

FIFTH EVALUATION ROUND

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

COMPLIANCE REPORT

HUNGARY



Adopted by GRECO
at its 97th Plenary meeting (Strasbourg, 17-21 June 2024)



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

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

I. INTRODUCTION

1. The fifth GRECO evaluation round concerns “Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies”.
2. This Compliance Report assesses the measures taken by the Hungarian authorities to implement the recommendations made in the [Fifth Round Evaluation Report on Hungary](#) which was adopted by GRECO at its 91st plenary meeting (13-17 June 2022) and made public on 9 June 2023, following authorisation by Hungary.
3. As required by GRECO’s Rules of Procedure,¹ the Hungarian authorities submitted a Situation Report containing information on measures taken to implement the recommendations in the Evaluation Report. That report was received on 16 February 2024 and served as a basis for this Compliance Report.
4. GRECO selected Netherlands (in respect of top executive functions in central governments) and Bulgaria (in respect of law enforcement agencies) to appoint Rapporteurs for the compliance procedure. The Rapporteurs appointed were Mr Loek MATHIES, on behalf of Netherlands, and Mr Lachezar ZLATKOV on behalf of Bulgaria. They were assisted by GRECO’s Secretariat in drawing up this report.
5. The Compliance Report assesses the implementation of each individual recommendation contained in the Evaluation Report and gives an overall appraisal of the level of the member’s compliance with these recommendations. The implementation of any outstanding recommendations (partly or not implemented) will be assessed on the basis of a further Situation Report to be submitted by the authorities 18 months after this Compliance Report is adopted.

II. ANALYSIS

6. GRECO addressed 29 recommendations to Hungary in its Evaluation Report. Compliance with these recommendations is dealt with below.

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

Recommendation i

7. *GRECO recommended 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.*
8. The authorities report that there are currently a total of eight Prime Minister’s agents acting as personal advisers, whose activities are published in detail on the Government’s

¹ The compliance procedure for the Fifth Evaluation Round is governed by GRECO’s Rules of Procedure as amended. See Rule 31 revised bis and Rule 32 revised bis.

official website, including their names.² The authorities reiterate that Act CXXV of 1995 on National Security Services provides that a Prime Minister's agent is subject to national security vetting and their legal relationship is governed by government-administrative/public law (Section 15, Act CXXV, 2018).

9. GRECO takes note of this information, which has already been taken into account in the Evaluation Report (see paragraphs 34-36). The issue raised in this recommendation is the absence of clear rules governing the employment of Prime Minister's agents. The concern remains the same as in the Evaluation Report despite the information received that these agents are not hired through private law but public law contracts. This is because, even if some of the provisions of the Act on Central Government Administration (Act CXXV of 2018) apply to the agents, the provisions on term of mandate, selection, remuneration, service rewards, performance evaluation and training do not. The agents are subject to national security vetting, but do not appear to be subject to integrity rules, unlike other PTEFs. This needs to be addressed as it may give rise to conflicts of interest in connection to any functions or activities carried out by these agents prior to their employment or in parallel with their role as Prime Minister's agents.
10. GRECO concludes that recommendation i has not been implemented.

Recommendation ii
11. *GRECO recommended 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.*
12. The authorities report that the names and areas of activity of all government commissioners, agents and ministerial commissioners are publicly available, partly on the Government's official website and partly (for government commissioners and ministerial commissioners) in the Government's decisions and Minister instructions that define their work, which are also public:
 - Contact details of the Prime Minister's agents:
<https://kormany.hu/miniszterelnok/miniszterelnoki-megbizottak-2022>;
 - Contact details of the Prime Minister's commissioners:
<https://kormany.hu/miniszterelnok/miniszterelnoki-biztosok-2022>;
 - Contact details of the Government Commissioners:
<https://kormany.hu/kormanybiztosok-2022>.
13. Information on the Ministerial Commissioners is available on the official Government website of each Ministry, for example, the Ministerial Commissioners of the Ministry of Justice at <https://kormany.hu/igazsagugyi-miniszterium/miniszteri-biztosok>.

² <https://kormany.hu/miniszterelnok/miniszterelnoki-megbizottak-2022>

14. The authorities also indicate that, in Hungary, a political adviser is a type of government official who can only be employed in specific departments of specific ministries (see Act CXXV of 2018 on Central Government Administration, paragraph 214 (1)). They are appointed for a fixed term, for the duration of the mandate of the Prime Minister/Minister/Secretary of State (see Act CXXV of 2018, paragraph 214 (2)) and are subject to the rules applicable to government officials in most cases, including, for example: conflict of interests (see Act CXXV of 2018 paragraph 214 (5)).
15. GRECO takes note of the information provided by the authorities. It welcomes that information on the Prime Minister's agents, the Prime Minister's commissioners and the Government Commissioners is available online. However, this was already established in the Evaluation Report (see paragraph 37). In order to improve transparency around the composition of ministerial cabinets and the functions of their members, the names and duties of all political and personal advisers to the PM, ministers and state secretaries should also be made publicly available (e.g. on websites such as for Prime Minister's Cabinet), as foreseen by this recommendation. This seems to currently not be the case.
16. GRECO concludes that recommendation ii has not been implemented.

Recommendation iii

17. *GRECO recommended 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.*
18. The authorities report that the remuneration of persons entrusted with top executive functions is determined by Act XLIII of 2010 on Central Government Entities and on the Legal Status of Members of the Government and State Secretaries. Their remuneration is determined by the Prime Minister and published on the official website of the Government.
19. As regards the term "equal treatment of all persons exercising similar functions" for political and government leaders, the authorities point out that the salaries of economic and political leaders cannot be the same in a democratic state governed by the rule of law, as the state has no influence on economic life that affects the setting of salaries.
20. GRECO takes note of this information. It would like to clarify that this recommendation addresses the salary system for PTEFs, as identified in the Evaluation Report: the PM, ministers, commissioners, political state secretaries, political advisers, envoys, the PM's political directors and the PM's agents. This is not a comparison of salaries of PTEFs and economic actors in the private sector, which are not the focus of this evaluation round.
21. To that end, this recommendation addresses what the Evaluation Report found to be a complex and opaque salary system in which a lot of discretionary power is given to the PM to modulate/fix the salary of ministers, state secretaries etc. It recommends that the salary system be reviewed so that PTEFs with similar functions are treated equally. This

should encourage PTEFs, when seeking their position, to be guided by the wish to enhance their political credibility, not by financial opportunity.

