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## FINAL REPORT BY THE EXPERT

Advice case title:

**Comparison of water tourism regulations on the SK-HU border**

Full official name of the advised entity:

**Arrabona European Grouping of Territorial Cooperation Ltd**

Name of the expert contracted for the advice case:

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## 1 Executive summary

While the Hungarian side of the Danube is already an extensive active tourist region, the Slovak side is currently under development which leaves room for many common developments. The potential for this development is underpinned by a number of factors, such as the region's outstanding natural assets, the proximity of major cities (Bratislava, Győr, Vienna) and the interest and activity of a number of existing active tourism service providers. At the same time, the availability of active cross-border tourism products (bi-directional hiking trails, tours) is still limited. In order to develop such leisure activities, the establishment of an international system of safe, predictable, high-quality services is an urgent objective. For which the state of the national regulations underpinning them and their harmonisation must be examined, not least because practical experience shows that the regulations for water tours in Slovakia differ from those in Hungary.

The study was partly based on an analysis of Hungarian and Slovak regulations related to water tourism, and partly on face-to-face and online interviews with Hungarian and Slovak water tour operators and representatives of water transport authorities. The aim of the legislative analysis and interviews was to provide the study's client, Arrabona EGTC, a clear picture of the differences at national level, and of the proposals for legal-administrative improvements and harmonisation.

The interviews covered in particular the following issues:

- a) the relevant EU and national legislation, their similarities and differences;
- b) the system and cooperation between the national water transport authorities of the two countries;
- c) the status of the information system to assist water tourists;
- d) the system and quality of waterway construction (tangentially examined);
- e) proposals to amend national legislation on water tourism.

The results of the study are summarised below:

- national regulations vary in detail and content;
- there is no formal cooperation between the two countries on water tourism;
- there is no professional cooperation between the authorities of the two Member States other than joint patrolling exercises;
- lack of information and training for water tourists and guides;
- despite the demands, there are no substantive legislative changes, only initiatives, and these are only on the Hungarian side.

The results partly confirmed the differences in the two countries' water tourism regulations, and partly raised new problems. In view of the systemic differences, it is not possible to remove some of the obstacles immediately, but only certain cooperation processes can be envisaged for the time being.

Practical and theoretical experts on the subject were contacted at almost every level, separately. As the study could only provide a basic outline, we consider it necessary that the contacted civil and public experts meet in person in the near future to work out solutions, to get to know each other's views and to explore the possibilities for further action under the relevant Hungarian, Slovak and EU legislation. The aim of the meeting could be to work out short-term, transitional solutions and to propose long-term initiatives leading to legislative changes at the legislative level.

We do not exclude that this study and the proposed expert meeting and its results will have a beneficial impact on the review of water tourism regulations not only in Hungary and Slovakia, but also in other countries concerned, so that a unified Central European regulation can be developed, if required, under the coordination of the Arrabona EGTC.

## 2 Description of the obstacle with indication of the legal/administrative provisions causing the obstacle

The Danube and its natural branch system offer outstanding water tourism opportunities along the Hungarian-Slovak border, especially from Bratislava to Győr. This geographical area is **known as Szigetköz on the Hungarian side and Žitný ostrov on the Slovak side, with the Danube acting as a border river between them.** This area is home to a large number of active tourism operators, currently mainly on the Hungarian side. Although the Hungarian service area is located close to the border area, its cross-border offer to Slovakia, e.g. in the form of water tours, is not yet fully developed. This is due to the fact that **the regulations for water tours in Slovakia are not well known.**

These uncertainties and discrepancies are a serious obstacle to cross-border tourism, as **ways to prevent possible infringements and sanctions need to be explored before services can be extended.** This is particularly topical as active tourism is developing more and more on the Slovak side and service providers are starting to emerge.

The Arrabona EGTC has relevant experience in water tourism, offering certified tours with a collection of local services through a cross-border active tourism website ([www.cultractive.eu](http://www.cultractive.eu)). As a result, in recent years **it has gathered useful but not exhaustive information on the water tourism regulations in the neighbouring countries** (Slovakia, Austria, Slovenia and the Czech Republic), which in many cases show significant differences.

One of the immediate objectives of the Arrabona EGTC is to strengthen its regional role in the future, for which the active tourism theme provides an excellent opportunity. It plans to develop and introduce local, regional and cross-border active tourism products, product packages and services. This requires knowledge, correct application and compliance with the relevant legislation.

The present study **aims to explore the Hungarian and Slovakian regulations on recreational or hand-powered water transport in a** basic way, taking into account the elements that can be adapted and harmonised, especially with regard to the material and personal safety requirements, analysing, among others, the concepts used in the two countries (e.g. categorisation of watercraft, definition of water recreation). In the light of appropriate analytical data

- in the framework of a subsequent awarded project, **a workshop to bring together experts to** discuss legal-administrative issues that have arisen in the context of the B-Solutions project and
- the analysis **could also include an examination of the standards in the other countries** mentioned above, **with a view to proposing, if necessary, a single set of rules for Central Europe.**

In the following, we will first look at the EU and relevant Hungarian and Slovakian regulations.

## European Union

In the European Community/European Union<sup>1</sup>, the rules governing inland waterway transport (maritime matters are not dealt with here), starting from the inland waterway transport sector, mainly concern mechanically propelled means of transport, regulating, among other things, their standards,<sup>2</sup> transport and traffic management, the recognition of professional qualifications and boat certificates, the management of waste from ships, the protection of port facilities, the safety, efficiency and environmental friendliness of the inland waterway network.

These regulations are issued in the form of regulations and directives.

In 1994, the European Recreational Craft Directive ([Directive 94/25/EC of the European Parliament and of the Council of 16 June 1994 on the approximation of the laws, regulations and administrative provisions of the Member States](#)) was adopted, which allowed **the harmonisation of safety requirements for recreational craft** between 2.5 and 24 metres in length at **European level**. The Directive was amended in 2003 to include environmental requirements ([DIRECTIVE 2003/44/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 June 2003 amending Directive 94/25/EC on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft \(Text with EEA relevance\)](#)).

2006 saw the adoption of [Directive 2006/87/EC of the European Parliament and of the Council of 12 December 2006 laying down technical requirements for inland waterway vessels and repealing Council Directive 82/714/EEC](#). This Directive is intended to promote European river transport by improving the technical harmonisation of vessels. It is designed to lay down a high level of safety equivalent to that for shipping on the Rhine. To achieve this, it provides for the introduction of a Community certificate for inland waterway vessels in each Member State, to be issued by the competent authorities, authorising them to operate on Community waterways, including the Rhine.

The legislation has already been repealed,<sup>3</sup> and the relevance of the study is that the Hungarian and Slovakian laws under consideration were adopted on the basis of the obligation to transpose this EU legislation into national law (see later: Act XLII of 2000 on Water Transport

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<sup>1</sup> Certain designations deriving from treaties relating to the development of European cooperation

<sup>2</sup> See CESNI [https://www.cesni.eu/wp-content/uploads/2019/05/2017\\_01\\_HU\\_unoff\\_v.pdf](https://www.cesni.eu/wp-content/uploads/2019/05/2017_01_HU_unoff_v.pdf), and Directive 2016/1629/EC of the European Parliament and of the Council of 14 September 2016 laying down technical requirements for inland waterway vessels, amending Directive 2009/100/EC and repealing Directive 2006/87/EC (OJ L 252, 16.9.2016, p. 118).

