

FIFTH EVALUATION ROUND

Preventing corruption and promoting integrity in
central governments (top executive functions) and
law enforcement agencies

EVALUATION REPORT

HUNGARY

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Group of States against Corruption
Groupe d'États contre la corruption

COUNCIL OF EUROPE



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I. EXECUTIVE SUMMARY

1. This report evaluates the effectiveness of the framework in place in Hungary to prevent corruption among persons with top executive functions (the Prime Minister, ministers, commissioners, political state secretaries, political advisers and the Prime Minister's agents, hereafter "PTEFs") and members of the Hungarian National Police and of the National Protective Service. It aims at supporting the on-going reflexion in the country as to how to strengthen transparency, integrity and accountability in public life.

2. A common and general feature of public administration and law enforcement agencies in Hungary is that most integrity and corruption prevention measures target low and mid-level officials. Integrity tests carried out by the National Protective Service have proven successful in curbing petty corruption in public administration and in the border and traffic police. Meanwhile, the integrity framework applicable to PTEFs is very weak and the conditions for the appointment of senior managers in the Police and the National Protective Service carry risks of politicisation.

3. There is no code of conduct or ethical rules that apply to PTEFs, no awareness-raising activities on integrity-related matters, nor any dedicated mechanism to provide them with confidential counselling on ethical issues. The rules on lobbying do not apply to PTEFs, there are no rules regulating the acceptance of gifts or invitations by them, the misuse of public resources or post-employment restrictions. The National Anti-Corruption Strategy and Action Plan for 2020-2022 focus on public administration and do not cover PTEFs as such, which was also the case for the previous National Anti-Corruption Programme. All these gaps must be addressed as a matter of priority. GRECO also has misgiving regarding the asset declaration system applicable to PTEFs. The declarations are filed by hand and not in electronic format, which greatly limits their exploitability. Only declarations by senior political leaders are public and the verification of declarations is grossly insufficient.

4. GRECO also expresses serious concerns as regards transparency and access to information. It notes a lack of transparency around the composition of ministerial cabinets and the function and remuneration of their members, the agendas and meetings of ministers and political advisers, the employment of the Prime Minister's agents, PTEFs' salary system and more generally, increasing difficulties in accessing public information and exercising public participation in the legislative process. Recent constitutional amendments in Hungary relating to the delegation of legislative powers in situations of emergency also require caution, as they shift power from the oversight role of the legislature to the executive.

5. Turning to the Police and the National Protective Service (hereafter the "NPS"), GRECO recommends several measures to increase transparency and avoid undue influence, including as regards the selection and appointment of the National Police Commissioner and the Director General of the NPS and of managers within these institutions, instructions by the Minister of Interior in individual cases, as well as donations to the Police and the NPS.

6. In order to further strengthen integrity, the Code of Ethics for Law Enforcement needs to be further elaborated and complemented by a confidential counselling mechanism, a clear requirement for police staff to report integrity-related misconduct must be established, the disciplinary regime of the Police and the NPS needs reviewing and the protection of whistleblowers within these institutions must be strengthened. Finally, GRECO recommends

that measures be taken to increase the representation of women at all levels of the Police and the NPS.

II. INTRODUCTION AND METHODOLOGY

7. Hungary joined GRECO in 1999 and has been evaluated in the framework of GRECO's First (in March 2003), Second (in March 2006), Third (in June 2010) and Fourth (in March 2015) Evaluation Rounds. The resulting Evaluation Reports, as well as the subsequent Compliance Reports, are available on GRECO's website (www.coe.int/greco). This Fifth Evaluation Round was launched on 1 January 2017.¹

8. The objective of this report is to evaluate the effectiveness of the measures adopted by the authorities of Hungary to prevent corruption and promote integrity in central governments (top executive functions) and law enforcement agencies. The report contains a critical analysis of the situation, reflecting on the efforts made by the actors concerned and the results achieved. It identifies possible shortcomings and makes recommendations for improvement. In keeping with the practice of GRECO, the recommendations are addressed, via the Head of delegation in GRECO, to the authorities of Hungary, which determine the national institutions/bodies that are to be responsible for taking the requisite action. Within 18 months following the adoption of this report, Hungary shall report back on the action taken in response to GRECO's recommendations.

9. To prepare this report, a GRECO evaluation team (hereafter referred to as the "GET"), carried out an on-site visit to Budapest from 4 to 8 October 2021, and reference was made to the responses by Hungary to the Evaluation Questionnaire (Greco(2016)19), as updated, as well as other information received, including from civil society. The GET was composed of Mr Vladimir GEORGIEV, Commissioner in the State Commission for Prevention of Corruption (North Macedonia), Mr Olivier GONIN, Deputy Head of the International Criminal Law Unit, Federal Office of Justice (Switzerland), Mr Dražen JELENIĆ, Deputy State Attorney General (Croatia) and Mr Christian MANQUET, Head of the department for Criminal Law and the Coordinating body for the fight against corruption, Ministry of Justice (Austria). The GET was supported by Ms Hanne JUNCHER, GRECO's Executive Secretary and Ms Sophie MEUDAL LEENDERS from GRECO's Secretariat.

10. The GET met with the Secretary of State for Public Administration of the Ministry of Interior, state secretaries of the Prime Minister's Office and the Director General of the National Protective Service. It also interviewed representatives of the Prime Minister's Government Office, the Ministry of Interior, the Ministry of Justice, the Ministry of Finance, the National Assembly, the National Police, the National Protective Service, the Prosecutor General's Office, the State Audit Office, the State Treasury, the Office of the Commissioner for Fundamental Rights, the National Directorate General for Aliens Policing and the National Tax and Customs Administration. Finally, the GET held discussions with representatives of the Faculty of Hungarian Government Officials, the Hungarian Law Enforcement Chamber, the media, civil society and academia.

¹ More information on the methodology is contained in the Evaluation Questionnaire which is available on GRECO's [website](http://www.coe.int/greco).

III. CONTEXT

11. Hungary has been a member of GRECO since 1999. Since then, it has been subject to four evaluation rounds focusing on different topics linked to the prevention and the fight against corruption. Overall, Hungary has a declining track record in implementing recommendations. 90% of recommendations were fully implemented in the 1st round, 58% in the second round and 53% in the third round. In the fourth evaluation round – for which the compliance procedure in respect of Hungary is still on-going – only 28% of recommendations have so far been fully implemented according to the latest public report² and Hungary has been in a non-compliance procedure due to this low number since June 2017.

12. Opinion polls confirm this trend. Hungary has dropped from the 50th position in 2015 to the 73rd in 2021 on Transparency International's Corruption Perception Index³. According to Transparency International's Global Corruption Barometer 2021⁴, 43% of public service users used their personal connections to receive the services they needed. The European Commission's 2019 Special Barometer on Corruption⁵ shows that 87% of respondents in Hungary think that corruption is widespread in their country (EU average: 72%) and only 38% of respondents think that corruption is unacceptable, which is the lowest percentage in the EU (EU average: 69%).

13. According to public information available and the interviews carried out by the GET on-site, legislation has been used in the last decade by the governing party to centralise power and resources, and to foster a clientelist system. Checks and balances, as well as the transparency and accountability of executive activities, have reportedly deteriorated, as will be shown in this report. According to civil society, the pandemic has been used by politicians "as an excuse to undermine democracy"⁶. The government introduced controversial legislation targeting the political opposition, the media and the courts⁷. Moreover, on 27 April 2022, the European Commission initiated for the first time Regulation 2020/2092 on a general system of conditionality for the protection of the Union budget against Hungary, due to concerns around public procurement, functioning of the authorities implementing the EU budget, audit, transparency, fraud prevention and corruption.

14. Media freedom is indeed a cause for concern. Since 2010, Hungary has fallen from the 23rd to the 92nd rank in the World Press Freedom Index⁸. During the pandemic, independent media outlets and journalists have continued to face obstruction and intimidation and significant amounts of state advertising have continued to permit the government to exert indirect political influence over the media⁹. Several decrees adopted through emergency measures have led in practice to reduced access to public information and public consultation on draft legislation. This issue will be dealt with in more detail in this report.

² For update, please check the GRECO website: <https://www.coe.int/en/web/greco/evaluations/hungary>

³ [2021 Corruption Perceptions Index - Explore... - Transparency.org](https://www.transparency.org/en/cpi/2021)

⁴ [Global Corruption Barometer EU: People worried... - Transparency.org](https://www.transparency.org/en/global-corruption-barometer)

⁵ https://data.europa.eu/euodp/en/data/dataset/S2247_92_4_502_ENG

⁶ https://images.transparencycdn.org/images/TI_GCB_EU_2021_web.pdf

⁷ <https://freedomhouse.org/country/hungary/nations-transit/2021>; European Commission 2021 Rule of Law Report – Country Chapter on the rule of law situation in Hungary.

⁸ [Hungary | RSF](https://www.rsf.org)

⁹ European Commission 2021 Rule of Law Report – Country Chapter on the rule of law situation in Hungary.

IV. CORRUPTION PREVENTION IN CENTRAL GOVERNMENTS (TOP EXECUTIVE FUNCTIONS)

System of government and top executive functions

System of government

15. Hungary is a parliamentary democracy ([Fundamental Law](#), Article B). The principle of separation and balance of powers is enshrined in Article C) of the Fundamental Law. The National Assembly (Parliament) is unicameral and composed of 199 members elected for four years. The executive power is exercised by the government, while the President of the Republic has a largely ceremonial role.

16. The President of the Republic, who is the Head of State and the Commander in Chief of the army, represents the country, may initiate legislative acts and national referendums, sets the dates of elections and referendums, makes decisions concerning a special legal order, convenes the constitutive sitting of the National Assembly and may dissolve it, may send laws to the Constitutional Court for review, proposes persons for the offices of Prime Minister, President of the Curia, President of the National Office for the Judiciary, Prosecutor General and Commissioner for Fundamental Rights, appoints professional judges and the President of the Fiscal Council and confirms the President of the Hungarian Academy of Science and the President of the Hungarian Academy of Arts in their offices. The countersignature of a member of government is necessary for a number of acts and decisions, such as the expression of consent to be bound by international treaties, the accreditation of ambassadors, the appointment of ministers, the exercise of the right to grant individual pardons and decisions on the acquisition and loss of citizenship etc. (Fundamental Law, Article 9).

17. As agreed by GRECO, a Head of State would be covered in the 5th evaluation round under “central governments (top executive functions)” when s/he actively participates on a regular basis in the development and/or the execution of governmental functions or advises the government on such functions. These may include determining and implementing policies, enforcing laws, proposing and/or implementing legislation, adopting and implementing by-laws/normative decrees, taking decisions on government expenditure, taking decisions on the appointment of individuals to top executive functions.

18. The GET notes that the functions of the Head of State in Hungary are mostly of a symbolic and ceremonial nature and that s/he does not actively and regularly participate in governmental functions. The Head of State is not mentioned in the Fundamental Law as being a part of the executive power. According to the Fundamental Law (Article 15), it is the government that is the “general organ of executive power”. The GET did not come across any information on presidential powers as applied in practice that would challenge the constitutional limits in this respect. It follows that the Head of State of Hungary does not fall within the category of “persons entrusted with top executive functions” (PTEFs) as spelt out in paragraph 17.

19. According to the Fundamental Law, the government is the general organ of executive power. It exercises all functions and powers which are not expressly conferred by the Fundamental Law or the law on another organ. Further to the parliamentary elections on 3 April 2022, a new government took office on 24 May 2022. It comprises 14 members, only one

of whom is female. Out of 69 secretaries of state, nine are female. There are no standards or rules to promote gender equality in the composition of the government. Therefore, the GET wishes to draw attention to the Council of Europe [Recommendation Rec\(2003\)3 on balanced participation of women and men in political and public decision](#) according to which the representation of women and men in any decision-making body in political or public life should not fall below 40%.

20. The main legal texts regulating the activity of the government and ministers and the legal status of persons entrusted with top executive functions are Act XLIII of 2010 on Central Government Entities and on the Legal Status of Members of the Government and State Secretaries (hereinafter Ksztv) and Act CXXV of 2018 on Central Government Administration (hereinafter Kit).

21. The Prime Minister (PM) determines the general direction of government policy. In the performance of its functions, the government may issue decrees upon authorisation by a law or in matters not regulated by law. The government may also adopt normative decisions to regulate its organisation, operation, activities and action plans.

22. Within the framework of the government's general policy, ministers autonomously control the sectors of state administration and subordinated organs within their remit and perform the tasks determined by the government or the PM. In the performance of their functions, the PM and ministers may adopt decrees or issue normative instructions.

23. The government is accountable to the National Assembly, as are the PM and the ministers individually. Ministers are also accountable to the PM. Decrees issued by the government or ministers may be challenged before the Constitutional Court.

24. The government may appoint a government commissioner to perform a priority task or a task falling within the competence of the government but not assigned to it or a minister. The activities of the government commissioner are directed by the PM or a minister appointed by a government resolution. There is currently no government commissioner appointed. Similarly, the PM may appoint prime ministerial commissioners and the ministers may appoint ministerial commissioners to perform tasks falling within their area of responsibility.

25. There are two types of state secretaries: each ministry has an administrative state secretary, who is not a political figure but a public official heading the staff of the ministry. These persons work on the basis of indefinite term contracts and their mandate is not tied to the minister's. They do not carry out political functions and cannot, for instance, answer interpellations in Parliament. There are also political state secretaries in ministries, who carry out political functions and whose mandate is tied to the ministers they serve.

26. The PM and ministers are each assisted by a cabinet, in which up to 15 chief political advisers or political advisers (hereinafter referred to globally as political advisers) may serve. The head of the PM's cabinet has the rank of a minister. State secretaries are assisted by either a cabinet or a secretariat, with up to 8 political advisers (Section 214 Kit). The tasks of the political advisers are directly related to the activities of their minister/state secretary and their term of office is linked to his/hers.

27. The PM is also assisted by agents, who are advisers in specific areas by virtue of their technical expertise. According to the information provided to the GET, they may be up to 20, except on national security issues where there is no maximum head count. According to the Prime Minister's website¹⁰, there are currently 19 PM's agents. They are full time employees under a private law contract and their functions end with the PM's. The PM may also appoint envoys to perform diplomatic, personal advisory or other *ad hoc* functions. Finally, political directors to the Prime Minister – there is currently one – advise him/her and the Government on general political, foreign policy, public policy, social and other policy issues and assist in the preparation of the PM's and the Government's activities and decisions.

28. The PM, ministers, commissioners, political state secretaries, political advisers, envoys, the PM's political directors and the PM's agents are to be regarded as PTEFs for the purposes of this evaluation.

Status and remuneration of persons with top executive functions

29. The PM is elected by the National Assembly upon the proposal of the President of the Republic. His/her mandate terminates upon the formation of the newly elected National Assembly; if the National Assembly expresses its lack of confidence in him/her and elects a new PM in a majority vote; if the PM loses a confidence vote by the National Assembly that s/he initiated; upon his/her resignation or death; upon a declaration of incompatibility or a conflict of interest; if the conditions required for his/her election no longer exist. The termination of the PM's mandate entails the end of the government's mandate.

30. Ministers are appointed by the President of the Republic on the proposal of the PM. A minister's mandate terminates upon the termination of the PM's mandate or upon his/her resignation, dismissal or death.

31. Political state secretaries carry out the functions of deputy ministers, with the exceptions specified by law and in the regulations of the respective ministries. They are appointed by the President of the Republic on the proposal of the PM, after seeking the opinion of the respective ministers. State secretaries are accountable to their minister and the PM. Their term of office expires upon the termination of the office of the PM, their resignation, dismissal or death.

32. The PM may at any time propose to the President of the Republic the dismissal of a minister or a state secretary – in the latter case, after seeking the opinion of the relevant minister. Dismissal must occur in case a conflict of interest is not terminated, as certain employment relationships are regarded as incompatible with the office of senior political leaders (see below under incompatibilities).

33. Ministers, as well as political state secretaries and commissioners, may also be members of Parliament (MPs). This is the case of eight of the fourteen ministers in the current Government.

