overview from a “cross panel” perspective taking the research method of the individual papers into consideration.

My first “cross panel” summary is that researchers managed to compare successfully the Hungarian and Croatian legal system. We could follow a presentation on similarities and differences between the environmental provisions of the Hungarian and Croatian constitutions, and analyses whether the practice of the Hungarian Constitutional Court can also be applied for the interpretation of the Croatian Constitution. The main findings of the presentation on solidarity may also be constructive in the constitutional dialogue in Hungary as well as in Croatia. Other speakers have disclosed that there is nothing in international law prohibiting multiple nationality, or the loss of nationality upon acquisition of nationality of another state. Croatia and Hungary were referred to as examples showing the characteristics of the legal approach to dual citizenship. From historical viewpoint it could be learnt that in the constitutional system developed according to the Hungarian-Croatian Compromise of 1868, common affairs between Hungary and Croatia were to be legislated in the Hungarian Parliament with the participation of the Croatian delegates of the Sabor and that, besides these issues, an autonomous legislative authority of the Sabor was recognized. There were presentations focusing on similarities and differences between Hungarian and Croatian measures of electoral remedies, electronic administrative procedure, provisions on perpetration and accomplice liability and, last but not least, money laundering. Authors of these papers hoped that they could, one way or another, contribute to the improvement of the corresponding law of the scrutinized matters.

The second “cross panel” summary focuses on a comparison based on international and EU law, which affects on the legal measures of member and candidate states. Firstly, the Convention on the Protection and Sustainable Use of the Danube River was detected as the most important instrument for the international cooperation on water management among EU member states and non-member states in the Danube River Basin. It was probably not generally well known that the EU Danube Strategy is expected to be operational after its approval at the first half of 2011. Croatia and Hungary are actively participating in the preparatory work, based on, inter alia, their cooperation within the framework of the Hungary-Croatia IPA Cross Border Cooperation Programme. Secondly, it was emphasized that economic and social cohesion is essentially implemented through the regional policy of

the European Union, and as an example the Croatian development plans were discussed from a theoretical perspective requiring the introduction of an authopoiethic shaping of institutions. Thirdly, a comparative analysis and an overview on the requirements of the European Union and the corresponding experience were shared with the audience, focusing on the basic elements of the Croatian and Hungarian tax systems reflecting the outlined prerequisites. Fourthly, it was underlined that the European Arrest Warrant is to be considered one of the most ambitious projects of the European Union regarding the cooperation in criminal matters. Authors agreed that the Hungarian implementation can be referred to as an example for the Croatian legislature. A similar lesson can be learnt from the Hungarian experiences on the free movement of workers. Hungary may provide answers to open Croatian questions and dilemmas, furthermore may help consider potential expectations for the future even in the field of preliminary ruling procedure, consumer protection and legal aid. Taking into consideration the special characteristics of higher education such as having many students, a very exciting research topic was presented in the conference. Based on the recognition of the EU that international education and training as well as student mobility can serve as means to create a knowledge-based economy/society, authors decided to survey and compare the motives of students applying for international exchange projects in the Law Schools of Pécs and Osijek.

My third “cross panel” observation is established by taking into account that several papers dealt with the European Union from different points of view. Authors reminded of the changes introduced by the Lisbon Treaty to the role of national parliaments that may influence the level of willingness of national legislatures to participate more intensively in the functioning of the EU. Another speaker revealed the political and legal background of the fact that at significant points in integration history referendum was needed to affirm a decision made by the political elite in relation to the EU. As for the enlargement of the European Union, the question was answered whether the enlargement is indeed the “most successful” policy of the EU external relations. We may conclude that it can be interpreted as successful. The EU, by laying down specific political, economic, legal and institutional criteria for the accessing countries, helped even itself consolidate and reform these values internally, in its own system as well. Besides the outline of the Hungarian and Croatian foreign policies, we additionally got an insight even to the transatlantic policy of the United States and learnt that the support for European integration and enlargement is still a central pillar of U.S. foreign policy. It was also understood that this support, which is uncontroversial towards the

accession of Croatia, rests on two tenets: economic and strategic. Apart from the US foreign policy, we received an overview on some common law procedural legal instruments and the related “test” drawn on the case law of the ECJ.

The topic of the fourth “cross panel” summary is the real cross border, that is assuming an actual or virtual crossing the border, issues occurred in connection with reproductive tourism, covert policing, European judicial cooperation in family matters, and takeovers. Authors presented everyday problems that states encounter. Regardless the EU membership, states have to give adequate political and legal answers to the dangers we face in the beginning of the 21st century. Appropriate solutions have been offered by each researcher.

As it is well known, in order to attract the widest possible audience who can benefit from the research results, the conference papers are collected and published in three books in Croatian, Hungarian and English. This would make the result of the research activity of the EUNICOP project available for others irrespectively where they are resident all around the world.

Distinguished Guests, dear Colleagues!

Finally, I would like to thank you for your valuable research work and remarkable participation in the project and inevitable contribution to the success of this conference. It was an honor for me to have organized this event dealing with Cross-border and EU legal issues of high importance. I am convinced that every one of us took great advantage of the recent activities of the EUNICOP project. It has been a privilege to have you here in our beautiful city of Pécs, and I do hope that besides your professional engagement you could even enjoy a little bit the programs offered thereby.

I would also like to express my appreciation to Professor Gyula Berke, the dean of our faculty, for all the wonderful support we received during these three days. Last but not least, I truly thank the great, reliable and essential assistance of Zita Császár, Ildikó Svegál, Damír Kaposi and Brigitta Szabó.

Now it is my pleasant duty to provide the honorable opportunity for all of us to listen to the closing speeches of the representatives of the participating faculties and the Croatian project management.

Thank you for your attention.

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