<sup>3</sup> Date of end of validity: 06/10/2018

(HU) and Zákon č. 338/2000 Z. z. o vnútrozemskej plavbe a o zmene a doplnení niektorých zákonov (SK).<sup>4</sup>

After several amendments, due to technological developments on the market and environmental requirements, Directive 94/25/EC was repealed by [DIRECTIVE 2013/53/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 November 2013 on recreational craft and personal watercraft and repealing Directive 94/25/EC \(Text with EEA relevance\)](#).<sup>5</sup>

Even during the discussion and review of Directive 94/25/EC between the European Parliament and the Council (see Proposal for a Directive COM(2011) 456 final),<sup>6</sup> a Commission opinion ([Opinion of the European Economic and Social Committee on 'Nautical industries: restructuring accelerated by the crisis' \(own-initiative opinion\) \(2013/C 133/01\)](#),<sup>7</sup>) was published, which specifically addressed the issue of recreational and sports boating (sailing or motor boats, canoes, kayaks or similar vessels) and the many other water-based activities that could be considered (surfing, kite surfing, scuba diving, recreational fishing, etc.) and the current state of recreational water activities.

The Commission opinion stressed that, while in Europe leisure boating is no longer just a summer pastime but a vehicle of physical, cultural, environmental and social values, and the safety and environmental requirements for the manufacture of recreational craft are harmonised at European level, the **regulatory framework for the conditions of use** (boat licences, registration, safety standards and requirements, taxes, etc.) of **these leisure facilities varies considerably from one country to another**.

**These national divergences create real enforcement difficulties, as they fragment the single European market, creating confusion for operators and users, but also a form of unfair competition.**

The new Directive 2013/53/EU has already been adopted in the light of these malfunctions. While clarifying the scope and definitions of Directive 94/25/EC, it also made a distinction for canoes and kayaks, thus **excluding these** vessels from the **scope of the Directive** with regard to certain design and construction requirements:

[Article 2, 2. This Directive shall not apply to the following products:](#)

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<sup>4</sup> <https://eur-lex.europa.eu/legal-content/EN/NIM/?uri=CELEX:32006L0087>

<sup>5</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013L0053>

<sup>6</sup> <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0456:FIN:EN:PDF>

<sup>7</sup> OJ C 133, 9.5.2013, pp. 1-7 (BG, ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, MT, NL, PL, PT, RO, SK, SL, FI, SV)

(a) with regard to the design and construction requirements set out in Part A of Annex I:<sup>8</sup>

(ii) canoes and kayaks designed to be propelled solely by human power, gondolas and pedalos.

In the Directive's definitions, recreational craft is defined as:

Article 3 Definitions For the purposes of this Directive the following definitions shall apply:

(1) "watercraft" means any recreational craft or personal watercraft;

(2) "recreational craft" means any watercraft of any type, excluding personal watercraft, intended for sports and recreational purposes of hull length from 2.5 m to 24 m, regardless of the means of propulsion;

The essential safety requirements for these vehicles are set out in the Directive in general terms only, stressing that proper maintenance and proper use are essential to ensure compliance:

Article 4 Essential requirements

1. The products referred to in Article 2(1) may be made available or put into service only if they do not endanger the health and safety of persons, property or the environment when correctly maintained and used in accordance with their intended purpose, and only on the condition that they meet the applicable essential requirements set out in Annex I.

2. Member States shall ensure that the products referred to in Article 2(1) are not made available on the market or put into service unless they comply with the requirements of paragraph 1.

According to Article 6(1) of the Directive, **Member States may not impede the placing on the market or putting into service on their territory of craft which comply with the requirements of the Directive**, subject to any restrictions relating to the protection of the environment and the safety and security of waterways, as set out in Article 5.

The Directive only mentions hand-powered craft in passing, and its provisions mainly emphasise safety requirements for the design and construction of motor and sailing craft.

**Overall**, the EU legislation is not fully developed in terms of detailed rules for vehicles involved in waterborne tourism, but **leaves the methods and means of implementation to the individual Member States, while setting certain objectives and general conditions**.

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<sup>8</sup> E.g. design categories, craft identification, boat builder's plate, fall protection and recovery equipment, operator's manual, structure, life-saving appliances (life raft), manoeuvrability, equipment, steering system. These are rules for sailing vessels.



## Hungary

When examining the relevant Hungarian legislation, we came across detailed regulations covering several sectors.

**The authorities of the Hungarian maritime administration** and their division into the administrative hierarchy are as follows:

- with national jurisdiction: the **Ministry of Construction and Transport** headed by the Minister (including the Department of Navigation) and the **Government Office of Budapest** (including the Department of Road and Navigation);
- territorial jurisdiction: **government offices** established to carry out administrative tasks related to shipping.<sup>9</sup>

Police and border police activities in relation to navigation are carried out by the Minister responsible for law enforcement and the Minister responsible for border police **through the police bodies responsible for water policing**.<sup>10</sup>

The Minister shall, through the body designated by him, carry out research, development and coordination tasks for the **safety** and environmental protection of **waterborne transport**.<sup>11</sup>

In Hungary, the following main pieces of legislation are relevant to water tourism:

- [Act XLII of 2000 on Water Transport](#)
- [Decree No 57/2011 \(XI. 22.\) of the Ministry of Transport and Communications on the Rules of Water Transport \(Annex 1: Navigation Rules\)](#)
- [46/2001 \(XII. 27.\) BM Decree on the basic rules for staying on the open water](#)

Other related legislation, with an overview and a brief description of the relevant provisions:

- [Act V of 2013 on the Civil Code](#):
  - the legal framework for contracts for tour packages offered by water tourism companies;
- [Act II of 2012 on offences, the offence procedure and the offence registration system](#):
  - on penalties for infringements of the rules on waterway traffic;
- [Act XXXVII of 2009 on Forests, Forest Protection and Forest Management](#):
  - § 93 (1): staying, camping, pitching a tent in the forest for more than twenty-four hours for recreational or sporting purposes with the consent of the forest manager;

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<sup>9</sup> 4. § (2)

<sup>10</sup> 5. §

<sup>11</sup> 2. § (4)

- [Act LIII of 1996 on the Protection of Nature:](#)
  - [§ 38 \(1\) i](#)): permit issued by the nature conservation authority for the organisation of community and mass sport events, sports competitions and technical sports activities in a protected natural area;
  - [§ 40 \(1\)](#)): permit issued by the nature protection authority for access to a specially protected natural area, taking into account the expert opinion of the Directorate;
  - [Art. 64 \(2\)](#)): possibility of visiting protected natural areas as part of information, education, scientific research and tourism in areas suitable for presentation, in accordance with the interests of the protected area;
- [Government Decree No. 472/2017 \(28.XII.\) on contracts for travel services, in particular on contracts for travel packages and travel service packages:](#)
  - on the detailed rules for the contractual framework of tour packages offered by water tourism enterprises;
- [Decree 12/1991 \(V. 18.\) NM on the health conditions of recreation and camping for young students:](#)
  - Rules for 3-18 year olds;
  - notification of the camp, designation of the camp site, issuing of a medical fitness declaration by the legal representative, provision of medical care;
- [77/2011 \(XII. 21.\) NFM Decree on the Detailed Rules for the Investigation of Water Transport Accidents and Incidents:](#)
  - on the investigation of relevant maritime accidents and incidents

## **Act XLII of 2000 on Water Transport (Act XLII of 2000)<sup>12</sup>**

Scope of the Act in Hungary covers:

- a) shipping activities, installations in the waterways and on the shore, navigational installations, waterways and ports serving or affecting the operation of such activities,
- b) natural and legal persons engaged in shipping activities, economic entities without legal personality,
- c) recreational boating, persons participating in recreational boating

Some relevant legal concepts:

**boat:** a vessel other than a boat, ferry, water sports equipment

a) a man-powered watercraft without superstructure, the length of which does not exceed the length laid down for small craft,

(b) a watercraft propelled by wind or mechanical means, having a length of less than 7 metres, a nominal sail area of less than 10 m<sup>2</sup> or an engine power of less than or equal to

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<sup>12</sup> With the exception of paragraphs (2) to (4), the Act entered into force on 1 January 2001.