34. Political advisers are hired and dismissed by the relevant minister/state secretary, who exercises employer's rights over them and determines their salary. Ministers and state

¹⁰ [Magyarország Kormánya - Miniszterelnöki megbízottak \(kormany.hu\)](http://magyarorszag.kormany.hu/miniszterelnoki-megbizottak)

secretaries have discretion in the choice of their political advisers and the determination of their conditions of employment and their salary, up to a maximum set by the Kit. Their functions end at the same time as those of the minister or state secretary who employs them. Political advisers are subject to many of the same rules as public officials under the Kit. However, the Kit's provisions on term of mandate, selection, remuneration, service rewards, performance evaluation and training do not apply to them.

35. Ministers, state secretaries, commissioners, political advisers, PM's envoys, political directors to the PM and PM's agents are subject to national security vetting. The aim of the vetting is to assess whether any national security risk can be identified in relation to the person concerned, in connection with the security conditions required for the legal operation of the state and the national economy and – if justified – the security conditions stemming from international obligations. For the purposes of vetting, the following items have to be declared: in respect of the person concerned and his/her relatives living in the same household, assets and financial interests, sources of income, liabilities, other posts, functions and engagements as well as offers thereof, foreign contacts and the establishment of contacts with foreign intelligence services. Vetting includes a questionnaire on general lifestyle questions, relations abroad, a background check and an interview of the PTEF's close persons. For PTEFs, this vetting is carried out by the Constitution Protection Office, except for senior Ministry of Defence personnel, for whom the vetting is carried out by the Military National Security Service. The vetting is repeated every five years or more often if necessary, for instance in case of a change in functions.

36. The GET notes the absence of clear rules governing the employment of the PM's agents. They are employed under private law contracts, they are not necessarily salaried and, with the exception of the national security vetting as explained in the paragraph above, they do not appear to be subject to integrity rules. In particular, they are not subject to any rules on incompatibilities and accessory activities, unlike other PTEFs (see paragraphs 81 to 86). This may give rise to possible conflicts of interest in connection to any functions or activities carried out by these persons prior to their employment or in parallel with their role as PM's agents. The GET understands that a certain amount of flexibility should be preserved regarding the conditions of recruitment and work of these agents. However, owing to their specific responsibilities as PTEFs, a set of tailored corruption prevention provisions similar to those already in place for other political appointees should also be applicable to the PM's agents. Consequently, **GRECO recommends reinforcing the current employment regime applicable to the Prime Minister's agents, subjecting them to integrity requirements equivalent to those applied to persons with top executive functions.**

37. The GET also observed a lack of transparency around the composition of ministerial cabinets and the functions and remuneration of their members. Their appointments are not made public, except for the PM's cabinet, nor is there any obligation or practice to publish the names and duties of political advisers on the government's or the ministries' websites. The GET recalls that GRECO has highlighted on numerous occasions the importance of transparency regarding the role of those persons providing advice to top political leaders. Therefore, **GRECO recommends that the name and duties of all political and personal advisers to the Prime Minister, ministers and state secretaries be published on the government's and ministries' internet sites and that this information be kept up to date.**

38. According to the data of the Hungarian Central Statistical Office, the average gross annual wage in Hungary in 2021 was HUF 5 265 600 (about EUR 13 726) . The salary rate of government members is fixed by the Ksztv. The amount of the PM's monthly salary is 39 times the amount of the base salary of civil servants (Section 25/A Ksztv). Hence, the monthly salary of the PM is HUF 1 507 350 (about EUR 4 260).

39. A minister may get either a fixed salary as specified by law or, upon decision of the PM, a personal salary defined in a more flexible way. The fixed salary is composed of the base salary, which is 15,6 times the base salary of a civil servant, a supplement, which is 50% of the base salary and an executive bonus, which is 65% of the base salary. The PM may reduce the minister's base salary by a maximum of 20% (Section 39 Ksztv).

40. A minister's personal salary is determined on a yearly basis by the PM, but its monthly amount must not exceed one-twelfth of the highest annual salary paid to the same person in the year preceding the relevant year. In case a minister receives a personal salary, s/he is not entitled to supplements or bonuses (Section 39/A Ksztv).

41. The salary of state secretaries holding MP positions is HUF 1 296 300 (EUR 3 663) per month for each, with a maximum 30% raise, while the salary of state secretaries not holding MP positions is HUF 1 750 000 (EUR 4 947) per month for each (Section 51 Ksztv). The salary of commissioners is based on the salary of state secretaries and deputy state secretaries.

42. The monthly salary of political advisers may not exceed ten times the average monthly gross earnings of the national economy for the year preceding the current year, as published by the Hungarian Central Statistical Office (Section 216.1 Kit). In 2021, this amounted to HUF 4 036 160 (EUR 11 430). As explained above, the salary of political advisers is fixed by the minister or state secretary who employs them.

43. According to Government Decree 275/2015. (IX.21.) on benefits to state leaders, ministers and state secretaries are entitled to the following benefits.

Benefits	Minister	State secretary
1. Use of official residence	entitled based on permit	entitled based on permit
2. Special healthcare	Entitled	Entitled
3. Benefits related to passenger cars		
a) personal use of car	entitled (for both official and private purposes)	entitled (for both official and private purposes)
b) cost allowance	-	-
c) fuel card	Entitled	Entitled

d) passenger car	passenger car acquired for use by ministers	one passenger car of upper-medium (8) category, equipped for state secretaries
e) provision of driver from the staff of the Govt. Office of the Prime Minister or the KEF	Entitled	Entitled
4. Travel-related benefits		
a) comfort class of airplane	First class (First Class, Premium First Class)	economy class (Economy, Premium Economy)
b) use of government lounges at airports	for official and private purposes	for official purpose
c) comfort class of train	First class	First class
5. Benefits related to foreign assignments		
a) cost refund	Entitled	Entitled
b) daily allowance	entitled based on government decree	entitled based on government decree
c) category of accommodation	Any	according to the internal rules of the head of the sending body
6. Use of IT equipment and cellular phones	Entitled	Entitled

44. Pursuant to the Ksztv, the PM, ministers and state secretaries are also entitled, upon the end of their term of office, to a sum corresponding to several months of salary, which is taxable. The amount depends on the time they spent in office and the reason for the termination of their office. Finally, ministers and state secretaries may be granted a reward in an amount defined by the PM. The PM may also define a target bonus for state secretaries.

45. Information on the salaries, bonuses and other benefits of senior political leaders is published on the website of the PM's Government Office¹¹, until one year after the date of termination of their mandate. All changes to this information have to be published within 15 days, without the previous information being removed (Section 186 Kit). Moreover, the emoluments of senior political leaders are public¹².

¹¹ Accessible through the search engine: <https://kormany.hu/kereses> (search term: "politikai felsővezetők juttatása")

¹² <https://kormany.hu/dokumentumtar>

46. The GET notes that the PTEFs salary system is complex and opaque. A lot of discretionary power is given to the PM to modulate or even fix altogether the salary of ministers. The same discretion is given to ministers in fixing the salary of their advisers. This gives the impression that these persons are paid for a result, whatever the means, and not for exercising their duties in the public interest. In the GET's view, PTEFs should be guided by the desire to enhance their political credibility and not by a financial motivation. Therefore, **GRECO recommends that the salary system for persons entrusted with top executive functions be reviewed in order to provide for equal treatment of all persons exercising similar functions.**

Anticorruption and integrity policy, regulatory and institutional framework

Anticorruption and integrity policy

47. The National Anti-Corruption Programme 2015-2018 (NAP) was adopted by the Hungarian government in May 2015. Its general objectives were to make the management of public funds more transparent, to develop regulatory proceedings, to establish regulations that promote the transparency of the business sector, to extend education and training programmes, to raise awareness, and to provide resources in staff and equipment necessary for the effective fight against corruption. It set objectives for the public sector, state-owned companies and the business sector as well as the whole society, which were implemented by means of action plans covering two-year terms¹³.

48. Following up on the lessons learned from the NAP, the government adopted a new medium-term National Anti-Corruption Strategy 2020-2022 and an Action Plan for its implementation. The central objective of the Strategy is to establish the conditions that facilitate the recognition and the management of corruption situations in time, support public administration and society in doing so and highlight all the possibilities and instruments to this end. The actions planned are technology-based, compliance-based and value-based. Some of the measures foreseen in 2021 were the development of an automated decision support system for certain procedures within the competence of the Ministry of Interior, training activities and the identification of positions and jobs in public administration most exposed to corruption and integrity risks.

49. The monitoring of the Strategy's implementation is the responsibility of the Minister of Interior, who reports to the government on its progress and on the impact and practical results of the implementation of the tasks set out in the action plans. The National Protective Service, which is one of the focuses of the next chapter of this report, is also involved in coordinating the implementation of the Strategy and monitoring its implementation. The staff of the Anti-Corruption Department and the Corruption Prevention Department within the National Protective Service (NPS) maintain regular contacts with integrity advisers, which are appointed by each organisation.

50. According to Government Decree 370/2011 on the internal control system and internal control of budgetary authorities, the heads of public administration bodies, e.g. ministries, must operate an integrated risk management system, which covers all risks related to the operation of the body. Integrity and corruption risks of the operation of public authorities are

¹³ <http://corruptionprevention.gov.hu/legal-acts>

assessed annually by 31 December (Government Decree 50/2013(II.25)). Based on this assessment, an annual risk management action plan is elaborated. A report on the implementation and results of the action plan is elaborated yearly. There is no risk management system at the level of the government itself.

51. The GET notes that the National Anti-Corruption Strategy and the Action Plan for 2020-2022 focus on public administration and do not cover PTEFs as such. This was also the case for the previous National Anti-Corruption Programme. According to the authorities, this set-up is intentional, as the Hungarian corruption prevention policy seeks to promote the integrity of PTEFs not primarily through measures that focus on the person of PTEFs themselves, but through the development of the organisational system in which PTEFs work.

52. This is, however, a gap in the GET's view. The absence of a strategic goal regarding integrity at the highest level sends the wrong signal and impacts risk management at the field level. A common and general feature of public administration – but also of law enforcement agencies in Hungary, as will be seen later in this report – is that many integrity and corruption prevention measures target the low and mid-level officials, while the integrity framework applicable to PTEFs is very weak. The Strategy does not cover relevant areas, such as asset disclosure, lobbying and post-employment restrictions, the shortcomings of which will be exposed below. This prevents shortcomings from being addressed in a coordinated manner. The Strategy also does not address risks relating to clientelism, favouritism and nepotism in high-level public administration or those arising from the interface between businesses and political actors¹⁴. Therefore, **GRECO recommends that a risk analysis covering persons entrusted with top executive functions' specific integrity risks be carried out on a regular basis and that remedial measures be included in the anti-corruption strategies and action plans.**

Institutional framework

53. The NPS plays an important role in the activities of the government aiming at preventing and fighting corruption. It inter alia prepares the government strategy against corruption and submits it to the Minister of Interior. It is responsible for the harmonisation and development of integrity management systems of public administration organisations and as such, it provides technical guidance, analyses and publishes the integrity reports of the public administration bodies. It examines the draft and bills determined by the Minister of Interior in light of integrity and corruption risks. It also makes proposals relating to corruption prevention, integrity and professional ethics training. In 2020, the NPS had a staff of 585 employees and an annual budget of HUF 6 137,7 million (EUR 17,4 million). In 2021, its staff was 660 and its annual budget HUF 7 069,8 million (EUR 20,3 million). This increase in budgetary and human resources corresponds to the health sector having been added to the NPS' mandate in 2021.

Ethical principles and rules of conduct

54. A Code of Professional Conduct and Ethics was adopted by the Faculty of Hungarian Government Officials¹⁵ (MKK) for its members on 14 December 2019. It entered into force on

¹⁴ See 2020 and 2021 European Commission Rule of Law Reports, Country Chapter on the rule of law situation in Hungary.

¹⁵ The MKK is a public professional body which represents its members as regards their working conditions. Membership in this body is compulsory for the 75,000 government officials. It organises trainings and other professional events and provides opinions on relevant draft legislation.

1 January 2020. The Code contains principles of professional conduct and ethics, such as fairness, impartiality and transparency, which are accompanied by definitions, as well as detailed rules covering *inter alia* gifts and unlawful advantages, abuse of office and the responsible use of official and public resources. It foresees an ethical procedure in case of violation of the code's provisions, which may result in the issuing of a warning or a reprimand (see below under enforcement). The Code is binding on all members of the government service.

55. Politically appointed top executive officials, including political advisers, are not subject to the Code of Professional Conduct and Ethics as they are not members of the MKK. There is no code of conduct or ethical rules that apply to them. This shortcoming is of serious concern, as it has been GRECO's constant position that PTEFs must be subject to a code describing the conduct expected of them during the government decision-making process. Such a document should deal with topical issues such as conflicts of interest; gifts and contacts with lobbyists and other third parties aimed at influencing government policies or bills; post-employment restrictions with a view to avoiding that the prospect of future employment in the private sector taints the taking of decisions, etc. It is important that PTEFs, as well as the general public, are clear as to the applicable standards. It is also particularly important to ensure the effectiveness of these standards through adequate monitoring and enforcement.

56. Consequently, **GRECO recommends (i) that a code of conduct for persons with top executive functions be adopted, published and complemented with clear guidance regarding conflicts of interest and other integrity related matters (such as gifts, contacts with third parties, outside activities, contracts with state authorities, the handling of confidential information and post-employment restrictions) and (ii) that such a code be coupled with a credible and effective mechanism of supervision and sanctions.**

Awareness

57. In the absence of rules of conduct targeting PTEFs, there are no awareness activities available to them on integrity-related matters, nor any dedicated mechanism to provide them with confidential counselling on ethical issues. The GET stresses that these activities are important so as to strengthen integrity in decision making and inform PTEFs on how to deal with ethical dilemmas in their daily activities. Therefore, **GRECO recommends developing efficient internal mechanisms to promote and raise awareness of integrity matters in the government, including confidential counselling and training at regular intervals of persons entrusted with top executive functions.**

Transparency and oversight of executive activities of central government

Access to information

58. The right to access data of public interest is enshrined at constitutional level (Article VI of the Fundamental Law). Hungary ratified the Council of Europe Convention on Access to Official Documents in 2010.

59. Access to information is regulated by Act CXII of 2011 on the right to informational self-determination and on freedom of information (hereinafter: 'InfoAct'). This Act establishes a National Authority for Data Protection and Freedom of Information (hereinafter: 'the Data Protection Authority'), which is responsible for supervising and promoting the enforcement

of the right to the protection of personal data and of the right to access to data of public interest.

60. Access requests for data of public interest have to be filled in by any organ carrying out public duties within 15 days. If the request concerns large amounts or volumes of data, or requires disproportionate efforts by the data provider, this time limit may be extended by 15 days once (Section 29 InfoAct). Motives justifying restricting public access include confidentiality and protection of the decision-making process, that is if the data requested underlies future decisions or access to it would jeopardise the functioning of the data provider or the performance of its duties (Section 27.5 InfoAct).

61. It was explained to the GET on-site that the Hungarian freedom of information legislation played a crucial role in the democratisation process during the 1990's. It is still a tool often used by the media and civil society, one of its most robust elements being the possibility to turn to courts in case of access requests being refused. These appeals are very often successful.

62. However, notwithstanding the possibility of judicial review, many interlocutors stressed to the GET that access to public information was becoming increasingly difficult. During the Covid-19 pandemic, the government issued a decree allowing public bodies to delay answering access requests to 45 days instead of 15 – with a possible further 45 days extension¹⁶, by derogation to the legal deadlines, if granting access was seen as “jeopardising the public institution’s fulfilment of its duty related to the state of emergency”. This exception was said to be used by many public institutions as a blanket excuse to refuse access requests, despite a 2021 Constitutional Court decision¹⁷ requesting a strict interpretation of this notion. Freedom of information has potentially been further curtailed by the Ninth Amendment to the Fundamental Law, which narrowed the definition of public funds to “the revenues, expenditures and claims of the state”. The Venice Commission has questioned the pertinence of this definition in connection with the inclusion of public interest asset management foundations (mostly universities) in the Fundamental Law¹⁸. These concerns were echoed by the GET’s interlocutors, according to whom state assets unrelated to their activity are being transferred to these foundations to shield them from public scrutiny. Finally, the GET heard that access to public information and to the government’s weekly media conference was granted according to the respective medias’ editorial line.

