

### EU Cohesion Policy and the New Member States: Soft Power of EU Policies?

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Abstract Between 2004 and 2013, 13 new member states joined the European Union. Most of the regions of these new member states belonged to the less developed or transition regions, which is why EU cohesion policy played an important role in these countries. However, the EU cohesion policy regulation has been partially remodelled in the last two decades, compliance with EU rules have been an important part of EU regional development rules. Therefore, EU policy on regional development (cohesion) could also emphasise those policies that are based on Member States' competences (e.g. social policy, health policy, education policies etc.). Over the last ten years, the role of EU cohesion policy has crystallised in the area of the rule of law and the defence of EU values. The new provisions of Regulation (EU) 2021/1060 on the framework conditions, the general and specific objectives of the Recovery and Resilience Facility and the Council decisions based on these regulations have made it clear that the role of EU cohesion policy and EU funds has also grown in the area of governance. This chapter analyses this impact on the basis of an examination of legal regulations, policy documents and policy practises, in particular the analysis of the Hungarian case. To show the impact of these policies, a case study is added to the chapter: the impact of this funding on the Hungarian national and local authorities' accessible public transport projects.

**Keywords:** • regional development • development policies • Regulation (EU) 1060/2021 • multilayer governance • soft power

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#### 1 Introduction

The importance of public administration in the field of regional development has increased in recent decades. In Europe, the European Union has become a prominent player in regional policies. Due to the prominent role of public administration, administrative structures are an important issue for the management of regional development (see Table 1).

The phenomenon of regionalism (Sharpe, 1993; Borras-Alomar et al., 1994; Jeffrey, 1997; Martin, 1999; Magone, 2003; Schrijver, 2006), the role of the EU and its regional development strategies (McCann, 2015) and the political economy of regionalism (Keating & Loughlin, 1997) are current topics of analysis, as are the structure and characteristics of the various regional development institutions and agencies (Halkier et al., 2017). Hooghe and Marks (2001) emphasise that multilevel governance can be interpreted as a by-product of administrative change in recent decades, given the rise of supranational governments (particularly on the European continent, but also in North America) and the increasing role of subnational entities. Thus, the EU has a considerable influence on national regional development policies. As EU aid is focussed on the development of less developed regions, the policies of the new member states – including the Visegrád countries (Czechia, Hungary, Poland and Slovakia) – are strongly influenced by these funds. We want to analyse the impact of EU policies as a 'soft power' of European integration.

Goals (2014–2020)	Resource (in 2011 prices)
Resources for economic, social and territorial cohesion (2014–2020) in the EU	EUR 325 145 694 739
<ul> <li>from this allocated to the European Regional Development Fund (ERDF), the European Social Fund (ESF) and the Cohesion Fund</li> </ul>	EUR 322 145 694 739
- from this allocated for Youth Employment Initiative (YEI)	EUR 3 000 000 000
Goals (2021–2027)	Resource (in 2018 prices)
Resources for economic, social and territorial cohesion (2021–2027) in the EU	EUR 337 734 776 221
<ul> <li>from this allocated to the European Regional Development Fund (ERDF), the European Social Fund Plus (ESF+) and the Cohesion Fund</li> </ul>	EUR 330 234 776 621
- from this allocated to the Just Transition Fund (JTF)	EUR 7 500 000 000

Table 1:	Resources for economic, social and territorial cohesion in the EU (2014-
	2020 and 2021–2027)

Sources: Article 91 (1) of Regulation (EU) No 1303/2013 & Article 108-110 of Regulation (EU) 2021/1060.

#### 2 Methods

This chapter is mainly based on the jurisprudential approach. Therefore, the analysis focuses primarily on regulation and the institutional framework. Therefore, firstly, the legal regulations on regional development and EU cohesion policy and their effects are analysed. Secondly, the effects of these policies are analysed. In particular, the impact of the funds on the economy and the provision of public services in the Visegrád countries as new member states of the European Union. This analysis will be based firstly on statistical data on economic performance and secondly on the analysis of European and national plans. Our analysis will mainly focus on the Hungarian regulations and experiences. Thirdly, we will analyse the impact of EU cohesion policy on national policies through case studies.

Due to the jurisprudential approach, these policies will be interpreted in this chapter as 'hard powers' based on the legal harmonisation and unification approach of EU law. EU law can be seen as a special regime, as European integration organisations have the competence to issue legally binding rules. For example, the EU can issue regulations that are binding on national public administrations and it even has the right to issue directives that must be transposed into national law by the EU member states. These powers are considered by the jurisprudence as 'hard powers', because the national legal systems are directly influenced and harmonised and standardised European legislation is made by them (Craig & de Burca, 2003). However, EU regional development policy (cohesion policy) is regulated by EU regulations, but the impact of European structural and investment funds does not directly affect national legislation: These effects can be interpreted as indirect. Therefore, this policies is interpreted as a "softer" power on national legislation (Drachenberg & Brianson, 2016).

