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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
(VENICE COMMISSION)

**PREFERENTIAL TREATMENT  
OF NATIONAL MINORITIES  
BY THEIR KIN-STATE**

**COLLECTION OF LAWS**

- The *Law on the equation of the South-Tyrolese with the Austrian citizens in particular administrative fields*, 25 January 1979 (Austria) (hereinafter: “the Austrian law”, or AL)
- The *Act on Expatriate Slovaks and changing and complementing some laws - no. 70 of 14 February 1997* (Slovakia) (hereinafter: “the Slovak Law” or SL)
- The *Law regarding the support granted to the Romanian communities from all over the world*, 15 July 1998 (Romania) (hereinafter: “the Romanian Law” or RL)
- The *Federal Law on the State policy of the Russian Federation in respect of the compatriots abroad*, March 1999 (Russian Federation) (hereinafter: “the Russian Law” or RuL)
- **(Extract)**
- The *Law for the Bulgarians living outside the Republic of Bulgaria*, 11 April 2000 (Bulgaria) (hereinafter: “the Bulgarian law” or BL)
- The *Law on the Measures in favour of the Italian Minority in Slovenia and Croatia*, 21 March 2001 no. 73 (extending the validity of Article 14 § 2 of the *Provisions for the development of economic activities and international cooperation of the Region Friuli-Venezia Giulia, the province of Belluno and the neighbouring areas*, 9 January 1991, no. 19) (Italy) (hereinafter: “the Italian law” or IL)
- **(Extract)**
- The *Act on Hungarians living in neighbouring countries*, 19 June 2001 (to enter into force on 1 January 2002) (Hungary) (hereinafter: “the Hungarian law” or HL)
- The *Joint Ministerial Decision* no. 4000/3/10/e of the Ministers of the Interior, of Defence, of Foreign Affairs, of Labour and of Public Order of 15-29 April 1998 on the *Conditions, Duration and Procedure for the delivery of a Special Identity Card to Albanian citizens of Greek origin* (Greece) (hereinafter: “the Greek ministerial decision” or GMD)
- The *Law on the Measures in favour of the Italian Minority in Slovenia and Croatia*, 21 March 2001 no. 73 (extending the validity of Article 14 § 2 of the *Provisions for the development of economic activities and international cooperation of the Region Friuli-Venezia Giulia, the province of Belluno and the neighbouring areas*, 9 January 1991, no. 19) (Italy) (hereinafter: “the Italian law” or IL)
- **(Extract)**

**Federal Law of 25 January 1979 on the equalisation of South Tyroleans with Austrian citizens in certain administrative areas (BGBl. no. 57/1979)**

§ 1. (1) This federal law applies to persons of German or Ladin language affiliation who were born in the province Bolzano having declared themselves being part of the German or Ladin language group at the latest census in the province Bolzano and who do not have Austrian citizenship.

(2) This federal law also applies to persons who fulfil the conditions stipulated in paragraph 1 who were not born in the province Bolzano but declared themselves as part of the German or Ladin language group at a census in the province Bolzano and have or had at least one parent of German or Ladin mother tongue.

(3) The conditions set out in paragraphs 1 and 2 have to be shown satisfactorily.

§ 2 (constitutional provision) Persons according to §1 can be appointed as extraordinary university professors and university assistants.

§ 3 (constitutional provision) §21 (3) of the Law on the Organisation of Universities, BGBl. no. 258/1975, is not opposed to the nomination of persons according to §1 as representatives in collegiate bodies.

§ 4 (1) The European Convention on the Equivalence of A-level certificates BGBl. No. 44/1957 and § 7 (6), second sentence, of the General Law on University Studies, BGBl. no. 177/1966 are not to applied to persons according to §1.

(2) Persons according to §1 have the right to take the exam to become a teacher.

(3) Persons according to §1 are held equal to Austrian citizens in respect of university fees according to the Law on University Fees, BGBl. no. 76/1972, in its current version.

(4) Persons according to §1 are held equal to Austrian citizens as university students in the field of application of the Law on the University Students' Representation, BGBl. no. 309/1973. They also have the active and passive right to vote at the elections to the University Students' Representation.

§ 5 Persons according to §1 do not need a visa for their stay in the federal territory according to the provisions of the Law on Passports, BGBl. no. 422/1969.

§ 6 The execution of this federal law is entrusted to:

1. the Federal Minister for Science and Research in cooperation with the Federal Minister of the Interior as concerns §2 taken together with §1
2. the Federal Minister for Science and Research as concerns §3 and §4 taken together with §1.
3. the Federal Minister of the Interior as concerns §5 taken together with §1

4

## A C T No. 70/1997

from 14. February 1997

### on Expatriate Slovaks and changing and complementing some laws

The National Council of the Slovak Republic has decided by this law:

#### Art. I

##### § 1

##### Subject of the law

This law regulates the status of expatriate Slovaks as well as their rights and duties in the territory of the Slovak Republic. It also defines the process for recognizing Expatriate Slovak Status and the competencies of the different state administration central bodies regarding Expatriate Slovaks.

##### § 2

##### Expatriate Slovak

- (1) An Expatriate Slovak is a person, to whom expatriate status has been recognized in conformity with this law.
- (2) According to this law, Slovak Expatriate Status can be recognized to an individual without Slovak citizenship, if he/she has Slovak nationality or Slovak ethnic origin and Slovak cultural and language awareness.
- (3) For the aim of this law, a person applying for recognition of Slovak Expatriate Status (further on „applicant“), has Slovak ethnic origin, if he/she or any of his direct ancestors up to the third generation had Slovak nationality.
- (4) Applicants shall prove his/her Slovak nationality or Slovak ethnic origin presenting a supporting document. The main supporting documents are the applicant's birth certificate, baptism certificate, registry office statement, proof of nationality or permanent residence permit.
- (5) Applicants, who cannot present one of the documents mentioned in chapter 4, can identify themselves by a written testimony from the Slovak countrymen organization in the applicant's place of residence, or failing him, by the testimony of at least two Slovak Expatriates living in the applicant's country of residence.

5

(6) For the purpose of this law, an applicant has Slovak cultural and language awareness if he/she has at least passive knowledge of the Slovak language and basic knowledge of Slovak culture or declares himself/herself actively for the Slovak ethnic.

(7) Applicants shall document their Slovak cultural and language awareness by the results of their present activities, by testimony of the Slovak countrymen organization active in the place of residence of the applicant, or failing him, by the testimony of at least two Expatriate Slovaks living in the applicant's country of residence.

### § 3

#### Applications for Recognition of Slovak Expatriate Status

- (1) Applicants shall submit a written application for recognition of the Slovak Expatriate Status at the Foreign Affairs of the Slovak Republic (further on „MFA“), or abroad at the mission or the consular office of the Slovak Republic (further on „mission“).
- (2) Applications for recognition of Slovak Expatriate Status must be supported by documents proving that the applicant meets the requirements specified in § 2 para. 2, 5 and 7; that in his/her country of residence, the applicant has not committed any act that is deemed by the laws of the Slovak Republic to be an intentional offense Republic (further on only „intentional offense“) and for which the applicant has been also legally sentenced; and that the applicant does not suffer from any contagious disease, the spread of which is deemed by the law to be an offense.<sup>1</sup>
- (3) MFA shall decide on the application within 60 days from submission. In case the application is accepted, MFA, through the respective mission of the Slovak Republic, shall issue the applicant a document (further on „Expatriate card“), identifying him/her as a Slovak Expatriate. No separate decree on the recognition of Slovak Expatriate Status will be issued to accepted applicants.

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<sup>1</sup> § 189 of the Criminal code.

*The law of the National Council of the Slovak Republic No. 272/1994 Coll. on Health Protection of the Population in the wording of the law of the National Council of the Slovak Republic No. 222/1996 Coll.*

*The ordinance of the Ministry of Justice of the Slovak Republic No. 105 1987 Coll., defining the diseases considered to be contagious in the sense of the Criminal code.*

6

§ 4

**Expatriate card**

- (1) The Expatriate card contains information on the identity of the holder, especially his/her forename, family name, date of birth, citizenship and permanent address. At the applicant's request it is possible to include in the Expatriate card the forename, family name and date of birth of his/her children (also adopted) under 15 years of age, if this is possible according to international agreements binding the Slovak Republic. The advantages that derive from this law concern also the applicant's children under 15 years of age included in the Expatriate card of a Slovak Expatriate.
- (2) Expatriate cards are valid indefinitely. Expatriate cards are valid only together with one of the person's valid identification document. The Expatriate card is issued in order to give the holder the possibility to make use of the advantages deriving from this law for an indefinite period of time.
- (3) The holder of an Expatriate card is responsible for the accuracy of the information it includes. The holder of the Expatriate card has to give MFA notice of any changes in his forename, family name, citizenship and permanent address, and MFA shall issue him/her a new Expatriate card.
- (4) Expatriate cards are not issued to persons:
  - a) under 15 years of age,
  - b) who carry out activities which go against the interests of the Slovak Republic and which go present signs of offenses included in the Criminal code,<sup>2</sup>
  - c) who have committed an international offense.
- (5) A person, who in the territory of the Slovak Republic commits an intentional offense for which he/she is deported, loses Slovak Expatriate Status.<sup>3</sup>

§ 5

**Entrance and Stay of Expatriates in the Territory of the Slovak Republic**

- (1) Expatriates entering the territory of the Slovak Republic do not required written invitation nor visa, if this is possible according to bilateral interstate agreements.
- (2) Expatriates have the right to stay for a long period in the territory of the Slovak Republic under the conditions defined in the pertinent regulation.<sup>4</sup>

<sup>2</sup> *The Criminal code in the wording of later regulations.*

<sup>3</sup> *§ 27 letter h) of the Criminal code.*

<sup>4</sup> *§ 6 of the law of the National Council of the Slovak Republic No. 73/1995 Coll. on Stay of Foreigners in the Territory of the Slovak Republic.*

- (3) Expatriates shall apply for permanent residence in the territory of the Slovak Republic at the respective Slovak mission abroad or at the competent department of the Police Forces in the Slovak Republic.

