



Managed by the Association of European Border Regions by an Action Grant (CCI2017CE160AT082) agreed with the Directorate General of Regional and Urban Policy European Commission. Financed by the European Union.

b-solutions

FINAL REPORT BY THE EXPERT

Advice Case: Cross-border share of municipal management services

Advised Entity: European Grouping of Territorial Cooperation Arrabona EGTC, HU-SK

Expert: Central European Service for Cross-Border Initiatives (CESCI)

Table of Content:

BACKGROUND	2
DESCRIPTION OF THE OBSTACLE.....	4
THE RESEARCH.....	5
Methodology	5
a) Distributors	5
b) Technical control, putting into operation.....	6
c) Issuing of vehicle registration plates	9
d) Road use, special permits	10
e) Machine operating licenses	12
f) Management of accidents	13
g) Contracts.....	14
Indication of the legal/administrative dispositions	15



Managed by the Association of European Border Regions by an Action Grant (CCI2017CE160AT082) agreed with the Directorate General of Regional and Urban Policy European Commission. Financed by the European Union.

Causing the obstacle 15

Description of a possible solution..... 16

Pre-assessment of whether the case could be solved with the ECBM 16

Other relevant aspects to this case 17

REFERENCES AND APPENDIX/APPENDICES IF ANY 18

Appendix No. 1: A short description of the types of the considered machines during the research 18

 A) Wood terminator 8XL 18

 B) Caravaggi Bio 1250 19

Appendix No. 4: Defines of the used legislation 20

 EK/EU 20

 HUNGARY 20

 SLOVAKIA 21



Managed by the Association of European Border Regions by an Action Grant (CCI2017CE160AT082) agreed with the Directorate General of Regional and Urban Policy European Commission. Financed by the European Union.

BACKGROUND¹

Members of the Arrabona EGTC explored their opportunities for institutional co-operation within the frame of the Builcogreen event series, launched in 2016. The series of events, funded by the INTERREG V-A Slovakia-Hungary Cooperation Program, aimed at 'greening' the member municipalities with hope of a more intense cooperation with the municipal service providers. The lead beneficiary of the project was the Arrabona EGTC, the main target group is the four founding cities and the affected institutions and populations of the other 29 settlements in the area of the grouping.

The grouping members considered and discussed the required legal frameworks, financial needs, technical conditions and human resources requirements for the selected areas of cooperation; subsequently, implementation plans have been prepared for the selected topics. One of the discussed topics was the idea to develop a common machine park for maintaining public spaces and the following main expectations were formulated:

Strategic aim

Joint reflection on public tasks, as well as identification of those areas, where public works on both sides of the border can be carried out more efficiently through joint funding and joint use of devices.

Specific project aim

The basic aim is the joint procurement of high-performance machines and the needed equipment for their locomotion, as well as their operation on both sides, on the Hungarian and Slovakian sides. The expected result of the procurement is that the costs of earlier leasing of machines are reduced; moreover, additional revenue is earned through leasing of the machines. The following machine types were considered in connection with the project:

- aerial platform auto, e.g. felling of dangerous trees, installing Christmas decoration;
- high-performance branching machine;
- purchase of a ground fogging machine and the related chemicals for mosquito elimination;
- seaweed and reed cutting machine.

¹ Compiled on the basis of the Arrabona EGTC implementation plan „BUILCOGREEN series of events (SKHU/1601/4.1/040) for joint management of tasks of public spaces”



Managed by the Association of European Border Regions by an Action Grant (CCI2017CE160AT082) agreed with the Directorate General of Regional and Urban Policy European Commission. Financed by the European Union.

From the listed machine types, the members of the grouping and the municipal maintenance companies chose the branching machines as a viable option for realization, because efficient processing and disposal of soft and woody green waste is still a problem for the municipalities.

Regarding the purchase of the working machines, the mayors articulated several criteria. For the future use of the machines, probably the most important criteria was that the machines could be leased besides of serving the needs of the member municipalities.

In order to have clarity in our research, we referred to the various types of machines, which are object of a purchase, as working machines.



Managed by the Association of European Border Regions by an Action Grant (CCI2017CE160AT082) agreed with the Directorate General of Regional and Urban Policy European Commission. Financed by the European Union.