14,7 kW, excluding any floating device which, by virtue of its construction, equipment and fittings, is not designed for navigation on water;<sup>13</sup>

**vessel:** a watercraft, by virtue of its construction, equipment and fittings, suitable for navigation on water;<sup>14</sup>

**recreational boating:** the use of a watercraft for non-economic recreational purposes;<sup>15</sup>

**small vessel:** an inland waterway vessel with a length of less than 20 metres measured in the hull and a sea-going vessel with a length of less than 24 metres measured in the hull;<sup>16</sup>

**floating installation:** a floating device, structure or equipment suitable for navigation, work on water and related activities;<sup>17</sup>

**watercraft:** a floating installation, other than a floating machine, floating craft or other floating installation, intended for navigation on water, for transport or for the transport of other floating installations;<sup>18</sup>

**waterborne transport:** changing position on water using a floating device. Waterborne transport also includes the operation of facilities (e.g. harbours) related to the servicing of floating installations;<sup>19</sup>

**water sports equipment:** watercraft which is suitable for navigation on water, is buoyant and manoeuvrable when used for its intended purpose, and is not a recreational boat or recreational craft;<sup>20</sup>

According to the feedback received during the interviews, most of the definitions do not contain precise technical parameters, so they are subject to subjective interpretation in everyday life, and the classification of certain types of vessels is sometimes unclear. In practice, the kayak and canoe examined in the study fall into the category of floating craft/watercraft/boat/water sports equipment.

Floating establishments include, among others, **boats, non-mechanically propelled water sports equipment** and small craft (other than sailing small craft) (hereinafter, together, "floating establishments") covered by the study, which, by derogation from the main rule, are **not registered by** the navigation authority.

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<sup>13</sup> § 87, point 3

<sup>14</sup> § 87, point 8

<sup>15</sup> § 87, point 18

<sup>16</sup> § 87, point 21

<sup>17</sup> § 87, point 38

<sup>18</sup> § 87, point 42

<sup>19</sup> § 87, point 43

<sup>20</sup> § 87, point 44

**The technical and safety requirements for** floating installations are that the floating installation must be seaworthy, i.e. operational. This is fulfilled if it is fit for purpose and meets the technical, health, safety and environmental protection requirements. The operator of the floating installation is responsible for maintaining it in a seaworthy condition.

**For the personnel of** a floating installation, the law requires **them to be qualified as specified in the** Ministerial Decree on Shipping Qualifications and the Ministerial Decree on Professional Seafarer Qualifications, **and to be in good health and fit for safe work** - in the case of recreational boats, for **driving**.

In principle, the law makes the activity of navigation subject to obtaining a **navigation licence**.

**A navigation licence is not needed** for, among other things

- a) **for navigation activities with floating installations not subject to registration,**
- (c) **the recreational use of a watercraft,** excluding boating for educational purposes.

For certain periods, when natural conditions or other reasons prevent navigation, the navigation authority **may**, on its own initiative or on request, **restrict navigation for** safety reasons. Such restriction shall be announced by the navigating authority by means of a notice, but may also be announced orally in the event of an emergency.

With regard to **assistance and rescue**,<sup>21</sup> if the manager of the floating installation becomes aware that human life is in danger on the water and if the fairway is blocked or in danger of being blocked, they must provide assistance. In the event of a collision, the masters of the floating installation shall assist each other by all available means. The way in which assistance is to be given shall be decided jointly by the masters of the navigating craft, where possible.

## **57/2011 (XI. 22.) NFM Decree on the Rules of Water Transport** <sup>22</sup>

The regulation most frequently referred to by water tour operators and waterway authorities is the **Navigation Regulation** in Annex 1 of the Regulation (hereinafter: the "Regulation"), of which the **very detailed regulations for boats, water sports equipment, are to be found in Part II** (under the heading "**ADDITIONAL REGULATIONS FOR INLANDWATER BOATS IN HUNGARY**").

**The scope of application of** the Code extends to the territory of Hungary, to Hungarian-flagged or operated floating installations on the whole stretch of the Danube and, if provided for by an international treaty, to foreign-flagged floating installations on the foreign-flagged sections of the Danube and Tisza tributaries.

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<sup>21</sup> 64. §

<sup>22</sup> The Regulation entered into force on 1 January 2012.

More important, relevant rules:

### *The driver of the vessel*

According to the regulations, a **boat and a water sport equipment not subject to registration may be driven**, unless otherwise provided by law, by any person who, with the exception of paragraphs 2 and 3

- a) are over 14 years of age or 17 years of age in the case of a power-driven craft,
- b) can swim,
- c) have sufficient experience in management, and
- d) is familiar with the provisions of the Code and the specific characteristics of the water area.<sup>23</sup>

The driver of the vessel under the additional conditions

- shall not be under the influence of a substance that impairs driving ability;
- must not have alcohol or any other substance with similar effects (e.g. drugs, medicines, combinations of these) in their system;
- show no visible signs of fatigue;
- if there is a rest period in accordance with the operating mode prescribed for the vehicle, it must be observed;
- drive in accordance with weather, traffic and shipping conditions and other circumstances affecting the safety of navigation.<sup>24</sup>

If there are **more than one person** in the boat or on a non-registered water sport craft, a **person aged 16** or over - 17 in the case of a power-driven craft - and a suitable **driver** as prescribed **must be appointed** before departure.<sup>25</sup>

Athletes of a **sports club** under the age of 14 who can swim and who are familiar with the provisions of the Rules **may drive** a boat or a non-powered water sport equipment under the **guidance and supervision of a coach of the** sports club, using life-saving equipment and providing a rescue motorboat or an accompanying small craft.

The coach shall carry out the supervision if

- a) has a constant overview of all athletes, and
- b) no more than 2 minutes are needed for assistance or intervention.<sup>26</sup>

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<sup>23</sup> Article 1.02

<sup>24</sup> 1.03 Article 1.

<sup>25</sup> 1.02 Article 2.

<sup>26</sup> 1.02 Article 3.

An organised **water tour** with a group of paddleboats **may be led by a water tour guide** if there are **more than ten** paddleboats, **provided visibility is not restricted**. The departure of the waterway tour, the identity of the guide and the planned route **must be notified by the** guide to the competent waterway authority before departure.

The **water tour leader has the right to give** - prescribed - **instructions for the** traffic behaviour of the tour participants during the use of the water sports equipment, which the participants are obliged to follow. This includes, but is not limited to<sup>27</sup>

- it is forbidden to stand in the water sports equipment in motion, except for persons engaged in certain paddling, snorkelling or other work;
- before boarding, the driver must check that the persons in the water sports equipment are able to swim and that their declarations are available, and must ensure that the life-saving equipment is stowed and ready for use;
- non-swimmers in boats (moving or moored), persons under 14 years of age and all persons on water sports equipment must wear life jackets;<sup>28</sup>
- if the driver wishes to be instructed and practise driving the water sports equipment before the trip, this may only be done close to the shore, outside the fairway, in a harbour in a place designated by the operator, subject to other provisions;
- to draw attention to cases of restrictions on the use of water sports equipment (stay, passage) (e.g. no stay within 100 m of passenger boat and ferry docks, but in the water area designated for bathing, non-mechanically propelled water sports equipment may be launched at a speed of up to 5 km/h).<sup>29</sup>

### *The float*

Additional safety requirements apply to **the floating hull of the water sports equipment**.<sup>30</sup> This may include one or more floating hulls which are inherently watertight and securely fastened together in such a way that, when used under full load, they can withstand the weather, current and wave conditions of the water area without permanent deformation and loss of buoyancy.