22. GRECO concludes that recommendation iii has not been implemented.

Recommendation iv

23. *GRECO recommended 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.*
24. The authorities report that integrity and corruption risks regarding the operation of public authorities are assessed annually (every 31 December), pursuant to Government Decree 50/2013 (II. 25) on the system of integrity management in public administration bodies and procedural rules for receiving lobbyists. An annual risk management action plan (hereinafter: action plan) is then prepared on the basis of this assessment. This action plan is annexed to the institutional work plan, pursuant to Chapter 15 of Government Decree 38/2012 (12.III) on strategic government management. The implementation of the action plan and its results are summarised by the head of the office in an integrity report, which is sent to the minister responsible for the development of public administration and the minister responsible for law enforcement by 15 February of the year following the year under review. The head of the office ensures that integrity and corruption risks related to the operation of the office concerned are reported and investigated and draws up internal rules for this purpose. The head of the public administration body appoints an integrity adviser to assist in the management of integrity and corruption risks and to coordinate integrity management- and internal-control systems.
25. The authorities also highlight that the National Anti-Corruption Strategy for 2024-2025 has been revised, placing strong emphasis on the risk management of the entire public administration. The Strategy has also been commented on and shared with the members of the Anti-Corruption Task Force.
26. GRECO takes note of this information, which has largely been included in the Evaluation Report (see paragraphs 47 to 52) and welcomes the National Anti-Corruption Strategy for 2024-2025. However, as no further progress has been made and no evidence has been provided that a risk analysis (and remedial measures) for PTEFs has been carried out, GRECO concludes that recommendation iv has not been implemented.

Recommendation v

27. *GRECO recommended 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.*

28. The authorities report that, in addition to the rules on conflicts of interest and the prohibition of co-employment in Act CXXV of 2018 on Central Government Administration, an integrity policy has been adopted by the ministries on the basis of Government Decree 50/2013 (II. 25.) on the system of integrity management at public administration bodies and the procedural rules for receiving lobbyists. This integrity policy also contains and regulates the rules on gifts and lobbyists. The scope of the integrity policy extends not only to "subordinate" government officials, but also to everyone, including persons with executive functions in the central government.
29. The authorities add that points III.4. and III.5. of the Code of Ethics of the Hungarian Faculty of Government Officials provide for the refusal to accept gifts and the rejection of undue advantage. Pursuant to Section 77, paragraph (3), point b) of Act CXXV of 2018 and points II.2. c) and IV.4. c) of the Statute of the Hungarian Faculty of Government Officials, all members of the Hungarian Faculty of Government Officials must accept these provisions.
30. GRECO takes note of this information, which was already provided for the Evaluation Report. In the absence of any further progress, GRECO concludes that recommendation v has not been implemented.

Recommendation vi

31. *GRECO recommended 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.*
32. The authorities report that the issues covered by this recommendation are regulated by Government Decree 50/2013 (25.II.) in addition to the conflicts of interest rules and the prohibition of co-employment in Act CXXV of 2018 on Central Government Administration. In addition, pursuant to Sections 6 and 9 of Government Decree no. 50/2013 (25.II.), the integrity adviser shall – on the basis of the action plan – propose the organisation of training courses on professional ethics and anti-corruption for the public administration body and shall contribute to their implementation. The integrity adviser provides information and advice to the heads and employees of the administration body on ethical issues in accordance with the legislation and rules of professional ethics in force. The heads and officials of public administrative bodies are obliged to participate in central and departmental training courses on integrity, corruption prevention and ethics organised for the purpose of developing and operating the integrity management system of the public administration body and ensure the participation of their subordinate colleagues in such courses.
33. The authorities also refer to the new National Anti-Corruption Strategy for 2024-2025, which provides an answer to this issue, for example in Chapter 5.2.: *"The codes of conduct provide guidance, as well as procedural rules for refusing any offered benefit and provide for the conduct to be followed in accepting gifts and other benefits. The mechanisms developed to prevent corruption should also apply effectively to persons*

with top executive functions and their advisers, Members of Parliament (National Assembly) and the employees of the Office of the National Assembly, taking into account the specific nature of their positions and the differences between them."

34. The National Anti-Corruption Strategy for 2024-2025 also contains a mandate for the Government to call on the relevant bodies to draw up a code of ethics for persons with top executive functions and their advisers, Members of Parliament (National Assembly) and employees of the Office of the National Assembly. In particular, the code of ethics should deal with conflicts of interest issues, the acceptance of gifts and other benefits, post-employment restrictions, rules of contact with lobbyists, the employment and referral for employment of their relatives and to enhance integrity awareness, including the procedural rules of enforcement mechanism.
35. GRECO takes note of this information, which was largely provided for the Evaluation Report, and welcomes the new National Anti-Corruption Strategy for 2024-2025. The issue at hand, however, is the shortcoming that politically appointed top executive officials, including political advisers, are not subject to the Code of Professional Conduct and Ethics because they are not members of the Faculty of Hungarian Government Officials. Hence, there is no code of conduct or ethical rules that applies to them. The new National Anti-Corruption Strategy may address this issue, however, for the moment there is not enough information regarding progress made in this respect.
36. GRECO concludes that recommendation vi has not been implemented.

Recommendation vii

37. *GRECO recommended 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.*
38. The authorities report that the state of danger provisions previously introduced in the field of freedom of information, which led to extending the time provided for answering access requests, have been repealed. Data requests submitted after 31 December 2022 are only subject to the provisions of Act CXII of 2011 on the Right to Informational Self-Determination and on the Freedom of Information (hereinafter: the Info Act). Hence, the deadline of 45+45 days no longer applies, and all data requests must be dealt with within 15 days. This deadline may be extended once by another 15 days, if justified.
39. The authorities reiterate that, with respect to broadening the scope of information falling under the Info Act and avoiding exceptions or derogations, the current legislation on freedom of information is already very extensive and comprehensive, as it is. The authorities also reiterate that Hungary is a party to the [Council of Europe Convention on Access to Official Documents](#) (Tromsø Convention), which entered into force for Hungary in 2020.

40. The authorities refer to Act XXVIII of 2022 on the amendment of certain acts in relation to the monitoring of the utilisation of budgetary sources from the European Union, (which entered into force on 13 October 2022), which no longer allows for the reimbursement of the disproportionate use of human resources (i.e. this affects those dealing with the gathering of information for unusually larger requests). Government Decree no. 382/2022. (X.10.), amending the Costs Decree, sets out cost limits regarding the remaining cost elements, i.e. costs of making copies and delivery costs. Based on these rules, only costs actually incurred and defined by law may be taken into consideration, as follows: i) the cost of the data-storage medium that contains the requested data, ii) the cost incurred by delivering the data-storage medium that contains the requested data to the requesting party.
41. The authorities also refer to Act no. XLIV of 2022 on the Directorate General for Audit of European Funds and on the amendment of certain acts adopted at the request of the European Commission for the successful closure of the rule of law procedure. This has established the Central Information Public Data Register (Info Act was completed with a new § 24/B), the regulation of which entered into force on 29 November 2022. The Info Act provides that (Article 37/C(1)), budgetary organs publish, on a bi-monthly basis and in a manner ensuring availability for at least ten years from publication, data specified in subsection (2) broken down as specified in subsection (3) on the platform of the Central Information Register of Public Data (hereinafter: “the Platform”): <https://kif.gov.hu/>. This Platform is overseen by the National Data Asset Management Agency (NAVÜ) and accessible to everyone. A budgetary organ is defined by Article 7 (1) of Act no. CXCV of 2011 on Public Finances as a legal person established for the fulfilment of a public task as defined by law or deed of foundation.³ The data of these budgetary organs that are to be published on the Platform is detailed and ranges from contracts on supplies, works, services, transfer of assets to payments made for purposes other than the performance of their core task to the ratio and currency of national and EU funds used. Bodies which fail to publish this information are subject to a fine of up to HUF 50 million (approx. EUR 129 000).
42. In addition, Act no. XL. of 2022 on the amendment of the Info Act entered into force on 31 December 2022. It adds a new subtitle 21/A (Court action to be brought in respect of requests for access to data of public interest) to the Info Act introducing, among others, speeding up the court procedure for access to information cases.