DESCRIPTION OF THE OBSTACLE

One of the major problems in the joint procurement and operation of the working machines was that this specific type of operating system (cross-border machine station) is not yet known among the organizations of the “European grouping for territorial cooperation (EGTC)” along the borders of Hungary. Although, some professional aspects of cooperation are well deductible from the municipal management practices, but a number of potential obstacles relating to legal and administrative conditions of the purchase and operation of the machines were identified by the members of the grouping:

- a) the acceptance of the required driving licenses (forestry machine driver license and crane operator license) in another member state;
- b) operating of the machines in another country, with particular attention to the expected official controls (police, labour safety, environment and nature protection, etc.);
- c) transport of the machines from the machine park to the workplace within country or into another member state;
- d) the equivalence of the relevant domestic traffic rules and traffic rules of other member state;
- e) the contractual conditions of the use of the machines;
- f) the question of an accidental personal or property damage and its settlement.



Managed by the Association of European Border Regions by an Action Grant (CCI2017CE160AT082) agreed with the Directorate General of Regional and Urban Policy European Commission. Financed by the European Union.

THE RESEARCH

Methodology

During the development of the project, CESCO consulted with representatives of the Arrabona EGTC, it examined the relevant procedures by conducting interviews with the distributors, authorities and leaders of the municipalities² within the area of the grouping, as well as by reflecting the EU and national legislation.³

During the debate, all types of working machines which were listed above, were discussed - due to related procedures and regulations - modelling of the process (acquisition, putting into operation, use) was carried out for the wood terminator, which was recommended by the grouping members.⁴

Stages of the research, findings

The explored stages of the acquisition and operation of the machines were the followings:

- a) Distributors
- b) Technical control, putting into operation
- c) Issuing of vehicle registration plates
- d) Road use, special permits
- e) Machine operating licenses
- f) Management of accidents
- g) Contracts

- a) Distributors

The working machines arrive from the manufacturer to the distributor with the necessary documentation. These and their contents are the followings:

² See the list of contacted organizations and representatives, as well as the signed attendance sheets in the 1st and 2nd Appendixes.

³ See Appendix 4, the list of analysed EU and national legislation

⁴ See Appendix 3, A short description of the types of the considered machines during the research



Managed by the Association of European Border Regions by an Action Grant (CCI2017CE160AT082) agreed with the Directorate General of Regional and Urban Policy European Commission. Financed by the European Union.

- Manual of the machine: it contains the general maintenance instructions, descriptions and tasks related to the working machine;
- Checklist of the deliverance: it certifies the conducted education/training and the commencement of the warranty;
- TÜV documentation: it proves the quality of the working machine through an independent and recognized certification mark;
- EC/EU Certificate of Conformity: the Certificate of Conformity (COC) is a document proving that the produced type of vehicle at the time of its production fulfils all the technical requirements

The Certificate of conformity is essential, because the manufacturer assumes responsibility for the conformity of the product!

According to the interviews, the errors of the declarations of conformity are the following ones in practice:

- they are written only in the language of the manufacturer;
- some of the cited laws and standards are already out of application at the time of their issuing;
- the contained statements are incomplete,
- in many cases, the distributors themselves issue a declaration of conformity beside and/or instead of the manufacturer, which is an illegal procedure.

Some national distributors undertake distribution also in the partner country if the procurement is related to a project in their own country; otherwise, distribution is always carried out by the representatives of the other country.

After the purchase, the relationship between the purchaser and the distributor is typically limited to periodic servicing, warranty repairs, as well as selling of wear parts.



Managed by the Association of European Border Regions by an Action Grant (CCI2017CE160AT082) agreed with the Directorate General of Regional and Urban Policy European Commission. Financed by the European Union.

b) Technical control, putting into operation

The basic point of departure of both Hungarian⁵ and Slovakian⁶ technical examination procedures is the vehicle category into which the working machine, which arrives from the distributor, is categorised.

There are two groups of vehicle categories in Hungary and Slovakia, similarly to other member states of the European Union: the first vehicle category is linked to international categories⁷, while the second one contains those categories which are in national competences. Among the Hungarian national vehicle categories, the category of 'T' includes agricultural tractors (agricultural and forestry tractor), as well as the slowly-moving vehicle and trailer.⁸ Despite the common category, vehicles have different classifications: slow-moving vehicle and the agricultural trailer is classified into the category of types of "motor vehicle, but not covered by the definition of 'vehicle'" category, whereas the trailers is classified into the category of "non-motor vehicle and non-vehicle" category.