63. The GET stresses that in a context in which the government exerts indirect political influence over the media (see paragraph 14), timely, efficient and broad access to public information is even more important. Therefore, **GRECO recommends broadening the scope of information falling under freedom of information legislation, avoiding exceptions or derogations and shortening the time for answering access requests, in order to ensure that the public and the media may use this tool to scrutinise the government’s activities.**

¹⁶ Government Decree 521/2020 of 25 November 2020.

¹⁷ Decision 15/2021. (V. 13.) AB

¹⁸ [CDL-AD\(2021\)029-e](#)

[Hungary - Opinion on the constitutional amendments adopted by the Hungarian parliament in December 2020, adopted by the Venice Commission at its 127th Plenary Session \(Venice and online, 2-3 July 2021\)](#)

Transparency of the law-making process

64. The list of primary laws planned by the Government for a given parliamentary ordinary session is accessible on the website of the National Assembly¹⁹, as are the legislative briefs drafted by ministries in respect of the planned legislation.

65. Act CXXXI of 2010 On Public Participation in Developing Legislation contains rules on general and direct public consultations. As a general rule, all draft bills, governmental and ministerial decrees are to be published on the Government's website prior to their submission to National Assembly or adoption.

66. Public consultation is organised under the responsibility of the ministry drafting a bill. While general consultations are mandatory, direct consultations are optional. General consultation is carried out in a way that anyone may express an opinion on the draft or concept subject to public consultation, using the e-mail address published on the webpage. The draft must be published sufficiently in advance to allow for its substantive analysis, the expression of comments and their consideration by the authorities. Except in exceptional cases, the deadline for comments by the public and civil society must be the same as the deadline given to government agencies. Comments received and the list of commenters, together with a summary by the ministry and the reason for rejecting particular comments, are to be published online on the Government's website after submission of a bill to the National Assembly or the promulgation of a decree.

67. It emerged from interviews during the on-site visit that, although the rules on transparency of the legislative process and on public consultation are satisfactory on paper, they are not respected in practice. Several examples were given to the GET of purely formal consultation processes. The Venice Commission has stressed that the above-mentioned Ninth Amendment to the Fundamental Law was adopted without consultation, during a state emergency, and that the explanatory memorandum consists of just three pages²⁰. The European Commission has also expressed concerns in its latest Rule of Law Reports about the transparency and quality of the legislative process, with stakeholders reporting "that the pace of legislation has accelerated even further compared to previous years"²¹. Any disagreement on recently adopted legislation, including emergency measures adopted by the government in recent years under the "state of danger" extraordinary legal order as well as the "state of public health emergency" and the "state of mass immigration crisis", is disqualified by the authorities as "political activity". This label was notably said to be used to discourage stakeholders themselves, such as public officials or members of the judiciary, from expressing any opinion on the legal framework applicable to them. As their respective codes of conduct forbid any political activity, the GET is concerned that this could potentially give rise to disciplinary action. Moreover, on 24 May 2022, on the day the new government took office, the Hungarian Parliament approved a modification of the Fundamental Law to include "armed conflict, war or humanitarian disaster in a neighbouring country" as circumstances in which the government is empowered to declare a state of danger. On the same day, these powers were used to declare a state of danger. The GET has serious concerns that the shift of powers towards the executive which results from the use of emergency situations weakens the necessary checks and balances in a democratic state. Therefore, it stresses that such measures

¹⁹ <https://www.parlament.hu/web/guest/efutar>

²⁰ CDL-AD(2021)029-e

²¹ See 2020 and 2021 European Commission Rule of Law Reports, Country Chapter on the rule of law situation in Hungary.

should not be used more than what is absolutely necessary as it bypasses the role of Parliament and the regular transparency and consultation processes.

68. In view of the above, **GRECO recommends that an appropriate level of consultation on government draft legislation be effectively ensured and that only specific and limited exceptions to this rule made possible and clearly regulated.**

Third parties and lobbyists

69. Government Decree 50/2013 (II. 25.) on the system of integrity management at public administration bodies and the procedural rules for receiving lobbyists regulates the communication between public administrative organisations supervised by the government or by members of the government and third parties representing private interests.

70. This decree stipulates that public officials may meet lobbyists in connection with their duties only after informing their superiors, who may prohibit the meeting, restrict it or make it conditional on the presence of a third person. Neither these rules, however, nor any others, apply to PTEFs themselves. The agendas and meetings of ministers and political advisers are not subject to any publicity rules.

71. The GET recalls that the Fourth Round Evaluation Report on Hungary highlighted criticism concerning insufficient transparency as regards the involvement of third parties, including lobbyists, particularly from the business sector, in the parliamentary process, as well as in the pre-legislative process with the Government. The recommendation issued in that report to introduce rules on how parliamentarians interact with lobbyists remains unimplemented to date. This issue is also highly relevant as regards PTEFs. Therefore, **GRECO recommends that (i) rules be introduced on how persons entrusted with top executive functions engage in contacts with lobbyists and other third parties who seek to influence the government's legislative and other activities; and (ii) sufficient information about the purpose of these contacts be disclosed, such as the identity of the person(s) with whom (or on whose behalf) the meeting(s) took place and the specific subject matter(s) of the discussion.**

Control mechanisms

72. According to Act No. CXCV of 2011 on public finances, there are three levels of financial control, which aim at ensuring that the use of public funds is efficient, ethical and economically sustainable.

73. The external audit of the public finance system is performed by the Hungarian supreme audit institution, the State Audit Office (SAO). It is an independent institution, subordinated only to the National Assembly. It supports accountability in respect of public funds and contributes to good governance through its audits and advisory and knowledge sharing activities. The SAO audits *inter alia* the final account of the implementation of the central budget and the management of the public finances. The SAO is obliged to conduct audits at the request of the National Assembly and it may conduct an audit if the government so requests. The SAO's audit reports are public.

74. The governmental control function is carried out by the Government Control Office (GCO) and the Directorate General for Audit of European Funds. The tasks, organisation and

operational rules of the GCO are laid down in a government decree. It is subordinated to the PM's Office. The controls performed by the GCO include regulatory and expediency controls concerning the execution of the budget, national and international assistance transactions, use of government-owned properties, operation of the government-owned economic entities, public procurement transactions and execution of governmental decisions. The GCO procedures are entirely separated from the procedural rules of internal audit. Its control activity is based on an annual work plan. Anyone is entitled to propose an inspection, even via citizen notifications, but it is up to the GCO to initiate the control. To ensure efficient, ethical and economically sustainable use of public funds, the GCO cooperates with other organisations and the minister of public finances.

75. The Directorate General for Audit of European Funds carries out audit tasks regarding European Union and other international funds determined by the Government.

76. The third level of control of public finances is at the organisational level, through the public internal financial control system, which includes independent internal audit. The head of a public budgetary organisation is responsible for the establishment, development, operation and follow-up of the internal control system. In the case of ministries, this responsibility falls upon the administrative state secretary.

77. The National Assembly exercises political control over the government through interpellation, questioning and political debates, both in parliamentary committees and in plenary session. Ministers have to report personally to the committee competent to deal with their remit at least once a year. However, committees do not have the right to summon ministers for other hearings and MPs are subject to heavy time restrictions²².

78. The Commissioner for Fundamental Rights ensures the protection of fundamental rights and the implementation of the Fundamental Law of Hungary. Its mandate extends to ministries in their public service activities.

Conflicts of interest

79. The Kit envisages incompatible functions and activities as the only type of conflict of interest for PTEFs. It does not define conflicts of interest as such but lists in Section 182 activities that are incompatible with the position of senior political leader (paragraph 1), as well as permissible activities (paragraph 2). These provisions will be presented below under incompatibilities and accessory activities.

80. The GET is concerned that the Kit inappropriately narrows the concept of conflicts of interest by only covering a few incompatible functions and activities. Situations in which a private interest clashes with a public interest are not covered by the Kit's definition, nor are financial interests and decision-making processes. The GET is of the firm opinion that this definition needs to be broadened and complemented to provide targeted guidance to PTEFs on what situations actually or potentially constitute conflicts of interest in relation to executive activities and on how to deal with them. This is a pre-requisite for a culture of prevention and avoidance of conflicts of interest to take root among PTEFs – which is not the case at present, according to the information gathered by the GET. In the view of the GET, this

²² [Sustainable Governance Indicators 2020 – Hungary Report](#)

important question should not only be dealt with in a code of conduct, as recommended in paragraph 56, clear legal provisions are also required. Such regulation must be tailored to include a broader definition of conflicts of interest for PTEFs and an appropriate and enforceable mechanism for them to disclose various situations of conflicts of interest as they occur (on an *ad hoc* basis) as a necessary additional safeguard. Therefore, **GRECO recommends that (i) the conflicts of interest regime be broadened so as to include decision-making processes and financial interests and (ii) a requirement of *ad hoc* disclosure be introduced in respect of persons exercising top executive functions in situations of conflicts between their private interests and official functions, when they occur.**

Prohibition or restriction of certain activities

Incompatibilities, outside activities and financial interests

81. Rules on incompatibilities, outside activities and financial interests are laid down in the Kit, which qualifies them as “conflicts of interest”. The PM, ministers and state secretaries, as senior political leaders, may not have another employment, including membership of a supervisory board, of the government body of foundations, management position in a business association or cooperative, membership of the board of trustees of a foundation, or any position in an interest organisation – and may not receive any remuneration for public appearances stemming from the performance of their tasks as senior political leaders (Section 182).

82. Senior political leaders may take up the following positions or activities: a) member of parliament; b) member of a body authorised to dispose of extra-budgetary funds and bearing the responsibility for the use of these funds, member of a body responsible for making theoretical, governing and coordinating decisions in connection with extra-budgetary funds, or member of a body facilitating decision-making and providing comments to a minister or body responsible for the use of extra-budgetary funds; c) performance of scientific, teaching, artistic, revising, editing activities or activities under patent protection; d) employment relation as a foster parent; e) official of sport association or sport club; f) for the term of the person’s assignment as a senior political leader, their official service relation is suspended pursuant to the act on the legal status of soldiers and the act on the service relation of professional members of law enforcement agencies; g) for the term of the person’s assignment as a senior political leader, their service with the tax and customs authority is suspended.

83. According to Section 190 of the Kit, if the PM does not terminate the cause of incompatibility within 30 days of his/her nomination, or if any incompatibility arises during his/her term of office, the National Assembly decides on the PM’s incompatibility, after collecting the opinion of the Conflict of Interest Committee. In the case of ministers, the PM initiates their dismissal with the President of the Republic. This also goes for state secretaries, after the PM has consulted the relevant minister. If the cause for incompatibility ceases during this procedure, the dismissal is cancelled.

84. As regards political advisers, the same rules apply as to civil servants. According to Section 95 of the Kit, a civil servant cannot be appointed to a controlling or supervisory relationship with any of his/her relatives. S/he cannot be a representative of a local government or a national minority government which operates in his/her area of competence. S/he cannot have any position in a political party – but can stand for parliamentary, European

Parliament and local elections – nor any leadership position in business associations, membership of supervisory boards except some owned by the state and some local governments.

85. Political advisers may exercise other remunerated activities with the relevant minister's prior approval. No approval is required for the exercise of scientific, educational, artistic, proofreading, editorial and legally protected intellectual activity, the establishment of foster parent status, and voluntary work in the public interest.

86. If a minister becomes aware of one of his/her political advisors being engaged in an incompatible activity, s/he has to immediately call upon him/her to terminate it within 30 days. If the advisor does not comply with this notice within 30 days, his/her service relations must be terminated (Section 95(13) Kit).

87. PTEFs may hold financial interests but are obliged to declare them (see below).

Contracts with state authorities

88. There are no relevant legal or regulatory provisions. The authorities are invited to address this gap in the future code of conduct (see recommendation v in paragraph 56).

Gifts

89. There are no rules regulating how to handle situations where gifts, advantages or invitations are offered to PTEFs other than that gifts received in connection with their official function have to be declared and are thereby subject to publicity (see below under asset declarations). However, the publication of gifts in the asset declarations is not timely enough and the interpretation of what constitutes a gift received in connection with the function is left to the person concerned. This is a lacuna in the system that requires determined measures.

90. In addition to the future code of conduct, which should address the issue of gifts and invitations received by PTEFs, the GET takes the view that a set of specific rules is necessary. It should clearly define what gifts are acceptable and cover gifts in cash and in kind, invitations, services, sponsorship and other benefits. The rules should be illustrated by practical examples. Finally, in the interests of transparency, there should be a system for declaring and registering gifts received by PTEFs in connection with their functions. This would allow the public to be regularly informed about such gifts and the donors' identity. In light of the foregoing, **GRECO recommends that a full set of rules be drawn up on gifts and other benefits for persons occupying top executive functions, in the form of practical and relevant directives requiring them to declare gifts and other benefits, and that this information be made available in a timely manner to the public.**

Misuse of confidential information, misuse of public resources

91. The misuse of confidential information is regulated in the Criminal Code (official misuse, Section 305; unauthorised secret collection or acquisition of data, Section 307; misuse of classified information, Section 265; misuse of personal data, Section 219) and in the Kit (Section 93 (1) on the obligation for government officials to keep the classified data and not to disclose to any unauthorised persons facts s/he learns during his/her activities; Section 117

(3):" Information obtained during the period of government service shall not be used for commercial purposes beyond the time limit provided for in paragraph (2);").

92. The GET was not made aware of specific rules applicable to PTEFs on the misuse of public resources. The authorities are invited to address the misuse of confidential information and of public resources in the future code of conduct (see paragraph 56).

Post-employment restrictions

93. There are currently no post-employment restrictions applicable to PTEFs. Section 117 paragraph 1 of the Kit provides that the government must determine the sectors and positions where a government official may not be employed after the termination of his/her public service, for a maximum period of two years. However, it was confirmed to the GET during the on-site visit that the government has not specified the sectors in question and that this provision, therefore, remains not implemented.

94. It is the GET's view that the risks associated with the phenomenon of PTEFs leaving office to work in the private sector ("revolving doors") need to be addressed, in particular with a view to preventing conflicts of interest and potential misuse of information. Possible measures could include prohibitions to seek new employment while in office and a cooling-off period before a new position can be taken up – for which Section 117 of the Kit already appears to offer a legal basis, restrictions on certain types of activities or a mechanism from which senior political officials and political advisers must gain approval or advice in respect of new activities following public service. In light of the foregoing, **GRECO recommends that (i) rules on post-employment restrictions be developed and applied in respect of all persons entrusted with top executive functions and (ii) an effective enforcement mechanism regarding these rules be implemented.** Such rules have to be reflected also in the future code of conduct, the adoption of which is recommended in paragraph 56.

Declaration of assets, income, liabilities and interests

Declaration requirements

95. All PTEFs have a duty to declare their assets. However, they are subject to different rules and deadlines depending on their status.

96. Senior political leaders (ministers, state secretaries and commissioners) are subject to the MPs' asset declaration system under Act 36/2012 on the National Assembly. Accordingly, they have to file a declaration in accordance with a form attached to the law, within thirty days upon the establishment of their mandate and then every year by 31 January, as well as within 30 days upon the termination of the mandate. They also have to attach a declaration on property of the same content as their own, in respect of family members (*i.e.*, spouse or partner and children living in a common household).

97. The declarations of property are to be filed with the Committee on Conflicts of Interest of the National Assembly and with the Government Office of the Prime Minister. Senior political leaders' asset declarations are public documents, but not those relating to their family members. The former are to be published without delay on the webpage of the National Assembly²³ by the Committee on Conflicts of Interest and on the Government's website and

²³ <https://www.parlament.hu/web/guest/aktiv-kepviseloi-nevsor>

the information is to be maintained public on-line until at least one year from the termination of the mandate. For senior political leaders who are also MPs, the asset declarations are archived by the Office of the National Assembly and the public has a right of access to these declarations upon request.