For the float

- a) **must be able to safely carry 125% of the specified maximum load in rough water;**
- b) **the total volume of its enclosed body shall be at least twice the maximum enclosed volume;**

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<sup>27</sup> Article 4.07

<sup>28</sup> 4.07 Article 3.

<sup>29</sup> 4.13 Article 1.

<sup>30</sup> Annex II-1, Safety requirements III.

- c) must have sufficient stability;
- d) be able to reach a minimum dead water speed of 8 km/h and to perform evasive, turning and stopping operations.<sup>31</sup>

*Mandatory basic equipment (Annex II-2, points 1-2)*

For **kayaks, canoes, skiffs, dinghies, triplets and boats less than 2.5 m in length**, the following equipment is compulsory<sup>32</sup>:

- a) life jacket<sup>33</sup> - according to the number of people on board;
- b) oars - according to the boat's propulsion, but at least 1;
- c) 1 litre or more of immersion device or sponge - 1 piece;
- d) suitable mooring rope or chain in good condition - 5 fm.

and as common requirements with the boat:

- f) an electrically operated white light source of normal intensity, capable of being turned in the direction required to signal an approaching craft; safe operation requires the presence of a spare bulb or a light source with several independently functioning bulbs or light-emitting diodes (LEDs) and a back-up power source during the period from sunset to sunrise;
- g) a sign permanently affixed to the hull of the vessel, giving the name and contact details of the vessel's operator;
- h) if the watercraft is carrying flammable or explosive material, an appropriate fire extinguisher with extinguishing capacity 8A or 34B - 1 extinguisher.<sup>34</sup>

If the recreational watercraft is **rented or used** (especially by Slovak hikers and guides on the Hungarian side), the following rules must be observed<sup>35</sup>:

- the unmanned watercraft hire organisation or its agent is responsible for the operational condition of the hired watercraft;
- the organisation renting out the vessel without crew or using it for non-business purposes, or the person authorised by it, must obtain a written declaration from the hirer (user) that he/she can swim, knows the rules of navigation and has taken delivery of the vessel with the identification data and the necessary life-saving equipment.

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<sup>31</sup> Annex II-1, Safety requirements III. 2.

<sup>32</sup> Annex II.2, Compulsory equipment 2.

<sup>33</sup> The required performance level of the life jacket in force: at least 100 or 150 according to EN 395 (ISO 12402-4) or EN 396 (ISO 12402-3), see. Annex II-2, II. 6.

<sup>34</sup> Annex II.2, Compulsory equipment 1.

<sup>35</sup> Annex II-10

## 46/2001 (XII. 27.) BM Decree on the basic rules for staying on the open water

The Regulation defines bathing and provides rules on prohibited bathing.<sup>36</sup> Water sports equipment is primarily related to the concept of bathing:

§ 1 (2) The use on the water of a **floating device** (toy boat, water bicycle, banana boat, inflatable devices, etc.) that is **not considered a boat or water sports equipment according to Act XLII of 2000 on Water Transport, and** which does not have to have a boat licence issued by the navigation authority or the type approval required for water sports equipment, is also **considered bathing**.

(3) The use of water sports equipment propelled by mechanical means or otherwise does **not constitute bathing**.

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<sup>36</sup> The Regulation entered into force on 1 January 2002.



## Slovakia

When examining the relevant Slovak legislation, less complex and less stringent legislation was found (with recommendations on safety standards) than in Hungary.

**The authorities** and their hierarchical structure of the **maritime administration are as follows**<sup>37</sup>:

- with national jurisdiction: **Ministry of Transport of the Slovak Republic**, within this the **Transport Authority** (Dopravný úrad)/Inland water transport:
  - **Transport Authority** was established by the Act No. 402/2013 Coll. on Regulatory Authority for Electronic Communications and Postal Services and on Transport Authority and on amendments of several acts, coming into force on 1 January 2014 as a state administrative body with nationwide operation in the area of railways and other guided transport, civil aviation and inland waterway transport. Transport Authority is a legal successor of the Railway Regulatory Authority, Civil Aviation Authority of the Slovak Republic and State Navigation Administration.
  - **Inland Waterway Division** undertakes the tasks and activities in the area of inland waterway navigation;
- territorial jurisdiction: each territorial unit within the **Administrative Proceedings Department**, set up to carry out administrative tasks relating to shipping:<sup>38</sup>
  - State Professional Supervision Bratislava/ Navigation Safety Department;
  - State Professional Supervision Komárno/ Navigation Safety Department;
  - State Professional Supervision Žilina;
  - State Professional Supervision Košice.

In Slovakia, the main legislation on waterborne transport is as follows:

- [Act No. 338/2000 Coll. on Inland Navigation and on Amendments to Some Acts as amended by later regulations](#);
- [VÝNOS č. 1740 / M - 2001 Ministerstva dopravy, pôšt a telekomunikácií Slovenskej republiky z 15. októbra 2001, ktorým sa vydávajú Pravidlá bezpečnosti prevádzky plavidla po vnútrozemských vodných cestách Slovenskej republiky](#)<sup>39</sup> (contains the implementing provisions of the Act);

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<sup>37</sup> 37-39). § Act No. 338/2000 Coll. on Inland Navigation

<sup>38</sup> <http://nsat.sk/wp-content/uploads/2021/03/Organiza%C4%8Dn%C3%A1-sch%C3%A9ma-D%C3%A9-01.03.2021-anj.pdf>

<sup>39</sup> Publication date: 20/11/2001

- [Law no. 543/2002 Coll. Nature and Landscape Protection Act<sup>40</sup>](#) , and [Law no. 15/2005 Coll. Act on the Protection of Species of Wild Animals and Wild Plants by Regulating Trade with Them and on Amendments to Certain Acts<sup>41</sup>](#) (the intermediate authority for obtaining nature protection permits is ŠOP - Státna ochrana prírody)
- [Navigation measures<sup>42</sup>](#) (navigation measures for certain waterway sections)

### **Act No. 338/2000 Coll. on Inland Navigation and on Amendments to Some Acts as amended by later regulations<sup>43</sup>**

The Act lays down the conditions of inland navigation, the rights and obligations of legal and natural persons involved in inland navigation, the competences, the powers of the state administration and the state expert supervision in the field of inland navigation, the classification of vessels, the rights and obligations of the vessel's crew, the professional investigation of shipping accidents and the sanctions for breaches of the obligations laid down in the Act.<sup>44</sup>

Some definitions related to the study.<sup>45</sup>

(a) inland navigation: the operation of vessels on inland waterways and in ports, including activities related to this operation;

(f) inland waterway vessel: a vessel navigating on inland waterways, excluding small craft, transport vessel, floating craft and floating equipment;

(g) small craft: a vessel with a hull of less than 20 metres in length, intended for the carriage of not more than 12 passengers, excluding vessels built or intended to be built or used for pushing, towing or driving in a sidecar, and excluding small craft, pusher craft, transport vessels and floating craft or vessels meeting special requirements.

Slovak legislation distinguishes between water transport<sup>46</sup> and recreational water activities. Water transport is a public, commercial, entrepreneurial activity, all other activities are recreational, which do not fall into the public category, but are subject to the rules of water transport.