In Slovakia, trailers and including semi-trailers, as well as the slowly-towing working machines are classified into the national category of "O", while tractors are classified into the category of "T". The working machines, explored in the project, are primarily classified into the category of "trailer", but the status is unclear, as it depends on the total weight and size classification by the District Office.

The distinction between agricultural tractors and slow vehicles is very important during the procedure. One of the features of the working machines involved in the project is that they are in different speed range depending on their chassis. In the case of an "agricultural chassis", working machines may be towed only by a tractor. In this case, both the tractor and the

⁵ See Decree No 5/1990. (IV. 12.) of the KÖHÉM on roadworthiness tests for road vehicles and Decree No 6/1990 of the KÖHÉM on the technical requirements for entry into service and keeping in service of road transport vehicles

⁶ See Government Decree N. 106/2018 Act on the traffic of vehicles in road traffic and amendments to certain acts AND Ministerial Decree No. 9/2009 Decree of the Ministry of the Interior of the Slovak Republic on implementing the Act on Road Traffic and on Amendment to Certain Acts AND Vyhláška č. Ministerial Decree No. 132/2018 Decree of the Ministry of Transport and Construction of the Slovak Republic establishing the details of technical requirements for certain vehicles, systems, components and separate technical units for approval

⁷ DIRECTIVE 2006/126/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 December 2006 on driving licences (Recast)

⁸ Government Decree 326/2011. (XII. 28.) on road traffic administration tasks and the issue and withdrawal of road traffic documents



Managed by the Association of European Border Regions by an Action Grant (CCI2017CE160AT082) agreed with the Directorate General of Regional and Urban Policy European Commission. Financed by the European Union.

working machine shall be driven at a speed not exceeding 25 km/h, even though their speed design exceed this speed range, but the maximum permitted speed is 25 km/h on their verification paper. In case of this category, the vehicle may be driven only at a given time of day and period of the day. In the case of “trailer chassis” and within the given weight and size limits, the working machine can be transported even on higher roads, without road restriction, with a suitable trailer at speed up to 80 km/h.

The specification of the type of machines is followed by the examination of the specific technical parameters and the technical data sheet is issued at the end of the procedure. Subsequently, documentation of the vehicle is transferred toward the Office of Government Issued Documents/District Office for further administration (registration for traffic use, official identification).

During the registration of the vehicle into the traffic, in addition to the technical documentation, there is a need to submit the importing licence, the sales contract and the invoice (in the appropriate language translation), as well as the tax office's VAT verification and the proof of originality.

The technical inspection of the vehicles is carried out primarily in central technical test stations in the county/district.

If the required technology for testing (e.g. measurement of deceleration), as well as other necessary external conditions (e.g. examining pit, solid pavement) are available in Hungary, the tests can be performed at an external test station (Sopron) or even at the client's site, or even at the yard of a private house.

In Slovakia, technical tests can only be done at the designated test stations.

If the purchased vehicle is a trailer chassis and a working machine-type structure is fitted on it then the trailer will be inspected as first and registered into traffic. It is followed by the rebuilding, or installing of the machine-type, which requires special Office of Government Issued Documents/District Office administration. This means that the technical content of the trailer chassis for road traffic does not include the technical content which is related to the installed machine-type structure (the chassis technical examination is carried out separately from the machine structure).

According to current practice, the technical test and registration into the traffic shall be carried out by the distributor at the competent authorities of its seat.

The next technical test of vehicles, which were registered in traffic, is repeated after 4 years in both countries (it is done in shorter periods above certain age of the vehicles).



Managed by the Association of European Border Regions by an Action Grant (CCI2017CE160AT082) agreed with the Directorate General of Regional and Urban Policy European Commission. Financed by the European Union.

The Slovak District Office does not send any advance notification about the expiration of the technical examination certificate, but it checks the validity of the technical examination on the basis of an automatic system. When the vehicle's technical or emission control certificate expire, the new system automatically sends the fine.

In Hungary, the Ministry of the Interior sends free email reminder about the upcoming expiration of the technical examination certificate, and there is no special automatic control system.

In Slovakia, the conducted examination test is confirmed by a sticker which is stuck up to the windscreen, while it is registered in the registration certificate in to the traffic in Hungary.

c) Issuing of vehicle registration plates

In Hungary, the registration number of the vehicle is issued by the competent Office of Government Issued Documents on the basis of a traffic licence, while it is issued by the competent police authority in Slovakia.