## § 6

### Expatriates' Rights in the Territory of the Slovak Republic

- (1) During their stay in the territory of the Slovak Republic expatriates have the right to
- apply for admission<sup>5</sup> at any educational institution in the territory of the Slovak Republic,
  - apply for employment without working permit and without permanent residence status in the territory of the Slovak Republic,<sup>6</sup>
  - apply for state citizenship of the Slovak Republic for outstanding personality reasons,<sup>7</sup>
  - request exception from Social Security payments abroad,<sup>8</sup> if he/she meets the conditions giving him/her the right for their provision in the territory of the Slovak Republic.
- (2) Expatriates in the territory of the Slovak Republic have the right to own and acquire real estate under the conditions established in the pertinent regulation.<sup>9</sup>
- (3) In conformity with the pertinent regulations<sup>10</sup> the state provides,

<sup>5</sup> Law No. 29/1984 Coll. on Basic and Secondary School System (School Act) in the wording of later regulations.

Law No. 172/1990 Coll. on universities in the wording of later regulations.

<sup>6</sup> § 116 para 2 of the law of the National Council of the Slovak Republic No. 387/1996 Coll. on Employment in the wording of later regulations..

<sup>7</sup> § 7 para 3 letter b) of the law of the National Council of the Slovak Republic No. 40/1993 Coll. on State Citizenship of the Slovak Republic

<sup>8</sup> § 103 of Law No. 100/1988 Coll. on Social Security in the wording of later regulations

<sup>9</sup> § 19 of the law of the National Council of the Slovak Republic No. 202/1995 Coll. Foreign Exchange Law and the Law changing and complementing law of the Slovak National Council No. 372/1990 Coll. on Offenses in the wording of later regulations..

<sup>10</sup> § 20 of the law of the National Council of the Slovak Republic No. 258/1993 Coll. on Railroads of the Slovak Republic

§ 30 of the law of the National Council of the Slovak Republic No. 164/1996 Coll. on Ways and changing law No. 455/1991 Coll. on Self-employment (Self-Employers law) in the wording of later regulations.

- a) 50 percent fares reduction in local public transport as well as in regular domestic railroad and bus transport to retired expatriates or expatriates with disability pension,
- b) free transportation in local public transport as well as in domestic railroad and bus transport to expatriates of over 70 years of age.

### **Competencies of State Administration Central Bodies**

#### **§ 7**

The Ministry of Foreign Affairs of the Slovak Republic:

- a) decides on the recognition of Slovak Expatriate Status and on its cancelation,
- b) runs an evidence of Expatriate card holders,
- c) directs and coordinates the elaboration and execution of the state foreign policy in relation to Slovak Expatriates,
- d) elaborates the long-term state policy conception in relation to Slovak Expatriates in cooperation with the state administration central bodies.

#### **§ 8**

The Ministry of Culture of the Slovak Republic

- a) coordinates and provides assistance by state and non-state institutions of the Slovak Republic to Slovak Expatriates oriented to maintain their Slovak identity,
- b) coordinates and secures documentary activities providing Slovak Expatriates information on the happenings in Slovakia by means of the State Information System.

#### **§ 9**

Other State Administration Central Bodies cooperate in the elaboration and execution of the state policy of the Slovak Republic in relation to Slovak Expatriates within their field of competence.<sup>11</sup>

#### **§ 10**

### **Common and Final Resolutions**

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*§ 15 of the law of the National Council of the Slovak Republic No. 168/1996 Coll. on Road Transport.*

<sup>11</sup> *The law of the National Council of the Slovak Republic No. 347/1990 Coll. on the Organization of Ministries and Other State Administration Central Bodies of the Slovak Republic in the wording of later regulations.*



- (1) In case not otherwise established by this law, this law is to be enforced in conformity with the generally valid regulations on administration.<sup>12</sup>
- (2) MFA does not apply any fee to applications for recognition of Slovak Expatriate Status.<sup>13</sup>
- (3) according to § 7 para. 1, applications are to be submitted in official forms issued by MFA.

## Art. II

The law of the National Council of the Slovak Republic No. 40/1993 Coll. on State Citizenship of the Slovak Republic is complemented as follows:

At the end of § 7 para. 3 letter b) a comma is introduced and the following words added: „or a person to whom Slovak Expatriate Status has been recognized.<sup>4a)</sup>“

The wording of the footnote to reference <sup>4a)</sup> is:

„<sup>4a)</sup> Law No. 70/1997 Coll. on Slovak Expatriates and changing and complementing some laws.“

## Art. III

The law of the National Council of the Slovak Republic No. 387/1996 Coll. on employment is complemented as follows:

at the end of § 116 para. 2 a comma and the following words are added: „or if it is the case of a Slovak Expatriate.<sup>2a)</sup>“

The wording of the footnote to reference <sup>2a)</sup> is:

„<sup>2a)</sup> Law No. 70/1997 Coll. on Slovak Expatriates and changing and complementing some laws.“

## Art. IV

The law of the National Council of the Slovak Republic No. 73/1995 Coll. on the Stay of Foreigners in the Territory of the Slovak Republic is complemented as follows:

at the end of § 6 para. 1 the following sentence is added:

<sup>12</sup> Law No. 71/1967 Coll. on Administration (Administration Order).

<sup>13</sup> § 4 para. 1 letter c) of the law of the National Council of the Slovak Republic No. 145/1995 Coll. on Administration Fees in the wording of later regulations.

10

*„a person, who has been recognized Slovak Expatriate Status does not require permanent residence permit.<sup>4a)</sup>“*

The wording of the footnote to reference <sup>4a)</sup> is:  
*„<sup>4a)</sup> Law No. 70/1997 Coll. on Slovak Expatriates and changing and complementing some laws.“*

### Art. V

The law of the National Council of the Slovak Republic No. 145/1995 Coll. on Administration Fees in the wording of the law of the National Council of the Slovak Republic No. 123/1996 Coll. and of the law of the National Council of the Slovak Republic No. 224/1996 Coll. is complemented as follows:

In § 4 para. 1 letter b) a comma replaces the period and paragraph 1 is complemented by letter c), the wording of which is:

*„c) a person, who has been recognized Slovak Expatriate Status.<sup>2a)</sup>“*

The wording of the footnote to reference <sup>2a)</sup> is:  
*„<sup>2a)</sup> Law No. 70/1997 Coll. on Slovak Expatriate and changing and complementing some laws.“*

### Art. VI

This law comes in force July 5, 1997.

**Michal Kováč** in his own hand

**Ivan Gašparovič** in his own hand

**Vladimír Mečiar** in his own hand

**LAW**

**regarding the support granted to the Romanian communities from all over the world**

*The Romanian Parliament passes this law.*

Art. 1. – (1) A Fund available to the prime minister is constituted, in order to ensure the financing of the activities supporting the Romanian communities on the territory of other states.

(2) The Fund available to the prime minister in order to support the Romanian communities from all over the world is approved by the annual laws of the state budget.

Art. 2. – Such budgetary resources are mainly used for:

- a) activities supporting the schools and education in the Romanian language;
- b) cultural and artistic activities;
- c) activities for youth;
- d) individual aid in special medical cases;
- e) civic education activities;
- f) other cases provided in the collaboration programs.

Art. 3. – (1) The Inter-ministry Council for the Support of Romanian Communities from All Over the World is established, with the approval of the prime minister. Such council endorses the activities to be financed with priority out of the fund established according to art. 1. These activities shall be proposed by the institutions initiating such activities, through the ministries in the field.

(2) The Inter-ministry Council shall meet from time to time and shall comprise representatives of the Ministry of National Education, the Ministry of Foreign Affairs, the Ministry of Culture, the Ministry of Finance, the General Secretariat of the Government and the State Secretariat for Cults. The representative of the Romanian Cultural Foundation has a guest status. The endorsement of the inter-ministry council is consultative.

Art. 4. – (1) For the year 1998, the financial resources required for the constitution of the fund shall be ensured by ROL 5 billions out of the state budget, without affecting the relevant ministries involved.

(2) The fund shall be completed with the financial resources which may be allocated by the law regarding the rectification of the state budget for the year 1998.

Art. 5. – (1) The Center “Eudoxiu Hurmuzachi” for the Romanians all over the world is established, hereinafter called *the center*, a public institution with legal personality, subordinated to the Ministry of National Education, having its principal office in Bucharest.