98. The following types of assets are to be declared:

- a. Immovable property – location, size, purpose, legal nature, date of acquisition;
- b. Tangible assets – vehicles, water/aircraft, protected art, value of savings in banks, other tangible assets and cash exceeding the value of six times the average of monthly gross earnings of the national economy for the year preceding the year in question²⁴ (approximately EUR 4,780);
- c. Liabilities – various forms of contractual claims exceeding the value of six times the average of monthly gross earnings of the national economy for the year preceding the year in question (approximately EUR 4,780);
- d. Yearly income – by activity;
- e. Economic interests held in companies – the company and the value;
- f. Benefits received from parliament, political party, parliamentary groups or party foundation – the benefit and the value;
- g. Gifts – the type of gift and the value;
- h. Support received from the state, EU or companies – beneficiary and the value.

99. Political advisers have to declare their assets in accordance with Act CLII/2007 on the Obligation of Declaration of Assets. Declarations have to be filled in on a form (attached to the law), within thirty days upon their appointment, then every five years by 30 June as well as within 15 days upon the termination of their employment. Declarations also have to be filled in regarding their spouse or partner and children living in the same household. The recipient of the declarations is the official's employer. The declarations are not public.

100. The following types of assets are to be declared:

- a. Immovable property – location, size, legal nature, date of acquisition;
- b. High value tangible assets – vehicles, protected art, value of savings in banks, other tangible assets and cash exceeding the value of 10 times the monthly minimum wage;
- c. Liabilities – credits and loans owed to credit institutions, debts owed to private persons;
- d. Yearly income – description of the activity;
- e. Economic interests held in companies – the company, form of participation, rate of ownership interest and share of the profits received, office held in the company.

101. According to the information gathered during the on-site visit, ministers' and state secretaries' asset declarations are published in a timely manner on the Government's and, where applicable, the Parliament's website. However, the declarations are filed by hand and not in electronic format, which greatly limits their exploitability. The GET recalls that a

²⁴ The reference value is six times the monthly amount of the representative honorarium according to Section 104§1 of the Kit. The monthly representative honorarium is three times the average monthly gross earnings of the national economy for the year preceding the year in question (in 2021: HUF 1,2010, 848).

recommendation to that end had been given in the Fourth Evaluation Round report (see paragraph 74). It remains unimplemented to date. The GET also notes that political advisers are not subject to the same declaration regime as senior political leaders in terms of assets to be declared and the periodicity of declarations. Most importantly, their declarations are not public. The PM's agents, for their part, are not subject to any financial disclosure requirement. As political advisers and the PM's agents are regarded as PTEFs and are subject to similar integrity risks, they should be subject to the same disclosure regime as senior political leaders. Therefore, **GRECO recommends that (i) asset declarations be filed electronically and (ii) political advisers and the Prime Minister's agents be subject to the same disclosure requirements as senior political leaders.**

Review mechanisms

102. There is no automatic formal or substantial control of the content of asset declarations.

103. As regards senior political leaders, whose declarations are published online on the website of the National Assembly and/or the Government's Office, anyone may file a complaint to the chairperson of the Conflicts of Interest Committee of the National Assembly, indicating precisely which part(s) of the asset declaration is/are deemed incorrect. The chair of the committee has to carry out the asset verification procedure, except if the complaint does not specify which elements of the declaration are contested and on the basis of which facts, if it is manifestly ungrounded or if a repeatedly submitted initiative contains no new facts or data. During the verification procedure, the political leader is obliged to provide data in writing attesting to the veracity of his/her property, income and interests, as well as that of his/her family members. Data provided is only accessible to the members of the committee. The chair of the committee informs the Speaker of the National Assembly of the result of the procedure, who in turns informs the National Assembly at its next sitting.

104. Intentional failure to file a declaration of assets or intentional misrepresentation of the information contained in the asset declaration constitutes a conflict of interest according to the Kit. In the case of the PM, the Speaker of the National Assembly declares the conflict of interest. In the case of ministers or state secretaries, the PM is to initiate their dismissal.

105. As regards political advisers, the person who appointed them may initiate a control of their asset declaration within one year of the termination of their employment if, on the basis of the asset declaration, s/he suspects an unexplained increase in assets. Control is carried out by the tax authorities and may lead to the person's dismissal and a prohibition to be employed for three years in a position in which s/he is required to file an asset declaration.

106. The assets of PTEFs may also be controlled in the framework of the national security vetting performed by the security services. Any change of income, debts, economic interests, movable or immovable property of the person or his/her relatives above gross HUF 1 million a year (approximatively EUR 2 882) has to be reported.

107. The GET has strong misgivings as regards the control of asset declarations. First, there is no systematic control of all PTEFs' asset declarations, as indicated above. The representatives of the Conflicts of Interest Committee of the National Assembly, whom the GET met, indicated that the majority of complaints received – about 8 to 10 per year – were

manifestly unfounded and did not trigger a verification procedure. Moreover, these complaints only concerned senior political leaders who were also MPs. The members of the Committee clearly indicated to the GET that they did not see their remit as extending to the senior political leaders who are not members of the National Assembly.

108. A verification of assets can also be launched by the tax authorities in case of suspicion of an unjustified increase in wealth. However, they cannot launch it *ex officio* but only at the request of the person or authority responsible for the keeping of declarations or in the case of suspicion of a criminal offence by an investigating authority. The tax authorities indicated to the GET that they had no record of any such verification carried out in respect of PTEFs in the past five years.

109. It is apparent to the GET that the verification of PTEFs' asset declarations is grossly insufficient. The GET was given several examples during the interviews on-site of incomplete declarations by PTEFs and of some criminal investigations that were dropped, preventing verification by the tax authorities. GRECO also expressed in the Fourth Round Evaluation Report criticism of the control carried out by the Conflicts of Interest Committee (see paragraph 81) and of the lack of a satisfactory enforcement mechanism. It issued a recommendation dealing with this and other related issues. This recommendation has been partly implemented, but not as regards the concerns pertaining to the supervision and enforcement of asset declarations, which remain to be dealt with. The lack of an effective supervision and enforcement regime is even heightened for those PTEFs who are not MPs.

110. In view of the above, **GRECO recommends that (i) asset declarations submitted by persons entrusted with top executive functions be subject to an enhanced, proactive and substantive control mechanism, connected to an enforcement regime; and (ii) comprehensive statistics on the control of asset declaration and on the results of this control be established.**

Accountability and enforcement mechanisms

Criminal proceedings and immunities

111. PTEFs do not enjoy immunity or other procedural privileges, except if they are also MPs.

112. As described in the Fourth Round Evaluation Report, MPs are provided with immunity against detention and any other coercive measure under criminal proceedings, save when caught in the act of committing an offence (Section 74 of the Act on the National Assembly). In case an MP does not voluntarily waive this immunity, prior consent is required by the National Assembly to use such measures in respect of its members. The more precise procedure for lifting MPs' immunities is prescribed in Section 146 of the Rules of Procedure of the National Assembly. It follows from the Act on the National Assembly and the Rules of Procedure that a motion for the suspension of immunity is to be communicated by the Prosecutor General to the Speaker of the National Assembly, who in turn is to inform the Committee on Immunity, Incompatibility and Mandate Control, which subsequently is to inform the member in question and to submit a proposal for a resolution on the suspension of the immunity to the National Assembly within 30 days, and then the Assembly is to discuss the matter without delay.

113. It is recalled that in that report, GRECO recommended to the Hungarian authorities “that appropriate measures be taken in order to ensure that the procedures to lift the immunity of parliamentarians do not hamper criminal investigations in respect of members of parliament suspected of having committed corruption related offences”. This recommendation remained not implemented at the date of adoption of the latest public compliance report under this round.

114. Representatives of the National Assembly met by the GET during the on-site visit criticised the National Assembly’s practice that the authorisation by Parliament was required for the prosecution of MPs also for acts not directly linked to their functions. As immunity is not provided for in respect of ministers and state secretaries under the Fundamental Law of Hungary, it seems only logical to the GET that ministers and state secretaries who are also MPs should not enjoy immunity for acts that are linked to their executive functions. Consequently, **GRECO recommends ensuring that the procedures for lifting immunity do not hamper criminal investigations in respect of ministers and secretaries of state who are also parliamentarians suspected of having committed corruption related offences.**

Non-criminal enforcement mechanisms

115. The Code of Professional Conduct and Ethics foresees a two-instance ethical procedure in case of a suspected violation of the provisions of the Code. However, the GET recalls that this Code does not apply to PTEFs.

116. As regards PTEFs, the only enforcement measures are those contained in the rules of the Kit on conflicts of interest, which may lead to a declaration of the PM’s incompatibility by the National Assembly, following a written motion of any MP and after collecting the opinion of the Conflicts of Interest Committee (Section 190). This accountability system appears very weak, not least considering that the PM is also an MP and taking into account the current strong majority of the ruling party in the National Assembly. In the case of ministers, state secretaries and political advisers, a conflict of interest may lead to their dismissal or termination of employment. Political advisers are also subject to disciplinary liability in the same way as government officials (Section 214§4 Kit).

117. It follows from the lack of rules applicable to PTEFs in many areas covered by this report that there is no corresponding enforcement mechanism. The GET refers back to the recommendation issued in paragraph 56, according to which a future code of conduct for PTEFs needs to be accompanied by an effective mechanism of supervision and sanction, in order to ensure the credibility of the system.

Statistics

118. The authorities indicate that no statistics are kept regarding PTEFs’ misconduct.

V. CORRUPTION PREVENTION IN LAW ENFORCEMENT AGENCIES

Organisation and accountability of law enforcement/police authorities

Overview of various law enforcement authorities

119. The following bodies fall under the scope of Act XLII of 2015 on the Service Status of the Professional Staff of Bodies Performing Law Enforcement Tasks: The Hungarian National Police, the National Protective Service, the Counter-Terrorism Centre, the National Directorate-General for Aliens Policing, the National Directorate General for Disaster Management, the Hungarian Prison Service, the Parliamentary Guard, Secret Services (the Constitution Protection Office, the Special Service for National Security, the Hungarian Civilian Intelligence Agency and the Coordination Centre against Organised Crime) and the National Tax and Customs Administration of Hungary. This report focuses on the Hungarian National Police and the National Protective Service (NPS), given the nature and extent of their respective missions, the number of their staff and their geographical scope of action.

Organisation and accountability of selected law enforcement authorities

120. The Hungarian National Police is the only police agency in Hungary, with more than 40 000 staff members. It undertakes all policing duties within Hungary, including criminal investigation, patrol activities, traffic policing and border control – the Hungarian Border Guard was integrated into the National Police in 2008. It is led by the National Police Commissioner under the control of the Minister of Interior. It consists of four independent parts: the agency for general police activity, the agency for counterterrorism, the organisation performing internal crime prevention and the immigration authority. The body is divided into county police departments, with a further subdivision into regional and town police departments. County police departments and some special units are affiliated legal entities. It is also the agency which operates the 112 national emergency response system.

121. Border control duties are coordinated by the Border Policing Department of the National Police Headquarters and carried out by 21 border policing stations, 6 police stations and 52 border crossing points along the external border as well as inland alien policing units, consisting of 3500 uniformed professionals in total.

122. The legal texts governing the activity of the Police are Act XXXIV of 1994 on the Police (the Police Act), Act XLII of 2015 on the Service Status of the Professional Staff of Law Enforcement Bodies (the Professional Services Act), the Criminal Proceedings Act, Government Decree 100/2018 on the detailed rules of investigation and the preparatory procedure (Decree on Investigation) and other regulations. In the context of this evaluation, special reference is made to ORFK Order 20/2013 on tasks related to the prevention and suppression of acts of police corruption.

123. The Police is an armed law enforcement state organisation, with a hierarchical structure. The ranks in the Police are essentially the same as the ranks of the Hungarian Armed Forces. Military offences committed by professional police staff during their service, as well as other offences committed on duty or in connection with their duty are subject to military prosecution by the military prosecutor or the military council of the court.

124. The Minister of Interior proposes to the PM the appointment and dismissal of the National Police Commissioner – as well as of the Director General of the National Protective Service – after having received the position of the competent parliamentary committee. It appoints and dismisses the deputies of the National Police Commissioner, as well as the heads of the police headquarters and the heads of the police bodies specified in a separate legal act.

125. The GET notes that both the National Police Commissioner and the Director General of the National Protective Service are appointed by the Prime Minister upon the proposal of the Minister of Interior. While the appointment process of other staff within the Police and the NPS is prescribed in detail in the Professional Services Act, the heads of these organisations are not covered by this text and the GET was not made aware of any procedure regulating their appointment, aside from the obligation of consulting the competent parliamentary committee in the case of the National Police Commissioner. This situation opens up the possibility of discretionary political appointments to the highest post within the Police and the NPS, which could be detrimental to the operational independence of these institutions. To minimise such risks, the GET takes the view that appointments at such crucial positions must be based on merit and suitability for the position and subject to transparent procedures. Consequently, **GRECO recommends that the selection and appointment of the National Police Commissioner and the Director General of the National Protective Service be carried out according to a formal, merit-based, competitive and transparent procedure applied to all candidates.**

126. The Minister of Interior may give instructions to the Police in individual cases (Section 5(j) Police Act). Indeed, the GET heard during the on-site visit that the Police is not protected from political influence. Reference was made to hierarchical pressure on police officers to discontinue investigations in certain sensitive cases and to the fact that corruption cases involving high-ranking officials are rare and exceptional, in most cases initiated by authorities outside Hungary, such as OLAF. The operational independence of the Police also appears to be affected by political influence on the prosecution service.

127. The GET notes that the Minister's power of issuing instructions is restricted to the field of law enforcement, as the Criminal Proceedings Act gives the competence to direct and supervise criminal investigations to the prosecution service. However, there is no sufficient explanation, neither in law, nor in practice according to the GET's information, on the concrete situations in which the Minister may issue instructions in individual cases. Having in mind the wide range of competences of the Minister as regards appointments, dismissals, disciplinary authority and organisational matters in the Police, which is described throughout this report, the GET believes that it is crucial that the principle of operational independence of the police in individual cases under the rule of law be clearly articulated. Instructions from the political levels should as a rule be limited to issues such as strategic planning, budgetary matters, etc. Consequently, **GRECO recommends that (i) sufficient operational independence of the Police be provided for in law and ensured in practice; and that (ii) the Police, as a main rule, not be subject to outside instructions in individual cases and any individual instruction be properly documented in writing.**

128. As of 1 May 2022, the number of professional positions in the Police is 40,711, which can be broken down by specialisation as follows:

Special areas		Total regular professional positions	%
SERVICES	criminal services	8,494	21%
	border police services	8,207	20%
	administrative police services	1,263	3%
	traffic police services	3,002	7%
	public order protection services	13,321	33%
	personal and object protection services	1,177	3%
	communication services	97	0%
SERVICE	public courier service	163	0%
	deployment service	187	0%
	criminal technical and expert services	28	0%
	air traffic control services	48	0%
	police team forces	1,581	4%
	airport police services	112	0%
	bomb disposal service	118	0%
	on-call service	1,012	2%
	security administration service	28	0%
	water policing service	163	0%
	aviation security service	12	0%
SPECIAL SERVICES	internal control	275	1%
	economic affairs	426	1%
	administrative affairs	366	1%
	human resources management service	631	2%
GRAND TOTAL		40,711	

129. 24,6% of the serving professional staff are women and 75,4% are men.

130. The National Protective Service (NPS) is an independent part of the National Police, which is led by a Director General and overseen by the Government via the Minister of Interior. It has its own budget line in the budget of the Ministry of Interior and its Director General is independent of the Police National Commissioner. The Director General reports annually to the Minister of Interior and through him/her to the other ministers supervising the agencies under its authority. The NPS performs internal crime prevention and detection duties within the public administration, as well as lifestyle monitoring, integrity testing and prevention of corruption activities. Its mandate covers law enforcement agencies, civilian secret agencies, public administration agencies and public healthcare providers, representing 450,000 persons overall. It has nationwide competence, and its headquarters are in Budapest.