In Hungary, the slow vehicle category registration plates are with red letters, with red selvedge on a white background. If it is not registered as a slow vehicle, the registration plate is with the accustomed three black letters and three numbers on the white background.

In Slovakia, agricultural and slow forestry vehicles have a green registration plate. In case of other categorisation, they use the standard registration plate (white background, two-letter code of the district + three-digit number from 001 to 999 + a couple of letters from AA).

Other markings on the registration plate: national coat of arms, EU mark or EU mark and national coat of arms together since 1st of June 2006.

It sometimes happen in Hungary that the Office of Government Issued Documents confuses the slow towing vehicles with the green registration plate "M" self-moving vehicles (harvesting, threshing, spraying, etc.). The latter type of vehicle is similar to the working machine in this project, but it is technically different, because it can work autonomously on the basis of GPS coordinates while it can use public roads with the supervision of the driver.

The mistake mostly happens due to omission of official employees, the Government Decree 326/2011. (XII. 28.) on road traffic administration tasks and the issue and withdrawal of road traffic documents settles the question clearly.



Managed by the Association of European Border Regions by an Action Grant (CCI2017CE160AT082) agreed with the Directorate General of Regional and Urban Policy European Commission. Financed by the European Union.

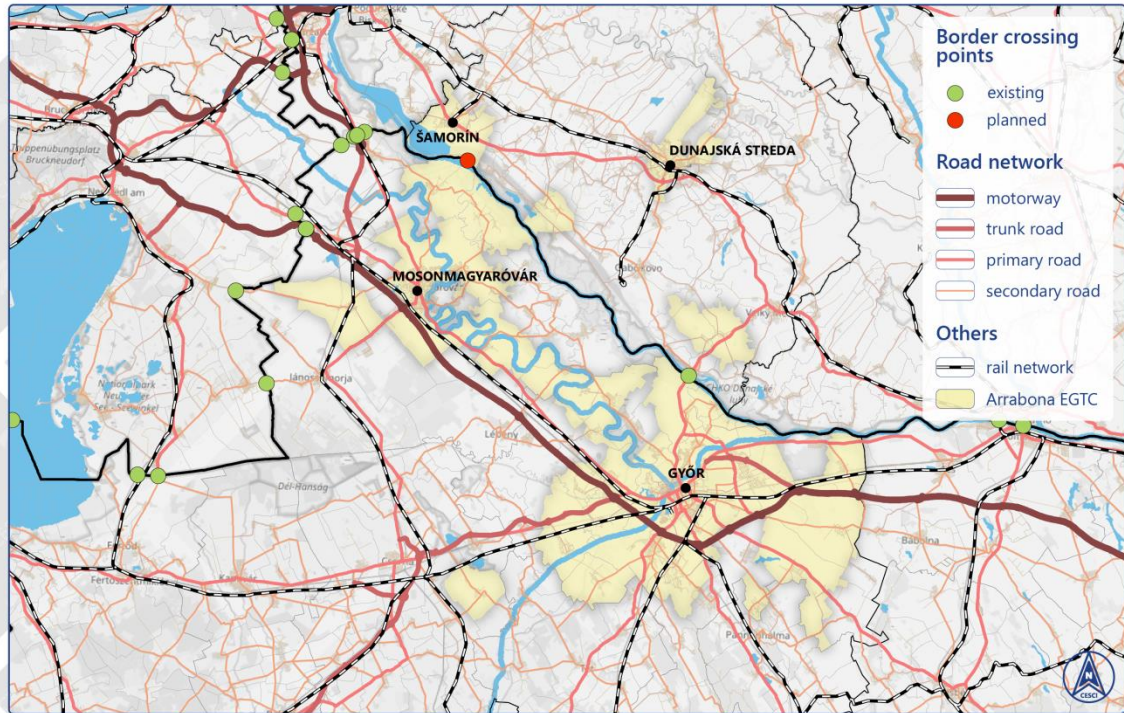
In both countries, it is forbidden to drive without a registration plate on public roads, at least temporarily it is allowed with an official permit (e.g. verification of losing the registration plate); otherwise, the license is immediately withdrawn in the absence of the registration plate.