³ National Authority for Data Protection and Freedom of Information:

Pursuant to Chapter VI/B (Section 71/D) of the Freedom of Information Act the new monitoring tasks of the Authority are as follows:

- The Authority shall monitor all bodies with public service functions, including government and law enforcement organisations, based on the data reported to the Authority which includes fulfilment of requests for access to data and also the implementation of their electronic publication practice.
- The Authority may request data from the monitored organs, which shall be complied with within 8 days of the receipt of the request.
- The Authority may make recommendations to the monitored organs to which the audited body shall prepare an action plan and present it to the Authority within fifteen days.
- The Authority shall draw up a report on monitoring procedures on an annual basis, as part of its annual report.
- The monitoring procedure may be carried out *ex officio* or based on a notification.

43. Parliament adopted Act no. CI of 2023 on the “Regime of Utilisation of the National Data Assets and on Certain Services”, which also amends the Info Act. It entered into force on 1 January 2024 and introduces, among others, a new Chapter VI/B, which establishes new tasks and powers for the National Authority for Data Protection and Freedom of Information.⁴ It also introduces an expanded reporting obligation for the organs performing public tasks, i.e. the municipalities and the publicly owned companies. These organs are required to provide data by 31 January of each year for the previous year on, among others, the number of cases fulfilled or refused for access to data of public interest or data accessible on public interest grounds; time needed to deal with requests and availability of the publication of data of public interest or data accessible on public interest grounds on the internet. The organs keep records of data requests refused⁵ and the reasons for their refusal (as was done before) – the reporting obligation started on 1 January 2024.
44. The authorities also reiterate the tasks of the National Authority for Data Protection and Freedom of Information under the Info Act, within the framework of the monitoring of freedom of information.
45. GRECO welcomes that exceptions or derogations affecting freedom of information have been partly addressed by repealing state of emergency provisions and that this will have some effect on the length of time for answering access requests. GRECO also welcomes that the reporting obligations of budgetary organs have been expanded and takes note of the aim of newly adopted amendments to speed up court proceedings with respect to access to information cases. However, much of the information provided with respect to broadening the scope of information falling under the Info Act and avoiding exceptions or derogations was already included in the Evaluation Report. Additional efforts are required to meet this recommendation as set out in the Evaluation Report. For instance, addressing the definition of “public funds” provided by the Ninth Amendment to the Fundamental Law, which seems to allow for restrictions to the provision of information – in particular in relation to public interest asset management foundations. Another concern raised in the Evaluation Report that should be addressed is the selective access to the government’s weekly media conference (see paragraph 62 of the Evaluation Report).
46. GRECO concludes that recommendation vii has been partly implemented.

⁴ Instead of the previous once-a-year obligation to provide data on statistics on rejected data requests, the legislator introduced a new obligation to provide data, under which the National Authority for Data Protection and Freedom of Information shall conduct an investigation twice a year of the bodies obliged to provide data, on which it will issue a report and may make recommendations. The head of the body concerned by the proposal will draw up an action plan to implement the necessary measures and send it to the Authority within 15 days of receipt of the proposal.

⁵ The bodies also keep a record of the requests for data that have been fulfilled, which has made the scope of data provision more complete.

Recommendation viii

47. *GRECO recommended 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.*
48. The authorities report that, to reach an agreement with the European Commission, a number of provisions to promote the practical implementation of public consultations have been introduced by Act XXX of 2022 amending Act CXXX of 2010 on Legislation (law-making) and Act CXXXI of 2010 on Public Participation in Developing Legislation (hereinafter: the new Act). It entered into force on 26 October 2022.
49. Under the Amendments, the authorities explain that 90 % of the draft laws and government and ministerial decrees are subject to prior public consultation. A public report on this data is published by the Government Control Office once a year, by 31 January. The body auditing European funds validates the data on the achievement of the objective under the new Act and also issues its report once a year, by 31 March. As all drafts are subject to public consultation, any exceptions must provide duly justified reasons.⁶ A summary of the preliminary impact assessment is published with the draft subject to public consultation. The new Act stipulates that the Hungarian Central Statistical Office is to provide official statistical data for the preliminary impact assessment during the preparation of the legislation and for the impact assessment after the publication.
50. The authorities underline that an overriding public interest in the urgent adoption of a measure can no longer be invoked in order to curtail public consultation. During public consultation, comments, opinions or proposals on the drafts may be submitted on the government website by anyone for a period of at least eight days. These are then considered and analysed for a period of at least five days before a government decision is rendered (for draft laws or government decrees) or before the enactment of a draft decree (for ministerial decrees).

⁶ According to Act CXXXI of 2010 on Public Participation in the Preparation of Legislation, the exceptions may be:

5. §

(3) No public consultation shall be required

a) on payment obligations,

b) on state aid,

c) on the budget, on the implementation of the budget,

d) aid from European Union or international sources,

e) the signature of an international treaty; and

f) the establishment of the organisation and institution,

draft legislation on the establishment of an institution or body.

(4) No draft or concept may be submitted for public consultation if consultation would jeopardise the protection of Hungary's particularly important interests in the fields of defence, national security, finance, foreign affairs, nature conservation, environmental protection or heritage protection.