(2) The duties of the center refer to the fulfillment of the activities provided herein.

Art. 6. – (1) The center is organized and operates according to its own regulation.

(2) The organization and operation regulation, the number of employees required for the development of the activity, the organizational structure, the position status and the remuneration of the center's staff shall be approved by order of the minister of national education.

(3) The general management of the center's activity is ensured by the general manager, who must be a member of the Romanian Academy or a renowned cultural personality or a professor, appointed by order of the minister of national education.

Art. 7. – The center also has the role of drafting and coordinating the training programs for the Romanian youth from all over the world, in order for them to be admitted at all levels of educational institutions in Romania.

Art. 8. – (1) The center's operation and investment costs shall be financed out of the state budget, by the Ministry of National Education.

(2) The funds required by the center may come out of sponsorships, donations, assistance granted by international bodies, as well as out of incomes resulting from performing scientific research agreements, specialized assistance or consulting agreements and from other legal sources.

(3) In order to cover the expenses required for the appropriate organization and operation of the center in 1998, the amount of ROL 2 billions shall be allocated out of the Budgetary Reserve Fund available to the Government.

Art. 9. – The students and attendants of the center may receive scholarships from the Romanian state and may benefit of free accommodation in students' hostels, for the duration of their studies in Romania. The Government may also grant other forms of support which are deemed necessary.

Art. 10. – (1) The local public administration authorities, from the territorial-administrative units where activities organized or coordinated by the center take place, shall grant the necessary assistance in order to freely ensure appropriate areas and equipment for the duration of the respective activities.

(2) In order to carry out the center's object of activity, the building located in Crevedia village, Dambovita county, which is the public property of the state, managed by the Ministry of National Education and used by the National School of Political and Administrative Studies, together with the land and any other related movable or immovable goods, according to the inventory of 31 December 1997, shall be exclusively used by the center.

(3) The administrative staff of the real property located in Crevedia village, Dambovita county, may be transferred from the National School of Political and Administrative Studies to the center, according to art. 6 par. (2).

Art. 11. – Any contrary provision hereto shall be repealed upon the coming into force of this law.

*This law was passed by the Chamber of Deputies during the meeting of 7 July 1998, in compliance with the provisions of art. 74 par. (2) of the Romanian Constitution.*

For THE CHAIRMAN OF THE CHAMBER OF DEPUTIES  
VASILE LUPU

*This law was passed by the Senate during the meeting of 7 July 1998, in compliance with the provisions of art. 74 par. (2) of the Romanian Constitution.*

For THE CHAIRMAN OF THE SENATE  
CRISTIAN SORIN DUMITRESCU

Bucharest, 15 July 1998. no.150.

## **LOI FEDERALE DE LA FEDERATION DE RUSSIE**

Sur la politique étatique de la Fédération de Russie par rapport aux compatriotes à l'étranger.

Adopté par la Douma le 5 mars 1999

Adopté par le Conseil de la Fédération le 17 mars 1999

### **1. Définition**

D'après l'Article 1 sont considérés comme compatriotes les personnes qui sont nés dans le même Etat et qui partagent la langue commune, la religion, la culture, traditions et coutumes, ainsi que les descendants directs de ces personnes. Ces personnes peuvent appartenir aux groupes suivants:

- 1) Citoyens de la Fédération de Russie qui résident d'une façon permanente sur le territoire d'un autre Etat.
- 2) Ex-citoyens de l'URSS, qui résident dans les Etats issus de l'URSS ayant obtenu la nationalité de ces Etats ou personnes sans citoyenneté.
- 3) Personnes originaires de Russie, RSFSR, USSR et Fédération de Russie ayant obtenu la nationalité de ces Etats ou personnes sans citoyenneté.
- 4) Les descendants directs des personnes indiquées dans les para 1, 2 et 3 à l'exception des personnes appartenant aux nations titulaires d'autres Etats.

### **2. Application territoriale :**

La loi détermine les relations des autorités de la Fédération de Russie avec les personnes dénomées comme « compatriotes » ainsi que les obligations des partis. Elle s'applique à toute personne définie comme compatriote dans ci-dessous partout dans le monde en conformité avec la loi sur les compatriotes, la législation de la Russie, les traités internationaux et bilatéraux. La politique par rapport aux compatriotes fait partie intégrante de la politique interne et étrangère de la Fédération de Russie (Article 5 para 1).

### **3. Document attestant l'appartenance aux compatriotes :**

- 1) Passeport russe pour des personnes qui ont la citoyenneté de la Fédération de Russie ou la double nationalité.
- 2) Un certificat délivré par les représentations diplomatiques et consulaires de la Fédération de Russie ou par les autorités compétentes sur le territoire (Article 3).

### **4. Procédure d'obtention du certificat (Article 4):**

- 1) L'intéressé(e) fait une demande officielle auprès des autorités compétentes et présente des pièces justificatives pour :
  - a. Attester l'ancienne citoyenneté soviétique ou russe et sa citoyenneté au moment de la demande (l'absence de citoyenneté si c'est le cas) ou/et
  - b. Attester sa résidence précédente sur le territoire de la Russie/URSS/RSFSR/FdR/ ;

c. La preuve de son ascendance directe des personnes ayant immigrée.

## 5. Liste des droits :

Entre toute une série des droits qui découlent des instruments internationaux et bilatéraux les compatriotes ont le droit à :

- 1) protection de leurs droits et libertés fondamentaux par la Russie (Article 15), notamment leur droit à la citoyenneté (Article 9) ;
- 2) obtention de la citoyenneté russe sur une simple demande dans les plus brefs délais (Article 11) ;
- 3) en faisant une demande d'octroi de la citoyenneté les personnes économiquement défavorisées sont exemptées des taxes et impôts liés à la procédure;
- 4) sur le territoire de la Fédération de Russie ils ont les mêmes droits et obligations que les citoyens sauf les cas prévus par les accords internationaux (Article 13) ;
- 5) en cas des situations d'exception le Gouvernement peut accorder aux compatriotes de l'étranger l'aide humanitaire (Article 16 para 3) ;
- 6) droits spécifiques dans le domaine de l'éducation secondaire et supérieure sur la base des quotas et financée par le budget fédéral de la Russie (Article 17 para 6).

La discrimination par un Etat des personnes considérées comme compatriotes peut entraîner le changement de la politique de Russie envers cet Etat (Article 14 para 4).

**LAW ON BULGARIANS LIVING OUTSIDE THE REPUBLIC OF BULGARIA  
(Rev, OJ, No. 30 of 11 April 2001)**

**Title I  
GENERAL PROVISIONS**

Article 1. This Law regulates the relationship of the Bulgarian State with Bulgarians living outside the Republic of Bulgaria.

Article 2. For the purposes of this law, a Bulgarian living outside the Republic of Bulgaria means a person who:

1. has at least one antecedent of Bulgarian origin;
2. feels a sense of being Bulgarian;
3. lives temporarily or permanently in another state.

Article 3. (1) Bulgarian origin is evidenced by a document issued by:

1. Bulgarian or foreign state authorities;
2. Organisations of Bulgarians living outside the Republic of Bulgaria recognised by the competent Bulgarian state authority responsible for maintaining relations with them;
3. The Bulgarian Orthodox Church.

(2) Bulgarian origin may also be evidenced by application under the normal rules.

Article 4. (1) The Bulgarian State shall assist in establishing favourable conditions for the free development of Bulgarians living outside the Republic of Bulgaria, in conformity with the principles of international law and the legislation of the State concerned with the objective of protecting and supporting their rights and legal interests.

(2) The Bulgarian State shall support organisations of Bulgarians living outside the Republic of Bulgaria, whose activity is aimed at the preservation and development of the Bulgarian language, culture and religious tradition.

Article 5. (1) Bulgarians living outside the borders of the Republic of Bulgaria shall enjoy the right of protection by the Bulgarian State which, in conformity with the principles of international law, shall protect such rights and legal interests.

(2) The Council of Ministers shall entrust to the appropriate ministers and heads of other government departments the task of implementing national policy concerning Bulgarians living outside the Republic of Bulgaria, and determining arrangements for its implementation and mechanisms for coordinating those activities.

(3) In the diplomatic missions of the Republic of Bulgaria in countries where there are Bulgarian communities or Bulgarian national minorities, consultative bodies of Bulgarians living in the State concerned may be established, consisting of representatives, elected from the persons described in Article 2.

**Title 2  
RIGHTS OF BULGARIANS LIVING OUTSIDE THE REPUBLIC OF  
BULGARIA**

Article 6. (1) The Bulgarian State shall facilitate the exercise by Bulgarians living outside the Republic of Bulgaria, irrespective of their citizenship, of the right to contact the appropriate competent institutions and organisations.

(2) In the case of periods of stay in the national territory, Bulgarians living outside the Republic of Bulgaria, who are not Bulgarian citizens, shall enjoy exemption from payment of national fees connected with regularisation of their residence or settlement in the Republic of Bulgaria, under conditions and rules determined by the Council of Ministers.

Article 7. Bulgarians living outside the Republic of Bulgaria, who are not Bulgarian citizens, may exercise the right to work while living in the country on receipt of a permit under less stringent rules laid down in regulations to be established by law.