#### 3 Analysis of the legal regulation and the impact

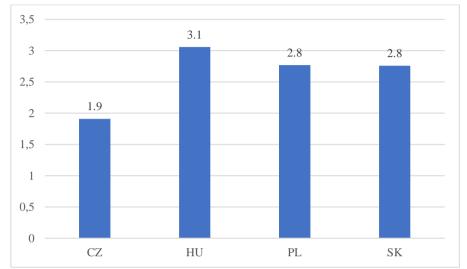
#### 3.1 Cohesion policy of the EU: competences, framework and impact

Cohesion policy – which was incorporated into the Treaties by the Single European Act – could influence the policies of the Member States of the European Union. Paragraph 1 of Article 174 of the Treaty on the Functioning of the European Union (TFEU)<sup>1</sup> defines the objective of EU cohesion policy quite broadly as promoting the overall harmonious development of the Union. However, paragraph 2 of Article 174 TFEU focuses on the reduction of disparities between regions, but this broad objective provides scope for a wide range of interventions (Mairate, 2007). Paragraph 1 of article 174 TFEU states that "The Union shall develop and pursue its actions leading to the strengthening of its economic, social and territorial cohesion". Article 174 TFEU thus offers the EU the opportunity to influence the exercise of Member States' competences. The main limitation of cohesion policy could be interpreted as meaning that the aim of this funding should be

to promote the economic, social and territorial cohesion of the European Union. As this regulation is based on a general clause (promoting the economic, social and territorial cohesion of the European Union), it can be interpreted broadly.

On the basis of this regulation, the EU has developed a cohesion policy that encompasses more than just the EU's traditional competences. The abstract regulation of Article 174 TFEU fits into the transformation of the EU, which is not only an economic integration, but an area of shared political and social values (Weatherill, 2016). Due to these shared values, the EU cannot only apply the financial type of conditionality, such as the macroeconomic conditionality of the 1994 Cohesion Fund (Fiscaro, 2022). Therefore, the rules for cohesion policy have changed in recent years (Pech & Scheppele, 2017). The mechanism of conditionality was introduced by the current regulations on cohesion policy - in particular Regulation (EU) No 2021/1060<sup>2</sup> (hereinafter: Framework Regulation). The background regulation of Article 15 is Regulation (EU, EURATOM) No 2020/2092<sup>3</sup> on a general regime of conditionality for the protection of the Union budget. These rules provide the possibility to suspend EU funding on the basis of the protection of the EU's fundamental values. These rules were challenged by Hungary, but the action was dismissed by the European Court of Justice (ECJ). The ECJ found that they "define the very identity of the European Union as a common legal order." [Case C-156/21 Hung. v. Eur. Parl. & Council, ECLI:EU:C:2022:97, 127, 232]. Therefore, these values could also be enforced through the instruments of EU cohesion policy.

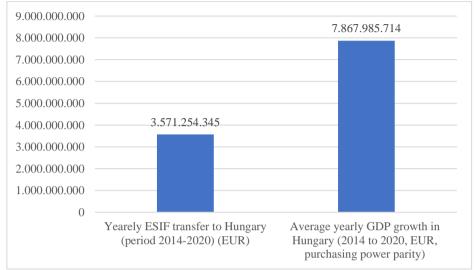
EU cohesion policy can be interpreted as a complex policy. The original concept, which was based on the economic integration of the EU, has changed and now this policy can influence the policies of the Member States of the European Union in terms of public service provision. The EU's cohesion policy is primarily based on reducing regional disparities. In the 2021–2027 budget period, 61.3% of funding for investment in jobs and growth will be allocated to less developed regions (whose GDP at purchasing power parity is below the EU-27 average) [Article 110 of Regulation (EU) No 2021/1060]. The main recipients of these funds are therefore the new Member States of the European Union, as their regions mainly belong to this category (Bachtler & Ferry, 2020). The role of cohesion policy is very important for the budgetary policies of these countries. Looking at the Visegrád countries (the Czech Republic, Hungary, Poland and Slovakia, which joined the European Union in 2004), the actual payments (including n+2 payments) from the European Structural and Investment Funds can be considered significant.



**Figure 1:** Yearly ESIF Funds from EU (2014–2020) in the share of the average of 2014–2020 GDP (current market prices) (%)

The importance of cohesion policy becomes even clearer when we look at the impact on GDP growth in these countries. Looking at Hungary, the country received around EUR 3 571 million per year from the ESIF funds in the budget period from 2014 to 2020. The average annual GDP growth in Hungary in the period 2014 and 2020 (based on purchasing power parity) was EUR 7 868 million annually, so direct EU funding accounted for 45.4% of annual GDP growth (see Figure 2).

Source: Edited by the author, based on the data of the Eurostat national accounts 2014-2020 and on the Cohesion open data platform<sup>4</sup>.