See here: <https://njt.hu/jogszabaly/2010-131-00-00>

51. The new Act also provides that the Government Control Office verifies whether the ministers responsible for the preparation of the legislation fulfil their obligations under the new Act. A fine (Government Decree no. 567/2022 (XII. 23.) is imposed in case of non-compliance with the new Act's provisions (minimum fine is HUF 1 million (approx. EUR 2 600), the maximum is HUF 100 million (approx. EUR 258 000)). The imposition of a fine is subject to a time limit, which ensures that failure to comply with the obligation has a swift and certain consequence. In addition, the fine must be sufficiently substantial to have a deterrent effect.
52. GRECO welcomes the new Act of 2022 amending the prior Act of 2010 on Public Participation in Developing Legislation, which aims to promote the practical implementation of public consultations. It is recalled that one of the crucial issues raised in the Evaluation Report was implementation practice (rather than legislative deficiencies) regarding public consultations. For this reason, it is encouraging that the Government Control Office monitors whether ministers comply with the obligations relating to public consultation and issues an annual report thereafter, as well as that sanctions are provided in case of non-respect of public consultation obligations.
53. It would also appear that, pursuant to the new legislation, the general norm is for public consultations to be carried out, as opposed to divergent practice developed during emergency times, which was flagged in the Evaluation Report (see paragraph 67 of the Evaluation Report). Exceptions to the rule of public consultation are still allowed for duly justified reasons. In this connection, the recommendation calls for (specific and limited) exceptions to be clearly regulated. GRECO has also misgivings as to the minimum timeframe for public consultations (i.e. eight days), which may prove to be too short to carry out meaningful consultation.
54. Given that there is still limited experience with respect to the new legislative and institutional arrangements, and their effectiveness in practice,⁷ GRECO considers it premature to assess this recommendation as fully addressed. GRECO would further appreciate more information on how the system is operating in practice, including figures on public consultations carried out, exceptions to public consultations (and their justification), average timeframes for consultation (which would allow to assess their sufficiency), etc.
55. Pending consistent practice, which would substantiate that the implementation challenges giving rise to this recommendation are no longer relevant, GRECO concludes that recommendation viii has been partly implemented.

Recommendation ix

56. *GRECO recommended 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*

⁷ See also in this connection [2023 Rule of Law Report Country Chapter on the rule of law situation in Hungary](#).

person(s) with whom (or on whose behalf) the meeting(s) took place and the specific subject matter(s) of the discussion.

57. The authorities reiterate that lobbying is regulated by Act XLIX of 2006 on Lobbying. They also refer to the new National Anti-Corruption Strategy for 2024-2025, which provides for this activity as the government calls upon relevant bodies to draw up codes of ethics by 31 December 2024 for persons with top executive functions and their advisers, for Members of National Assembly (MPs) and for employees of the Office of the National Assembly. These codes are to include rules on the interaction with lobbyists.
58. GRECO takes note of this development. It looks forward to receiving more information on the codes of ethics that will be drawn up to include rules on the interaction of PTEFs and lobbyists.
59. GRECO concludes that recommendation ix has not been implemented.

Recommendation x

60. *GRECO recommended 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.*
61. The authorities reiterate the relevance of the provisions of several texts that had already been taken into account in the preparation of the Evaluation Report, notably: Act CXXV of 2018 on Central Government Administration; Act XXXIII of 2016 on the Status of Public Project Evaluators and on the Amendment of Certain Related Acts; Act CXLIII of 2015 on Public Procurement; Act CXCV of 2011 on Public Finances and Act CLII of 2007 on the Obligation of Declaration of Assets.
62. GRECO notes that no progress has been made with respect to this recommendation.
63. GRECO concludes that recommendation x has not been implemented.

Recommendation xi

64. *GRECO recommended 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.*
65. The authorities report that the new National Anti-Corruption Strategy for 2024-2025 addresses the issue raised in this recommendation. In particular, Chapter 5.2 of this Strategy states that "codes of conduct also provide guidance on the procedural rules to be followed in order to refuse any advantage or benefit offered and provide for the conduct to be followed in accepting gifts and other benefits."

66. GRECO takes note of this information and looks forward to receiving more information on the implementation of this recommendation.

67. GRECO concludes that recommendation xi has not been implemented.

Recommendation xii

68. *GRECO recommended 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.*

69. The authorities report that the new National Anti-Corruption Strategy for 2024-2025 addresses the “revolving doors” phenomenon, and the related code of conduct should also cover post-employment restrictions and rules of contacting lobbyists for persons with top executive functions and their advisers, Members of Parliament (National Assembly) and employees of the Office of the National Assembly. The relevant statutory laws in certain sectors regulate these matters.

70. The authorities then reiterate provisions of Act CXXV of 2018 on Central Government Administration, of Act V of 2013 on the Civil Code and of Act I of 2012 on the Labour Code, which had been taken into account in the preparation of the Evaluation Report.

71. GRECO takes note that the new National Anti-Corruption Strategy for 2024-2025 addresses the “revolving doors” phenomenon, and that the related code of conducts to be prepared should also cover post-employment restrictions. It looks forward to receiving more information on the implementation of this recommendation.

72. GRECO concludes that recommendation xii has not been implemented.

Recommendation xiii

73. *GRECO recommended 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.*

74. The authorities report that Section 94(2) of Act XXXVI of 2012 on the National Assembly entered into force on 31 March 2023 and stipulates that asset declarations made on or after 1 August 2022 by all Members of Parliament (including senior political leaders with executive functions holding the mandate of Members of Parliament (National Assembly)) will be published and accessible by the Committee on Immunity on the website of the National Assembly in a searchable manner. The Committee on Immunity provides a separate link to the website of the National Assembly⁸.

⁸ <https://www.parlament.hu/web/guest/keresheto-vagyonynyilatkozatok-kepviselok>.

75. The authorities reiterate that, pursuant to Act CLII of 2007 on the Obligation of Declaration of Assets, there is an annual declaration of assets for Prime Minister's agents (delegates) and a five-yearly declaration of assets for political advisers. Their declarations are not public. Public declarations of assets are digitalised and published on the Government's website. The "digitisation" of the declarations of assets does not mean merely scanning the declaration, but creating an entirely new electronic document that is completely identical to the original declaration of assets. The content of this electronic document appears in electronic characters (not mere images) and is entirely searchable and can undergo further software operations.
76. GRECO notes that, for the first part of this recommendation, public asset declarations seem to be digitalised and filed electronically, a process that allows them to be compared, which is the aim of this recommendation. It is, however, unclear how all the other PTEFs, who are not MPs, file their asset declarations. Moreover, GRECO notes that no progress has been made in respect of the second part of this recommendation.
77. Therefore, GRECO concludes that recommendation xiii has been partly implemented.

Recommendation xiv

78. *GRECO recommended 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.*
79. The authorities reiterate the relevant provisions of Act CXXV of 2018 on Central Government Administration, already considered in the preparation of the Evaluation Report.
80. GRECO notes that no progress has been made with respect to the implementation of this recommendation.
81. GRECO concludes that recommendation xiv has not been implemented.

Recommendation xv

82. *GRECO recommended 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.*
83. The authorities report that there is a long-standing consistent practice by the National Assembly to lift the immunity of MPs (if applicable to senior political leaders with top executive functions holding a mandate as an MP) in cases of corruption-related criminal offences that are subject to public prosecution. There is, therefore, no procedural obstacle to the conduct of criminal proceedings in such cases.