Article 8. (1) Bulgarians living outside the Republic of Bulgaria, who do not possess Bulgarian citizenship, may engage in business activities in the Republic of Bulgaria, investment and participation in the financing of privatisation, have their right to own property restored and acquire property by inheritance, in accordance with current legislation, under the same conditions and rules as apply to Bulgarian citizens, except for land.

(2) Whenever a law or international agreement, to which the Republic of Bulgaria is a party, provides for most favoured nation status for the conduct of business activities and investment, most favoured nation conditions apply.

Article 9. Bulgarians living outside the Republic of Bulgaria, shall have the right to free primary and secondary education in State and public schools in the Republic of Bulgaria under the same conditions and rules as Bulgarian citizens.

Article 10 (1) Bulgarians living outside the Republic of Bulgaria shall have the right to higher education in state higher education institutions in the Republic of Bulgaria under the conditions applicable to Bulgarian citizens.

(2) The Council of Ministers shall fix the annual fee to be paid by students and candidates for doctorates under paragraph 1 for higher education and specialist institutions, as well as the applicable rules for their admission.

(3) Bulgarians living outside the Republic of Bulgaria who cannot to afford pay the cost of their education may apply for assistance under the programme of higher education financed from the State budget, or other sources.

Article 11 (1) Bulgarians living outside the Republic of Bulgaria shall received assistance from Bulgarian institutes and organisations in the form of teachers, study aids, material resources or other support for teaching the Bulgarian language, study of Bulgarian literature, history, geography and other disciplines in accordance with the rules of international law, local legislation and bilateral agreements and treaties.

(2) The Bulgarian State shall establish conditions for enhancing the qualifications of teachers of Bulgarian as a foreign language and, where necessary, missions by Bulgarian teachers.

(3) Exports of text books and teaching aids referred to in paragraph 1 shall be exempt from customs, customs duties and taxes and they shall be exported through the relevant state institutions.



Article 12. Bulgarians living outside the Republic of Bulgaria shall be granted the opportunity to learn about the many centuries of Bulgarian culture and science and to share in its development, according to their wishes and interests, for the purposes of which the Republic of Bulgaria shall, through the relevant institutions:

1. publish printed works, containing technical information and other material concerning Bulgaria's life, culture and other spheres of its development;
2. organise expert meetings and activities in the areas concerned;
3. promote and support the establishment and implementation of measures to popularise and develop Bulgarian culture and science in the countries concerned;
4. organise cultural, scientific and other exhibitions in the countries concerned or the Republic of Bulgaria, including participation in international organisations and prominent representation in science, arts, cultural and sport;
5. afford, where possible, assistance and equipment for organisations of Bulgarian communities or Bulgarian minorities abroad to provide cultural education, science and other suchlike activities.

Article 13. (1) The Bulgarian State shall support the preservation and expression of the Eastern Orthodox creed as the traditional religious affiliation of Bulgarians and as a factor in the safeguarding of the Bulgarian national identity, for which purpose, jointly with the Bulgarian Orthodox Church, it shall support activities among Bulgarians living outside the Republic of Bulgaria, contact religious communities outside the country and support their activities abroad, for the purpose of strengthening national and spiritual values.

(2) In conjunction with the States in which Bulgarians live, as well as with the religious institutions concerned in those countries, the Republic of Bulgaria shall assist in establishing religious rights of our compatriots.

Article 14 (1) State bodies, local organs of self-government and local authorities which discover heirs to legacies in the Republic of Bulgaria, who are Bulgarians living outside the Republic of Bulgaria, shall inform them through the appropriate Bulgarian diplomatic and consular missions.

(2) Bulgarians living outside the Republic of Bulgaria, on issue of documents related to registration of their citizenship, shall pay fees at the rate applicable to Bulgarian citizens.

### **Title 3**

## **SETTLEMENT IN BULGARIA OF BULGARIANS LIVING OUTSIDE THE REPUBLIC OF BULGARIA**

Article 15 (1) Bulgarians living outside the Republic of Bulgaria who wish to settle in the Republic of Bulgaria shall be issued with a permanent residence permit in accordance with the established conditions and rules.

(2) State bodies, local organs of self-government and local authorities shall assist persons referred to in paragraph 1 and provide them with material and other help with their arrangements under conditions and rules determined by the Council of Ministers.

Article 16 (1) The Bulgarian State shall establish conditions for needy Bulgarians settling in its territory for the provision of entitlement to free use of land

from the State or public land fund for the first three years following the date of their settlement.

(2) The Council of Ministers shall determine the conditions and rules under which the persons referred to in paragraph 1 may obtain credit for the purchase of real estate, housing and stock on preferential terms.

#### **Title 4**

### **NATIONAL COUNCIL FOR BULGARIANS LIVING OUTSIDE BULGARIA**

Article 17. (1) The National Council for Bulgarians Living outside the Republic of Bulgaria is a state-public body with organisational, coordinating and representative functions, administered in accordance with the national interest and the interests of Bulgarians living outside the Republic of Bulgaria.

(2) The National Council shall assist in implementing a uniform state policy for Bulgarians living outside the Republic of Bulgaria, taking into account the Constitution, traditions, national interests and international rules and standards; coordination of the activities of public and private Bulgarian institutions relating to Bulgarians living outside the Republic of Bulgaria, and provision of assistance to them and their organisations.

(3) The National Council shall assist in representing the interests of Bulgarians and Bulgarian communities living outside the Republic of Bulgaria to the Bulgarian Government.

(4) The National Council shall:

1. organise and agree with other state agencies and civil organisations studies on the situation and problems of Bulgarian communities outside the Republic of Bulgaria and preparation of analyses, forecast and work programmes concerning them;

2. agree, support and consult concerning the activities of ministries, other departments, autonomous local agencies and local authorities on the practical implementation of State policy on Bulgarians living outside the Republic of Bulgaria;

3. support Bulgarians living outside the Republic of Bulgaria, their organisations and cultural-educational resources, such as helping them with information material or other matters;

4. in collaboration with Bulgarian patriotic organisations, organise events in the spirit of state policy in relation to Bulgarians living outside the Republic of Bulgaria;

5. organise publication and dissemination of activities;

6. prepare through the ministry concerned and members of the National Council draft legislation relating to its functions for review by the Council of Ministers;

7. participate in international activities on issues of national minorities, languages and religious communities, including preparation of international agreements to which the Republic of Bulgaria will become a party;

8. establish and organise communications networks in the service of relations with Bulgarians living outside the Republic of Bulgaria.

(5) The National Council shall prepare an annual report on its activities to the National Assembly.

Article 18. (1) The National Council for Bulgarians living outside the Republic of Bulgaria shall have separate legal personality with a budget from the Government and headquarters in Sofia.

(2) The resources in paragraph 1 shall be fixed annually by law within the State budget of the Republic of Bulgaria.

(3) The National Council shall adopt its own internal rules of procedures and methods of work.

Article 19. (1) The National Council for Bulgarians living outside the Republic of Bulgaria shall consist of nine members.

(2) The National Assembly shall select for a period of five years the President of the National Council and six of its members, five of whom shall be selected from among Bulgarians living outside the Republic of Bulgaria.

(3) The nominations referred to in paragraph 2 shall be made by the President of the National Assembly, who shall taken account of the views of Bulgarian communities abroad.

(4) The President of the Republic shall appoint one of the members of the National Council.

(5) The Council of Ministers shall nominate one of the ministers as a member of the National Council.

Article 20. (1) The term of the President of the National Council or a member shall be terminated early in the event of:

1. submission of resignation to the president of the National assembly;
2. permanent impossibility of participating in the work of the National Council;
3. conviction for a wilful offence;
4. death.

(2) In the cases referred to in paragraphs 1,2 and 3, the term of office is terminated by decision of the National Assembly.

Article 21. The activities of the National Council for Bulgarians living outside the Republic of Bulgaria shall be supported by a secretariat, functioning under the conditions and rules laid down by the law on the administration.

Article 22. (1) The National Council shall exercise its functions in close cooperation with the central and local government bodies responsible for implementing State policy relating to Bulgarians living outside the Republic of Bulgaria, with agencies that established to implement it and shall participate in the coordination of such activities.

(2) The National Council shall gather information relating to the activities of the bodies referred to in paragraph 1 in implementing this law.

## Title 5

### **PROGRAMMES FOR BULGARIANS LIVING OUTSIDE THE REPUBLIC OF BULGARIA**

Article 23. Support for Bulgarians living outside the Republic of Bulgaria and their organisations shall be provided through government and private programmes.

Article 24. (1) Government programmes shall be prepared by the relevant ministries, endorsed by the National Council and approved by the Council of Ministers.

(2) The programmes referred to in paragraph 1 shall be financed from the state budget following prior examination of the purposes of the resources.

(3) Programmes may be for any period from one to five years for the purpose of establishing favourable conditions for Bulgarians living outside the Republic of

Bulgaria in the spheres of science, culture, education and health. The programme may include measures related to the preservation of foreign assets that form part of the Bulgarian cultural and historical heritage.

(4) Programmes shall be implemented through projects approved by the relevant ministry on a competitive basis. Projects shall be financed by the relevant ministry in from the resources allocated for the programme concerned.

(5) The conditions and rules for participation in any programme shall be determined by the ministry concerned jointly with the National Council.