131. The legal texts governing the activity of the NPS are the Police Act, the Professional Services Act, the Criminal Proceedings Act, Government Decree 293/2010 (XII.22) on the designation of the police agency performing internal crime prevention and detection tasks and the detailed rules of the performance of such tasks, the lifestyle monitoring and integrity checks and Government Decree 50/2013 (II.25.) on the system of integrity management at public administration bodies and the procedural rules of receiving lobbyists.

132. The detection activity of the NPS focuses on certain offences committed by, jointly or with the assistance of staff of the above-mentioned agencies, among which abuse of office, active and passive bribery, forgery of administrative documents, extortion, crimes related to the activity of the office and certain military offences. The NPS has no power to carry out criminal investigation. Instead, if a suspicion is established, it transmits the investigation to the competent investigating authority or prosecutor's office. The NPS does, however, take part in the implementation of the preparatory procedure, the gathering of covert information and the use of covert tools or methods in procedures it initiated. The NPS also carries out lifestyle monitoring of sworn officers and those applying to be sworn officers. Finally, it carries out tasks related to the prevention of corruption, such as the preparation of the governmental anti-corruption strategy and action plans and the assessment of integrity and corruption risks within public administration authorities. The corruption-prevention tasks of the NPS are carried out by a specific department, the Corruption Prevention Department, which started its operation in October 2014.

133. Integrity testing is seen by the Hungarian authorities as an important tool for the prevention of corruption. It is a special investigative means carried out by and at the initiative of the NPS, after the approval of a prosecutor. The results of the tests can be used as evidence in courts. The aim of this test is to verify that public officials act according to the law. The official subject to the test is placed in a given practical situation to see if s/he breaks the applicable rules. The test is recorded, and an illegal action or omission cannot be provoked. According to the information provided to the GET, 8,830 integrity tests have been carried out in the last ten years; 137 led to criminal or administrative proceedings and 83 to final court judgments. As of January 2021, an amendment to the Police Act entered into force, according to which integrity testing may now be carried out in respect of all staff under the supervision of the government and its members – the only exception being the Ministry of Defence.

134. All interlocutors met by the GET on-site concurred as to the efficiency of integrity testing and on its dissuasive effect. It has led to the uncovering of a significant number of petty corruption cases. However, it was also highlighted to the GET that the bulk of the tests seem to target low-level officials, especially in the border and traffic police. Procurement and other corruption risk-prone sectors do not appear to be among the priority areas for integrity testing, nor are middle and high-level officials.

135. The NPS has 660 staff members, among whom:

- a. 553 persons are employed in organisational units for core tasks (60,3% male – 25,5% female);
- b. 92 persons work in functional organisational units (5,2% male – 9% female).

136. The GET notes that less than one fourth of the serving professional police staff are women. Women are even more under-represented at senior management levels, with only

one woman out of 20 county police chiefs. There is a similar under-representation of women in the NPS, with women representing 25,5% of the staff employed for core tasks. The GET underlines the importance of promoting gender balance in the police. It has not been made aware of any on-going policy to achieve this goal, in particular through recruitment. The GET adds that diversity is important to avoid groupthink and in turn corruption. Therefore, **GRECO recommends that measures be taken to increase the representation of women at all levels of the National Police and the National Protective Service.**

137. Both the Police and the NPS are financed almost entirely through the state budget, but donations may be accepted in certain cases (see paragraph 204). The regulations on the use of public funds and their control apply accordingly.

Access to information

138. Act CXII of 2011 on the right to informational self-determination and on freedom of information is applicable to the Police and the NPS. It provides for free access to data of public interest and data public on grounds of public interest. Right of access may be restricted by law where considered necessary for certain purposes, including the prevention and prosecution of criminal offences. For more details on the provisions of this Act, see the chapter of this report on PTEFs. Access to information in criminal proceedings is regulated in the Criminal Procedure Act, both for the parties to the proceedings and the general public.

139. The NPS explains that much of its activity in the field of intelligence, integrity testing and lifestyle control is classified and involves the handling of personal data. The public and the media can obtain data related to the performance of its basic tasks, but only in case the conditions laid down in the Police Act and the Criminal Procedure Act are met. Public data related to the NPS, including financial reports, is published on its website.

140. Taking into account the specificity of the work of the Police and the NPS, especially as regards the prevention and detection of criminal offences, as well as criminal investigation, it is clear to the GET that the possibility of limiting access to information in order not to harm the interest of investigations and the integrity of individuals subject to them must exist. Nevertheless, interlocutors from the media whom the GET met stated their general satisfaction with the amount, the type and the timeliness of the information they receive from the police and the NPS – and highlighted that this was in contrast with a number of other public authorities.

Public trust in law enforcement authorities

141. In 2018, a public opinion poll was commissioned by the NPS among Hungarian citizens and enterprises, which also included questions on trust in law enforcement agencies. Out of 1,017 respondents, 73% trusted the Police to a greater or lesser extent. The police ranked 2nd in terms of trust in institutions. The NPS was not included in the survey.

142. The 2019 [Eurobarometer on corruption](#) indicates that only 40% of those surveyed would turn to the Police to complain about a corruption case (EU average: 58%) and 27% think that bribery and abuse of power is widespread in the Police and customs (EU average: 26%).

143. According to the 2021 [Global Corruption Barometer](#), 13% of respondents in Hungary thought that most or all people in the Police were corrupt. Among all the institutions cited, the Police was seen as the least affected by corruption.

Trade unions and professional organisations

144. The Hungarian Law Enforcement Chamber (HLEC) was established by the Professional Services Act as an autonomous, professional public body. Its head is subordinated to the Minister of Interior and all professional and civil staff of law enforcement agencies are mandatorily members. It performs representation and advocacy activities for its members and organises training activities. It also establishes the detailed rules of professional ethics and the procedure for their enforcement (see below).

145. Information provided to the GET in writing made reference to several registered trade unions. 26 appear to be active in law enforcement and at least two represent the police, namely the Independent Police Trade Union and the Police Trade Union Association. However, it seems that many of the functions usually attributed to trade unions are exercised by the HLEC.

Anti-corruption and integrity policy, regulatory and institutional framework

Anti-corruption and integrity policy

146. The National Anti-Corruption Programme 2015-2018 (NAP) was adopted by the government in May 2015. It was implemented by way of action plans covering two-year terms and was followed by a National Anti-Corruption Strategy 2020-2022 and an action plan for its implementation. Both the NAP and the Strategy include measures for the police and the NPS. Measures foreseen by the NAP focused on training and capacity building in personnel and technical terms for the police and the NPS and included the mapping of functions exposed to a higher risk of corruption. The NPS participated in the drafting of the NAP and the Strategy and it coordinates and monitors their implementation.

147. Within the Police, the following regulations aim at preventing corruption and promoting integrity: the ORFK Order 20/2013 on tasks related to the prevention and suppression of acts of police corruption; ORFK 20/2013 (V.17) Instruction prescribes tasks and restrictions for the prevention of police corruption; and the ORFK Measure 1/2017 on the procedure for handling organisational integrity reports. Relevant provisions of these regulations will be presented below.

148. In order to analyse corruption within the Police, the Standing Anti-Corruption Working Committee of the Police has been operating at the National Police Headquarters since 2013.

Risk management measures for corruption prone areas

149. Generally, the authorities highlighted that some measures to prevent corruption and promote integrity have long been present in the practice of Hungarian law enforcement agencies. Personnel rotation is typical among the staff serving in public places, as is the “more eyes see more” principle. The “four eyes principle” is commonly used in law enforcement

management practices. Members of law enforcement agencies are required to document all their main actions.

150. Moreover, pursuant to Government Decree 370/2011 on the internal control system and internal control of budgetary authorities, the heads of public administration bodies must also operate an integrated risk management system, which covers all risks related to the operation of the body, including risks affecting the activities of law enforcement officers (LEOs).

151. In the framework of the NAP and the Action Plan on related measures for 2015-2016, the Police and NPS, as other public administration bodies, mapped out the jobs and types of jobs that were most affected by corruption risks. The survey covered approximately 62,000 jobs. Some of its results are available to the public in the study volume "[Primary and Secondary Analysis of the Risk of Corruption in Public Administration Jobs](#)". It established that overall, jobs in law enforcement tend to have a higher-than-average corruption risk level. This could be attributed to the more frequent exercise of official authority, exercise of discretionary powers, supervision of economic activities, handling of classified data and direct contacts with persons, including those with criminal records, in the performance of their duties.

152. As regards the NPS specifically, the Human Resources management of the NPS pays particular attention to the examination of integrity during the psychological pre-screening procedure prior to recruitment. Thereafter, every two years, staff members of the NPS – as well as of the Police – undergo a psychological examination, the results of which are compared and followed up over the course of the career. Staff members selected by the psychological pre-screening have the possibility to strengthen their integrity through the internal training system. There are several integrity-related training courses both during initial and in-service training, some of which are compulsory (see below under awareness). The NPS also has its own local integrity-sensitivity trainings complemented by annual risk assessments and the examination of internal processes carried out by organisational units. As regards information technology, the NPS has software monitoring logins, file openings, communication via firewalls and e-mails.

153. The Police has an integrated administration case processing and electronic record management system, the use of which is compulsory, and which allows the monitoring of IT logins.

154. A risk management system within the Police is implemented in accordance with ORFK measure 3/2017 on the integrated risk management regulations of the National Police Headquarters. According to the Police's risk management register, there are no medium or high corruption risks in relation to each task. The areas primarily exposed to corruption are the border police and the traffic police. The Police's risk exposure is said not to have changed significantly in recent years.

155. Measures to address corruption risks include occasional revision of the conflicts of interest guidelines on the basis of experience and reports to the hierarchy in case of an unjustified increase in assets, potential financial or privacy issues, any interference aimed at influencing a procedure (including through personal ties with police staff) and unauthorised data transmission. With regard to staff serving in public areas, geographical location

monitoring, body cameras, video and sound recording devices are used, as well as unexpected and regular staff inspections.

156. According to the report on the assessment of the situation of corruption in the Police in 2020, the focus of the fight against corruption remains, as in previous years, on prevention, which includes drawing the attention of staff to the legal and moral consequences of violations, training, command and example, dissuasive managerial and other controls, as well as the operation of the internal control system.

157. The GET sees merit in the various risk analyses, integrity management systems and remedial measures implemented within the Police and the NPS. By all accounts, these measures have most likely contributed to curbing petty corruption, especially in the border and traffic police.

158. However, the GET observes that these analyses and measures focus on the operational lower level and do not seem to address the managerial level, as was confirmed by several of the interlocutors met on-site. This was already highlighted above as regards integrity tests carried out by the NPS. To mention another example, Section 9 of Instruction No. 20/2013 (V. 17.) ORFK on the Tasks Related to the Prevention and Combating of Police Corruption deals with unlawful interventions in relation to criminal, misdemeanour or other proceedings falling within the authority of the Police. It focuses mainly on the corruption risks affecting police officers on patrol duty, with no reference to any undue interference in the managerial and organisational functions carried out by senior staff. The GET was not made aware of any risk identification or remedial measures targeting the managerial functions within the Police²⁵. It takes the view that this gap needs to be addressed. Consequently, **GRECO recommends that corruption risk analyses covering the Police and the National Protective Service be broadened to cover better also the senior and top managerial levels and that remedial measures be adopted accordingly.**

Handling undercover operations and contacts with informants and witnesses

159. Undercover operations, secret information gathering and the use of covert means are carried out in accordance with the Criminal Proceedings Act, the Decree on Investigation, the Police Act and normative instructions which are not public. Contacts with witnesses are regulated by the Criminal Proceedings Act.

Ethical principles and rules of conduct

160. The Professional Services Act Law contains certain ethical principles in Section 14 – loyalty, national interest, dignity and fairness, freedom from prejudice, impartiality, responsibility, professionalism, cooperation and proportionality – that apply to all LEOs. Moreover, additional principles, i.e. exemplary performance, professionalism and accountability, apply to managerial staff.

²⁵ The authorities highlighted that a mapping of positions and jobs exposed to corruption and integrity risks was underway as of May 2022 and that it covers all jobs in the Police and the NPS.

161. The Police adopted on 4 July 2007 a Code of Ethics for the Police Profession²⁶. Its purpose is to provide moral guidance, both on and off duty and to serve as a benchmark for the identification of reprehensible conduct unbecoming to the profession. It contains 13 principles: public service and affiliation; honesty; use of violence; non-discrimination; humanity and assistance; camaraderie; responsibility; quality of work; information; appearance; leadership; off-duty behaviour; public trust. These principles are followed by a brief explanation and are not further illustrated by examples.

162. The main text on ethics referred to in the written materials provided to the GET and during the on-site visit is the more recent Code of Ethics for Law Enforcement, which was adopted on 28 March 2013 by the General Assembly of the Hungarian Law Enforcement Chamber (HLEC). The Code contains ethical principles, i.e. loyalty, preference for national interest, dignity and integrity, unbiasedness, impartiality, sense of responsibility, professionalism, cooperation and proportionality. These principles are followed by core values and expectations and are further specified in a set of rules covering different aspects of work, professional relations, relationships with superiors, colleagues, representative organisations and the public, private life and communication on the Internet.

163. The Code is mandatory, enforceable and incorporated into managerial practice. Its principles are included in job descriptions and are considered as evaluation criteria in the performance review procedure. Disregard for the provisions of the Code may constitute an ethical or disciplinary violation (see below under enforcement). However, these rules are not fleshed out by comments or examples.

164. The GET notes that the Code of Ethics for Law Enforcement is quite detailed and is enforceable, which are positive features. However, since the HLEC represents all employees of law enforcement agencies in Hungary, the Code encompasses police officers, firefighters, prison guards, customs and tax officers, etc. Although some of the features of their service are common, there are also many specificities of the service of each of these officers. Even among police officers, there are many differences depending on whether they work for the criminal police, the traffic police or the NPS.

165. The GET also notes that the Code contains very few provisions dealing with integrity issues. For example, Rule V.7 proclaims that leaders and employees should make an effort to prevent corruption and report any information coming to their knowledge without delay, but no further details are provided. Another Rule (V.8) deals with conflicts of interest, but simply requires that LEOs avoid expressing their political views and avoid using the opportunities of their workplace for prioritising their own or other persons' interests. A rule (V.4.C) deals with the handling of confidential data, but simply states that the legal rules must be observed. These provisions are clearly not detailed enough, unlike other parts of the Code. There is no reference to gifts, contacts with third parties or outside activities. The authorities indicated that these issues are covered by other legal provisions and internal police norms, but the GET sees merit in addressing rules of ethics and integrity in one single text, for the sake of clarity and accessibility. Consequently, **GRECO recommends that the Code of Ethics for Law Enforcement be further elaborated to cover in detail all relevant integrity issues (such as conflicts of interest, gifts, contacts with third parties, outside activities, handling of**

²⁶ <http://www.police.hu/a-rendorsegrol/testulet/altalanosan/a-rendori-hivatas-etikai-kodexe>

confidential information) and that it be complemented by tailor-made practical guidance and examples for the staff of the Police and the National Protective Service.

Advice, training and awareness

166. All LEOs take part in basic and high-level training before taking up their duties. The curriculum includes two hours of training on “types of police corruption prevention, impact on the social perception of the profession” and two hours on “rules of conduct off duty”. Other relevant topics include organisational identity and integrity. Moreover, the “Law Enforcement Ethics and Integrity Training” taught in the 5th semester at the University’s Faculty of Police, includes 14 hours of training on ethics and integrity-related topics.

167. In-service training may be optional or compulsory, the latter when overall legal changes occur. According to Government Decree No. 273/2012 on the further training of public service officials, as modified in 2016, law enforcement officials, like all public officials, are obliged to complete at least one training programme related to corruption prevention in each training cycle of four years.