84. The authorities reiterate that, under Act XC of 2017 on the Code of Criminal Procedure, only the prosecution service is allowed to investigate criminal offences committed by public office holders with immunity or persons with immunity arising under international law. They explain that under this Act, an MP's immunity does not hinder the continuation of the investigation during the detection phase of a corruption offence. This allows the collection and evaluation of evidence necessary to establish reasonable suspicion of such an offence against the MP concerned. Should it be necessary to lift an MP's immunity during the investigation, the Central Chief Prosecution Office of Investigation and the relevant department of the Office of the Prosecutor General take immediate action to submit the motion to lift immunity, and the National Assembly promptly decides on the motion. As an example, the authorities cite ongoing criminal proceedings against a former political state secretary of a Ministry, who was also an MP at the time of the commission of a corruption crime. In this case, the National Assembly lifted the immunity of the MP seven days after the submission of the motion from the Office of the Prosecutor General. The investigating prosecution office promptly proceeded with the interrogation of the suspect. Immunity was lifted in December 2021 and by October 2022 charges were brought against the MP and 21 accomplices.
85. The authorities also reiterate that under Act C of 2012 on the Criminal Code, the limitation period does not include any period during which criminal proceedings could not be commenced or continued due to immunity arising from public office, because the immunity based on an Act was not lifted by the entity authorised to decide on the matter. Hence, immunity is no obstacle to subsequent criminal proceedings.
86. GRECO takes note of this information, most of which was already considered in the Evaluation Report. It notes that the issue leading to this recommendation is that MPs do not merely have functional immunity, but immunity that extends to acts not covering their functions as MPs. Moreover, immunity is not provided for ministers and state secretaries under the Fundamental Law of Hungary. Thus, ministers and state secretaries who are also MPs should not enjoy immunity for acts that are linked to their executive functions. Nothing has been reported to address this shortcoming identified in the Evaluation Report.
87. GRECO concludes that recommendation xv has not been implemented.

Preventing corruption and promoting integrity in law enforcement agencies (Police and NPS)

Recommendation xvi

88. *GRECO recommended 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.*
89. The authorities reiterate that the Fundamental Law of Hungary (Articles T(4) and 46(6)) sets out that detailed rules on the organisation and operation of the Police be laid down

in a cardinal act. This has been done by Act XXXIV of 1994 on the Police (Police Act) adopted by a two-thirds majority of the votes of the Members of the National Assembly. The Police Act sets out that the Director General of the National Protective Service and the National Police Commissioner are appointed and dismissed by the Prime Minister, upon proposal of the Minister of the Interior, after having received the position of the competent parliamentary committee. This selection procedure is also subject to additional rules set out in Government Decree no. 293/2010 (XII.22) on the designation of the police body performing internal crime prevention and detection tasks as well as by detailed rules on the performance of such tasks, lifestyle monitoring and integrity checks.

90. GRECO takes note of this information, which was already taken into consideration in the Evaluation Report. As no further progress has been made, GRECO concludes that recommendation xvi has not been implemented.

Recommendation xvii

91. *GRECO recommended 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.*
92. The authorities reiterate that the Fundamental Law of Hungary sets out that the police operate under the direction of the Government and Government Decree no. 182/2022 (V.24.) on the Duties and Powers of the Members of Government sets out that the member responsible for law enforcement is the Minister of the Interior. The latter has the task of, *inter alia*, preparing legislation on the police. The Police Act sets out that, in the absence of a different provision of the law, the Minister of the Interior may issue individual orders to perform a police task or to correct an omission.
93. In the authorities' view, granting authorisation relating to the control of the Police and the National Protective Service to different levels of control i.e. government, Minister of the Interior, National Police Commissioner, is essential to ensure the efficient and uniform operation of the executive power. The authorities indicate that the National Protective Service is legally guaranteed to have functional (operational) independence, which allows it to act free from external influence, excluding any interlocking or other form of direct or indirect external influence that could affect its decisions.
94. GRECO takes note of this information which adds nothing new to the situation that was assessed in the Evaluation Report, no change or progress has been reported in this domain. Against this background, GRECO reaffirms the importance that the principle of operational independence of the police in individual cases under the rule of law be clearly articulated. This has not been addressed nor has the concern that instructions from the political level, as a rule, be limited to issues such as strategic planning, budgetary matters, etc.
95. Therefore, GRECO concludes that recommendation xvii has not been implemented.

Recommendation xviii

96. *GRECO recommended that measures be taken to increase the representation of women at all levels of the National Police and the National Protective Service.*
97. The authorities reiterate that Chapter VI of XLII Act of 2015 on the Service Status of the Professional Staff of Bodies Performing Law Enforcement Tasks (the Professional criteria system Services Act) and its implementing regulation determine a gender-independent, objective criteria system (based on e.g. education, health, physical and psychological) for both the Police and the National Protective Service. According to the report on the gender distribution of the Police, prepared on 1 January 2023, women employed by the Police make up 36% of the total staff. When examining the gender distribution of the members of the professional staff within each rank, it is established that, as of 1 January 2023, the proportion of women employed within the officer rank staff (officer, senior officer, or general) is 33% of the entire staff group, while in the case of the deputy officer staff group, it makes up 21% of the entire staff group.
98. The authorities report that one clear example of the pursuit of gender balance is the promotion of adequate representation of women at the organisational level of the National Protective Service. Since 2021, the Director-General of the organisation has been a female general, a number of women have also been appointed as senior managers in departments reporting directly to the Director General.
99. GRECO takes note of this information. No specific details have been provided regarding ongoing policies to achieve the goal of promoting gender balance in the police.
100. GRECO concludes that recommendation xviii has not been implemented.

Recommendation xix

101. *GRECO recommended 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.*
102. The authorities refer to the application of the Professional Services Act laying down the conditions for the establishment of professional relations, the aim of which are to eliminate potential corruption risks. They also refer to the application of Act CXXV of 1995 on National Security Services, which sets out the scope of persons subject to national security vetting. These include the National Commander of the law enforcement body and his/her deputy, the National Police Commissioner, head of the county police station and the head of the border police station, all persons appointed to the rank of general, and the entire staff of the National Protective Service. The authorities also refer to the Minister of Interior's (BM) Decree no. 15/2015 (IV. 10.) on the determination of persons subject to national security vetting, on the tasks and powers of the Minister of the Interior and provide further detailed rules regarding the service positions subject to national security vetting. The authorities also refer to

Government Decision no. 1328/2020 (19.VI.) on the Adoption of the Medium-Term National Anti-Corruption Strategy for the period 2020-2022 and the related action plan, on the assessment of the jobs at risk of corruption, which was carried out for both executive and senior levels of the police.

103. The authorities also refer to a mapping of jobs and positions with a high risk of corruption and integrity, which was carried out with the assistance of the National University of Public Service. The data of this mapping exercise were incorporated into the system of the National Protective Service. Data analysis was carried out by the Central Office of Statistics. This will enable the National Protective Service to carry out more effective preparatory procedures and intelligence activities than at present. The assessments and analysis will continue in the implementing measures of the next National Anti-Corruption Strategy for 2024-2025.
104. GRECO welcomes that a mapping exercise of jobs and positions with a high risk of corruption has been carried out. It is looking forward to receiving further information with respect to its development, and the corresponding remedial measures, under the National Anti-Corruption Strategy for 2024-2025.
105. GRECO concludes that recommendation xix has been partly implemented.