Article 25. (1) The National Council shall support the preparation and approval of private programmes for Bulgarians living outside the Republic of Bulgaria.

(2) Private programmes shall be financed through the National Council by private individuals and the resources of the National Council received as donations, legacies, subsidies or other.

(3) The programmes referred to in paragraph 1 shall be implemented through projects approved by the National Council on a competitive basis, jointly with the parties concerned, from the resources allocated to finance the programme concerned.

(4) The conditions and rules for participation in any of the programmes shall be determined by the National Council.

Article 26. (1) The extra-budgetary resources of the National Council may not be used for purposes other than those set out in Article 25.

(2) The National Council may, subject to the will of the donor, support foundations or funds with resources and assets received as donations, legacies and subsidies.

(3) The purposes of the foundations and funds referred to in paragraph 2 shall be participation in the financing of private programmes for Bulgarians living outside the Republic of Bulgaria, and control of the implementation of projects approved and financed under these programmes.

Article 27. (1) The Council of Ministers, under its powers, shall propose to the National Assembly tax, customs and other fiscal reliefs for persons who finance private programmes for Bulgarians living outside the Republic of Bulgaria, related to the level of financing, as well as persons implementing programmes through projects approved under Article 24, paragraph 4 and Article 25, paragraph 3.

(2) Proposals for the exercise of the powers of the Council of Ministers under paragraph 1 may be submitted by the National Council, ministries and government departments engaged in implementing state policy relating to Bulgarians living outside the Republic of Bulgaria.

### **Transitional and final provisions**

§1 (1) The members of the National Council nominated from Bulgarians living outside the Republic of Bulgaria for its first term shall be decided by lot.

(2) On the expiry of a period of three years from the formation of the National Council under paragraph 1, three of the members shall be renewed under the rules in Article 19, paragraphs 2 and 3.

(3) On the renewal of the National Council, and in drawing up nominations for that purpose, the proportion of representatives of various Bulgarian communities shall be respected.

§2. The Council of Ministers shall enact regulations pursuant to this law, regulating the relationships between the Republic of Bulgaria and Bulgarians living outside the Republic of Bulgaria.

§3. The Council of Ministers shall adopt rules for the application of the law.

§4. The Council of Ministers is responsible for implementation of the law.

The law was adopted at the 38<sup>th</sup> session of the National Assembly on 29 March 2000 and published in the Official Journal of the National Assembly.

Law 21 March 2001 no. 73

**Measures in favour of the Italian minority in Slovenia and Croatia**

Published in the Official Gazette no. 73 of 28 March 2001

Article 1

The provisions of the second paragraph of article 14 of Law 9 January 1991, no. 19, are extended until 31 December 2003. For this purpose, an expenditure of 9,000 millions is authorised for year 2001 and of 10,000 millions for years 2002 and 2003 each.

The budget for the Italian minority in Slovenia and Croatia provided for under article 14 of Law 9 January 1991, no. 19 will be used through a convention to be stipulated by the Ministry of Foreign Affairs, the Italian Union and the University of Trieste, in consultation – to be given within 45 days of the relevant request by the Ministry of Foreign Affairs – with the Federation of the associations of exiles from Istria, Fiume or Dalmatia or, at any rate, with the single associations. The said budget is to be used for measures and activities in the fields of education, culture, information, as well as, up to 20% of the annual budget, in the socio-economic field.

Article 2 (omissis)

Law 9 January 1991 no. 19

**Provisions for the development of economic activities and international cooperation of the Region Friuli-Venezia Giulia, the province of Belluno and the neighbouring areas**

Published in the Official Gazette no. 17 of 21 January 1991

[Articles 1-13 omissis]

Article 14

§ 1 (omissis)

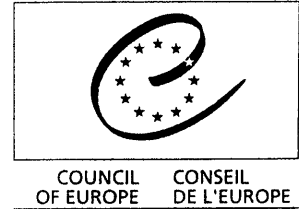
§2 Awaiting the adoption of a law on the measures in favour of Italian populations in Yugoslavia, an expenditure of 12 billions is authorised for the years 1991-1993, i.e. 4 billions per year, (...) for activities in favour of the Italian minority in Yugoslavia, to be organised in co-operation with the Region Friuli Venezia-Giulia and with other institutions.

§ 3 (omissis)

[Articles 15-16 omissis]



23



COUNCIL OF EUROPE  
CONSEIL DE L'EUROPE

Strasbourg, 23 August 2001  
<cdl\doc\2001\cdl\082-e-pdg>  
**Opinion N° 168/2001**

Restricted  
**CDL (2001) 82**  
English only

**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**ACT ... 2001 ON HUNGARIANS  
LIVING IN NEIGHBOURING COUNTRIES**

**SUBMITTED BY  
DR JÁNOS MARTONYI  
MINISTER OF FOREIGN AFFAIRS OF HUNGARY**

ACT ..... OF 2001  
ON HUNGARIANS LIVING IN NEIGHBOURING COUNTRIES

Parliament

- In order to comply with its responsibilities for Hungarians living abroad and to promote the preservation and development of their manifold relations with Hungary prescribed in paragraph (3) of Article 6 of the Constitution of the Republic of Hungary,
- Considering the European integration endeavours of the Republic of Hungary and in-keeping with the basic principles espoused by international organisations, and in particular by the Council of Europe and by the European Union, regarding the respect of human rights and the protection of minority rights;
- Having regard to the generally recognised rules of international law, as well as to the obligations of the Republic of Hungary assumed under international law;
- Having regard to the development of bilateral and multilateral relations of good neighbourhood and regional co-operation in the Central European area and to the strengthening of the stabilising role of Hungary;
- In order to ensure that Hungarians living in neighbouring countries form part of the Hungarian nation as a whole and to promote and preserve their well-being and awareness of national identity within their home country;
- Based on the initiative and proposals of the Hungarian Standing Conference, a co-ordinating body functioning in order to preserve and reinforce the awareness of national self-identity of Hungarian communities living in neighbouring countries;
- Without prejudice to the benefits and assistance provided by law for persons of Hungarian nationality<sup>1</sup> living outside the Hungarian borders in other parts of the world;

Herewith adopts the following Act:

CHAPTER I

GENERAL PROVISIONS

Scope of the Act

Article 1

(1) This Act shall apply to persons declaring themselves to be of Hungarian nationality who are not Hungarian citizens and who have their residence in the Republic of Croatia, the Federal Republic of Yugoslavia, Romania, the Republic of Slovenia, the Slovak Republic or the Ukraine, and who

<sup>1</sup>Remark of the translator: "nationality" does not equal to "citizenship".



- a) have lost their Hungarian citizenship for reasons other than voluntary renunciation, and
- b) are not in possession of a permit for permanent stay in Hungary.

(2) This Act shall also apply to the spouse living together with the person identified in paragraph (1) and to the children of minor age being raised in their common household even if these persons are not of Hungarian nationality.

(3) This Act shall also apply to co-operation with, and assistance to organisations specified in Articles 13, 17, 18 and 25.

### Article 2

(1) Persons falling within the scope of this Act shall be entitled, under the conditions laid down in this Act, to benefits and assistance on the territory of the Republic of Hungary, as well as in their place of residence in the neighbouring countries on the basis of the Certificate specified in Article 19.

(2) The provisions of this Act shall be applied without prejudice to the obligations of the Republic of Hungary undertaken in international agreements.

(3) The benefits and assistance claimable under this Act shall not affect other existing benefits and assistance ensured by legislation in force for non-Hungarian citizens of Hungarian nationality living in other parts of the world.

### Article 3

The Republic of Hungary, in order to

- a) ensure the maintenance of permanent contacts,
- b) provide for the accessibility of benefits and assistance contained in this Act,
- c) ensure undisturbed cultural, economic and family relations,
- d) ensure the free movement of persons and the free flow of ideas,

and taking into account its international legal obligations, shall provide for the most favoured treatment possible with regard to the entry and stay on its territory for the persons falling within the scope of this Act.

20

## CHAPTER II

### BENEFITS AND ASSISTANCE AVAILABLE FOR PERSONS FALLING WITHIN THE SCOPE OF THIS ACT

#### Education, Culture, Science

##### Article 4

(1) In the field of culture, persons falling within the scope of this Act shall be entitled in Hungary to rights identical to those of Hungarian citizens. Accordingly, the Republic of Hungary shall ensure for them in particular:

- a) the right to use public cultural institutions and the opportunity to use the services they offer,
- b) access to cultural goods for the public and for research,
- c) access to monuments of historic value and the related documentation,
- d) the research for scientific purposes of archive materials containing protected personal data, if the neighbouring state where the Hungarian individual living outside the borders has a permanent residence is a party to the international convention on the protection of personal data.

(2) Persons falling within the scope of this Act shall be entitled to use the services of any state-run public library, and to the free of charge use of the following basic services:

- a) visit of the library,
- b) on-the-spot use of certain collections determined by the library,
- c) use of stock-exploring instruments,
- d) information on the services of the library and of the library system,
- e) in the case of registration, borrowing of printed library material in accordance with the regulations of the library.

(3) Further benefits with respect to the availability of services offered by state-run museums and public cultural institutions to persons falling within the scope of this Act shall be laid down in a separate legal rule.