168. The NPS is an important training provider in the area of integrity, with an allocated training budget of HUF 10,690,590 in 2020 (approximately EUR 31,000). It organises lectures on an annual basis on the subject of police ethics. The NPS also developed in 2016 an integrity awareness training for law enforcement staff within the framework of a project on “capacity building for the more effective detection and prevention of corruption”. This optional training consisted of two days basic training followed by two days of practical training based on dilemma situations and on evaluation. Based on a growing demand, the NPS holds tailor-made integrity awareness raising for law enforcement agencies.

169. The Directorate for the Development of Public Service Personnel of the Ministry of Interior developed an e-learning training in 2016 entitled “It’s your choice”, aimed at broadening the knowledge of the members of law enforcement agencies in the field of preventing corruption. It focused on theoretical and legal aspects of corruption, the role of anti-corruption agencies, value-based and compliance-based anti-corruption tools. In 2018, it developed a compulsory e-learning training entitled “Integrity: Strong Morality in Practice” which was followed by close to 50,000 LEOs, including the entire border police staff serving along the Schengen border.

170. There is no dedicated entity responsible for providing advice on integrity rules. LEOs can turn to their superiors, to the person within the NPS responsible for their agency or to the members of the Ethics Committee of the HLEC. However, it was apparent to the GET during the on-site visit that many interlocutors were not even aware of these possibilities. The GET considers that a more institutionalised approach should be introduced in this matter. In its view, it would be advisable that a dedicated mechanism or persons outside the chain of command be available for providing confidential advice to police officers in respect of ethical dilemmas, etc. The Ethics Committee of the HLEC could be well-placed to perform such a role, but this avenue should be further formalised and appropriately communicated to LEOs. Consequently, **GRECO recommends that a mechanism be introduced for providing confidential counselling on ethical and integrity matters for staff of the Police and of the National Protective Service.**

Recruitment, career and conditions of service

171. Staff of law enforcement agencies fall under three categories: professional staff, administrative employees and employees under the Labour Code. In addition, the Police has judicial employees and officer candidates. All are subject to the provisions of the Professional Services Act.

Appointment procedure and promotion to a higher rank

172. Requirements to be fulfilled by candidates to the Police and the NPS are foreseen in the Professional Services Act (Section 33§1 for professional staff, section 287/L(3) for administrative employees). They include among others Hungarian citizenship, age, physical, mental and health fitness conditions, educational qualification requirements depending on the grade applied for and a clean criminal record. In addition, professional staff must lead a “not objectionable” lifestyle, which is subject to inspection before and during the employment relationship.

173. Administrative staff and employees may be employed for a fixed term or an indefinite term. Personnel decisions concerning them are the responsibility of the competent staff commander.

174. Professional staff is employed for an indefinite term, except in the case of replacement of a staff member on permanent leave. Personnel decisions are generally exercised by the competent staff commander, with a number of exceptions, which are defined in Government Decree 154/2015 on the implementation of the Professional Services Act, as follows:

Content of the employer measure	Person exercising employer's rights
Measures relating to service relationship	
Admission to the professional staff and simultaneous appointment as a chief officer or officer	Minister
Admission to the professional staff in the case of transfer from another law enforcement organisation or the Hungarian Armed Forces	National Police Commissioner /Director General of the NPS
Termination of the service relationship when the individual enters a key managerial service position	Minister
Termination of the service relationship of chief officers and officers	National Police Commissioner / Director General of the NPS
Readmission to the professional staff of chief officers and officers	National Police Commissioner/Director General of the NPS
Transfer to the Hungarian Armed Forces of a general or a colonel	Minister

Transfer to the Hungarian Armed Forces of chief officers, officers, ensigns and deputy officers	National Police Commissioner/Director General of the NPS
Transfer to another law enforcement agency from a key management or middle management service position	Minister
Transfer to another law enforcement agency from a service position other than a key management or middle management position	National Police Commissioner/Director General of the NPS
Transfer to civil service, government service, public service of a civil servant or judicial staff from a key management or middle management position	Minister
Transfer to civil service, government service, civil service of a civil servant or judicial staff from other service positions	National Police Commissioner/Director General of the NPS
Command, decisions on service positions	
Appointment, assignment to and revocation from key managerial service positions	Minister
Appointment, assignment to and revocation from the service positions of Specialist Manager 1, Specialist Manager 2 and Head of Department 1	National Police Commissioner/Director General of the NPS
Appointment, assignment to and revocation from the service positions of head of department 2 if the holder of the position is an organisational deputy of the competent staff commander	National Police Commissioner/Director General of the NPS
Transfer to other bodies	Minister
Transfer to the prosecution service pursuant to Section 67 (1) of the Professional Services Act	Minister
Transfer to the National Public Service University pursuant to Section 68 (1) of the Professional Services Act	Minister
Transfer to the post of managing director of a company set up for the compulsory employment of prisoners	Minister
Submission of a proposal for an award to the President of the Republic	Minister
Transfer of a member of a special employment staff to an administrative body established to perform tasks for the organisation, management and implementation of public employment	National Police Commissioner/Director General of the NPS

175. Admission for professional staff within law enforcement mainly occurs after their having attended various law enforcement educational institutions and internal trainings. Future staff is thus selected to follow a given training and is not directly admitted into the Police or NPS. Direct admission exists for a certain limited number of specialised

positions/profiles (e.g., detectives with IT or financial experience). Candidates admitted to these positions must complete law enforcement specific training after their admission.

176. Candidates to become professional staff – both in respect of training and to enter a position – must undergo health, physical aptitude and psychological tests. The latter include paper-based, computer-based tests and interviews. These tests are carried out by professionals (doctors, psychologists and sports professionals) working for the Police. In case of an unfit rating at an aptitude test, the candidate may have the test repeated. Candidates that pass the aptitude tests then undergo a staff or career orientation interview. The final decision on admission to a specific post – directly or after completing training – is taken by the relevant staff commander, with the exceptions referred to in the table above.

177. The integrity of LEOs prior to their recruitment is assessed by the NPS through an immaculate lifestyle control and/or a national security vetting. During the lifestyle control, the applicant is checked in databases and case processing systems containing criminal investigation and detection data. His/her financial situation, previous working places, circle of friends and acquaintances, hobbies etc. are checked, as well as those of the family members living with him/her. This procedure includes a visit and control of the residence of the applicant and its surroundings. For more information on the national security vetting, see paragraph 35 in the Chapter on PTEFs.

178. As regards entry into the NPS specifically, additional conditions to the ones mentioned above include several years of experience as a criminal investigation officer and a valid national security vetting performed by the Office for the Protection of the Constitution. This includes a wide check of data related to the applicant: personal details, citizenship, family status, family members, residences, schools, qualifications, professions, military background, financial situation (including his/her partner's financial situation), criminal procedures, petty crimes, and other special data. This vetting is repeated every 5 years or as needed.

179. There are also mechanisms in place for evaluating LEO's behaviour and integrity throughout their career, among which the annual performance evaluation, timely or two-year compulsory psychological screening, national security vetting, immaculate lifestyle control and integrity tests as described above, which may all be ordered at the initiative of the LEO's superior.

180. As regards promotion, Section 120 of the Professional Services Act provides that staff must be provided with predictable prospects of advancement in remuneration and rank, as well as prospects of promotion to a higher grade. General conditions for promotion include the fulfilment of training obligations, statutorily required performance levels in the previously occupied position, health, mental and physical fitness, completion of the required salary waiting period, practical experience and competences required for the higher position.

181. Decisions of advancement in remuneration and rank are taken by the competent staff commander. In case of appointment to a vacant position, the commander must first organise an internal competition at the level of the organisational unit. If there is no suitable candidate, a wider selection procedure may be organised. Positions other than managerial ones have to be filled via a selection procedure.

182. Candidates to managerial positions are appointed either by the Minister of Interior – for top and middle managers – or by the competent staff commander. According to Decree of the Minister of Interior 31/2015 (16 June), the commander draws up a list of at least three candidates and has to request the opinion of the Ministry of Interior on their ranking. The commander is not bound by this opinion, but s/he must motivate his/her decision in writing to the Minister in the event s/he deviates from the ranking. For appointments falling within the competence of the Minister, no written motivation is necessary.

183. The GET has misgivings about the current selection and appointment modalities of managers in the Police and the NPS. In its view, the fact that the Minister of Interior decides on the appointments – and transfers – of all top and middle managers (see table in paragraph 174) unnecessarily encroaches upon the Police and the NPS' operational independence. It is a further cause for concern that these appointments are not carried out following a transparent and merit-based procedure, unlike appointments at lower levels, and that the Minister is not obliged to motivate his/her decisions in writing. Taking into account the possibility for the Minister of Interior to give instruction in individual cases and the concerns expressed above about that and hierarchical pressure and political influence over the police, these appointment modalities seem to offer a perfect recipe for politicisation of the Police and the NPS. In order to prevent such risks, **GRECO recommends that managers in the Police and the National Protective Service be appointed by the National Police Commissioner and the Director General of the National Protective Service respectively, following a formal, transparent and merit-based competitive process.**

Performance evaluation

184. The professional and administrative staff of law enforcement agencies undergo a yearly performance evaluation on the basis of Sections 111-113 of the Professional Services Act and of several decrees. The evaluation assesses the performance, conduct and compliance of staff with the requirements imposed on them. The performance level may be classified as exceptional, good, adequate, below average or unacceptable.

185. Further to the classification, the manager may *inter alia* initiate the procedure for inclusion or deletion of the evaluated person in/from the management database, which includes managers and persons who are due to become managers; initiate a change in the service relationship; find the person incapable of fulfilling the tasks of his/her post; find the person unsuitable for professional service, which leads to his/her dismissal. The classification is approved by the competent staff commander.

186. The classification must be shared at a meeting with the staff member, who may comment on it in writing. S/he may be assisted upon request by a staff representative. The evaluated person may file a service complaint against the findings of the evaluation, which has a suspensive effect on the decision of the employer based on the classification. The superior officer dealing with the complaint may order the performance evaluation, or the classification, or both to be repeated. To appeal against the findings of the repeated performance evaluation or classification, the evaluated person may apply directly to a court.

187. Promotion, trainings, rewards and the possibility to be admitted into the management database are determined by the procedure of annual performance evaluation. Based on the results of their evaluation and those of the organisational performance evaluation,

professional staff members may receive a performance benefit twice a year. 78.6% of professional staff members received this benefit in 2020, 74.4% in 2021 and 75.2% in 2022.

Rotation

188. Rotation is used as a corruption prevention tool mainly in the border police, the staff of which is rotated on a quarterly basis. Moreover, rotation is used at road border crossing points. The service commander may change the place of duty of passport controllers regularly during their service, every one to three hours, changes which are not known in advance to the operational staff. The riot police regularly send reinforcements to the Schengen external border sections for the same purpose. Officers of county border police services also occasionally provide services at border crossing points in other countries.

Termination of service and dismissal from office

189. The employment of police and NPS officers may be terminated as a result of an unsatisfactory annual evaluation or of disciplinary proceedings (Section 80 Professional Services Act). Decisions on dismissal are usually taken by the competent staff commander, with the exceptions indicated in the table under paragraph 174. The GET refers to its concerns regarding the lack of precision of disciplinary offences, which are expressed below (see paragraph 248).

Salaries and benefits

190. LEO's salaries and benefits are laid out in the Professional Services Act. The following table shows the average remuneration of police officers, taking into account additional benefits:

Average remuneration (HUF)	After appointment		After 10 years of service	
	Officer (A/1 grade)	Deputy officer (A/1 grade)	Officer (C/3 grade)	Deputy officer (D/3 grade)
Basic monthly salary	402,613 (EUR 1,053)	274,800 (EUR 719)	563,300 (EUR 1,473)	354,200 (EUR 926)
Regular supplements (language supplement)	23,190 (EUR 61)	5,798 (EUR 15)	23,190 (EUR 61)	5,798 (EUR 15)
Total regular monthly salary	425,803 (EUR 1,107)	280,598 (EUR 719)	586,490 (EUR 1,404)	359,998 (EUR 913)
Total regular annual salary	5,109,636 (EUR 13,363)	3,367,176 (EUR 8,806)	7,037,880 (EUR 18,405)	4,319,976 (EUR 11,298)
Performance allowance (estimated average amount)	200,000 (EUR 578)	200,000	200,000	200,000
Cafeteria	200,000	200,000	200,000	200,000
Clothes	96,625 (EUR 253)	96,625	96,625	96,625

Overtime (1 hour/month)	29,366 (EUR 77)	19,352 (EUR 51)	40,448 (EUR 106)	24,827 (EUR 65)
Irregular allowance (night service)	4,211 (EUR 11)	6,516 (EUR 17)	4,211	6,516
Work performed on holidays	36,733 (EUR 96)	71,629 (EUR 187)	46,599 (EUR 122)	90,927 (EUR 238)
Reimbursements (estimated average amount)	14,000 (EUR 37)	14,000	14,000	14,000
Social benefits (0.3%)	13,775 (EUR 36)	8,954 (EUR 23)	17,475 (EUR 46)	11,366 (EUR 30)
Transport cost (salary statistical average)	49,700 (EUR 130)	54,800 (EUR 143)	49,700	54,800
Total yearly remuneration	5,754,046 (EUR 15,048)	4,039,052 (EUR 10,563)	7,706,938 (EUR 20,155)	5,019,037 (EUR 13,126)

191. Monthly salary grades for managerial job categories are as follows (without additional benefits):

	Managerial job category	Lower salary limits by managerial job category (HUF)	Upper salary limits by managerial job category (HUF)
1.	Director General	1,217,000 (EUR 3,183)	1,400,000 (EUR 3,661)
2.	Director, Head of Department	860,000 (EUR 2,249)	1,170,000 (EUR 3,060)
3.	Head of Section	660,000 (EUR 1,726)	900,000 (EUR 2,354)

192. Besides the benefits mentioned in the above table, staff members may also receive allowances for holidays, family formation, training and housing.

Conflicts of interest

193. The general rules on conflicts of interest are contained in Sections 108-110 of the Professional Services Act and the procedure for their investigation in Decree of the Minister of Interior 31/2015. Conflicts of interest are not defined as such, but Section 108 prohibits membership in political parties or political activities and Section 109 contains a series of rules – and exceptions – aiming to avoid engaging in functions in which close relatives are in a direct link of supervision to each other or in which they have financial ties with a close relative's business interests. The rules on incompatibilities and accessory activities will be presented in more detail below.

194. Section 110 contains a duty of immediate notification of a conflict of interest to the competent staff commander. If the conflict of interest is not terminated within 30 days, the service relationship ends by law. It is the responsibility of the competent staff commander to

receive and record the conflict of interest report or declaration. The NPS may be used to carry out an immaculate lifestyle control to investigate possible conflicts of interest.

195. Rules for reporting individual conflicts of interest arising in connection with criminal and misdemeanour proceedings are contained in the relevant procedural laws, namely Sections 32-33 of Act XC of 2017 on Criminal Proceedings, Sections 46-48 of Act II of 2012 on Misdemeanours, Misdemeanour Proceedings and the System of Misdemeanour Registration. The Code of Ethics for Law Enforcement also contains a rule (V.8) dealing with conflicts of interest, but it simply requires that LEOs avoid expressing their political views and avoid using the opportunities of their workplace for prioritising their own or other persons' interests.

196. The GET is concerned that the Professional Services Act inappropriately narrows the concept of conflicts of interest by only covering a few incompatible functions and activities (similar to the Kit in respect of PTEFs). Situations in which a private interest clashes with a public interest and decision-making processes are not covered by the rules of the Professional Services Act and financial interests are only very partially covered. The rule contained in the Code of Ethics for Law Enforcement takes a more appropriate broader stance and it could inspire a wider definition of conflicts of interest in the Professional Services Act. Therefore, **GRECO recommends that the conflicts of interest regime be broadened so as to include decision-making processes and financial interests.** Reference is also made to the recommendation in paragraph 165 regarding the need to deal with the issue of conflicts of interest in more detail in the Code of Ethics for Law Enforcement.