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<sup>40</sup> <https://www.zakonypreludi.sk/zz/2002-543>

<sup>41</sup> <https://www.zakonypreludi.sk/zz/2005-15>

<sup>42</sup> <http://plavba.nsat.sk/plavebna-bezpecnost/plavebne-opatrenia/>

<sup>43</sup> <https://www.zakonypreludi.sk/zz/2000-338>

<sup>44</sup> 1. § (1)

<sup>45</sup> 2. §

<sup>46</sup> § 7 (1) Waterborne transport is the transport of goods and passengers on waterways for commercial purposes, even if this activity is not carried out on a regular basis.

The canoes, kayaks and boats examined in the study belong to the **small craft (malé plavidlo) category**. Among the watercraft, we can mention the special purpose raft, traditionally constructed of spherical wood, beams or planks, which used to carry not only timber but also various other goods, exceptionally people. The raft is not the subject of the present study, but it is noted that it appears in the regulations for certain sections of rivers.<sup>47</sup>

**Mandatory (and recommended) equipment for small craft** (category: non-registered craft, craft without own propulsion up to 500 kg)<sup>48</sup>

- a) Registration mark: the name of the vessel, which may be an abbreviation or a letter, the name and address of the owner (operator) of the vessel (clearly visible from inside or outside the vessel);
- b) **Recommended equipment:** 2 x paddles or 1 x snorkel, 1 x sponge, 1 x rope or chain longer than 5 m;
- c) Flag: optional, required only for registered watercraft<sup>49</sup> (but Slovak water tour operators have indicated that they display or paint the national colours on watercraft when navigating on the border river);

Life jackets are not required for passengers on non-registered vessels.

#### *Establishment of a waterway rental company*<sup>50</sup>

A boat rental company may only be established in a port or waterway on the basis of a decision of the Transport Office **on the establishment of a boat** rental company. In the case of the establishment of a boat hire company on a waterway or in a port, the application must be accompanied by the consent of the waterway manager, the consent of the State Nature and Landscape Conservation Authority, if necessary, and, in the case of a port, a contract with the operator of the public port.

**A charterer must be deleted from the register** if.

- a) established or operated without a decision to establish;
- b) has seriously or repeatedly infringed the conditions laid down in the decision establishing it;
- c) has not been in operation since its establishment or for more than one year from the date on which the ship's surveyor establishes this fact;

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<sup>47</sup> Ld. pl. PLAVEBNÉ OPATRENIE č. 20/2010 ktorým sa vydáva Poriadok k plavných plťí na vodnej ceste Hron v úseku Banská Bystrica - Revištské Podhradie

<sup>48</sup> <http://plavba.nsat.sk/plavidla/male-plavidla/povinna-vybava-malych-plavidiel/>

<sup>49</sup> <http://plavba.nsat.sk/plavidla/male-plavidla/povinna-vybava-malych-plavidiel/>

<sup>50</sup> 23. § (8)-(9)

- d) its activity is liable to prejudice the smooth operation or safety of navigation;
- e) has seriously or repeatedly infringed any law or shipping measure which is generally binding in relation to its establishment or operation.

In addition to a rented boat, water-touring is also possible with a small boat owned by a Slovak private person on the Hungarian-Slovak side, of course, where the boat is not banned by law or authority. The same rule applies on the Hungarian side.

### *Small boat licence*<sup>51</sup>

On the **Slovak side, there is no explicit water tour guide training, only small boat guide training.**

Small boats require a **driving licence**, but registered watercraft for sport and recreation purposes only, with an engine power of 4 kW or less and a maximum hull length of 20 m, may be driven by natural persons aged 8 (!) without a driving licence - only on waters defined in the navigation measure.

Before the examination, the applicant must complete a certification course consisting of theoretical and practical training. The Public Transport Authority may delegate the certification course to a natural or legal person. The types of licence issued following successful completion of the examination are: Small Vessel Operator's Certificates of Competency of categories A, B, C, which are considered as International Certificates of Competency.

### *Medical fitness of the crew and captain of the small boat*<sup>52</sup>

**Medical fitness** is defined as the physical and mental ability to perform the duties associated with the operation of a small craft. Medical fitness is assessed by medical examination, in particular by means of visual and auditory acuity, motor function, neuropsychological status and cardiovascular tests.

### *Infringement, fine*<sup>53</sup>

(1) In the inland waterway section, an **offence is committed by**, inter alia<sup>54</sup>

- b) violates the safety rules of navigation on the waterways of the Slovak Republic;

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<sup>51</sup> 31. §

<sup>52</sup> 31a. §

<sup>53</sup> 40. §

<sup>54</sup> 4 0. §(1)

(j) in the course of its activities on the waterway, fails to comply with its obligations under the Act;

(l) fails to comply with a stop of navigation order issued by the Public Transport Authority or navigates on a waterway where navigation is prohibited;

(m) interrupts a traffic lane without the permission of the Administration of Transport or causes a shipping accident;

(p) as a party to a shipping accident, fails to comply with the obligations set out in § 34.

The offence is punishable by a fine of up to €300 or €600, depending on the case, and a ban on activities for up to a year.

The fine ranges from €330 to €6,635 if a natural or legal person establishes or operates a boat hire business without an establishment decision, or fails to comply with the conditions laid down in the decision establishing the boat hire business, or fails to comply with the conditions laid down in the decision authorising the parking of floating equipment on the waterway or in a port.<sup>55</sup>

## **VÝNOS č. 1740 / M - 2001 Ministerstva dopravy, pôšt a telekomunikácií Slovenskej republiky z 15. októbra 2001, ktorým sa vydávajú Pravidlá bezpečnosti prevádzky plavidla po vnútrozemských vodných cestách Slovenskej republiky**

Among the terms defined in § 1 of the Regulation, the definitions of safe navigation include:

v) reduced visibility: a sailing condition in which visibility is reduced, e.g. fog, heavy rain, snow, smoke;

w) waterway: a defined part of a waterway which can be used for navigation under certain conditions, and usually the water levels marked by navigation signs;

x) fatigue state: a consequence of insufficient rest or illness, manifested by abnormal behaviour and reduced reactivity;

y) intoxicated state: a state of intoxication caused by drugs, medicines, alcoholic beverages or other addictive substances, which can be detected by an exhalation test or blood test.

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<sup>55</sup> 40. a § (3) i)

Other rules that may also apply to small boats:

- all crew members and other persons on board must obey the master's instructions in order to ensure the safety of navigation and to maintain good order (this also implies the full responsibility of the master).<sup>56</sup>
- unless otherwise provided, the master of the vessel or the master of the floating hull shall take all measures which are necessary and practicable for the safety of navigation
  - a threat to human life,
  - damage to vessels or floats, shores, structures and other installations located on or in the immediate vicinity of the waterway;
  - create a navigation barrier.<sup>57</sup>
- during the voyage, the vessel or floating object may only be operated by a person who is qualified to do so (not for non-registered craft, only for registered craft with a small craft licence or a floating craft licence);<sup>58</sup>
- it is forbidden to throw objects into the water, spill or leak liquids from a vessel or floating hull which could obstruct navigation or endanger navigation and other users of the waterway, or pollute the waterway.<sup>59</sup>
- life jackets are compulsory up to the age of 15 and for non-swimmers (there are no other requirements for non-registered craft in this respect, even for wearing life jackets, but for registered craft, life jackets are compulsory) and up to the age of 15, a small boat can only be used in the presence of a guide who is familiar with the boat's handling techniques and other regulations.<sup>60</sup>

## Navigation regulations

These navigation measures are issued by the State Navigation Administration ("ŠPS") to ensure safety and smooth navigation on waterways. For such trips, a special permit is issued, specifying the conditions of the trip (what equipment is required on the watercraft, what life-saving equipment must be worn and by whom, etc.).