**Figure 2:** ESIF Funds and Hungarian GDP growth (2014–2020)

Source: Edited by the author, based on the data of the Hungarian Central Statistical Office<sup>5</sup> & the Partnership Program "Széchenyi 2020".

It should be noted that the EU funds have multiplier effects. For example, Czelleng and Vértes estimate that GDP growth in Slovakia was more than 3.8% higher in 2013 due to Cohesion Fund spending between 2007 and 2013. In Poland, this figure was 4.7%, in Hungary 4.4% and in the Czech Republic 2.5%, according to the estimate of the above-mentioned authors (Czelleng & Vértes, 2021).

## 3.2 Institutional framework of regional development policies of the Member States of the European Union

The institutional framework of regional development policies is determined by various factors, and different models can be distinguished. The interpretations are mainly based on public administration approaches. Regional development policies have a multidimensional character as they are related to the vertical coordination of administrative systems, in particular the division of powers and tasks between the different governance levels (Piattoni, 2010). Vertical coordination between the different levels of development policies is important, and cooperation with the private sector (including NGOs) is also an important issue (Danson et al., 2000; Gherhes et al., 2020).

A distinction is made between centralised, decentralised and federal models as a vertical classification of regional development models (Danson et al., 2000). The centralised model is based on the determining role of the central government and its authorities.

However, local and regional governments have significant powers; the majority of policymaking powers – in particular the preparation and approval of major plans and the management of the allocation of development funds – are centralised (Hoffman, 2018). The decentralised model of regional development is based on the determining role of regional governments. Therefore, this model is closely linked to regionalisation (Loughlin et al., 2011). Federal states could be interpreted as an independent regime of regional development. The member states of the federation – which have statehood – have extensive development responsibilities. Federal governments have limited responsibilities in development and planning issues (Diller et al., 2019).

In Europe, local governments manage so-called local public affairs. Firstly, local development should be reviewed as a municipal responsibility. In common law systems, the monistic model of municipal functions has evolved. Originally, the traditional Anglo-Saxon municipal systems were based on the ultra vires principle. These tasks were interpreted as municipal tasks that were defined or recognised by legislation. A distinction was made between obligatory and voluntary municipal tasks (Arden et al., 2008). However, regulation in these countries changed and the general powers of municipalities were recognised by the majority, the model did not change (Goldsmith and Page, 2010). Traditional continental local governance was traditionally based on the general powers of municipalities. However, the scope and constitutional protection of the general powers are different, but this basis led to the distinction between municipal tasks and transferred state (central government) tasks, and among the municipal tasks, voluntary and compulsory tasks can be distinguished (Nagy et al., 2019). Depending on the regional development regime of the respective country, development issues mainly belong to the mandatory municipal tasks. In countries that follow the centralised development model, the municipalities have additional mandatory tasks, while their development competencies are usually part of the voluntary municipal tasks (Hoffman, 2018).

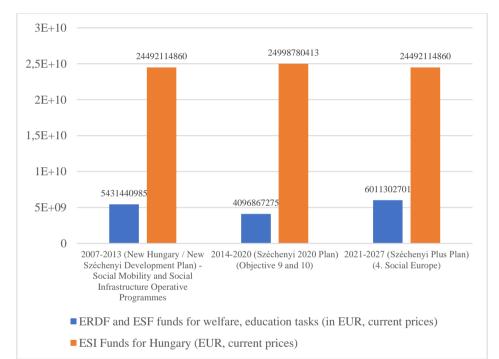
## 4 Cohesion policy as a soft power on national regulations – the impact of EU funds on welfare policies and legislation

#### 4.1 ESIF as a non-legislative power: impact on national policies (an overview)

As we have already mentioned, the objective of EU cohesion policy is broad and the definition of the TFEU could be interpreted as a general clause. This abstract regulation provides a broad spectrum for EU intervention. Similarly, the ESF, established by the Treaty of Rome,<sup>6</sup> subsidises not only employment issues but also social benefits. Therefore, EU funds could influence national policies, which are mainly defined as Member States' competences. As the less developed regions are the main target areas of cohesion policy, the policies of countries with a lower GDP are also significantly affected. Therefore, the social, educational and cultural policies of the new EU Member States are more strongly influenced by cohesion policy (Farkas, 2019).

The role of the fund in the development of welfare, cultural and economic policies is a relatively important part of national development policies. According to the national partnership agreements, the share for financing social, educational and cultural services within the cohesion policy funds is relatively important. In Hungary, the share of these funds is around 20% (see Figure 3).

Figure 3: ESI Funds and ESI Funds for welfare and educational objectives in Hungary 2007–2027 (based on the partnership agreements / national strategic reference framework)



Source: Edited by the author, based on the Hungarian partnership agreements and on the 2007–2013 national strategic reference framework<sup>7</sup>.