Recommendation xx

106. *GRECO recommended 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.*
107. The authorities refer to Chapter II of the Professional Services Act, which sets out the basic principles governing service/professional relations e.g. requirement of good faith, integrity in the exercise of one's function and the prohibition of the abuse of rights, which also applies to civil staff of law enforcement and contract border guards. The Act also defines the ethical principles of the law enforcement profession, including loyalty, prioritising the national interest, dignity and fairness, freedom from prejudice, impartiality, sense of responsibility, professionalism, cooperation and proportionality. For higher-level staff, there is – among others – the additional requirement of setting an example. The National Police Headquarters Measure no. 1/2017 (II. 14) contains detailed rules on the reception and investigation of reports regarding integrity and corruption risks related to the operation of the National Police Headquarters.
108. The authorities also refer to the National Anti-Corruption Strategy for 2024-2025 (and its Action Plan). It will address the need for defining and enforcing specific ethical and conduct requirements with respect to the prevention, detection and correction of conflicts of interest situations (gifts, benefits, third-party relations, lobbying, revolving doors etc.).

109. GRECO takes note of this information and would like to clarify that, for this recommendation, GRECO had taken into account that integrity issues are covered by other legal provisions and internal police norms (see paragraph 165 of the Evaluation Report). It therefore called on the authorities to address rules of ethics and integrity in one single text, for the sake of clarity and accessibility. This has not yet been done, although the authorities anticipate that the development of a code would come under the measures envisaged in the National Anti-Corruption Strategy for 2024-2025. This intention needs to materialise in practice.

110. GRECO concludes that recommendation xx has not been implemented.

Recommendation xxi

111. *GRECO recommended 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.*

112. The authorities reiterate that the existing procedure ensures the detection of integrity and corruption risks related to the police. In addition, the National Protective Service regularly organises and conducts integrity awareness-raising trainings for its own staff. Staff can contact the staff of the Prevention of Corruption Department for assistance in case of ethical and integrity related issues.

113. GRECO takes note of this information, which was already taken into consideration in the Evaluation Report. As no further progress has been made, GRECO concludes that recommendation xxi has not been implemented.

Recommendation xxii

114. *GRECO recommended 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.*

115. The authorities reiterate that, pursuant to the legislation, in addition to the National Police Commissioner and the Director-General of the National Protective Service (NPS), the following are also subject to national security vetting: the deputies of the National Police Commissioner, the heads of the county police stations, the heads of police stations and the heads of the border police stations, as well as the entire staff of the NPS. The authorities also indicate that the required objective criteria in the context of transparent and merit-based selection of directors are also adequately ensured under the legislation in force.

116. The authorities also repeat that the National Protective Service is the police's internal crime detection and prevention service. It carries out its wide-ranging tasks only with professional police officers who meet high ethical standards, and the same applies to the persons who perform managerial duties. The Director-General of the National

Protective Service is appointed by the Prime Minister on proposal by the Minister of the Interior. According to Section 5 of the Law on the Police, “the Minister (j) may, unless otherwise provided by law, issue individual instructions for the performance of a task or to make up for an omission.”

117. GRECO takes note of this information. As no further progress has been made, GRECO concludes that recommendation xxii has not been implemented.

Recommendation xxiii

118. *GRECO recommended that the conflicts of interest regime be broadened so as to include decision-making processes and financial interests.*
119. The authorities reiterate that the rules on conflicts of interest are set out in the Professional Services Act and the Police Code of Ethics. The National Anti-Corruption Strategy for 2024-2025 also aims to amend the Code, based on the GRECO proposal.
120. GRECO looks forward to receiving information on the application of the National Anti-Corruption Strategy for 2024-2025 and its possible effect on the implementation of this recommendation.
121. GRECO concludes that recommendation xxiii has not been implemented.

Recommendation xxiv

122. *GRECO recommended 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.*
123. The authorities report that Instruction no. 16/2023 (VI. 9.) of the Minister of the Interior (BM) on the procedure for accepting donations offered to bodies and institutions under the control and supervision of the Minister of the Interior, entered into force on 25 June 2023. It prohibits the acceptance of donations if aimed at influencing the performance of a body's legally defined tasks for which the donation is intended or if the donation may only be used for certain groups of people (Annex 1, point 8, subparagraphs a), c)). If the donation has a gross value of over HUF 50 000 (approx. EUR 126), then the beneficiary body is under the obligation to publish, on its website, within eight days of the acceptance of the donation: the nature and the value of the donation (if the donor agrees), the date of receipt and the donor's name, the purpose of the use of the donation specified in the agreement, the name and location of the recipient of the donation and the beneficiary body is obliged to keep all data related to the donation for three years (points 19-20). The beneficiary body may also publish a statement by the donor (at the donor's request), which states the purpose and reason for the donation.

124. The authorities reiterate that under 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, data on donations of over HUF 50 000 (approx. EUR 126) and on the donor had been published continuously since 2010 up to 7 July 2023 on the following site: <https://www.police.hu/hu/a-rendorsegrol/gazdalkodasiadatok/adomanyok>. This information is now published in accordance with BM Instruction no.16/2023 on the Police Data Protection Portal at <https://adatvedelem.police.hu/web/guest/kozadat/>.
125. The authorities reiterate that the obligation to publish was included in the National Police Headquarters Order no. 14/2014 (V.23) on the rules for the electronic publication of data of public interest and data accessible on public interest grounds (Annex 5), in the Individual Publication List II, and subsequently in the National Police Headquarters Instruction no. 39/2019 (XI.19.) on the Data Protection Regulation.
126. In order to avoid possible conflicts of interests, in connection with the operation and activities of the National Protective Service, donations are not accepted in cash nor in any other form.
127. GRECO welcomes the adoption of new rules (Instruction no. 16/2023 (VI. 9.) of the Minister of the Interior (BM)) to tighten the requirements for the receipt of donations in order to avoid conflicts of interest and prevent corruption, as well as to provide greater publicity in their respect. In connection to the transparency of donations, GRECO is not convinced about the fact that the publication of the nature and value of the donation is subject to the donor's agreement. This exception runs counter to the transparency goal pursued with the introduction of the new rules, and also does not meet the specific requirement on publication of the nature and value of the donation, as laid out in the second component of recommendation xxiv.
128. GRECO concludes that recommendation xxiv has been partly implemented.

Recommendation xxv

129. *GRECO recommended 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.*
130. The authorities explain that the Professional Services Act (i.e. Act XLII of 2015 on the Service Status of the Professional Staff of Law Enforcement Bodies) applies to and determines the establishment and termination of the legal relationship of the professional staff with the law enforcement bodies for which they work. Following up on the activities of officers having left the police would represent a significant restriction in their fundamental rights. The authorities reiterate that practice and the legislation in force provide for the integrity protection of these bodies, including against conflicts of interest once a police officer has left the force.