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<sup>56</sup> 3. §

<sup>57</sup> 4. §

<sup>58</sup> 7. §

<sup>59</sup> 10. § (5)

<sup>60</sup> 126. §

The following is a summary of the basic concepts, conditions and prohibitions for water tours for friends/family and organised (paid) water tours on the Hungarian and Slovak sides of the Danube:

<b>Terms, conditions, prohibitions for water tourism</b>	<b>Regulation on the Hungarian side</b>	<b>Slovak side regulation</b>
Definitions of terms	Small boat, boat, recreational craft, water sports equipment	Small boat
Variety registration	Not needed	Not needed
Age limit for driving a watercraft	<ul style="list-style-type: none"> <li>• Not mechanically propelled: 14 years of age, but                             <ul style="list-style-type: none"> <li>○ in a sports club, under other conditions: also under 14;</li> <li>○ if more than one person is on board: 16 years;</li> </ul> </li> <li>• 17 years of age if motorised</li> </ul>	It cannot be accurately established from the available documents and interviews.
Required/recommended equipment	Water sports equipment (kayak, canoe): <ul style="list-style-type: none"> <li>• life jacket by number of passengers, at least 1 oar, 1 dipping device or sponge, 5 fm rope or chain suitable for mooring, white light; name and contact details of the operator, 1 fire extinguisher (optional).</li> </ul>	Not registered small boat: <ul style="list-style-type: none"> <li>• mandatory: name and contact details of the operator.</li> <li>• recommended: at least 2 paddles or 1 snorkel, 1 sponge, 1 rope or chain longer than 5 fm.</li> <li>• (Life jackets are not required for non-registered craft, their use is derived from other rules, see below).</li> </ul>
Life jacket	<ul style="list-style-type: none"> <li>• Linked to the compulsory installation of a watercraft.</li> <li>• All persons who cannot swim (even if they are adults), persons under the age of 14 and all persons using water sports equipment in a boat (whether moving or moored) on the water must wear them.</li> </ul>	Age-related: life jackets are compulsory up to the age of 15 and for non-swimmers, otherwise they are not compulsory.
	Minimum buoyancy: 100 N.	Minimum buoyancy: not known.
Lease or use	Unstaffed rental: <ul style="list-style-type: none"> <li>• the hirer is responsible for the operational condition of the craft;</li> <li>• the hirer (user) declares in writing that he/she can swim, knows the rules of navigation</li> </ul>	Indirectly, it must comply with the equipment regulations, as it must cease its activities if it has "seriously or repeatedly violated a generally binding law or navigational measure relating to its operation."

Terms, conditions, prohibitions for water tourism	Regulation on the Hungarian side	Slovak side regulation
	and has taken delivery of an identifiable watercraft and the necessary life-saving equipment.	
Other important requirements, prohibitions	<ul style="list-style-type: none"> <li>• Before boarding, the driver must check that the persons in the water sports equipment are able to swim and that their declarations are available, and must ensure that the life-saving equipment is stowed and ready for use;</li> <li>• It is forbidden to stand in the water sports equipment in motion, except for persons engaged in certain paddling, snorkelling or other work.</li> </ul>	Up to the age of 15, users must be accompanied by a guide who is familiar with the boat's handling techniques and other regulations.
Liability, legal consequence	Infringements of the rules of navigation are punishable as a misdemeanour or a felony.	Infringements of the rules of navigation are punishable as a misdemeanour or a felony.



## Summary of interview findings

In addition to the Hungarian and Slovakian regulations presented in the previous section, the study **was conducted through face-to-face and online interviews with Hungarian and Slovakian water tour guides and representatives of water transport authorities**. The interviews covered a range of topics, depending on the position and knowledge of the interviewee, but the following themes were discussed in all interviews:

- a) knowledge of relevant EU and national legislation;
- b) divergences and harmonisation efforts in the relevant water regulations of the two countries;
- c) specific knowledge of the national rules under which a water policeman can act against a water tourist;
- d) cooperation between the authorities of the two countries;
- e) the structure of national water transport hierarchies;
- f) mapping of information points where water tourists can obtain information on compulsory equipment, how to apply for permits, restrictions (protected, specially protected nature reserve, Natura 200 area, where to moor, etc.),
- g) the system and quality of the waterway construction;
- h) national consultations, where (presumably) proposals for changes to water tourism legislation are made in cooperation with NGOs and public authorities;
- i) the functioning of national sports federations;

The responses received are summarised below:

Topics	Hungary	Slovakia
Scope of legislation applied	Legal and detailed implementation level.	Legal and narrow enforcement level.
Harmonisation of the relevant legislation in the two countries	Apart from Arrabona EGTC, no other initiator was found.	There was no initiative.
Knowledge of specific national rules (personnel, equipment)	Water tour guides have a good knowledge of their national regulations. Most of them consider the Hungarian standards too strict. The regulations of the other country are not known to the water tour operators or the authorities. Legal definitions are not clear, and in the absence of precise technical	Some of the guides know the national regulations, others only the Hungarian ones. There was an interviewee who had been paddling since 1994, but only had experience of Hungarian river police carrying out controls. The authority does not know the rules of the other country.

Topics	Hungary	Slovakia
	parameters, their interpretation is often subjective.	
Cooperation between the authorities of the two countries.	Detection of water accidents, joint patrols are routine, but they are not trained in the other country's water tourism rules.	
Knowledge of the structure of national water transport hierarchies.	The structure at national level is known, but knowledge of the same hierarchy in the other country is severely lacking.	
Information for water tourists on the regulations of the other country.	Even at the level of general information provision, there is a need for common information interfaces.	
Are there waterway training courses?	<p>There are, but not standardised. Several organisations run training courses with a similar knowledge base. Differences in the number of hours of theoretical and practical training.</p> <p>According to some information, several infringement procedures are under way and more are expected, in line with European practice, because water tour guides are not always properly informed of the rules during their training and therefore commit infringements.</p>	No, only small boat driver training.
Changes in progress	<p>Both civil and public authorities are in the process. The main issues proposed for amendment are mainly related to the NFM Decree 57/2011 (XI. 22.) on the Regulation of Water Transport (Navigation Regulation), but most of them are not yet covered by a fully developed proposal, at most by initiatives. Such topics include:</p> <ul style="list-style-type: none"> <li>• the concept of a water tour and a water tour guide</li> <li>• water tour guide training</li> <li>• use of a lifejacket</li> <li>• use of water surface</li> <li>• rent</li> <li>• SUP regulation</li> </ul>	According to the information received, no such processes are currently taking place in Slovakia.