Prohibition or restriction of certain activities

Incompatibilities, outside activities, financial interests

197. According to the Professional Services Act (Section 108), a member of the professional staff of the Police and the NPS may not be a member of political parties or political associations and foundations, may not participate in their work and may not engage in political public service – except as a candidate in elections. Any statement made in front of others that specifically calls for the assistance or support of a party or political movement is to be considered a political activity.

198. Other prohibitions (Section 109) concern positions in which they have a relationship of direct control or supervision with a close relative or financial ties with businesses in which a close relative has financial control or a position of influence – except if such positions are authorised by the Police Commissioner General or the Director General of the NPS. Executive or supervisory positions in business associations are not allowed as a rule, but exceptions are foreseen for associations linked to the State, municipalities and public bodies.

199. Persons with executive functions in law enforcement agencies may not undertake any other remunerated activity, except for activities related to science, education, artistic, proofreading, editorial, legally protected intellectual activity and the function of foster parent. For other professional staff, the exercise of remunerated outside activities is subject to notification and authorisation of the competent staff commander, except for the above-mentioned activities. The authorisation is to be refused if the activity is contrary to the duties of the agency or endangers the proper, impartial and unbiased performance of the service or the prestige of the agency.

200. The following activities and interests have to be declared to the staff commander: remunerated activities in the field of sport or education; membership without personal participation, position at supervisory board or in a chief executive position in a private sector company; shares in private sector companies, except for minority shareholders or those holding less than 20% of the company's shares; membership in NGOs unrelated to the profession (Section 24 (4) Professional Services Act).

201. According to Annex 1 of the Professional Services Act, the personnel register contains data on accessory activities subject to authorisation or notification.

202. Administrative staff are subject to similar rules and prohibitions under Section 288 of the Professional Services Act.

Gifts

203. According to point 30 of ORFK Order 20/2013 on tasks related to the prevention and suppression of acts of police corruption, a staff member may not accept a gift, reward, discount or other benefit related to the service or official activity, except as provided by law. According to the ORFK Order, the staff protection inspection covers the inspection of the acceptance of souvenirs. The Code of Ethics for Law Enforcement contains no reference to gifts and the GET refers in this respect to its recommendation contained in paragraph 165.

204. BM Order 26/2010 on the issuance of regulations on the procedure for accepting donations offered to certain law enforcement agencies and educational institutions under the control of the Minister of the Interior, county or capital police headquarters, the Police and the NPS may accept donations up to a gross amount of HUF 2 million (about EUR 5 779), which are defined as marketable movable property, money, property rights (not including property rights related to immovable property or dwellings), service, work and other benefits, subsidies, allowances or gifts. The possible donors are also listed in the Order and include municipalities and entities established/owned by them or the state, churches and religious communities, foreign government, ministries or law enforcement agencies, as well as any person or organisation if the goods donated aim at improving the conditions of detention or accommodation of persons in the custody of immigration authorities.

205. The acceptance of the donation is subject to authorisation by the head of the relevant county police or of the Director General of the NPS, except for donations offered by a foreign entity and donations proposed from a donor not listed in the Order. The acceptance of foreign donations is decided by the Deputy State Secretary for Economic Affairs of the Ministry of Interior and those of donors not listed in the Order are decided by the Police Commissioner General. The order contains a list of reasons for which the donation cannot be accepted, including cases in which it is linked to the performance or abstention of certain legal tasks by the beneficiary body.

206. According to the information provided to the GET after the visit, the majority of donations received by the Police were offered by municipalities. The GET is of the opinion that all police forces should be financed solely on the basis of democratically decided and transparent public budgets. It is critically concerned about the Police and the NPS receiving donations at all, all the more since cash can be accepted. Allowing such donations, even from the private sector, is very risky and controversial from the point of view of maintaining the

independence, objectivity and neutrality of the Police. This system requires further explanations and justifications, in the GET's view. Therefore, **GRECO recommends that the system of donations to the police services be reviewed in order to provide that (i) proper safeguards for police independence against possible conflicts of interest are in place and (ii) donations received are published on a regular basis, including online, indicating the nature and value of each donation, as well as the donor's identity.**

Misuse of public resources

207. The Code of Ethics for Law Enforcement provides that LEOs should handle budget resources economically, should manage public finances in a cost effective and transparent manner and should manage national assets responsibly (Rule V.1.j).

Third party contacts, confidential information

208. Contact with third parties outside official procedures is regulated at international level by Section 2 of the Joint Order of the Minister of Interior and Minister of National Economy 23/2016 BM-NGM on the order of cooperation and exchange of information using the applications of the European Security Network operated by the European Union's law enforcement agency. At national level, the authorities made reference to the criminal offences of informing a third, unauthorised person outside official proceedings and misuse of personal data. The Code of Ethics for Law Enforcement also contains rules (Rule V.4) on LEOs' relations with the public, requiring that they maintain legality and professionalism in their contacts, should not abuse their power and influence, should give accurate information, should respect the rules related to the protection of personal and classified data and should not make negative comments about their superiors and colleagues to third persons.

209. The misuse of confidential information is regulated in the Criminal Code (official misuse, Section 305; unauthorised secret collection or acquisition of data, Section 307; misuse of classified information, Section 265; misuse of personal data, Section 219) and in the Code of Ethics for Law Enforcement – see Rule V.4 referred to in the above paragraph.

Post-employment restrictions

210. There are no general post-employment restrictions applicable to Police and NPS staff. A few indirect prohibitions exist in other laws. LEOs may not become Commissioner for Fundamental Rights or his/her Deputy during four years after the end of their functions (Section 5 (5) of Act CXI of 2011 on the Commissioner for Fundamental Rights); LEOs who are subject to the gravest disciplinary sanction may not be appointed as judges or prosecutors during the period of such a disciplinary sanction (Section 4 (2) of Act CLXII of 2011 on the Legal Status and Remuneration of Judges and Section 11 (4) of Act CLXIV of 2011 on the on the Status of the Prosecutor General, Prosecutors and Other Prosecution Employees and the Prosecution Career)

211. In this regard, the GET acknowledges that certain specialist skills and knowledge police officers can bring to the private sector can be invaluable and provide welcome employment opportunities for former police officers. At the same time, however, moves to the private sector by police specialists can entail a number of risks – for example, that certain information gained in the Police is misused, that a police officer is influenced in the exercise of his/her

authority in light of an expectation of future employment, or that communication channels with former colleagues are being used for the unwarranted benefit of the new employer. The GET points out that Council of Europe Recommendation No. R (2000) 10 on Codes of Conduct for Public Officials includes special guidelines on leaving the public service (Article 26). As, from the information gathered during the on-site visit, it was unclear how much of an issue this is in Hungary, **GRECO recommends that a study be conducted concerning the activities of Police and National Protective Service officers after they leave the Police and that, if necessary in the light of the findings of this study, rules be established to ensure transparency and limit the risks of conflicts of interest.**

Declaration of assets, income, liabilities and interests

Declaration requirements

212. According to Act CLII/2007 on the Obligation of Declaration of Assets, public officials have to file a declaration of assets if they are entitled to propose, decide or control independently or as members of a body in the following cases:

- Public procurement procedures,
- Managing a municipality or state property,
- Procedures regarding decisions on budget estimates, financial support of municipalities,
- Procedures regarding decisions on individual state or municipality support,
- Monitoring of the use of state or municipality support.

213. Asset declarations also have to be filed regarding spouses and partners, as well as dependent children living in the same household. For more details regarding the items to be declared, the frequency of declarations and the consequences of failing to file a declaration or submitting false information, as well as the GET's concerns with regard to the asset declaration system, reference is made to the part of this report on PTEFs.

214. In the Police and the NPS, according to the Professional Services Act, this obligation applies to all heads of departments and holders of higher executive positions. The person's employer is responsible for keeping custody of the declarations. The NPS also has custody of them. The declarations are not made public.

215. Assets and financial information also have to be declared in the framework of the national security vetting procedure. Positions subject to this obligation are defined in Minister of Interior's Decree No. 15/2015 (IV.10). The aim of this procedure is to examine if there is a national security risk related to the declarant or his/her relatives. The national security control is carried out before the commencement of duties and then every five years by the Constitution Protection Office. Declarations about the acknowledgement of the security control result are kept in the person's file and handled by the Department of Human Resources of the NPS. Declarations cannot be disclosed to the public.

Review mechanisms

216. Persons responsible for custody of asset declarations may initiate a scrutiny procedure within one year of the termination of the declarant's employment or if, on the basis of the asset declaration, they suspect an unexplained increase in assets. Control is carried out by the

tax authorities and may lead to the person's dismissal and a prohibition to be employed for three years in a position in which s/he is required to file an asset declaration.

Oversight

Internal oversight and control

217. Within the organisation of the Police, budgetary internal control and police professional control are separated. Budgetary audits are performed by the Budget Control Office, which reports directly to the National Police Commissioner. The National Police Commissioner may order an inspection on the basis of the annual inspection plan or an extraordinary inspection. These may be initiated by the head of inspection. Proceedings may also be initiated further to a complaint.

218. The control of the police professional activity is performed through independent control services, as well as by specialist managers and managers. Independent control services are established at national and regional levels under the direct authority of the head of the police body to perform control tasks. The ORFK Control Service – a separate department within the ORFK, under the direct control of the National Police Commissioner – has national competence, while the inspection services of the county police headquarters perform police professional controls of the given body and its subordinate organisational units. The ORFK Control Service consists of four departments: the Professional Control Department, the Management Control Department, the Mobile Control Department and the Central Complaints Office.

219. ORFK Order 6/2012 on the Control Regulations describes in detail the procedure related to the control activities of the police. The purpose of the controls is to promote the lawful, professional, effective and efficient implementation of the tasks of the police, to help the controlling-managerial activity by exploring the strengths and weaknesses of the operation, to support the development of best practice and the development of organisational culture. The ORFK Control Service reports on its annual professional audits and submits a half-yearly assessment of the situation in the field to the Control Department of the Ministry of the Interior and/or to the Director General of Public Security.

220. The Police also has an independent audit organisation, the ORFK Audit Service, which has a national remit.

221. The NPS has an Audit Department, which performs its work independently, directly under the Director General. It uses a process-based risk analysis methodology, taking into account the integrated risk management system and the results of the risk analysis both in the preparation of the annual control plan and in the conduct of each audit.

222. The Audit Department provides two types of services: assurance activities and consulting activities. When providing assurance services, the internal auditor evaluates the facts objectively and forms an independent opinion or conclusions on an organisation, operation, function, process, system or other subject matter of the audit. Consulting activities are provided by the internal auditor at the specific request of the client.

223. In the event of the discovery of an act, omission or deficiency over the course of the inspection, the internal audit manual foresees the procedure applicable for the initiation of criminal, infringement, compensation or disciplinary proceedings.

224. The NPS also has a Control Department under the direct supervision of the Director General. It carries out internal control according to the NPS Internal Control Handbook and the Monitoring Strategy.

External oversight and control

225. External supervisory bodies of the Police and the NPS include the State Audit Office, the Government Control Office, the PM's Office, the Ministry of Finance, the Hungarian Treasury and the Ministry of Interior.

226. In criminal proceedings, the body exercising external oversight is the prosecution service. The National Data Protection and Freedom of Information Authority is a supervisory body in relation to the management of personal data, as well as data of public interest. The National Security Supervision Authority oversees the management of classified data. The body supervising electronic information security is the National Electronic Information Security Authority.

Complaints system

227. Public complaints about LEOs may be submitted by telephone to the 112-emergency number or under the "Telephone Witness Programme", by e-mail or letter, or through the secure electronic system of public interest reports operated by the Commissioner of Fundamental Rights (see below). The police has a Central Complaints Office that is tasked with conducting proceedings and preparing decisions on complaints from the public, as well as on serious violations of fundamental rights as established by the Commissioner for Fundamental Rights.

228. The NPS may receive complaints and reports via a free telephone number, electronically, by post or in person.

229. Complaints may give rise to criminal, misdemeanour, disciplinary or administrative proceedings, depending on the nature of the facts. All these procedures give to the complainant the possibility to challenge a decision not to investigate.

230. Leaving aside the Commissioner for Fundamental Rights – which is the classical "Ombudsman institution" that investigates issues relating to constitutional and human rights and can provide opinions and advice, the GET takes the view that the current system for complaints from members of the public concerning police misconduct appears weak and much driven by the Police itself through the Central Complaints Officer. In order to avoid the phenomenon of "the police investigating the police", a mechanism that provides for independence and autonomy from the Police would be preferable, not least for the purpose of public trust in the system. Consequently, **GRECO recommends that the current mechanism within the Police for dealing with complaints from members of the public against police misconduct be reviewed with a view to ensuring sufficient independence, autonomy and transparency in respect of such investigations.**

Reporting obligations and whistleblower protection

Reporting obligations

231. There are some inconsistencies in the legal texts regulating the obligation to report offences and misconduct witnessed by LEOs. On the one hand, Section 440 of the Criminal Code specifically qualifies as “breach of reporting obligation” the situation by which anyone who fails to report in a timely manner on an important service matter or makes a false report commits an offence if the crime involves a significant risk of harm to the service. In addition, Section 300 of the Criminal Code criminalises the failure to report a corruption offence. The Code of Ethics for Law Enforcement also contains a rule (V.7) calling for LEOs to report immediately any information with a view to preventing corruption. According to the authorities, failure to report may give rise to ethical, disciplinary, misdemeanour or criminal proceedings.

232. However, according to the Police Act (Section 12), if the superior of a police officer infringes the law, the officer may report it to the direct superior of that superior; if the infringement is committed by the head of a police department, the report may be addressed to the superior police unit of that department or to the organisation supervising the Police. The person reporting an infringement shall not be sanctioned but shall be held accountable in the case of an unfounded report. The GET takes the view that it is not only contradictory, but also improper to make reporting misconduct by a superior an option and not an obligation. Consequently, **GRECO recommends that a clear requirement be established for police staff to report integrity-related misconduct they come across in the service.**

Whistleblower protection

233. Whistleblower protection is regulated by Act CLXV of 2013 on Complaints and Notices of Public Interest. It establishes a secure electronic system of public interest notifications maintained by the Commissioner for Fundamental Rights.

234. The whistleblower’s personal data are stored in the electronic system, which assigns a unique identification number to the notification. Anonymous notifications should in principle not be investigated, except if they concern a serious violation of rights or interests. The whistleblower may request that his/her personal data only be made available to the Commissioner and his/her staff.

235. The Commissioner for Fundamental Rights acts as an external reporting channel and if necessary, the Commissioner’s office carries out the investigation itself. According to the OECD²⁷, the Commissioner for Fundamental Rights receives around 350 notices annually, but many concern the private sector, which is also covered by Act CLXV. The GET could not ascertain how many of these notices concern the Police.

236. The Commissioner for Fundamental Rights discloses on the Internet a brief summary of the substance and the status of each notification, excluding personal and specific institutional data. When a case has been closed, the name of the institution involved in the notification is disclosed.

²⁷ <https://www.oecd.org/corruption/anti-bribery/OECD-Hungary-Phase-4-Report-ENG.pdf>.

237. Act CLXV prohibits negative consequences for the notifier following the notification and deems such consequences illegal. There is an exception to this prohibition for the communication of untrue information in bad faith.

238. Along the same lines, the Professional Services Act (Sections 267-268) allows members of the professional staff of law enforcement institutions to lodge a service complaint against measures taken by their employer and related to the service relationship. No one may be restricted in the exercise of their right to complain. The complainant must not be disadvantaged if the complaint is unfounded, unless it has been submitted with that intent.

239. Besides Act CLXV, Government Decree 370/2011 on the internal control system and internal control of budgetary authorities foresees the obligation for these authorities, including the Police, to set up internal reporting channels for whistleblowers. According to this decree and ORFK Measure 1/2017 on the procedure for the handling of organisational integrity reports, each organisational unit has such a channel and reports may be received in person, by telephone, post, fax, e-mail or in a closed box, the contents of which are collected on a regular basis. Reports have to be investigated within 30 days or the information must be transferred to the competent unit if relevant. Reports on the results of investigations performed on the basis of integrity reports must be sent to the Anti-Corruption Working Committee of the Police, which uses their contents in its evaluation activities. According to the information provided to the GET, no integrity report was submitted in the period 2017-2020.

