

**Act LXXVII of 1993 on the Rights of National and Ethnic Minorities**

*(Entry in force: 25 November 2005)*

The National Assembly,

- keeping up with the most noble traditions and values of Hungarian history;
- in the spirit of its commitment to the notions of democracy and humanism;
- with the intention of promoting friendly co-operation and understanding between peoples and nations;
- conscious of the fact that the peaceful co-existence of national and ethnic minorities with the majority nation is a component of international security,

declares that it regards the right to national and ethnic identity as a universal human right, and the special individual and collective rights of national and ethnic minorities as fundamental freedoms that it will respect and enforce in the Republic of Hungary.

In their entirety these rights are neither a gift from the majority nor the privilege of the minority, nor is their basis the numerical proportion of the national and ethnic minorities within the majority nation, but the right to be different, which is based on the respect for the freedom of the individual and for social harmony.

In its concept of equality and solidarity as well as the principles of the active protection of minorities, the National Assembly is guided by respect for minorities, esteem for moral and historical values, and the consistent representation of the shared vital interests of the minorities and the Hungarian nation within the framework of recognised universal moral and legal norms.

The mother tongue, the intellectual and material culture, the historical traditions of the national and ethnic minorities who are Hungarian citizens and live in Hungary, as well as other characteristic qualities which stem from their minority status are parts of their individual and collective identity.

All these elements are special values, the preservation, the cultivation and the enrichment of which is not only a basic right of the national and ethnic minorities, but also the interest of the Hungarian nation, and ultimately that of the community of states and nations.

Considering the fact that self-governments form the basis of democratic systems, the establishment of minority self-governments, their operation and the resulting cultural autonomy is regarded by the National Assembly as one of the fundamental preconditions of the special enforcement of the rights of minorities.

In view of the historical co-existence of the Hungarian majority with national and ethnic minorities, the National Assembly guarantees, also through this Act, all the rights which are not only the human rights of members of minorities as Hungarian citizens and their communities; but also political rights that enable them to promote the preservation of their national or ethnic identities. The aim of this Act is to establish the institutional basis necessary to ensure that citizens can lead the lives of members of national or ethnic minorities as laid down in the Final Act of the Helsinki Conference on Co-operation and Security in Europe in 1975, including the freedom to maintain living and free contacts with the kin state and the

mother nation. In preparing this Act, the National Assembly of the Republic of Hungary is guided by the vision of the establishment of a Europe without frontiers, the reduction and the elimination of the disadvantages which result from a minority status, and the development of the democratic institutional structures necessary to achieve these goals.

While observing the provisions of international law and the principles laid down in the Constitution of the Republic of Hungary, and in the interest of achieving these objectives, the National Assembly has adopted the following Act to record the due rights of persons and their communities belonging to national and ethnic minorities so as to ensure the enforcement of these rights and to regulate the means of enforcement:

## **CHAPTER 1**

### **Basic Provisions**

#### **Article 1**

(1) This Act applies to all persons of Hungarian citizenship residing in the territory of the Republic of Hungary, who consider themselves members of any national or ethnic minority and to the communities of these people.

(2) For the purposes of the present Act a national or ethnic minority (hereinafter 'minority') is an ethnic group which has been living on the territory of the Republic of Hungary for at least one century, which represents a numerical minority among the citizens of the state, the members of which are Hungarian citizens, and are distinguished from the rest of the citizens by their own language, culture and traditions, and at the same time demonstrate a sense of belonging together, which is aimed at the preservation of all these, and at the expression and the protection of the interests of their historical communities.

#### **Article 2<sup>1</sup>**

#### **Article 3**

(1) Minorities living in Hungary share the power of the people: they are components in the formation of the state [Article 68 par (1) of the Constitution]. Their culture is part of the culture of Hungary.

(2) The right to national or ethnic identity is a fundamental human right, and is legally due to any individual or community.

(3) Every minority has the right to exist and continue to exist as a national or ethnic community.

(4) Each minority community, or the members of such communities, has the right to lead an undisturbed life in their country of birth, and maintain free and unimpeded contacts with their homeland. The right to have a country of birth does not only mean the freedom of the individual to feel attached to his/her own place of birth and the protection of this feeling, but also those of his/her attachment to the place of birth or residence of his/her parents, the people who raised him/her, his/her ancestors, as well as those of his/her attachment to the former homeland, its culture and traditions.

(5) Any form of violation of the requirement of equal treatment with respect to minorities is prohibited.