##### Article 5

Hungarian scientists falling within the scope of this Act may become external or regular members of the Hungarian Academy of Sciences.

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• Act VI of 1998 on the promulgation of the Convention on the Protection of Individuals with Regard to Automatic Processing of Personal Data, signed on 28 January 1981 in Strasbourg.

## Distinctions and Scholarships

### Article 6

(1) The Republic of Hungary shall ensure that persons falling within the scope of this Act, in recognition of their outstanding activities in the service of the Hungarian nation as a whole and in enriching Hungarian and universal human values, may be awarded distinctions of the Republic of Hungary and may receive titles, prizes or honorary diplomas founded by its Ministers.

(2) In the process of determining conditions for state scholarships, the possibility to receive such scholarships shall be ensured for persons falling within the scope of this Act.

## Social Security Provisions and Health Services

### Article 7

(1) Persons falling within the scope of this Act who, under Article 15, work on the basis of any type of contract for employment in the territory of the Republic of Hungary shall pay, unless otherwise provided for by international agreements, health insurance and pension contribution of an amount equal to that laid down in the relevant Hungarian social security legislation to the authority designated for this purpose in a separate legal rule. Those contributions shall entitle such persons to health and pension provision specified by a separate legal rule.

(2) Persons falling within the scope of this Act who are not obliged to pay health insurance and pension contributions as stipulated in paragraph (1) shall have the right to apply for reimbursement of the costs of self-pay health care services in advance. Applications shall be submitted to the public benefit organisation established for this purpose.

(3) In cases requiring immediate medical assistance, persons falling within the scope of this Act shall be entitled to such assistance in Hungary according to the provisions of bilateral social security (social policy) agreements.

## Travel benefits

### Article 8

(1) Persons falling within the scope of this Act shall be entitled to travel benefits in Hungary on scheduled internal local and long-distance lines of public transport. With regard to railways, such benefits shall apply to 2<sup>nd</sup> class fares.

(2) An unlimited number of journeys shall be provided free of charge for:

- a) children up to six years of age,
- b) persons over sixty-five years of age.

(3) A 90% travel discount shall be provided on means of internal long-distance public transport for:

- a) persons identified in paragraph (1) four times a year,
- b) a group of at least ten persons under eighteen years of age travelling as a group and falling within the scope of this Act, and two accompanying adults once a year.

(4) The detailed rules of travel benefits shall be laid down in a separate legal rule.

## Education

### Article 9

(1) Persons falling within the scope of this Act, in accordance with the relevant provisions of Act LXXX of 1993 on Higher Education applicable to Hungarian citizens, shall be entitled to participate, according to the conditions specified in this Article, in the following programmes of higher education institutions in the Republic of Hungary:

- a) undergraduate level college or university education,
- b) supplementary undergraduate education,
- c) non-degree programmes,
- d) Doctor of Philosophy (PhD) or DLA programmes,
- e) general and specialised further training,
- f) accredited higher education level vocational training in a school-type system.

(2) Students participating in state-financed full-time training programmes specified in paragraph (1), shall be entitled to formula funding on the one hand, and financial and other benefits in kind on the other, both being part of the appropriations of budgetary expenditure for students, as well as to the reimbursement of detailed health insurance contributions provided by Act LXXX of 1993 on Higher Education. The detailed conditions of these forms of assistance and further benefits shall be regulated by the Minister of Education in a separate legal rule.

(3) Persons falling within the scope of this Act may pursue studies in the higher education institutions of the Republic of Hungary in the framework of state-financed training in a fixed number to be determined annually by the Minister of Education.

(4) Students from neighbouring countries participating in education programmes not financed by the state may apply for the partial or full reimbursement of their costs of stay and education in Hungary to the public benefit organisation established to this end.

## Student Benefits

### Article 10

(1) Registered students of a public education institution in a neighbouring country who are pursuing their studies in Hungarian language, or students of any higher education institution who are subject to this Act are entitled to benefits available under the relevant regulations to Hungarian citizens with student identification documents.

(2) Entitlement to benefits specified in paragraph (1) shall be recorded in the Appendix of the Certificate (Article 19) serving for this purpose. The detailed rules of access to these benefits shall be laid down in a separate legal rule.

## Further Training for Hungarian Teachers Living Abroad

### Article 11

(1) Hungarian teachers living abroad, teaching in Hungarian in neighbouring countries and falling within the scope of this Act (hereinafter referred to as "Hungarian teachers living abroad") shall be entitled to participate in regular further training in Hungary, as well as to receive the benefits specified in paragraph (2). Further training and the benefits shall be applicable to a fixed number of teachers determined annually by the Minister of Education.

(2) For the duration of further training and to the extent stipulated by a separate legal rule, persons identified in paragraph (1) shall be entitled to request the Hungarian educational institution providing further training to

- a) reimburse accommodation costs,
- b) reimburse travel expenses, and
- c) contribute to the costs of registration.

(3) The detailed rules of further training for Hungarian teachers living abroad shall be regulated by a separate legal rule.

### Article 12

(1) Hungarian teachers living abroad, falling within the scope of this Act and those teaching in higher education institutions in neighbouring countries (hereinafter referred to as "Hungarian instructors living abroad") shall be entitled to special benefits.

(2) Benefits available to Hungarian teachers and instructors living abroad shall be identical with the benefits related to Teacher Identity Cards issued to teachers of Hungarian citizenship on the basis of legislation in force.

30

(3) Entitlement to benefits specified in paragraph (1) shall be recorded in the Appendix of the "Certificate of Hungarian Nationality" serving for this purpose. The detailed rules of access to these benefits shall be regulated in a separate legal rule.

### **Education Abroad in Affiliated Departments**

#### **Article 13**

(1) The Republic of Hungary shall promote the preservation of the mother tongue, culture and national identity of Hungarians living abroad also by supporting the establishment, organisation and operation of affiliated Departments of accredited Hungarian higher education institutions in neighbouring countries.

The financial resources necessary for the realisation of these goals shall be set out as targeted appropriations in the budget of the Republic of Hungary. The Minister of Education shall decide on the allocation of the available resources according to a separate legal rule.

(2) The Republic of Hungary supports the establishment, operation and development of higher education institutions (faculties, study programmes, etc.) teaching in Hungarian and seeking accreditation in neighbouring countries. Financial resources required for the realisation of these goals may be applied for at the public benefit organisation established for this purpose.

### **Educational Assistance Available in the Native Country**

#### **Article 14**

(1) Parents falling within the scope of this Act and bringing up at least two children of minor age in their own household may apply for educational assistance for each of their children if:

- a) the child attends an education institution according to his/her age and receives training or education in Hungarian, and
- b) the education institution specified in point a) is in the neighbouring country of residence of the parents.

(2) Parents falling within the scope of this Act may receive assistance for books and learning materials (hereinafter referred to as "assistance for learning materials") if the child of minor age living in their own household attends an educational institution in the neighbouring country of residence of the parents and receives education in Hungarian.

(3) Applications for assistance for education and learning materials may be submitted to the public benefit organisation established for this purpose. In the process of evaluating the applications, the public benefit organisation shall request the position, formulated with the consent of the Hungarian Minister of Education, of the recommending body (Article 20) in the neighbouring country concerned whether instruction and education in Hungarian are ensured in the education institution in question.

(4) Persons falling within the scope of this Act may apply for assistance for their studies at the higher education institutions of neighbouring countries from the public benefit organisation established for this purpose.

## Employment

### Article 15

(1) Persons falling within the scope of this Act may be employed in the territory of the Republic of Hungary on the basis of a permit. Work permits shall be issued under the general provisions on the authorisation of employment of foreign nationals in Hungary, with the exception that the work permit can be issued for a maximum of three months per calendar year without the prior assessment of the situation in the labour market. A separate legal rule may allow for the issuing of work permits for longer periods of time under the same conditions.

### Article 16

(1) The persons concerned may apply to the public benefit organisation established for this purpose for the reimbursement of expenses related to the fulfilment of the legal conditions for employment. These expenses include, in particular, the costs of proceedings for the prior certification of the necessary level of education, of specialised training and of compliance with occupational health requirements.

(2) The detailed rules of the proceedings for the issuing of work permits and the registration shall be regulated by a separate legal rule.

## Duties of the Public Service Media

### Article 17

(1) Public service media in Hungary shall provide, on a regular basis, for the gathering and transmission of information on Hungarians living abroad and shall transmit information on Hungary and the Hungarian nation to Hungarians living abroad. The purpose of this information shall be:

- a) the transmission of Hungarian and universal spiritual and cultural values,
- b) the forming of an unbiased picture of the world, of Hungary and of the Hungarian nation,
- c) the preservation of the awareness of national identity, of the mother tongue and culture of the Hungarian minority communities.

(2) The Republic of Hungary shall provide for the production and broadcasting of public service television programmes for the Hungarian communities living abroad through the establishment and operation of an organisation devoted to such purposes. The financial resources necessary for such programmes shall be provided by the state budget.