It is therefore clear that cohesion policy has an important influence on the policies of the new Member States. These countries are the main recipients of these funds and the funding is not only focussed on the traditional competences of the EU, but they also finance other, national policies related to the social, economic and territorial cohesion of the EU. While the EU has limited regulatory competences in these areas, the funds provided by the EU can have an impact on several national policies, and this impact can be more notable than regulatory competences in other policies areas. Similarly, these

funds can be used as instruments for the protection of the fundamental values of European integration.

As we mentioned in the methodological part of this chapter, we would like to analyse these effects through case studies, focusing on the events in Hungary. Hungary could be considered a relevant country. Firstly, Hungary and Poland are the countries affected by the rule of law conditionality mechanism. Secondly, as new member states, the influence of EU funds is relatively large. For example, ESIF funds accounted for about 11.7% of investments in Hungary in 2020 (see Figure 4).

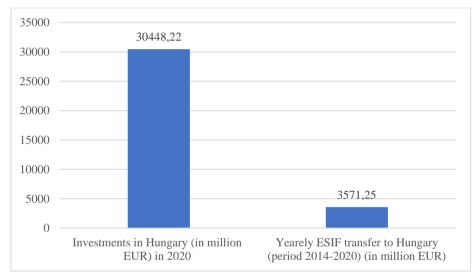


Figure 4: ESIF Funds and investments in Hungary (2020)

Source: edited by the author, based on the Hungarian partnership agreements and on the 2007-2013 national strategic reference framework<sup>8</sup>.

Because, as we have already mentioned, the effects are twofold. Firstly, cohesion policy has been an important instrument for protecting the EU's fundamental values since 2020/21 through the introduction of the rule of law conditionality mechanism. Secondly, due to the important funds for the development of public services, we would like to analyse the impact on a specific national policy in Hungary, barrier-free transportation and the impact of EU funds.

## 4.2 The impact of the rule of law conditionality mechanism in Hungary: a trench warfare between the EU and Hungary?

As we have already mentioned, the rule of law conditionality mechanism was introduced by Regulation (EU, EURATOM) No 2020/2092 on a general regime of conditionality for the protection of the Union budget. Conditionality mechanisms are not alien to EU legislation, including in the area of cohesion policies: these mechanisms were applied to the Cohesion Fund; however, the conditionality of the Cohesion Fund in 1994 was based on macroeconomic aspects. Even conditionality in relation to values was applied earlier: The Copenhagen criteria for EU accession<sup>9</sup> could be interpreted as a conditionality mechanism for candidate countries (Hillion, 2004). So there were already precursors to the regulation. The role of budgetary instruments in the protection of the EU's fundamental values has also been mentioned in the literature. Several contributions have emphasised that the countries that are most problematic in the area of fundamental values and the rule of law (in particular Poland and Hungary) are among the main recipients of EU funds. The authors emphasise that Member States should adhere to the EU's fundamental values as defined in Article 2 of the TFEU. Therefore, countries that have problems with the value of the rule of law should be sanctioned. It became clear that the procedure based on Article 7 of the TFEU was not sufficient and it was emphasised that the problems with the rule of law could lead to a threat to the EU budget as the risk of corruption and inadequate spending increases (Pech & Scheppele, 2017; Baraggia & Bonelli, 2022). The Regulation was challenged by Hungary (and later by Poland) in Case C-156/21 Hung. v. Eur. Parl. & Council [ECLI:EU:C:2022:97]. As we have already mentioned, the action was dismissed by the General Court, However, Hungary's claim was based on the EU's lack of competence to adopt such a regulation, but the CJEU found that Article 2 and Article 7 TFEU could be interpreted as a legitimate basis for the rule of law conditionality mechanism. As this paper focuses on the impact of the conditionality mechanism, we will not analyse the impact of this ruling on national constitutions. Another reason for the lack of such an analysis is that it has been analysed by Fisicaro (2022).

This approach was further developed and Article 15 of the Framework Regulation [Regulation (EU) No 2021/1060] introduced the horizontal and thematic empowerment conditions. The extended conditionality mechanism of the Cohesion Policy defines four horizontal enabling conditions: 1. effective mechanisms for monitoring the public procurement market, 2. tools and capacities for the effective application of State aid rules, 3. effective application and implementation of the Charter of Fundamental Rights<sup>10</sup> and 4. implementation and application of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).<sup>11</sup> It is therefore not enough to fulfil the requirements of Regulation (EU, EURATOM) No. 2020/2092; the horizontal conditions must also be met in order to receive funding from cohesion policy. It is clear that these additional conditions are linked to the fundamental values and in particular to the principle of the rule of law. And as a second element, the conditionality mechanism is

even part of the protection of fundamental rights, which are even considered a fundamental value of the EU, and due to the EU's membership in the UN Convention on the Rights of Persons with Disabilities (hereinafter: CRPD), the application of the CRPD is required.