Topics	Hungary	Slovakia
	<p>Only a part of the NGO proposals appear under the umbrella of the CEMR (MKKSZ, MAVITUSZ).</p>	
<p>The existence of national water tourism organisations.</p>	<p>There are several organisations working side by side, with occasional rivalries, e.g. there is no consensus between the various federal opinions on legislative changes, which means that no unified proposals bringing together all the initiators have yet been submitted to the authorities.</p>	<p>A big problem compared to Hungary is that there is no national water tourism association in Slovakia. The existing interests and activities from the socialist era are very limited. Those involved in water tourism do not communicate with the public and are not interested in much other than the international Danube rafting (TID). The Bratislava association (Bratislavská asociácia vodáckych klubov)<sup>61</sup>, although it has achieved results in several areas (e.g. riverbank cleaning), is only active in the Bratislava region and does not allow others to join, which is why there have been water tour operators in Slovakia who have chosen to join the association in Hungary.</p>

<sup>61</sup> <https://abvk.sk/>

### 3 Description of possible solution(s)

In the course of this analysis, several observations between the two Member States' legislation under review was summarised, including:

- **different levels of detail in national regulations** (in Hungary, there is more and more detailed sectoral legislation below the statutory level);
- **different national regulations** (mandatory equipment in Hungary, partly recommended in Slovakia);
- **there is a lack of information for water tour operators and guides about their own and other Member States' rules** (Slovak water tour operators typically get information about Hungarian rules from Hungarian water equipment rental companies, while Hungarian water tour operators follow Hungarian legislation on the Slovak side (sic!), saying that Hungarian rules are stricter than Slovak rules anyway, while they are not familiar with Slovak rules);
- **there is no cooperation between the authorities of the two Member States** other than joint patrolling exercises;
- Hungarian and Slovak water tourism operators know each other, and some of them, especially from the Slovak side, are members of some Hungarian water tourism associations, but **there is no formal cooperation between the two countries at the federal level**;
- the rules of water tourism require changes along with technical and technical development, but **substantial legislative amendments have not yet been made**; while on the Hungarian side, packages of proposals for reforming the regulations appeared on the part of the citizens, and it is timely to embrace them together before the appropriate forum (such an attempt has already been made, see the activities managed by Máriusz Révész, the State Secretary responsible for active Hungary, especially the Active and Ecotourism Development, which operates as a background institution of the Prime Minister's Office Központ Nonprofit Kft.), while on the Slovak side neither national cooperation nor local initiatives are known. Since the adoption of the active tourism strategy is current in both member states (it has been done on the Hungarian side, it is under social consultation on the Sliva side), the development of the joint regulatory proposal can be initiated based on this

Although at the time of the study, **there was a growing Hungarian professional and professional-political activity in the field of water tourism, we cannot yet speak of this in Hungarian-Slovak relations. Furthermore**, we could not find a body with a mandate that could address and involve civil and public stakeholders in the professional-legal-administrative development of water tourism in the Danube in a credible and comprehensive way, both on the Hungarian and Slovak side.

In this somewhat clueless situation, we see three main directions to go:

- a) **"business as usual"**, i.e. the strict and tiered Hungarian regulation and the more permissive Slovak regulation with recommended standards will continue to co-exist; there will be no harmonisation, and the Hungarian development proposals will eventually be brought into the legislative phase;
- b) **a joint organisation is designated with a substantive mandate**, capable of bringing together and lobbying the headquarters of both countries on grassroots ideas for professional-legal-administrative development, supported by the competent authorities.
- c) **to move away from the status quo**, to meet the theoreticians and practitioners involved in a workshop, to formulate a joint initiative.

In the case of the second line of action, the **question arises: which organisation can be recommended for the role of mediator-proposer?**

**At the moment we are not able to name such a delegable joint organisation, in case of doubt we propose to discuss and propose an initiative in the framework of the joint workshop proposed in the third point.**

In some visionary way, perhaps a kind of **mixed committee** seems to be appropriate for the task, as these committees, such as the border water committees<sup>62</sup>, would be operationally and organisationally appropriate. The advantages of this include:

- cooperation is legalised by **bilateral, intergovernmental international treaties**, known as "Boundary Waters Conventions";
- the practical framework for cooperation is provided by **joint committees** set up under international treaties, whose chair and vice-chair are appointed by senior central government officials (line ministers, with the agreement of the ministers responsible for external relations);
- **the territorial scope of the conventions** covers an area of common interest, which is characterised by the fact that interventions and changes there have a relevant cross-border impact,
- the committees set up under the conventions are responsible for **coordinating activities** between the relevant bodies in the two countries;
- **meetings are held systematically, with** committees generally meeting once a year and their subcommittees and specialised groups meeting at least twice a year to evaluate the activities carried out in the past period, discuss current problems and emerging issues and set the work programme for the next period

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<sup>62</sup> Cf. the Convention between the Government of the Hungarian People's Republic and the Government of the Czechoslovak Socialist Republic on the Regulation of Water Management Issues of Border Waters, signed in Budapest on 31 May 1976, which was promulgated into Hungarian internal law by Decree No. 55/1978 (XII. 10.) MT.

- the work of the committees is supported by **secretariats, subcommittees, specialised groups and working committees**, either **by subject or by territory, which** bring together practitioners in direct contact with related institutions in neighbouring countries and discuss issues at a professional level, but could be extended to include invited actors (from the civil society);
- the activities of each body are based on jointly developed and agreed rules.

The disadvantage of the Boundary Waters Commission as a solution is that **the scope of the Boundary Waters Convention (at present) only covers water management activities in boundary waters that may cause changes in natural water conditions**, and the subject of the present study is not one of these (regulation of water transport). It is only mentioned theoretically (due to the long-term nature of the change) that an initiative could be proposed to renew the 1976 Convention of the Boundary Waters Commission and to jointly request the legislative ministries to address the market operators in order to prevent and manage accidents (liability, lawsuits) on boundary waters.

In addition to the above, we see the following **collaborative processes that** could be launched to address some of the barriers, together with the entities to be involved in resolving the issues.

Barrier	Possible solutions	Entities to be included
Harmonisation of legislation, development of uniform definitions (water tours, water tour guides, uniform definition of sports equipment such as kayaks, canoes, boats, etc.)	<p><b>We do not see any possibility</b> to harmonize the strict, but in several places needing clarification (see e.g. definitions) Hungarian and the partially permissive Slovak legislation <b>without the common will of the two central governments, which can only happen in the long run.</b></p> <p>The creation of a joint national park in the Szigetköz (HU)-Csallóköz (SK) area could be a "fast-track" solution, but <b>this is not only a nature conservation issue, but also a regional development issue.</b></p> <p>Attention needs to be called upon the fact that this is not an idea that was born out of thin air, since the <b>programme for the creation of the Szigetköz-Csallóköz National Park was launched in 2004</b>, the first step of which was the project "Feasibility study for the creation of a joint Slovak-Hungarian National Park in the Szigetköz-Csallóköz area", which was awarded under the Phare 2002 programme "Local initiative-based environmental and nature protection along the Slovak-Hungarian border".</p>	Central authorities
Knowing specific national	<b>Setting up information points</b>	Authorities,

Barrier	Possible solutions	Entities to be included
rules, informing water tourists and water tour operators about the regulations in the other country.	Providing up-to-date information from local authorities. Member States have an obligation to ensure that relevant information is available to service providers and users in an accessible way.	Arrabona EGTC
Lack of administrative cooperation	Hungarian and Slovak authorities to initiate contacts (in addition to joint patrols) and to get to know each other's procedures. Mutual and regular contacts, organisation of <b>working meetings</b> .	Authorities, Arrabona EGTC, as an intermediary
There is no uniform training for water tour guides, neither within the country nor between the two countries. Shortage of qualified guides	<b>Linking the Hungarian and Slovak training systems.</b> The quality of training on both sides is based on national professional criteria. By working together, <b>differences can be levelled out by mutual understanding and, where possible, harmonisation of national training.</b>	Chambers, professional organisations, entrepreneurs, Arrabona EGTC, as an intermediary
National consultations	<b>Coordinating</b> professional, sectoral policy initiatives in the field of water tourism by providing appropriate forums.	Authorities, Civilians, Arrabona EGTC, as an intermediary
Administrative procedures involving several authorities	Reduce the administrative burden on water tourists and develop a common procedural system, preferably <b>a one-stop shop for water management, nature protection, etc.</b> It is recalled that certain EU principles require that authorisation procedures for service providers in Member States must comply with the requirements of <b>non-discrimination, necessity and proportionality.</b>	Authorities, Arrabona EGTC, as an intermediary
The annual renewal of seasonal permits does not change the procedurally relevant parameters for returning water tourism businesses. Preference for fair and local businesses.	To analyse what solutions could be used to issue <b>a permanent permit and</b> compare this with the advantages and disadvantages of the current seasonal permit. A <b>rating system</b> could be developed, whereby honest, reliable businesses would be given preference for permanent licences. Although competition cannot be unlawfully restricted, support for local micro/small/medium enterprises would also be legitimate for the	Authorities, Arrabona EGTC, as an intermediary

Comparison of water tourism regulations on the SK-HU border

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<b>Barrier</b>	<b>Possible solutions</b>	<b>Entities to be included</b>
	development of the local economy.	