## Assistance to Organisations Operating Abroad

### Article 18

- (1) The Republic of Hungary shall support organisations operating in neighbouring countries and promoting the goals of the Hungarian national communities living in neighbouring countries.
- (2) The organisations specified in paragraph (1) may apply to the public benefit organisation established for this purpose and operating in a lawful manner if their goals include, in particular, the following:
- a) the preservation, furtherance and research of Hungarian national traditions,
  - b) the preservation and fostering of the Hungarian language, literature, culture and folk arts,
  - c) the promotion of higher education of Hungarians living abroad by facilitating the work of instructors from Hungary as visiting lecturers,
  - d) the restoration and maintenance of monuments belonging to the Hungarian cultural heritage,
  - e) the enhancement of the capacity of disadvantaged settlements in areas inhabited by Hungarian national communities living abroad to improve their ability to preserve their population and to develop rural tourism,
  - f) the establishment and improvement of conditions of infrastructure for maintaining contacts with the Republic of Hungary,
  - g) the pursuance of other activities promoting the goals specified in paragraph (1).

## CHAPTER III

### RULES OF PROCEDURE OF APPLICATION FOR BENEFITS AND ASSISTANCE

#### "Certificate of Hungarian Nationality" and "Certificate for Dependants of Persons of Hungarian Nationality"

### Article 19

(1) Benefits and assistance specified in this Act may be received by presenting either the "Certificate of Hungarian Nationality" or the "Certificate for Dependants of Persons of Hungarian Nationality", both of which may be issued under the conditions specified in Article 20 at the request of persons of both Hungarian and non-Hungarian nationality.

(2) From the Hungarian central public administration body (hereinafter referred to as "the evaluating authority") designated by the Government of the Republic of Hungary for this purpose:



- a) persons of Hungarian nationality falling within the scope of this Act may request a "Certificate of Hungarian Nationality" with a photo,
- b) a "Certificate for Dependants of Persons of Hungarian Nationality" with a photo may be requested by spouses of non-Hungarian nationality living together with persons specified in point a) and children of minor age being brought up in the same household, provided that:

the applicant meets the requirements set out in points a) and b) of paragraph (1) of Article 1 and the recommending authority specified in Article 20 has issued the recommendation; and neither an expulsion order nor a prohibition of entry or stay, issued by the competent Hungarian authorities on the basis of grounds determined in a separate Act, is in effect against the applicant in Hungary; and no criminal proceedings have been instituted against the applicant in Hungary for intentional criminal offence.

(3) In addition to the requirements specified in paragraph (2), the "Certificate for Dependants of Persons of Hungarian Nationality" shall also be conditional upon whether the person of Hungarian nationality entitling the dependants in question to submit an application for the "Certificate for Dependants of Persons of Hungarian Nationality" is already in the possession of, or entitled to, a "Certificate of Hungarian Nationality". The withdrawal of the "Certificate of Hungarian Nationality" shall entail the withdrawal of the "Certificate for Dependants of Persons of Hungarian Nationality".

#### Article 20

(1) The evaluating authority shall issue the "Certificate of Hungarian Nationality" if the applicant is in the possession of a recommendation which has been issued by a recommending organisation representing the Hungarian national community in the neighbouring country concerned, and being recognised by the Government of the Republic of Hungary as a recommending organisation, and which:

- a) certifies, on the basis of a declaration made by the applicant (or in the case of a minor by his/her statutory agent), that the applicant is of Hungarian nationality,
- b) certifies the authenticity of the signature of the applicant and
- c) includes the following:
  - ca) the application, photo and address of the applicant,
  - cb) the personal data to be recorded in the Certificate (Article 21),
  - cc) the name and the print of the official seal of the recommending organisation, the name and signature of the person acting on behalf of the recommending organisation,
  - cd) place and date of issue of the recommendation.

(2) The recommendation required for the issuing of the "Certificate for Dependants of Persons of Hungarian Nationality" shall certify, instead of the information specified in paragraph (1) point a), the family relationship between the applicant and the person of Hungarian nationality falling within the scope of this Act.

(3) The Government of the Republic of Hungary shall recognise an organisation representing the Hungarian community in the given neighbouring country as a recommending organisation if it is capable of:

- a) representing the Hungarian community living in the given country in its entirety,
- b) providing for the organisational and personnel conditions for receiving and evaluating applications for recommendation.

#### Article 21

(1) The period of validity of the Certificate

- a) shall expire on the day of the eighteenth birthday in the case of minors,
- b) shall be five years in the case of persons between 18 and 60 years of age,
- c) shall be indefinite in the case of persons over 60 years of age.

(2) If the period of validity of the Certificate expires, the proceedings specified in Articles 19-20 shall be repeated upon request.

(3) The Certificate shall be withdrawn by the evaluating authority if

- a) the recommending organisation has withdrawn its recommendation due to the submission of false data by the bearer of the Certificate in the application process,
- b) its bearer has been granted an immigration or permanent residence permit,
- c) its bearer has acquired Hungarian citizenship,
- d) its bearer has been recognised as a refugee or temporarily protected person by the authorities responsible for refugee matters,
- e) its bearer has been expelled from the territory of the Republic of Hungary, or a prohibition of entry or stay has been issued against him/her,
- f) criminal proceedings have been instituted against the bearer in Hungary,
- g) the Certificate has been used in an unauthorised way or has been forged,
- h) the family relationship entitling the bearer to use the Certificate for Dependants has ceased to exist,
- i) upon request by the bearer of the Certificate.

(4) The recommending organisation shall also be notified of the final decision on the withdrawal of the Certificate.

(5) The Certificate shall contain the following data of the entitled person:

- a) family and given name (also the maiden family and given name in the case of women) as it is used officially in the neighbouring country of residence (in Latin script), and in the case of persons of Hungarian nationality in Hungarian as well,
- b) name of the place of birth as it is used officially in the neighbouring country and in Hungarian,
- c) date of birth and gender,
- d) mother's name as it is officially used in the neighbouring country of residence (in Latin script) and in the case of persons of Hungarian nationality in Hungarian as well,
- e) passport photo, citizenship or reference to stateless status,
- f) signature in the entitled person's own hand, and
- g) date of issue, period of validity and number of the document.

(6) Notes and certifications required for access to benefits and assistance available under this Act shall be recorded in the Appendix to the Certificate.

(7) In order to ensure the authenticity of the Certificate and to supervise the granting of benefits, the evaluating authority (for the purpose of the application of these provisions: the data handling organ) shall keep records of the data of the Certificates, the identification marks in the Appendices, the foreign address of the bearers, the family relationship entitling the bearer to the document, the number and period of validity of the permit entitling to stay as well as the data specified in paragraph (3). The data contained in the records may be handled by the data handling organ until the withdrawal or the expiry of the period of validity of the Certificate. The data contained in the records may be forwarded to the Hungarian Central Statistical Office (KSH) for statistical purposes. Bodies responsible for providing and keeping records of benefits and assistance may also receive those data for the purpose of verifying entitlement and preventing abuse, and so may Courts in charge of criminal proceedings, law enforcement bodies, national security services and the alien policing authority.

(8) For the purpose of evaluating applications and examining the existence of reasons for the withdrawal of the Certificate, the evaluating authority may request information from the following organs:

- a) the Central Registry of Aliens on whether the applicant is subject to proceedings under the law on aliens, or on any order of expulsion or prohibition on entry to and stay in Hungary against the applicant, as well as on the details of the residence permit entitling the applicant to stay in Hungary,
- b) organs responsible for naturalisation on issues related to the acquisition Hungarian citizenship,
- c) the Central Registry of Refugees on recognition as a refugee or temporarily protected person,

- d) the Criminal Records Office on criminal proceedings in process.

#### Article 22

(1) Proceedings of the evaluating authority shall be governed by the provisions of Act IV of 1957 on the General Rules of Public Administration Procedures. The costs of public administration procedures shall be covered by the State.

(2) The applicant may institute proceedings in Court against a final administrative decision on the appeal against the first instance decision regarding the issue or withdrawal of a Certificate by the evaluating authority. The Court may alter the administrative decision and its proceedings shall be governed by the provisions of the Code of Civil Procedure.

(3) The detailed rules of procedure of the evaluating authority and the order of registration of the issued Certificates, as well as the data content and form of the Certificates, shall be regulated by a separate legal rule.

#### Use of Benefits on the Territory of the Republic of Hungary

##### Article 23

(1) Hungarian persons living abroad shall be entitled to use the benefits set out in Article 4, paragraph (1) of Article 7, Article 8, Article 10, paragraph (2) of Article 11 and Article 12 — under the conditions determined in the aforementioned Articles — by presenting their Certificates (Article 19) during their lawful stay in the Republic of Hungary.

(2) The state-run organisations and institutions granting the benefits specified in paragraph (1) and economic organisations providing travel benefits shall receive the financial resources necessary for granting these benefits out of the central state budget.

#### Application Procedures for Assistance Available in the Republic of Hungary

##### Article 24

(1) The Government shall establish public benefit organisation(s) in order to evaluate the applications of and distribute assistance for persons (organisations) falling within the scope of this Act.

(2) The founding document of the public benefit organisation, taking into account the provisions of Act CLVI of 1997 on Public Benefit Organisations, shall contain the goals of the activities and the range of applications to be evaluated by it and shall determine its main decision-making body as well.

(3) Applications for publicly advertised assistance under this Act may be submitted to the respective public benefit organisation competent according to their subject matter.

(4) Data and documents required in the advertisement by the respective public benefit organisation shall be attached to the applications.