In accordance with the Regulation, the Council adopted Council Implementing Decision (EU) 2022/2506<sup>12</sup> on measures to protect the Union budget against breaches of the rule of law in Hungary. 55% of commitments under three operative programmes (Environmental and Energy Efficiency Operative Programme Plus, Integrated Transport Operative Programme Plus and Territorial and Settlement Development Operative Programme Plus) have been suspended. The direct European funds – such as Horizon Europe, Erasmus Plus, etc. – for the public interest trusts on the basis of Act IX of 2021 and for the legal entities maintained by these public interest trusts were also suspended. Another Council decision also suspended the payment of the RRF. 17 commitments and 27 super-milestones were set for the reconstruction of the rule of law. As super milestones were defined, partial fulfilment and partial payment is not possible. 4 super-milestones were linked to the justice system. It should be emphasised that the requirements should not only focus on legislation, but practise should also be reshaped (Karsai, 2023).

It has become apparent that a kind of 'trench warfare' has started between Hungary and the European Commission and the Council. However, several Hungarian regulations have been reshaped and the analysis of Hungarian compliance is still pending. It is clear that the partial reform of the judiciary was not endogenous, even the title of the reform act shows that it is based on the commitments. The title of the reform act is "Act X of 2023" amending certain laws on justice related to the Hungarian Recovery and Resilience Plan. Also, the conflict of interest based on the structure of the trust has not been completely eliminated, so there is a potential risk that the majority of Hungarian higher education institutions will not be able to participate in the directly funded EU programmes such as Horizon Europe, Erasmus Plus and COST Actions (Kováts, 2023). This 'trench warfare' appears to be painful for Hungary, with leading Hungarian economists warning of an impending recession and only gradual improvement in imbalance indicators (Bod et al., 2023). Thus, it can be concluded that the rule of law conditionality mechanism has several effects, but only a partial change in Hungarian regulations and practises can be observed, outlining a 'trench war' between Hungary and the European Commission and the Council.

# 4.3 Effective multi-layer governance: the impact of the regulation of the European cohesion policy on the equal accessibility of persons with disabilities on the Hungarian developments and practice (a case study)

The Treaty of Rome – which was based on the free movement of persons, goods, services and capital – mentioned the competences of the European Economic Community in the field of transportation. Transportation policy therefore became an important issue at

European level. As a service of general economic interest, public transport systems are interpreted as instruments that provide mobility for all. Therefore, it is considered an instrument for equal opportunities and it is even allowed to grant state aid (Osculati & Zatti, 2005). However, the granting of state aid in this sector is strictly regulated by EU directives and even the European Court of Justice has ruled on this policy in a landmark judgement (Altmark case, ECLI:EU:C:2003:415) (Kamann & Selmayr, 2004). It should be emphasised that disability policy is an important part of European policies, as a horizontal principle that should be enforced through the various sectoral regulations, directives and decisions. Due to the EU competences in the field of public transportation. the EU had the possibility to issue regulations that should be directly enforced by the authorities and courts of the EU Member States. On the one hand, air transport was regulated; a specialized regulation, Regulation (EC) No.  $1107/2006^{13}$  on the rights of disabled persons and persons with reduced mobility when travelling by air, was adopted. A different approach was taken in the area of rail transport: Regulation (EC) No  $1371/2007^{14}$  is a general regulation on passenger rights; however, Chapter 5 defines the special rights of passengers with disabilities. Similarly, the equal accessibility of road transport is regulated by Regulation (EC) No 1370/2007.<sup>15</sup> These regulations follow the concept of universal design and equal accessibility is part of these regulations. One limitation of equal accessibility is reasonable accommodation (Waddington, 2011). It is clear that public transport is an important part of EU disability policies, as the EU has strong competences in this area. However, public transport is mainly a national issue. Services should be determined by national, regional and local authorities. In the following, we would like to show how these national systems fit into the EU's multilayered governance framework in the field of public transport. Due to the limited scope of this paper, we would like to analyse this influence using the example of Hungary. Hungary is a centralised, unitary country. From 1990 to 2011/12, however, the provision of public services was highly decentralised. After 2010 – following the landslide victory of FIDESZ in the parliamentary elections and the adoption of the new Constitution, the Fundamental Law of Hungary (Szente, 2023) - the system of service provision was strongly centralised through reforms. The regional municipalities have lost most of their competences, but the local (1st level, town and village municipalities) have important tasks in the field of public transport policy: these services are quite expensive and complicated, so they have been centralised only to a limited extent by legislation (Hoffman & Balázs, 2022).

European policy and European standards play an important role in the disability policy of Hungarian public transport. Hungary has received a significant amount of money from the EU Cohesion Fund to modernise its transport system. As we have already mentioned, equal opportunities and the rights of passengers with disabilities are regulated by the European sectoral rules, which should also apply to the investments co-financed by the European Union. Regulation (EU) No 2021/1060 defines the application of the CRPD as a horizontal enabling condition, so that cohesion policy funds could be suspended if the CRPD were not applied. As we have already mentioned, the majority of public

investments in Hungary – including in the field of public transport, which is mainly operated by state and municipal companies – have been co-financed by the European Union (Nyikos & Soós, 2020). The Hungarian public transport projects therefore focussed on the issue of equal accessibility, which was an important component of the projects. For example, the public transport vehicles and facilities that were renovated and modernised with the help of EU cohesion funds are barrier-free (Balogh, 2018).