#### **Article 4**

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<sup>1</sup> Repealed

(1) The Republic of Hungary prohibits any policy that

- aims at, or leads to, the assimilation of a minority into the majority nation, its exclusion of the majority nation or its segregation;
- aims to alter the national or ethnic conditions of territories inhabited by minorities;
- persecutes a national or ethnic minority or any of its members because of their national status, makes their living conditions more difficult, or prevents them from exercising their rights;
- aims at the forced evacuation or resettlement of a national or ethnic minority.

(2) The Republic of Hungary, through its international relations, undertakes to act against any political intentions that might result in any of the consequences listed in par (1). It also strives to provide protection against such a policy through international legal mechanisms and international agreements.

(3) In drawing the boundaries of administrative units and constituencies, and in formulating plans for economic and urban environmental development and environmental protection, the Republic of Hungary will take into consideration the local conditions, relations, economic interests and established traditions of national and ethnic minorities.

#### **Article 5**

(1) In the Republic of Hungary minorities have a right to establish local, regional and national self-governments (hereinafter uniformly: minority self-governments).

(2) Only those voting citizens have the right to take part in the initiation of the establishment as well as in the election of minority self-governments, who are included in the minority election register (hereinafter: minority election list). One voting citizen may be included exclusively in one minority election list. Detailed provisions concerning the minority election lists are regulated in a separate law.

(3) The representation of any minority may be undertaken by a candidate who is included in the minority election list. The right of representing a minority may be exercised with respect to only one minority.

#### **Article 5/A**

(1) The basic function of minority governments is to protect and represent the interests of minorities by performing their duties and exercising their statutory authority.

(2) This Act regulates the legal status of minority self-governments, their rights and obligations, their structure, the terms of their operation, the particular regulations of their management, and the relations between central state bodies, municipal governments and minority self-governments.

#### **Article 6**

The Republic of Hungary promotes the realisation of equality before the law by introducing measures with the aim of ensuring the equality of opportunities [par (3) of Article 70/A of the Constitution].

#### **Article 6/A**

(1) Explanatory provisions:

1. Minority public affairs:

(a) any affair related to the provision of certain public services to those belonging to minorities in the interest of the enforcement of individual and collective minority rights enshrined in this Act and the voicing of the interests of persons belonging to national or ethnic minorities – particularly in the field of the preservation, the safeguarding and the enrichment of the mother tongue as well as the implementation and the preservation of cultural autonomy by minority self-governments – and connected to the independent management of these issues and to the creation of the organisational, personal and financial conditions necessary for this purpose.

(b) any affair in relation to guaranteeing minorities the right to representation in state organs and in municipal governments, as well as in minority self-governments, as well as to guaranteeing the organisational, personal and financial conditions necessary for this representation;

2. minority self-government:

an organisation established by democratically held elections in accordance with the provisions of this Act and with the procedure set forth by a separate law, having the task of providing public services under the law, operating as a body with legal personality, being formed in order to enforce minority rights, to protect and to represent the interest of minorities, and to independently conduct minority public affairs on a local, regional (county and Budapest) or national level.

3. minority public educational institution:

a public educational institution, the founding charter of which contains the fulfilment of tasks related to national and ethnic minorities as required by the Act on Public Education, provided that the public educational institution performs those tasks *de facto*, and that at least of 25 % of pupils of kindergartens, schools and dormitories in question take part in the national and ethnic minority kindergarten or school education.

4. the staff of minority public educational institutions:

those being employed as teachers in minority public educational institution, or those whose task is to directly assist the educational work therein.

5. further care on an adequate level:

the take over of the right of administering an institution by the minority self-government shall not result in the deteriorating of the level of services, nor does it lead to the worsening of personal and material conditions.

6. minority mass communication:

regular or periodical information and broadcasting provided in written or in electronic forms (television or radio) of mass media which enables the informing and the education of minorities, the preservation and the extension of their cultural autonomy, regardless of the fact whether it is operated by a mass media organisation or a minority organisation, or, whether the service is provided for by the public media, or by other suppliers on the basis of public service contracts, in accordance with the relevant law,

7. official document:

a document qualifying as an identification document according to the relevant law,

(2) In the application of this Act

a) within the minority self-government's sphere of powers, the right to election, to appointment and to granting a mandate - with the exception of the right to elect the president

and the deputy president of a minority self-government - includes the right to dismissal and the right to revocation of a mandate of leadership, and furthermore, the right to granting any other mandate, the right to field a candidate or the right to delegation includes the right to revoke the mandate, the candidacy or the delegation.