(5) In the case of a favourable decision, the applicant and the public benefit organisation shall conclude a civil law contract containing the conditions of assistance and the amount thereof, as well as determining the purpose of the use of assistance and the rules of rendering accounts thereof.

(6) The financial resources required for the activities of such public benefit organisation(s) shall be provided, on an annual basis, in a separate group of appropriations of the central state budget.

### **Application Procedures for Assistance Available in Neighbouring Countries**

#### **Article 25**

(1) Requests (applications) for assistance regulated in this Act may be submitted by persons (organisations) falling within the scope of this Act to lawfully operating non-profit organisations established in the neighbouring country of their permanent residence (registered office) for this purpose (hereinafter referred to as "foreign public benefit organisations")

(2) The civil law contract concluded between the public benefit organisation established in Hungary and the foreign public benefit organisation established for the evaluation of applications and the granting of assistance shall contain the required range of data, which are to be supported by documents, declarations, planning or documentation, etc.

(3) The public benefit organisations operating in Hungary shall evaluate the application based on the data specified in the civil law contract as laid down in paragraph (2) and on the opinion of the foreign public benefit organisation.

(4) Assistance shall be granted to applicants by the Hungarian public benefit organisation on the basis of a civil law contract. This contract shall determine the conditions of the assistance and the amount thereof as well as the purpose of the use of such assistance and the rules of rendering accounts thereof.

### **Central Registration of Assistance**

#### **Article 26**

(1) For the purpose of co-ordinating the entire system of assistance, a central registry of applications for assistance and the relevant decisions made by public benefit organisations established for their evaluation shall be set up.

(2) The Government shall designate the central public administration organ responsible for managing the records.

(3) The organ managing the records shall handle the following data:

- a) name, permanent address (registered office) and document number of those submitting applications for assistance,

- b) the type of assistance sought,
- c) the amount of assistance granted.

(4) Data specified in paragraph (3) may be handled by the organ managing the records for ten years from the date of the granting of assistance.

(5) Data from the records shall be made available to public benefit organisations established in Hungary and in the neighbouring countries for the purpose of evaluating applications for assistance, as well as to the central public administration organs of Hungary responsible for providing the financial resources for assistance.

## CHAPTER IV

### FINAL PROVISIONS

#### Article 27

(1) This Act shall enter into force on 1 January 2002.

(2) From the date of accession of the Republic of Hungary to the European Union, the provisions of this Act shall be applied in accordance with the treaty of accession of the Republic of Hungary and with the law of the European Communities.

#### Article 28

(1) The Government shall be empowered to regulate by decree:

a) the provisions on the assignment of the national public administration organ entitled to issue, withdraw and register the Certificates, as well as on the assignment of its superior organ, on the definition of their competencies and on the rules of procedure of the issuing, replacement, withdrawal and registration of such Certificates,

b) the detailed rules of travel benefits for persons falling within the scope of this Act,

c) the detailed rules related to the provision and use of student benefits for persons specified in paragraph (1) of Article 10 of this Act.

(2) The Government shall ensure the establishment of Hungarian public benefit organisation(s) evaluating applications and allocating assistance under this Act. The Government shall also ensure the co-ordination of the activities of public benefit organisations already operating for this purpose, the appropriate modification of their founding documents and the reallocation of resources in this framework.

## Article 29

(1) The Minister of the Interior and the Minister of Foreign Affairs shall determine in a joint decree, with respect to educational assistance with the consent of the Minister of Education, the detailed rules on registering the Certificates, as well as the requirements of the content and form of the Certificates.

(2) The Minister of Economic Affairs shall:

a) determine, in a joint decree with the Minister for Foreign Affairs, the rules of procedure and registration related to work permits for Hungarians living abroad and designate the public administration organ responsible for carrying out these duties,

b) be empowered to regulate by decree the conditions for issuing work permits for a period longer than the one specified in Article 15 of this Act with regard to employees falling within the scope of this Act, or for a particular group of employees, in consensus with the Minister for Youth and Sports Affairs in cases involving professional sportspersons.

(3) The Minister of Foreign Affairs shall be empowered to substitute his own declaration for the recommendation specified in Article 20 of this Act in cases deserving exceptional treatment on grounds of equity in the course of proceedings of the evaluating authority designated in Article 19, and furthermore in cases where the proceedings specified in paragraph (1) of Article 20 are impeded, to ensure the smooth conduct of administrative proceedings.

(4) The Minister of National Cultural Heritage shall determine by decree the detailed rules of benefits available to Hungarians living abroad with respect to the use of the services provided by museums and public cultural institutions.

(5) The Minister of Education, with the consent of the Minister of Foreign Affairs, shall determine by decree the detailed rules on further training for Hungarian teachers living abroad, as well as detailed rules on the benefits set out in Article 9, Article 11 and 12, paragraph (1) of Article 13 and Article 14 of this Act, including the extent of such assistance.

**Décision ministérielle commune N° 4000/3/10/e**  
**des Ministres de l'Intérieur, de la Défense, des Affaires étrangères,**  
**du Travail et de l'Ordre public**  
**du 15/29 avril 1998**  
**sur les conditions, la durée et la procédure d'octroi de la carte d'identité spéciale**  
**aux ressortissants albanais d'origine grecque**

Eu égard aux dispositions de l'article 17 par. 4 de la loi 1975/1991 sur l'entrée et la sortie, le séjour, le permis de travail, l'expulsion et la reconnaissance du statut des réfugiés des étrangers, il est décidé ce qui suit :

Article 1<sup>er</sup>

1. Il est octroyé par les services de police responsables des étrangers aux ressortissants albanais d'origine grecque qui se trouvent en Grèce une carte d'identité spéciale, d'une validité maximale de trois ans renouvelable, dont le format apparaît en annexe.
2. La même carte d'identité est octroyée aux époux et descendants des personnes d'origine grecque, indépendamment de leur propre origine nationale, dans la mesure où la parenté résulte de documents officiels.

Article 2

Pour obtenir la carte susmentionnée, l'intéressé doit être en possession d'un titre de voyage du pays dont il est ressortissant en cours de validité et d'un visa consulaire d'une validité d'un ou de cinq ans même périmé.

Article 3

La carte d'identité spéciale confère à l'intéressé le droit de séjour légal et de travail pour la durée de sa validité.

Article 4

Les détails de l'application de la présente décision ministérielle seront réglés par des circulaires des Ministres de l'Ordre public et du Travail.



**Décision ministérielle commune N° 4000/3/10/e  
des Ministres de l'Intérieur, de la Défense, des Affaires étrangères,  
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**RESOLUTION ON THE STATUS OF SLOVENIAN  
AUTOCHTHONOUS MINORITIES IN NEIGHBOURING  
STATES AND ON CORELATED OBLIGATIONS OF THE  
STATE AND OTHER ORGANS OF THE REPUBLIC OF  
SLOVENIA**

Chapter I (General part )

I Territories of neighbouring states inhabited by Slovenian autochthonous minorities are considered as a common cultural Slovenian area.

III (Para 3) The Republic of Slovenia underlines the negative impact of such an interstate relations trying to deal with unresolved questions by means of pressure exercised on autochthonous national minorities.

Chapter II (Relation of the Republic of Slovenia towards organisations and activities of autochthonous minorities)

I (Para 3) The Republic of Slovenia recognizes the autonomy and political independence of the autochthonous Slovenian minorities in neighbouring states. /.../ It supports all the efforts towards guaranteed representation of the autochthonous minorities in legislative, political and other administrative bodies.

II The use and the amount of the financial support the Republic of Slovenia provides to minorities' organisations shall be determined by law and other legal acts.

Chapter III (Slovenian authorities in charge of cooperation with Slovenian autochthonous minorities in the neighbouring states)

II Criteria for cooperation of the Republic of Slovenia with individuals and organisations abroad is their national background (*narodna pripadnost*) and their activities aiming at the protection and development of their national community.

III The fundamental politics of cooperation of the Republic of Slovenia with Slovenian autochthonous minorities is determined by the Parliament. A specific body is therefore established, with the task of proposing the action to take in the field. Its specific competencies shall be precised by the decision of the Parliament.

The implementation of the politics of cooperation of the Republic of Slovenia with Slovenian autochthonous minorities abroad stands with the Government. A minister without portfolio is charged with proposing the politics of the cooperation with Slovenian minorities abroad, and is

responsible for its implementation and coordination of the activities of the other competent ministries.

#### Chapter 4 (Main fields of cooperation)

##### II Strengthening of the economic situation of minorities

The constant and strategic interest of the Republic of Slovenia is the strengthening of the economic position of minorities and their members on the territory of their autochthonous settlement.

To this aim, a specific support shall be given to the employment of members of autochthonous minorities in Slovenian enterprises.

##### III Education

The members of Slovenian autochthonous minorities have the right to education in all schools in Slovenia. To this aim, the Ministry of education shall give a particular attention to the conclusion of bilateral agreements related to recognition of diploma, scholarships for the members of minorities, the use of education material edited in Slovenia in the minority schools abroad, inclusion of knowledge about the Slovenian and the neighbouring nations' cultures into the general (school) curricula, etc.

Support and incentives in the sphere of :

##### IV Science

##### V Culture

##### VI Traffic and telecommunications.