Different practice of recognizing the national registration plates is visible in the case, when the Slovakian tractor drivers are penalized during roadside police controls in Hungary, because the Slovakian tractor vehicles have only one (rear-mounted) registration plate (while this is the officially accepted system in Slovakia). According to the justification of this penalisation, the Slovak tractor drivers committed an offense on the territory of Hungary, because the registration plate for tractors is compulsory both at the front and at the back in Hungary.

d) Road use, special permits

The regulations are similar in both countries. In case of transporting an oversized or overweight machinery, the owner or the operator shall submit a route plan to the competent Road Authority/District Office and on the basis of it an individual transport authorization shall be obtained. It is common practice of companies which transport oversized or overweight machinery that beside of transport, they deal with the process of obtaining the related documents and the needed route licenses. It should be added that obtaining of such permits often does not concern only cargo, but the special towing vehicles of the transport companies have obtain a permission to use certain public roads and public areas, too.

Managed by the Association of European Border Regions by an Action Grant (CCI2017CE160AT082) agreed with the Directorate General of Regional and Urban Policy European Commission. Financed by the European Union.



forrás: ESRI, OSM database
© Central European Service for Cross-border Initiatives

0 4 8 16 24 32 Km

The proportional road charging system was introduced in Hungary and Slovakia on 1st of July, 2013. It applies to certain sections of the road network and it may also affect the working machines in this project.

The new system complies with the EU technology requirements and with other standards.⁹ The measure of toll payment commensurate with the driven distance, it depends on the type of the used road, the category of vehicle and its environmental rating.

Traffic restrictions for vehicles over 7.5 tonnes in weekends and holidays, as well as for vehicles over 12 tonnes on certain road sections are regulated by separate legislation in Hungary¹⁰ and Slovakia¹¹.

⁹ 2009/750/EC: Commission Decision of 6 October 2009 on the definition of the European Electronic Toll Service and its technical elements

¹⁰ See Government Decree No 190/2008 on the Restriction of the Transportation of Heavy Trucks

¹¹ See Government Decree No. 8/2009 Act on Road Traffic and Amendments to Certain Acts



Managed by the Association of European Border Regions by an Action Grant (CCI2017CE160AT082) agreed with the Directorate General of Regional and Urban Policy European Commission. Financed by the European Union.

Exemptions from traffic restrictions are available on the basis of a request from the Road Authority/District Office.

If oversize of the vehicle can be eliminated, no permission is required. The “oversized” technical units of the working machines, which is to be acquired during the project, are removable and they can be re-fixed. In addition to the oversize, other conditions have to be taken into account, for example the working machine must not cause any road pollution or road damage and the working machine and its implements (load carriers) must be empty when it is driven/transported.¹²

e) Machine operating licenses

The required so-called "green licence", which are needed for working machines, examinations (for agricultural and forestry driving licenses) are organized by the competent authorities and they are carried out by specialized firms. In the region of the Arrabona EGTC, for example the DEKRA¹³ company can be mentioned, whose headquarters is in Győr and it is also responsible for coordinating of training in the region of Western Transdanubia. In Slovakia, the Új Kézfogás Alapítvány can be mentioned which holds trainings in Šamorín and partly in Dunajská Streda.

The trainings specialize for specific professional groups, including machine types, and accordingly can be applied for an exam.

The obligation to obtain a license for the working machine applies only to the person who operates the machine itself. The driver of the tractor, who does not operate the machine itself, does not need that specific working machine licence. Nevertheless, it can happen that the same person operates the tractor and the working machine, too.

The driving licenses obtained during the training are equivalent in both Hungary and Slovakia.¹⁴

¹² See Ministerial Decree No. 464/2009 Decree of the Ministry of Transport, Post and Telecommunications of the Slovak Republic establishing details on the traffic of vehicles in road traffic

¹³ DEKRA Akadémia Kft., number of the adult educational licence: E-000683/2014

¹⁴ See COMMISSION DECISION (EU) 2016/1945 of 14 October 2016 on equivalences between categories of driving licences and DIRECTIVE 2006/126/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 December 2006 on driving licences (Recast)



Managed by the Association of European Border Regions by an Action Grant (CCI2017CE160AT082) agreed with the Directorate General of Regional and Urban Policy European Commission. Financed by the European Union.

f) Management of accidents

Rules for the accidents are interpreted in the same way in both countries and they are based upon the relevant EU directive.¹⁵

Classification of accidents depends on the fact whether it is a road accident or it is an accident at work.