## 4 Organisations, representatives contacted by CESCO for making interviews and information exchange with them

Organisation (in original language)	Organisation (in English)	Country	Representatives
Aktív- és Ökoturisztikai Fejlesztési Központ (AÖFK) (HU)	Centre for Development of Active and Ecotourism Nonprofit Ltd (HU)	HU	Miklós Berencsi, project manager
Dopravný úrad / Divízia vnútrozemskej plavby / Odbor štátneho odborného dozoru Komárno / technický dozor (SK)	Transport Authority / Inland Navigation Division / Department of State Professional Supervision Komárno / Technical Supervision	SK	János Szabó, shipping inspector
Dunai Flottilla Gyermek és Ifjúsági Vízitúra Egyesület (HU)	Danube Flotilla Children and Youth Water Tour Association (HU)	HU	Ákos Tóth, president
Dunai Vízügyi Rendőrkapitányság Víziközlekedési Osztály (HU)	Danube Water Police Department Water Traffic Department (EN)	HU	Tibor Fülöp dr., head of department
Duna-régió Vízi-turisztikai Szövetség (HU)	Danube Region Water Tourism Association (EN)	HU	László Pándi, president Henrik Klemencz, vice president
Fórum inštitút pre výskum menšín (SK)	Forum Minority Research Institute (SK)	SK	Lajos Tuba, director
Ipolytölgyes Község Önkormányzata (HU)	Municipality of Ipolytölgyes	HU	Bertalan Radnai, mayor
Klub Turistov Kormorán Komárno (SK)	Club Turistov Kormorán Komárno (SK)	SK	Marian Koleno, President
Magyar Kajak-Kenu Szövetség (HU)	Hungarian Canoe Federation (HU)	HU	Lajos Bakos dr., director Tibor Pajor, project manager
Obec Kravany nad Dunajom (SK)	Municipality Kravany nad Dunajom	SK	Gabriel Duka, mayor
Túráközpont, Depo-Z (HU)	Tour centre, Depo-Z	HU	Endre Máté & Mariann Ungi, entrepreneurs
VODNETURY.sk. (SK)	VODNETURY.sk. (SK)	SK	Ing. Zoltán Jankó, entrepreneur

## 5 A full list of all legal provisions relevant to the case with the correct citation both in original language and in English

### Legal provisions of the European Union

Legal provisions	Official Journal
Directive 94/25/EC of the European Parliament and of the Council of 16 June 1994 on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft	OJ L 164, 30.6.1994, p. 15-38
Directive 2003/44/EC of the European Parliament and of the Council of 16 June 2003 amending Directive 94/25/EC on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft (Text with EEA relevance)	OJ L 214, 26.8.2003, p. 18-35
2006/87/EC Directive of the European Parliament and of the Council of 12 December 2006 laying down technical requirements for inland waterway vessels and repealing Council Directive 82/714/EEC	OJ L 389, 30.12.2006, p. 1-260
Directive 2013/53/EU of the European Parliament and of the Council of 20 November 2013 on recreational craft and personal watercraft and repealing Directive 94/25/EC Text with EEA relevance	OJ L 354, 28.12.2013, p. 90-131
Opinion of the European Economic and Social Committee on 'Nautical industries: restructuring accelerated by the crisis' (own-initiative opinion)	OJ C 133, 9.5.2013, p. 1-7
Directive (EU) 2016/1629 of the European Parliament and of the Council of 14 September 2016 laying down technical requirements for inland waterway vessels, amending Directive 2009/100/EC and repealing Directive 2006/87/EC	OJ L 252, 16.9.2016, p. 118-176

### Hungarian legal provisions

In Hungarian	In English
2013. évi V. törvény a polgári törvénykönyvről	Act V of 2013 on the Civil Code
2012. évi II. törvény a szabálysértésekről, a szabálysértési eljárásról és a szabálysértési nyilvántartási rendszerről	Act II of 2012 on offences, the offence procedure and the offence registration system
2009. évi XXXVII. törvény az erdőről, az erdő védelméről és az erdőgazdálkodásról	Act XXXVII of 2009 on Forests, Forest Protection and Forest Management
2000. évi XLII. törvény a víziközlekedésről	Act XLII of 2000 on Water Transport

In Hungarian	In English
1996. évi LIII. törvény a természet védelméről	Act LIII of 1996 on the Protection of Nature
472/2017. (XII. 28.) Korm. rendelet az utazási szolgáltatásokra vonatkozó szerződésekről, különösen az utazási csomagra és az utazási szolgáltatáseggyüttesre vonatkozó szerződésekről	472/2017 (XII. 28.) Government Decree on travel service contracts, in particular on travel package and travel bundle contracts
57/2011. (XI. 22.) NFM rendelet a vízi közlekedés rendjéről 77/2011. (XII. 21.) NFM rendelet a vízközlekedési balesetek és a vízközlekedési események vizsgálatának részletes szabályairól	57/2011 (XI. 22.) NFM Decree on the Rules of Water Transport 77/2011 (XII. 21.) NFM Decree on the Detailed Rules for the Investigation of Water Transport Accidents and Incidents
46/2001. (XII. 27.) BM rendelet a nyílt vízben való tartózkodás alapvető szabályairól	46/2001 (XII. 27.) BM Decree on the basic rules for staying on the open water
12/1991. (V. 18.) NM rendelet a tanuló ifjúság üdülésének és táborozásának egészségügyi feltételeiről	Decree No 12/1991 (V. 18.) NM on the health conditions of recreation and camping for young students

## Slovak legal provisions

In Slovak	In English
Zákon č. 338/2000 Z. z. o vnútrozemskej plavbe a o zmene a doplnení niektorých zákonov	Act No. 338/2000 Coll. on Inland Navigation and on Amendments to Some Acts as amended by later regulations;
VÝNOSČ. 1740 / M - 2001 Ministerstva dopravy, pôšt a telekomunikácií Slovenskej republiky z 15. októbra 2001, ktorým sa vydávajú Pravidlá bezpečnosti prevádzky plavidla po vnútrozemských vodných cestách Slovenskej republiky	Decree No 1740/M-2001 of the Ministry of Transport, Posts and Telecommunications of the Slovak Republic of 15 October 2001 issuing rules for the safety of vessel operation on inland waterways of the Slovak Republic
Zákon č. 543/2002 Z. z. Zákon o ochrane prírody a krajiny	Law no. 543/2002 Coll. Nature and Landscape Protection Act
15 ZÁKON z 2. decembra 2004 o ochrane druhov voľne žijúcich živočíchov a voľne rastúcich rastlín reguláciou obchodu s nimi a o zmene a doplnení niektorých zákonov	Law no. 15/2005 Coll. Act on the Protection of Species of Wild Animals and Wild Plants by Regulating Trade with Them and on Amendments to Certain Acts
Plavebné opatrenia	Navigation measures regulations