As Hungary is a centralised country and this centralisation has been reinforced after 2010, municipalities play only a limited role in public transport disability policy. It should be emphasised that the planning powers of municipalities are limited, disability standards are defined by central legislation and by soft law documents of the central government and its authorities. As owners of local public spaces, including local roads and pavements, municipalities have important responsibilities in this area. With regard to these tasks, it should be emphasised that the disability issue is mainly linked to the new investments. As the old design of roads, payements and public transport was not geared towards equal accessibility, investments are needed to renew them. The multi-layered governance of this policy can also be observed in the area of municipal activities. These investments are mainly co-financed by the European Union (not only the urban, suburban and rural mobility projects, but also the reconstruction of roads). Therefore, the equal accessibility approach should be applied. As we have already mentioned, these projects are mainly focussed on the Hungarian urban municipalities because a lot have been invested in public transport there. The accessibility of these mobility projects was important because the new buses, trams and metros are mostly barrier-free (low-floor buses and trams, barrierfree underground stations).

#### 5 Conclusions

The European Union has several instruments at its disposal to promote a united Europe. However, the analysis of the impact of the EU has mainly focused on the legislative activities, in particular the analysis focussing on the unification of the European regulatory environment and policies. As a result of the analysis, it was found that the nonlegislative interventions, which were interpreted as 'soft' instruments, could have an even greater impact on national policies.

Cohesion policy could be interpreted as an important soft instrument, especially in the new Member States, which are the main recipients of these funds. These EU subsidies play an important role in these countries. It should be emphasised that, -mainly due to the additional nature of ESIF grants and the large amount of funding provided by EU cohesion policy, most investments in public services provided by the public administration are financed from these funds. Therefore, the impact on these policies is quite important: because the required compliance with EU law and standards plays a standardising role.

The impact of cohesion policy is a multi-layered system. However, recent research focussing on the rule of law mechanisms shows that the 'silent' effects of these funds are even more remarkable. In the context of compliance and regulation of access to these funds, not only EU legislation but also soft law documents should be followed, and similarly, soft law regulations on funded activities influence national policies.

As we have shown through a case study, the requirements of cohesion policy regulations on equal accessibility have significantly influenced the Hungarian public transportation system. As we have already mentioned in the general analysis, the multi-layered system of EU cohesion policy can be observed in this area: EU funds play an important role, but these funds are allocated by national agencies, and the main recipients of these subsidies are the national and local public transportation companies. Due to compliance with EU law – which includes the CRPD, because the EU as a legal entity joined to this convention – national policies have changed in the new Member States of the European Union. As a result of this change, the new investments in public transportation – new vehicles, new and renovated railway stations – are largely equally accessible in Hungary.

#### Notes:

- <sup>1</sup> https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:12012E/TXT:en:PDF.
- <sup>2</sup> https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021R1060.
- <sup>3</sup> https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32020R2092.
- <sup>4</sup> https://cohesiondata.ec.europa.eu/countries.
- <sup>5</sup> https://www.ksh.hu/stadat\_files/gdp/en/gdp0004.html.
- <sup>6</sup> https://eur-lex.europa.eu/EN/legal-content/summary/treaty-of-rome-eec.html.
- <sup>7</sup> http://pik.elte.hu/file/\_j\_Magyarorsz\_g\_Fejleszt\_si\_Terv\_\_\_MFT\_.pdf; https://www.palyazat.gov.hu/download.php?objectId=52032 & https://www.palyazat.gov.hu/partnersegi-megallapodas.
- <sup>8</sup> http://pik.elte.hu/file/\_j\_Magyarorsz\_g\_Fejleszt\_si\_Terv\_\_\_MFT\_.pdf; https://www.palyazat.gov.hu/download.php?objectId=52032; https://www.palyazat.gov.hu/partnersegi-megallapodas; https://www.ksh.hu/docs/hun/xstadat/xstadat\_eves/i\_qb001.html & http://www.mnbkozeparfolyam.hu/arfolyam-2020.html.
- <sup>9</sup> https://eur-lex.europa.eu/EN/legal-content/glossary/accession-criteria-copenhagen-criteria.html.
   <sup>10</sup> https://commission.europa.eu/aid-development-cooperation-fundamental-rights/your-rightseu/eu-charter-fundamental-rights en.
- <sup>11</sup> https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-Persons-withdisabilities.html.
- <sup>12</sup> https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32022D2506.
- <sup>13</sup> https://eur-lex.europa.eu/legal-content/ET/TXT/?uri=celex:32006R1107.
- <sup>14</sup> https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32007R1371.
- <sup>15</sup> https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32007R1370.