240. The regulatory framework on whistleblower protection has some positive features, the most notable of which being the electronic system for the submission of complaints and the anonymity provided for whistleblowers. However, there are several flaws in the system. The Commissioner for Fundamental Rights has only limited formal competence as regards whistleblower complaints and no obligation to follow-up on anonymous complaints. Moreover, it is unclear how the internal and external reporting channels interact and in particular whether whistleblowers have to first go through the internal channel before being able to address their complaint to the Commissioner for Fundamental Rights. Having in mind the strict hierarchical structure of the Police, officers are not likely to report their direct superior to a higher one. There is a crucial need, for the system of internal reporting to be functional, to establish internal channels which are unconnected to the managerial structure of the Police. It is unclear whether the system set up under Decree 370/2011 fulfils this condition and in addition to which it remains largely unused. According to the OECD²⁸, there are historical reasons for a general mistrust of whistleblowers in Hungary. Awareness-raising measures should therefore be taken to highlight the value of whistleblowing in enhancing integrity within the Police and bringing to light any potential wrongdoing.

241. A further hurdle is contained in Section 12 of the Police Act, which prescribes that the person reporting an infringement shall not be sanctioned but shall be held accountable in the case of an unfounded report. This provision is inconsistent with Act CLXV and the Professional Services Act (see paragraphs 239-240) and deviates from well-established whistleblower protection standards on unfounded reporting done in good faith. It may well also in practice deter police officers from reporting irregularities. The authorities indicated after the visit that a draft law transposing Directive (EU) 2019/1937 on the protection of persons who report

²⁸ Implementing the OECD Anti-Bribery Convention – Phase 4 Two-Year Follow-Up Report (June 2021).

breaches of Union law was being prepared, and that the rules on whistleblower protection were expected to change in the near future. In the GET's view, this offers an opportunity to address the concerns expressed in this report as to the current system.

242. In view of the preceding paragraphs, **GRECO recommends (i) strengthening the protection of whistleblowers within the Police and the National Protective Service, including by clarifying the reporting modalities and the prohibition of reprisals against whistleblowers and (ii) conducting dedicated training and awareness-raising activities on whistleblowing for all levels of hierarchy and chains of command.**

Enforcement procedure and sanctions

Ethical and disciplinary proceedings

243. A violation of Section 14 of the Professional Services Act (see paragraph 160) or of the Code of Ethics for Law Enforcement gives rise to ethical proceedings carried out by the HLEC (Section 297 of the Professional Services Act), except if criminal, administrative or disciplinary proceedings are already under way for the same facts.

244. A procedure concerning ethical matters may be initiated further to a report by a member of the HLEC or ex officio by the Ethical Board of the Chamber, composed of 21 members representing the Chamber's different branches. The Board carries out the investigation of the facts and may hear witnesses and experts. The case is decided further to a hearing by an Ethical Council of three members from among the Ethical Board. The procedure foresees the right of the officer's subject to the proceedings to be heard and represented and to have access to the case file.

245. Based on the outcome of the procedure, the HLEC may:

- a. Initiate disciplinary proceedings through the officer's disciplinary authority;
- b. Propose to the competent staff commander that s/he initiates a lifestyle monitoring;
- c. Issue a warning or a reprimand; or
- d. Terminate the proceedings.

246. The decision of the Ethical Council must be motivated but is not susceptible to appeal. The statute of limitation is one year from the alleged violation or three months from the date when the reporting person or authority became aware of the facts.

247. In the event of a violation of a law, decree or internal instruction concerning the work of professional staff of LEOs, disciplinary proceedings are conducted against the person concerned as specified in Chapter XV (Disciplinary Liability) of the Professional Services Act. The detailed rules of the disciplinary procedure are laid down in Decree of the Minister of Interior 11/2006 (III.14) on the Disciplinary Regulations of professional members of armed forces under the control of the Minister of Interior and Decree of the Minister of Interior 5/2019 (III.11) on the disciplinary proceedings that may be taken against a law enforcement administrative employee.

248. According to Section 181 of the Professional Services Act, LEOs are subject to disciplinary action if engaging in any conduct that constitutes a breach of the obligations

stemming from their service activities or service relationship. Paragraph 2 refers to “minor offences”, which may be subject to a simplified procedure and to lighter sanctions – or may be subject to a warning instead of a sanction. Minor offences, however, are not defined in the Act, nor are the offences that are not minor. The GET takes issue with this lack of definition of disciplinary offences. A precise definition of offences, both “regular” and minor offences, is necessary to ensure consistent and foreseeable decision-making and prevent the possible misuse of disciplinary proceedings.

249. The person exercising disciplinary authority – the line manager – initiates and conducts the disciplinary procedure. An investigation is carried out by an investigator appointed by the line manager or a committee in complex cases. The person subject to the proceedings has a right to be heard, has access to all documents of the file and has the right to be assisted legally or represented. The manager decides on a possible sanction and must motivate his/her decision.

250. The following disciplinary sanctions can be imposed:

- Rebuke;
- Reprimand;
- Monetary fine;
- Pay grade reduction;
- Extension of the waiting time for reaching the next pay grade for a duration of 6 months to 2 years;
- Demotion in rank for a duration of 6 months to 2 years;
- Transfer to a lower assignment for a duration of 1 to 2 years;
- Termination of employment.

251. An investigation may be dispensed with for minor offences, in which case the manager decides on a sanction after hearing the person concerned. Besides a warning, which is not considered as a sanction in the Professional Services Act, the possible sanctions for minor offences are a rebuke, reprimand and monetary fine.

252. The person concerned may lodge a complaint against the disciplinary sanction with the line manager’s superior. Appeal against the superior’s decision may be lodged before the Labour Court.

253. The GET is concerned about the fact that disciplinary proceedings are almost entirely in the hands of line manager, who is responsible for initiating proceedings, appointing an investigator or an investigating committee in complex cases, overseeing the results of the investigation and deciding on a sanction. This lack of separation between the authority to initiate and conduct proceedings and the authority to decide on sanctions may be conducive to a lack of impartiality and fairness in the proceedings.

254. In view of the preceding paragraphs, **GRECO recommends (i) that the breaches of duties by staff of the Police and the National Protective Service that may give rise to disciplinary action be clearly defined, including by specifying the distinction between minor and other offences and (ii) reviewing the disciplinary regime with a view to excluding any possibility of a supervisor deciding on discipline matters single-handedly.**

Criminal proceedings and immunities

255. Police and NPS staff do not enjoy immunities or other procedural privileges.

256. For the purposes of the Criminal Code, members of the professional staff of the Police and the NPS are considered as soldiers. Accordingly, they are subject to military criminal proceedings when committing a military crime under Chapter XLV of the Criminal Code. Military crimes are: violation of duty prestige, giving offence to a subordinate, abuse of superior power, failure of superior care, failure of superior measures, failure of control, threaten of standby, breach of duty of commander, shirking military obligations, martial morale disruption.

257. In such a case, the investigation is performed by a military prosecutor according to military criminal proceedings on the basis of the Criminal Proceedings Act. The military council of the regional court adjudicates the case in the first instance, and the military council of the Budapest Court of Appeal renders a judgment in the second instance.

258. For crimes other than military crimes, police and NPS officers are subject to regular criminal proceedings.

259. The Police receives court judgments containing final condemnations of officers for corruption-related activities. Pursuant to Order 2/2014 on the task of preventing corruption in the bodies under the Minister of Interior, managers have to ensure that the contents of the judgments are disclosed to their staff – without mentioning personal data – and may be used in case studies, training videos and printed or online training materials.

Statistics

	Criminal proceedings against police staff for corruption that have been closed with a final decision					
	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>
Condemned Persons	53	50	54	49	24	19

Criminal and disciplinary proceedings against police staff following audits by the Budget Control Office of the Police			
Year	Commander investigation	Disciplinary proceedings	Criminal proceedings
2015	-	11	-
2016	-	1	-
2017	-	-	-
2018	-	8 8 warnings	-
2019	2 – verbal warning	43 31 warnings, 2 downgrades, 2 reprimands, 5 dismissals	1
2020	1 - verbal warning given to 2 persons	3 – criminal proceedings pending, and disciplinary proceedings suspended for 2 persons; 1 person found guilty in criminal proceedings, received a reprimand in disciplinary proceedings	

VI. RECOMMENDATIONS AND FOLLOW-UP

260. In view of the findings of the present report, GRECO addresses the following recommendations to Hungary:

Regarding central governments (top executive functions)

- i. **reinforcing the current employment regime applicable to the Prime Minister's agents, subjecting them to integrity requirements equivalent to those applied to persons with top executive functions (paragraph 36);**
- ii. **that the name and duties of all political and personal advisers to the Prime Minister, ministers and state secretaries be published on the government's and ministries' internet sites and that this information be kept up to date (paragraph 37);**
- iii. **that the salary system for persons entrusted with top executive functions be reviewed in order to provide for equal treatment of all persons exercising similar functions (paragraph 46);**
- iv. **that a risk analysis covering persons entrusted with top executive functions' specific integrity risks be carried out on a regular basis and that remedial measures be included in the anti-corruption strategies and action plans (paragraph 52);**
- v. **(i) that a code of conduct for persons with top executive functions be adopted, published and complemented with clear guidance regarding conflicts of interest and other integrity related matters (such as gifts, contacts with third parties, outside activities, contracts with state authorities, the handling of confidential information and post-employment restrictions) and (ii) that such a code be coupled with a credible and effective mechanism of supervision and sanctions (paragraph 56);**
- vi. **developing efficient internal mechanisms to promote and raise awareness of integrity matters in the government, including confidential counselling and training at regular intervals of persons entrusted with top executive functions (paragraph 57);**
- vii. **broadening the scope of information falling under freedom of information legislation, avoiding exceptions or derogations and shortening the time for answering access requests, in order to ensure that the public and the media may use this tool to scrutinise the government's activities (paragraph 63);**
- viii. **that an appropriate level of consultation on government draft legislation be effectively ensured and that only specific and limited exceptions to this rule made possible and clearly regulated (paragraph 68);**
- ix. **that (i) rules be introduced on how persons entrusted with top executive functions engage in contacts with lobbyists and other third parties who seek to influence the government's legislative and other activities; and (ii) sufficient information about the purpose of these contacts be disclosed, such as the identity of the person(s)**

with whom (or on whose behalf) the meeting(s) took place and the specific subject matter(s) of the discussion (paragraph 71);

- x. that (i) the conflicts of interest regime be broadened so as to include decision-making processes and financial interests and (ii) a requirement of *ad hoc* disclosure be introduced in respect of persons exercising top executive functions in situations of conflicts between their private interests and official functions, when they occur (paragraph 80);**
- xi. that a full set of rules be drawn up on gifts and other benefits for persons occupying top executive functions, in the form of practical and relevant directives requiring them to declare gifts and other benefits, and that this information be made available in a timely manner to the public (paragraph 90);**
- xii. that (i) rules on post-employment restrictions be developed and applied in respect of all persons entrusted with top executive functions and (ii) an effective enforcement mechanism regarding these rules be implemented (paragraph 94);**
- xiii. that (i) asset declarations be filed electronically and (ii) political advisers and the Prime Minister's agents be subject to the same disclosure requirements as senior political leaders (paragraph 101);**
- xiv. that (i) asset declarations submitted by persons entrusted with top executive functions be subject to an enhanced, proactive and substantive control mechanism, connected to an enforcement regime; and (ii) comprehensive statistics on the control of asset declaration and on the results of this control be established (paragraph 110);**
- xv. ensuring that the procedures for lifting immunity do not hamper criminal investigations in respect of ministers and secretaries of state who are also parliamentarians suspected of having committed corruption related offences (paragraph 114);**

Regarding law enforcement agencies (Police and NPS)

- xvi. that the selection and appointment of the National Police Commissioner and the Director General of the National Protective Service be carried out according to a formal, merit-based, competitive and transparent procedure applied to all candidates (paragraph 125);**
- xvii. that (i) sufficient operational independence of the Police be provided for in law and ensured in practice; and that (ii) the Police, as a main rule, not be subject to outside instructions in individual cases and any individual instruction be properly documented in writing (paragraph 127);**
- xviii. that measures be taken to increase the representation of women at all levels of the National Police and the National Protective Service (paragraph 136);**

- xix. that corruption risk analyses covering the Police and the National Protective Service be broadened to cover better also the senior and top managerial levels and that remedial measures be adopted accordingly (paragraph 158);**
- xx. that the Code of Ethics for Law Enforcement be further elaborated to cover in detail all relevant integrity issues (such as conflicts of interest, gifts, contacts with third parties, outside activities, handling of confidential information) and that it be complemented by tailor-made practical guidance and examples for the staff of the Police and the National Protective Service (paragraph 165);**
- xxi. that a mechanism be introduced for providing confidential counselling on ethical and integrity matters for staff of the Police and of the National Protective Service (paragraph 170);**
- xxii. that managers in the Police and the National Protective Service be appointed by the National Police Commissioner and the Director General of the National Protective Service respectively, following a formal, transparent and merit-based competitive process (paragraph 183);**
- xxiii. that the conflicts of interest regime be broadened so as to include decision-making processes and financial interests (paragraph 196);**
- xxiv. that the system of donations to the police services be reviewed in order to provide that (i) proper safeguards for police independence against possible conflicts of interest are in place and (ii) donations received are published on a regular basis, including online, indicating the nature and value of each donation, as well as the donor's identity (paragraph 206);**
- xxv. that a study be conducted concerning the activities of Police and National Protective Service officers after they leave the Police and that, if necessary in the light of the findings of this study, rules be established to ensure transparency and limit the risks of conflicts of interest (paragraph 211);**
- xxvi. that the current mechanism within the Police for dealing with complaints from members of the public against police misconduct be reviewed with a view to ensuring sufficient independence, autonomy and transparency in respect of such investigations (paragraph 230);**
- xxvii. that a clear requirement be established for police staff to report integrity-related misconduct they come across in the service (paragraph 232);**
- xxviii. (i) strengthening the protection of whistleblowers within the Police and the National Protective Service, including by clarifying the reporting modalities and the prohibition of reprisals against whistleblowers and (ii) conducting dedicated training and awareness-raising activities on whistleblowing for all levels of hierarchy and chains of command (paragraph 242);**

xxix. (i) that the breaches of duties by staff of the Police and the National Protective Service that may give rise to disciplinary action be clearly defined, including by specifying the distinction between minor and other offences and (ii) reviewing the disciplinary regime with a view to excluding any possibility of a supervisor deciding on discipline matters single-handedly (paragraph 254).

261. Pursuant to Rule 30.2 of the Rules of Procedure, GRECO invites the authorities of Hungary to submit a report on the measures taken to implement the above-mentioned recommendations by 31 December 2023. The measures will be assessed by GRECO through its specific compliance procedure.

262. GRECO invites the authorities of Hungary to authorise, at their earliest convenience, the publication of this report, and to make a translation of it into the national language available to the public.

About GRECO

The Group of States against Corruption (GRECO) monitors the compliance of its member states with the Council of Europe's anti-corruption instruments. GRECO's monitoring comprises an "evaluation procedure" which is based on country specific responses to a questionnaire and on-site visits, and which is followed up by an impact assessment ("compliance procedure") which examines the measures taken to implement the recommendations emanating from the country evaluations. A dynamic process of mutual evaluation and peer pressure is applied, combining the expertise of practitioners acting as evaluators and state representatives sitting in plenary.

The work carried out by GRECO has led to the adoption of a considerable number of reports that contain a wealth of factual information on European anti-corruption policies and practices. The reports identify achievements and shortcomings in national legislation, regulations, policies and institutional set-ups, and include recommendations intended to improve the capacity of states to fight corruption and to promote integrity.

Membership in GRECO is open, on an equal footing, to Council of Europe member states and non-member states. The evaluation and compliance reports adopted by GRECO, as well as other information on GRECO, are available at: www.coe.int/greco.