If there is a road accident without any personal injury, but there is insurance and the damage does not exceed a certain amount of value; furthermore, if the guilty party admits the caused damage, then the police, even if they arrive to the scene, do not take action, but the incident is classified as an accident. In such a situation, only the competent insurer takes action.

If there is a change in the above mentioned conditions (e.g. personal injury, disagreement between the parties on the accident), then it is classified as an accident and the proceeding is continued as a misdemeanour or as a criminal case. In this case, the license can be withdrawn.

If there is no personal injury, but it is considered as an accident, the foreigners may be fined on the spot.

The seizure of the machine is not a practice, but if the driver or the operator was under the influence of alcohol, the working machine might be seized. The same happens when the accident requires an expert examination of the vehicle. The duration of the seizure is adjusted to the duration of the proceedings, typically 1-2 months.

In the case of an accident at work (out of public road), officers of the labour safety and police act together. Beyond the routine control of traffic and driver licenses, the labour safety control also checks whether the person(s) who operate(s) the (dangerous) machine was trained and whether he had a valid license to operate that machine type (crane, lifting vehicle), valid occupational medical aptitude test, required occupational safety training and, if necessary, whether prior risk assessment and preventive action was taken by the employer regarding dangerous operation.

It is important to note that driving licenses for tractors are valid only in the given country, because the vehicle category of "T" and the corresponding driving license issues are part of the national competences.

¹⁵ See DIRECTIVE 2008/96/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 19 November 2008 on road infrastructure safety management



Managed by the Association of European Border Regions by an Action Grant (CCI2017CE160AT082) agreed with the Directorate General of Regional and Urban Policy European Commission. Financed by the European Union.

Since the machines will work in areas close to the border, it may happen that the Slovak police officer may know Hungarian, but also in this case the operator of the machine has to have a Hungarian or Slovak contact (municipal or other employer) who can assist in the case of an inspection.

g) Contracts

During the interviews, besides of the issues of acquisition of the working machines and putting them into operation, other issues were also discussed, like legal-contracting issues which are related to ownership and functioning:

- ga) what kind of ownership structure is required for the project call for the working machines;
- gb) what types of contracts are required for the project call for using the working machines;
- gc) what kind of fees will be given and who will bill towards the members, as well as towards the municipal maintenance companies, who use the working machine;
- gd) which organization will take the personnel and material costs (pre-paid costs, post-paid costs, etc.) of storing, maintaining and transporting the machine;
- ge) how does the cost accounting process develop (after each activity, at the end of the year or separately on the Hungarian and Slovakian side);
- gf) are the co-payments of the members, paid during the machines purchase, “refundable” during the operation of the working machines;
- gg) how the ownership and sales system of machine-processed materials/products is going to develop;
- gh) how will be the VAT issue between the Hungarian and Slovakian members and companies (e.g. a company with a Slovak tax number works with the machine for the Hungarian member; subsequently, the Slovak company invoices and reclaims the Hungarian VAT, but for this it needs to have a tax number in Hungary).

The primary aim of this study is not to analyse the prospective contracts, but it is clear that these questions and issues are already closely related to the conditions of working machines procurement and they may have implications for its future operation and utilization.



Managed by the Association of European Border Regions by an Action Grant (CCI2017CE160AT082) agreed with the Directorate General of Regional and Urban Policy European Commission. Financed by the European Union.

Indication of the legal/administrative dispositions

Causing the obstacle

The implemented interviews and the review of the legislation show that most of the legal-administrative obstacles which were raised by the members of the grouping are properly addressed by the existing EU and national legislation. However, some issues still appear that need to be solved:

- a) registration plate and driver licence: transport of a working machine by tractors beyond the border, but the national police authorities have different procedures – especially because of different registration plate rules: a Slovak tractor (with registration plate at the back of the vehicle) is penalized during the roadside inspection in Hungary; however, the tractor in Hungary has the registration plate both in front and rear; moreover, neither Hungarian nor Slovak tractor driver can drive with their own national driving license in another country;
- b) lack of official communication: the representatives of the Hungarian and Slovakian police authorities do not coordinate the diverging traffic enforcement practices of the two countries;
- c) ownership and operating rights: it is unclear how these rights will be shared between the Arrabona EGTC, its members, as well as among the other involved companies;
- d) contract types: it is not clear what type of contracts can be used when using the working machines on the Hungarian and Slovak side;
- e) financial clearance: rules of financial clearance of the members, as well as of the involved municipal management companies, are not clear



Managed by the Association of European Border Regions by an Action Grant (CCI2017CE160AT082) agreed with the Directorate General of Regional and Urban Policy European Commission. Financed by the European Union.