#### **References:**

- Arden, A., Baker, C. & Manning, J. (2008) *Local Government Constitutional and Administrative Law* (London: Sweet and Maxwell).
- Bachtler, J. & Ferry, M. (2020) Cohesion policy in Central and Eastern Europe: is it fit for purpose?, In: Gorzelak, G. (ed.) *Social and Economic Development in Central and Eastern Europe* (London, New York: Routledge), pp. 313-344.
- Balogh, I. (2018) A V. páneurópai vasúti közlekedési alapfolyosó és a szárnyvonalak magyarországi szakaszainak korszerűsítése. 2. rész. [Upgrading of the Hungarian sections of the Pan-European Railway Corridor V and its wings. Part 2], Közlekedéstudományi Szemle, 68(4), pp. 31-45, https://doi.org/10.24228/KTSZ.2018.4.3.
- Baraggia, A. & Bonelli, M. (2022) Linking Money to Values: The New Rule of Law Conditionality Regulation and Its Constitutional Challenges, *German Law Journal*, 23(2), pp. 131-156, https://doi.org/10.1017/glj.2022.17.
- Bod, P. Á., Cserháti, I., Keresztély, T. & Takács, T. (2023) Budapesti Corvinus Egyetem: Recessziós félelmek, lassan javuló egyensúlyi mutatók, *Külgazdaság*, 67(3-4), pp. 5-31, https://doi.org/10.47630/KULG.2023.67.3-4.5.
- Borrás-Alomar, S., Christiansen, T. & Rodríguez-Pose, A. (1994) Towards a 'Europe of the Regions'? Vision and Reality from a Critical Perspective, *Regional Politics and Policy*, 4(2), pp. 1-27, https://doi.org/10.1080/13597569408420896.

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- Czelleng, Á. & Vértes, A. (2021) The Impact of EU Cohesion Funds on Macroeconomic Developments in the Visegrád Countries After the 2008–2009 Financial Crisis, In: Landesmann, M. & Székely, I. P. (eds.) Does EU Membership Facilitate Convergence? The Experience of the EU's Eastern Enlargement Volume II (Cham: Palgrave Macmillan), pp. 67-88.
- Craig, P. & de Burca, G. (2003) *EU Law. Text, cases and materials* (Oxford: Oxford University Press).
- Danson, M., Halkier, H. & Cameron, G. (2000) Regional Governance, Institutional Change and Regional Development, In: Hanson, M, Halkier, H. & Cameron, G. (eds.) *Regional Governance, Institutional Change and Regional Development* (Aldershot, Brookfield, Singapore, Sydney: Ashgate), pp. 1-7.
- Diller, C., Nischwitz, G., Karic, S., Arnold, J., Chojnowski, P. & Kohl, M. (2019) Effects of Regional Development Programmes: A View of Documented Evaluations and an Investigation of Regional Statistics Covering the Appearance of Assistance Programmes in Germany 1995– 2015, *DISP – The Planning Review*, 55(1), pp. 52-67, https://doi.org/10.1080/02513625.2019.1598110.
- Drachenberg, R. & Brianson, A. (2016) Policy Making in the European Union, In: Cini, M. & Pérez-Solórzano B. (eds.) *European Union Politics* (Oxford: Oxford University Press), pp. 197-213.
- Farkas, B. (2019) Quality of governance and varieties of capitalism in the European Union: core and periphery division?, *Post-Communist Economies*, 31(5), pp. 563-578, https://doi.org/10.1080/14631377.2018.1537740.
- Fiscaro, M. (2022) Protection of the Rule of Law and 'Competence Creep' via the Budget: The Court of Justice on the Legality of the Conditionality Regulation, *European Constitutional Law Review*, 18(2), pp. 334-356, https://doi.org/10.1017/S1574019622000128.
- Gherhes, C., Brooks, C. & Vorley, T. (2020) Localism is an illusion (of power): the multi-scalar challenge of UK enterprise policy-making, *Regional Studies*, 54(8), pp. 1020-1031, https://doi.org/10.1080/00343404.2019.1678745.
- Goldsmith, M. & Page, E. (2010) Introduction, In: Goldsmith, M., & Page, E. (eds.) Changing Government Relations in Europe. From localism to intergovernmentalis (Abingdon & New York: Routledge), pp. 1-13.
- Halkier, H., Danson, M. & Damborg, C. (eds.) (2017) *Regional Development Agencies in Europe* (London & Philadelphia: Jessica Kingsley Publishers & Regional Studies Associations), p. 374.
- Hillion, C. (2004) The Copenhagen Criteria and their Progeny, In: Hillion, C. (ed.) *EU Enlargement: A Legal Approach* (Oxford, Portland: Hart Publishing), pp. 1-22.
- Hoffman, I. (2018) Some Thoughts on the Administration of the Regional Development in the Member States of the EU – In the Light of the Role of the Municipal Bodies, *Central European Public Administration Review*, 16(4), pp. 7-29, https://doi.org/10.17573/cepar.2018.1.01.
- Hoffman, I. & Balázs, I. (2022) Administrative Law in the Time of a Permanently Transforming Regulatory Environment, *Studia Iuridica Lublinensia*, 31(1), pp. 43-62, http://dx.doi.org/10.17951/sil.2022.31.1.43-62.
- Hooghe, L. & Marks, G. (2001) *Multi-level Governance and European Integration* (Oxford, Lanham: Rowman & Littlefield Publishers).
- Jeffrey, C. (ed.) (1997) *The Regional Dimension of the European Union. Towards a Third Level in Europe* (London: Frank Cass).
- Kamann, H.-G. & Selmayr, M. (2004) Public Service Compensation under EC State Aid Law: Altmark Trans, the Commission's Modernisation Package and the Example of Public Broadcasting, *Zeitschrift für Wettbewerbsrecht*, 2(3), pp. 354-379, https://doi.org/10.15375/zwer-2004-0302.