131. GRECO takes note of this information. It would like to point out that, as indicated in paragraph 211 of the Evaluation Report, a move to the private sector by police specialists after leaving the police force may entail a number of risks e.g. information gained in the police could be misused, a police officer could be influenced in the exercise of his/her authority in light of the expectation of future employment or communication channels with former colleagues could be used for the unwarranted benefit of a new employer etc. This recommendation requests the authorities to carry out a study looking into these risks, and then – only if deemed necessary on the basis of that study – introduce rules on transparency and on conflicts of interest. No such study seems to have been carried out to date.

132. Therefore, GRECO concludes that recommendation xxv has not been implemented.

Recommendation xxvi

133. *GRECO recommended 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.*

134. The authorities refer to Act XXXIV of 1994 on the Police, which provides that the decision on the assessment of a complaint against a police measure is an administrative decision, and therefore there is a right to a legal remedy against it (Section 93/B (1) of the Act). They explain that, if a person's fundamental rights have been infringed by a police measure (etc.), the person concerned may submit a complaint to the police body which took the measure. The person concerned may also request that the complaint be assessed by the National Police Commissioner or the Director-General of the NPS after an investigation by the Commissioner for Fundamental Rights (Section 92 (1) of the Act). The authorities also refer to the CL Act of 2016 on the Code of General Administrative Procedure, the Act CXI of 2011 on the Commissioner for Fundamental Rights, Act C of 2012 on the Criminal Code and Act XC of 2017 on the Code of Criminal Procedure.

135. GRECO takes note of this information. It refers to paragraph 230 of the Evaluation Report, which states that – outside of the Commissioner for Fundamental Rights (i.e. the classical “Ombudsman institution”) – the current complaints system for members of the public on police misconduct appears weak and much driven by the Police itself through the Central Complaints Officer i.e. a system by which the police investigate the police. This recommendation requests the review of the current complaints’ mechanism within the police for members of the public, to ensure sufficient independence, autonomy and transparency for the investigations of these complaints. No such review seems to have taken place.

136. Therefore, GRECO concludes that recommendation xxvi has not been implemented.

Recommendation xxvii

137. *GRECO recommended that a clear requirement be established for police staff to report integrity-related misconduct they come across in the service.*
138. The authorities refer to the existing procedure under Act XXXIV of 1994 on the Police, in which a police officer, acting within his/her powers, is obliged to take measures or initiate measures if s/he notices or is informed of facts, circumstances or acts that violate or endanger public security, public order or the order of the state border. This obligation also applies to off duty police officers in urgent cases, provided that s/he is fit to act at the time the action is required. Police officers are obliged to act in accordance with the provisions of the law and without bias.
139. The authorities also refer to Section 300 (1) of the Criminal Code, under which a police officer, when s/he obtains in his/her official capacity, credible information on the commission of an undiscovered criminal offence of: active bribery, passive bribery, active bribery regarding a police officer, passive bribery regarding a police officer, active bribery in court or in authority proceedings, passive bribery in court or in authority proceedings, active trading in influence or passive trading in influence – and fails to report it to the authorities as soon as s/he has knowledge of it, is guilty of a felony punishable by imprisonment for a period of up to three years.
140. The authorities add that the National Protective Service will continue to investigate possible integrity complaints within the framework of investigations of the relevant staff member and also refer to the provisions of Instruction no. 16/2023 of the Minister of the Interior laying down donation management policy of the police (see recommendation xxiv). An amendment to the NPS Director General's Instruction no. 17/2017 (5 May 2017) on the procedure for handling incidents that violate the organisational integrity of the National Protective Service (NPS) was issued on 19 July 2023, in connection with the Law on complaints, whistleblowing and rules for reporting abuse. The Instruction was issued on the basis of Section 6 (2) (a) for amendment to the Act on the procedural rules on complaints, whistleblowing and the reporting and investigation of abuse.
141. GRECO notes that no element of the information provided by the authorities specifically refers to what is required by recommendation xxvii, i.e. that a clear requirement be established for police staff to report integrity-related misconduct they come across in the service.
142. GRECO concludes that recommendation xxvii has not been implemented.

Recommendation xxviii

143. *GRECO recommended (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.

144. The authorities report that Act XXV of 2023 on Complaints, Notifications of Public Interest and Rules on the Notification of Abuse (hereinafter: the Complaints Act), which entered into force on 24 July 2023, introduces new legal provisions on the reporting of abuse (whistleblowing), while ensuring effective whistleblower protection. The Complaints Act provides that complainants or whistleblowers, who report an abuse, suffer no prejudice by filing a complaint and have the possibility of doing so through a secure reporting system. It sets out who may report through the internal whistleblower system⁹ and how it may be made¹⁰, the grounds for reporting (i.e. information about an unlawful or suspected unlawful act or omission or other misconduct in the course of employment or in the performance of official duties), and when such a report may be made. The reporting system opened on 25 July 2023.
145. The Complaints Act also sets out how long the procedure will take (i.e. no longer than 30 days from the day of receipt of the notification – which may be extended, for justified reasons, without exceeding three months for the entire procedure). It also provides what may occur during the procedure e.g. whistleblower may be asked to supplement or provide additional information or clarify the report/facts, investigation of the notification may be waived (if anonymous/if made by unauthorised person / repetitive notification etc.). Whistleblower protection measures are available if the notification is deemed lawful (Chapter 8 of the Complaints Act), the information reported falls within the scope of the legal provisions of European Union acts referred to in Annexes 1 or 2 to the Complaints Act or of the legal provisions ensuring their implementation and compliance with them, or the notifier has reasonable grounds to believe that relevant circumstances exist (Chapter 2, Subchapter 8 of the Complaints Act). It also sets out when a notification is deemed to be lawful¹¹ and provides that the NPS ensures, *inter*

⁹ i.e. a staff member and former staff member of the National Protective Service (NPS); any person who wishes to establish a legal relationship with the NPS and for whom the procedure for establishing such a relationship has been initiated; a self-employed person or a sole proprietorship or a sole proprietorship who has a contractual relationship with the NPS; any person wishing to enter into a contractual relationship with an NPS for whom the relevant procedure has been initiated; any contractor, subcontractor, supplier or person under the supervision and control of a trustee who has commenced the procedure for establishing a contractual relationship with the NPS and who is or has been in a contractual relationship with the NPS; a trainee working for the NPS.

¹⁰ The report may be made in person, during office hours, to the Head of the NPS Office, or, in the case of a whistle-blower who is a staff member of the NPS Office, to the Head of the Human Resources Department of the Economic and Human Resources Directorate of the NPS; in writing; by post; electronically via the abuse reporting interface available on the official NPS website and internal intranet site using the e-Paper service, or by e-mail to visszaeles@nvsz.hu.