Description of a possible solution

- a) the solution can be THEORETICALLY deduced from existing rules:
- **Use of registration plate:** during the roadside police control, not the different registration plates should be emphasized, but the valid registration traffic certificate which proves, on the one hand, the registration of the vehicle in a (member)state, on the other hand, the registration of the vehicle justifies its official authorization in the traffic, including the identification of the vehicle and the issue of a registration plate with the appropriate serial number in the country. An accompanying provision is in accordance with the principle of the free movement of goods, as well as with the directive¹⁶ on the documents related to vehicle registration, hence the registration plates and certificates should be mutually accepted by the member states. We underline that the traffic law PRACTICE of the EU member states still include diverging interpretations in this area, which have not been harmonized yet;
 - **Driving licence:** for driving a tractor in another country, there is a need to obtain the required international driving license category that is recognized in the EU member states (AM, A1, A2, A, B, BE, B1, C1, C1E, C, CE, D1, D1E, D and DE).
- b) it is recommended to organize senior management meetings and regular professional conferences, with the involvement of relevant EU professionals, in order to remove the divergent – as possible – traffic law enforcement practices;
- c) the Arrabona EGTC intends to purchase the working machines from tender financial resources, hence regarding the rules of the ownership and operation of the vehicle, the tender financial resources need to be primarily taken into account.
- d) contract types are partly adapted to project calls and to the most efficient form of operation, chosen by the municipalities, on the other hand. The latter will essentially depend on which organization and at which cost will operate the machine, as well as what are the rights and obligations of the member that temporarily uses the machine.

Pre-assessment of whether the case could be solved with the ECBM

When assessing the applicability of the new ECBM tool, three aspects have to be considered:

- a) whether the obstacle has a legal nature?

¹⁶ COUNCIL DIRECTIVE 1999/37/EC of 29 April 1999 on the registration documents for vehicles



Managed by the Association of European Border Regions by an Action Grant (CCI2017CE160AT082) agreed with the Directorate General of Regional and Urban Policy European Commission. Financed by the European Union.

- b) whether the identified obstacle to overcome has a territorially defined, regional perspective?
- c) whether the obstacle can be solved more simply through the ECBM tool than by other solutions?

Deeper description of the above mentioned aspects are the following:

a) The nature of the obstacle

Regarding the registration plate, the question is satisfactorily ruled at EU level. The problem is stemming from the contradictory national level application of the rules. Consequently, the problem is created by the everyday practice and not by the difference of national legal provisions. In this case, the solution comprises the clarification of the situation and the right procedures with the involvement of the representatives of the police authorities of the two countries.

In terms of VAT-harmonisation, the EU VAT number can ensure the solution since the VAT content of the price can be covered according to the domestic provisions.

b) Regionality

Although the initiator of the enquiry is an EGTC and the initiative itself has a clear territorial focus (the territory of the Arrabona EGTC), the obstacle is not confined to the given area, rather it has a broader context covering the bilateral relationships of the two neighbouring countries in the field of transport. In addition, the solution of the joint machine centre can be attractive to further border regions, as well what would make necessary to apply another ECBM solution.

c) Simplicity

Obviously, the identified obstacle is originating from a false practice rather than from a legal difference. Consequently, its solution does not make necessary to apply the ECBM tool.

Other relevant aspects to this case

There are no other relevant aspects.



Managed by the Association of European Border Regions by an Action Grant (CCI2017CE160AT082) agreed with the Directorate General of Regional and Urban Policy European Commission. Financed by the European Union.

REFERENCES AND APPENDIX/APPENDICES IF ANY

Appendix No. 1: A short description of the types of the considered machines during the research¹⁷

A) Wood terminator 8XL¹⁸

This novel chopping machine has been designed for the tractor class 130-200 HP. The very large chopping knife advance and the very large screen surface of this chopping machine series confirm the advantage of Mus-Max technology in this performance class. The result: excellent wood chip quality, and on top: clean, square wood chips without fine particles. An amply dimensioned, thick-walled discharge screw and a blower – equipped with easily replaceable wear plates – confirm the maintenance friendliness and quality of this device. The just eight chopping knives can be replaced and sharpened fast. The state-of-the-art CANBUS electronic system and the load-dependent feed belt control confirm the success of this development. With the push of a button, you can switch from coarse to fine wood chips immediately. Furthermore, the CANBUS electronic system has the advantage that a voltage of 12 or 24 volts can be used, and in addition, this board is vibration-proof and requires little space in the control box. In addition, a very thin, weather-proof cable with steel plaiting and a small, handy, ergonomic control panel are used.