CONTEMPORARY PATHWAYS OF EUROPEAN LOCAL AND REGIONAL DEVELOPMENT 115 I. Hoffman: EU Cohesion Policy and the New Member States: Soft Power of EU Policies?

- Karsai, G. (2023) GKI Gazdaságkutató Zrt.: Idén 0,5 százalékos visszaesés és 19 százalékos infláció várható, Külgazdaság, 67(3-4), pp. 32-52, https://doi.org/10.47630/KULG.2023.67.3-4.32.
- Keating, M. & Loughlin, J. (eds.) (1997) *The Political Economy of Regionalisation* (London: Frank Cass).
- Kováts, G. (2023) University Governance Reform in an Illiberal Democracy, In: Broucker, B., Milsom, C., Calleja, J. & O'Hara, M. (eds.) *Accelerating the Future of Higher Education* (Leiden: Brill), pp. 186-204.
- Loughlin, J., Hendriks, F. & Lidström, A. (2011) Introduction, In: Loughlin, J., Hendriks, F. & Lidström, A. (eds.) *The Oxford Handbook of Local and Regional Democracy in Europe* (Oxford: Oxford University Press), pp. 1-26.
- Magone, J. M. (ed.) (2003) *Regional Institutions and Governance in the European Union* (Westport, London: Praeger).
- Mairate, A. (2007) The 'added value' of European Union Cohesion policy, *Regional Studies*, 40(2), pp. 167-177, https://doi.org/10.1080/00343400600600496.
- Martin, R. (1999) *The Regional Dimension in European Public Policy. Convergence or Divergence*? (Basingstoke: Macmillan).
- McCann, P. (2015) The Regional and Urban Policy of the European Union. Cohesion, Results-Orientation and Smart Specialisation (Cheltenham, Northampton: Edward Elgar).
- Nagy, M., Hoffman, I., Papp, D., Burján, E., Cseh, K. B., Dancs, T., Jugovics, A., Kiss, A., Lévay, M., Matos, L., Molnár, C., Német, N., Ökrös, D. & Vasas, Z. R. (2019) A Comparative Research on Municipal Voluntary Tasks of Three Hungarian and Slovenian Municipalities, *Central European Public Administration Review*, 17(1), pp. 165-197, https://doi.org/10.17573/cepar.2019.1.09.
- Nyikos, G. & Soós, G. (2020) The Hungarian Experience of Using Cohesion Policy Funds and Prospects, In: Musiałkowska, I., Idczak, P. & Potluka, O. (eds.) Successes & Failures in EU Cohesion Policy: An Introduction to EU cohesion policy in Eastern, Central, and Southern Europe (Warsaw, Berlin: De Gruyter), pp. 119-142.
- Osculati, F. & Zatti, A. (2005) The services of general interest. The case of local public transport in Italy, *Il Politico*, 70(3), pp. 411-447.
- Pech, L. & Scheppele, K. L. (2017) Illiberalism Within: Rule of Law Blacksliding in the EU, *Cambridge Yearbook of European Legal Studies*, 19, pp. 3-47, https://doi.org/10.1017/cel.2017.9.

Piattoni, S. (2010) The Theory of Multi-level Governance (Oxford: Oxford University Press).

Schrijver, F. J. (2006) *Regionalism after Regionalisation. Spain, France and the United Kingdom* (Amsterdam: Amsterdam University Press).

Sharpe, L. J. (1993) The Rise of the Meso Government in Europe (London: SAGE).

- Szente, Z. (2023) The myth of populist constitutionalism in Hungary and Poland: Populist or authoritarian constitutionalism?, *International Journal of Constitutional Law*, 21(1), pp. 127-155, https://doi.org/10.1093/icon/moad014.
- Waddington, L. (2011) The European Union and the United Nations Convention on the Rights of Persons with Disabilities: a story of exclusive and shared competences, *Maastricht Journal of European and Comparative Law*, 18(4), pp. 431-453, https://doi.org/10.1177/1023263X1101800404.

Weatherill, S. (2016) Law and Values in the European Union (Oxford: Oxford University Press).