¹¹ The notification is lawful if the notifier: made the report through one of the abuse reporting systems; obtained the reported information in the context of his/her work-related activities, and has reasonable grounds to believe that the information reported concerning the circumstances to which the report relates was true at the time of reporting; or the notifier: went through the abuse reporting system first, followed by a separate abuse reporting system, or directly to the separate abuse reporting system; and the operator of the abuse reporting system or the body responsible for the procedure has failed to take the measures provided for in the Complaints Act within the time limits, then the notifier has reasonable grounds to believe that the circumstances to which the notification relates present a clear risk of harm to the public interest, in particular where there is a risk of irreparable harm, or the whistleblower has reasonable grounds to believe that, where the abuse reporting system is used, there is a clear possibility that, because of the particular characteristics of the circumstances of

alia, that the personal data of the notifier and of the person concerned by the notification are not disclosed to persons other than those entitled to know them.

146. The authorities also indicate that the Complaints Act specifically sets out that "state organs and local government organs shall handle complaints and public interest reports in accordance with this Act". The provisions of the Complaints Act aim to strengthen the protection of persons who file a complaint with the National Protective Service, but also with the Police, which is a state organ, as the scope of the Complaints Act extends to all complaints/reports, regardless of who files them.
147. The authorities also report that Government Decree no. 225/2023 (VI.8.) on the Designation of Government Bodies Obligated to Establish a Separate Abuse Reporting System, provides that the National Police Headquarters is under the obligation of operating a separate abuse reporting / whistleblower system, *inter alia*, by receiving information on incidents of violations of EU and domestic subsidies and budgetary fraud. The authorities then refer to sections of the Professional Services Act, the Criminal Code, Act XC of 2017, which had already been taken into account in the Evaluation Report. In addition, the National Police Headquarters Instruction 51/2013 (XII.16) on the handling of complaints and notifications, provides details on the handling of complaints and notifications received by the police. These Instructions are being amended in light of the entry into force of the Complaints Act. According to point 4 of the Instructions, " ... a specific report or complaint concerning a leader under the authority of the National Police Chief or relating to a person on the staff of the Police, which is connected with a crime of particular material significance, in particular corruption or crimes against property, shall be reported orally to the National Police Chief".
148. GRECO takes note and welcomes this information. As regards part (i) of this recommendation, GRECO notes that the new Complaints Act (Act XXV of 2023) addresses the strengthening of whistleblower protection within the NPS and clarifies the reporting modalities. However, there is currently no reference to a clear prohibition on reprisals against whistleblowers. As for part (ii), GRECO looks forward to receiving information in the future regarding training and awareness-raising activities on whistleblowing for all levels of the police hierarchy and chains of command.
149. GRECO concludes that recommendation xxviii has not been implemented.

Recommendation xxix

150. *GRECO recommended (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.*

the case to which the whistleblowing relates, there is a risk that adverse action under the Complaints Act would be taken against him/her, or that the substance of the complaint will not be dealt with.

151. The authorities explain that, in practice, it is not possible to list exhaustively in a law all the various types of misconduct, given the diversity of situations the law would have to cover. The authorities refer to the provisions on disciplinary measures in the Professional Services Act, the Criminal Code, the Code of Criminal Procedure and to Act CL of 2016 on Code of General Administrative Procedure in connection with legal remedies against police measures, already provided in the Evaluation Report. In this respect, the authorities reiterate that, if the person subject to disciplinary proceedings has exhausted his/her right of appeal under the Code of Criminal Procedure in connection with a disciplinary decision, or if there is no possibility for a complaint procedure, an administrative action may be brought under Section 114 (1) of Act CL of 2016 on the Code of General Administrative Procedure in connection with legal remedies against police measures. In the case of measures taken by the employer in connection with which a court of honour has been convened, an action may be brought before the competent administrative court against the police department concerned within thirty days of the receipt of the decision of the court of honour against the measure(s) taken by the employer (Section 225 (4) of the Professional Services Act).
152. GRECO takes note of this information. With respect to part (i) of this recommendation, GRECO would like to point out that, in the interest of legal certainty, breaches of duties by staff of the Police and the NPS that lead to disciplinary action need to be clearly defined. This does not mean that an exhaustive list of all possible breaches of duties should be provided. It does mean, however, that clear categories should at least be defined into which to slot such breaches, as suggested in the Evaluation Report. The latter indicates that a precise definition of “regular” and minor offences is necessary to ensure consistent and foreseeable decision-making and prevent possible misuse of disciplinary proceedings (see paragraph 248 of the Evaluation Report). This seems not to have been done. As regards part (ii) of this recommendation, no progress seems to have been made in respect of reviewing the disciplinary regime to exclude any possibility for a supervisor to decide on disciplinary matters on his/her own.
153. Therefore GRECO concludes that recommendation xxix has not been implemented.

CONCLUSIONS

154. In the light of the foregoing, GRECO concludes that Hungary has implemented satisfactorily none of the twenty-nine recommendations set out in the Fifth Round Evaluation Report. Of the outstanding twenty-nine recommendations, five recommendations have been partly implemented and twenty-four have not been implemented.
155. More specifically, recommendations vii, viii, xiii, xix and xxiv have been partly implemented and recommendations i, ii, iii, iv, v, vi, ix, x, xi, xii, xiv, xv, xvi, xvii, xviii, xx, xxi, xxii, xxiii, xxv, xxvi, xxvii, xxviii and xxix have not been implemented.
156. With regard to top executive functions, although not much progress has been made with the recommendations made for PTEFs, some (limited) action has taken place. For

instance, state of emergency provisions that allowed exceptions or derogations to the freedom of information have been repealed and promising amendments have been introduced to existing legislation with the aim of promoting the practical implementation of public consultations. The National Anti-Corruption Strategy for 2024-2025 foresees looking into mechanisms developed to prevent corruption to also apply to PTEFs and their advisers. It also contains a mandate for the Government to call upon the relevant bodies to draw up codes of ethics for PTEFs to specifically deal with conflicts of interest, gifts and other benefits, post-employment restrictions, rules on contact with lobbyists etc. These are, however, anticipated plans that need to effectively materialise in practice.

157. With regard to the law enforcement agencies, not much progress has been made and the authorities mostly refer to legislative provisions that were already in place at the time of the evaluation. GRECO underscores that the scope of the compliance procedure is to assess the implementation of the recommendations, not to re-assess the situation already described at the time of the evaluation. Some positive action has been taken regarding the carrying out of a mapping exercise of jobs and positions with a high risk of corruption (which will be further developed under the National Anti-Corruption Strategy for 2024-2025), the regulation of donations and their publicity, and whistleblower protection.
158. GRECO calls on the authorities to implement targeted measures, and undertake more conclusive action, to address all outstanding recommendations. In the light of the foregoing, GRECO notes that further progress will need to be made within the next 18 months to achieve an adequate level of compliance with the recommendations. In accordance with Rule 31 revised bis, paragraph 8.2, of its Rules of Procedure, GRECO calls on the head of the delegation of Hungary to submit additional information with regard to the implementation of outstanding recommendations, namely recommendations i to xxix, by 31 December 2025.
159. 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.