¹⁷ Compiled on the basis of the Arrabona EGTC implementation plan „BUILCOGREEN series of events (SKHU/1601/4.1/040) for joint management of tasks of public spaces”

¹⁸http://www.musmax.at/index.php?option=com_content&view=article&id=78&Itemid=57&lang=en

Managed by the Association of European Border Regions by an Action Grant (CCI2017CE160AT082) agreed with the Directorate General of Regional and Urban Policy European Commission. Financed by the European Union.



B) Caravaggi Bio 1250¹⁹

The Bio 1250 Bio-Shredder is part of our medium-high quality range of products. The rotor comes with reversible moving hammers which last 150-200 hours, depending on the type of material to shred. The feel belt is 1250 mm wide and 3500 mm long with a shutter-type structure and high sides.

- FOR TRACTOR: recommended HP: 120/180
- WITH TURBO DIESEL ENGINE: installed HP: 235/302 HP

The silenced diesel engine is housed under a sound-proof bonnet designed for continuous use with a “NO STRESS” clutch. The Bio 1250 is deal for shredding SAWN-OFF BRANCHES, GRASS, LEAVES, WOODEN AND CARDBOARD PACKING CASES, WASTE FRUIT AND VEGETABLES, WOODEN BOXES, PALLETS, etc. Output ranges from 60 to 90 mc³/h depending on the type of material shredded. The control position is such that the operator has a constant view of the whole working area. The flow of material is controlled by an ELECTRONIC BELT SPEED CONTROL DEVICE synchronized with the SHREDDING ROTOR rotation speed.

This shredding system using mobile hammers is unique in that the size of the shredded material can be adjusted using counter-hammers.

¹⁹ <http://www.caravaggi.com/bio-1250-2/?lang=en>

Managed by the Association of European Border Regions by an Action Grant (CCI2017CE160AT082) agreed with the Directorate General of Regional and Urban Policy European Commission. Financed by the European Union.



Appendix No. 4: Defines of the used legislation

EK/EU

- COUNCIL DIRECTIVE 1999/37/EC of 29 April 1999 on the registration documents for vehicles
- DIRECTIVE 2006/126/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 December 2006 on driving licences (Recast)
- DIRECTIVE 2008/96/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 19 November 2008 on road infrastructure safety management
- 2009/750/EC: Commission Decision of 6 October 2009 on the definition of the European Electronic Toll Service and its technical elements
- COMMISSION DECISION (EU) 2016/1945 of 14 October 2016 on equivalences between categories of driving licences

HUNGARY

- Decree No 5/1990. (IV. 12.) of the KÖHÉM on roadworthiness tests for road vehicles
- Decree No 6/1990 of the KÖHÉM on the technical requirements for entry into service and keeping in service of road transport vehicles
- Government Decree No 190/2008 on the Restriction of the Transportation of Heavy Trucks



Managed by the Association of European Border Regions by an Action Grant (CCI2017CE160AT082) agreed with the Directorate General of Regional and Urban Policy European Commission. Financed by the European Union.

- Government Decree 326/2011. (XII. 28.) on road traffic administration tasks and the issue and withdrawal of road traffic documents

SLOVAKIA

- Government Decree No. 8/2009 Act on Road Traffic and Amendments to Certain Acts
- Ministerial Decree No. 9/2009 Decree of the Ministry of the Interior of the Slovak Republic on implementing the Act on Road Traffic and on Amendment to Certain Acts
- Ministerial Decree No. 464/2009 Decree of the Ministry of Transport, Post and Telecommunications of the Slovak Republic establishing details on the traffic of vehicles in road traffic
- Government Decree N. 106/2018 Act on the traffic of vehicles in road traffic and amendments to certain acts
- Ministerial Decree No. 132/2018 Decree of the Ministry of Transport and Construction of the Slovak Republic establishing the details of technical requirements for certain vehicles, systems, components and separate technical units for approval