b) the term *further rights of the employer* includes any other right of the employer apart from the right to appoint, the right to grant a mandate of leadership, the right to dismiss, the right to revoke the mandate of leadership, the right to ascertain incompatibility, the right to launch a disciplinary procedure, and the right to impose disciplinary punishment,

c) in case of national self-governments, the rights of the employer also affect the employees of its office; these rights are exercised by the head of the office,

d) the right to found an institution includes the right of taking over an institution, the right to reorganise and liquidate it,

e) relative: the relative in direct line and his/her spouse, the brother and sister, the spouse and the companion,

f) minority cultural institution: a cultural institution, the primary task of which is the preservation and the cultivation of minority culture, traditions and language,

g) cultural institution: an institution of culture or a public collection, listed in the appendix of the Act on Museums, Public Libraries and Culture as well as institutions defined by the explanatory and closing provisions of the Act on the Protection of Cultural Heritage,

h) temporary trusteeship: use and exploitation exercised with proprietary solicitude as well as the right to collect the profit provided that this property – apart from the exceptions listed in a separate law – shall not be sold and mortgaged, and that the temporary trusteeship shall not be transferred.

## **CHAPTER 2**

### **Individual Minority Rights**

#### **Article 7**

(1) The admission and acknowledgement of the fact that one belongs to a national or ethnic minority is the exclusive and inalienable right of the individual. No one is obliged to make a statement concerning minority affiliation, with the exception of paragraph (2).

(2) An Act or a legal provision concerning its implementation may require the individual's declaration with regard to the exercise of some minority right.

(3) The right to national and ethnic identity and the acknowledgement and admission of minority affiliation does not preclude the recognition of dual or multi-affiliation.

#### **Article 8**

It is the right of the citizen belonging to a national or ethnic minority to state during a census in an anonymous way to which minority group s/he belongs.

#### **Article 9**

A person belonging to a minority has the right to the equality of opportunities in politics and culture, a right which the government is obliged to promote through effective measures.

#### **Article 10**

Participation of persons belonging to a minority in public life must not be restricted. Members of minorities may establish societies, associations, political parties and other civil organisations in order to express and to protect their interests - in accordance with the regulations of the Constitution.

#### **Article 11**

Persons belonging to a minority have the right to respect the minority traditions connected to family life, to cultivate family relationships, to celebrate family feasts in their own mother tongue, and to require that the religious services associated with these feasts be performed in their mother tongue.

#### **Article 12**

(1) A person belonging to a minority has the right to freely choose his/her own first name and the first name of his/her child, to have the first and last name of his/her child registered in conformity with the grammatical rules and spelling of the mother tongue, and to indicate the names in official documents as long as this complies with applicable provisions. If the names are not registered with Latin characters, it is compulsory to give also the phonetic representation of the names with Latin letters.

(2) If requested, the registration of births and the compilation of other personal documents - as listed in paragraph (1) - may also be bilingual.

#### **Article 13**

Persons belonging to a minority have the right to

- a) learn, foster, enrich and pass on their mother tongue, history, culture and traditions;
- b) participate in minority language education and cultural activities;
- c) have their personal data related to their minority status protected as determined by a separate Act.

#### **Article 14**

Persons belonging to a minority have the right to maintain contacts with state and community institutions of their kin state and/or linguistic nations, and also with minorities living in other countries.

### **CHAPTER 3**

#### **The collective rights of Minorities**

#### **Article 15**

The preservation, fostering, strengthening and passing on of their minority identity is the unalienable collective right of minorities.

#### **Article 16**

It is the right of minorities to cultivate and to develop their historical traditions and language, as well as to preserve and to enrich their intellectual and material culture.

#### **Article 17**

Minority communities have the right to self-organisation, and can, in accordance with the law, establish any organisation.

#### **Article 18**

(1) Public service television and radio stations ensure – within an independent organisational unit and with resources allocated for this purpose alone, as provided for in a separate Act - that national and ethnic minority programmes are produced, broadcast and disseminated on a regular basis.

(2) On territories inhabited by minorities, the government promotes – also through international contracts - the reception of radio and television programmes from the kin state.

(3) Minority communities have the right to

a) initiate and take part in the creation of the necessary conditions for minority kindergarten-, primary-, secondary- and higher education, and initiate and take part in the creation of the necessary conditions of complementary minority education through their national minority self-governments,

b) establish their own educational, training, cultural and scientific institutional network at national level within the boundaries of existing laws.

(4) The Republic of Hungary - within the framework of its laws - guarantees the rights of minority communities to hold their own events and celebrate their own feasts free from disturbance, to preserve and maintain their architectural, cultural and religious relics, to preserve, foster and pass on their traditions, and to use their cultural symbols.

#### **Article 19**

Minorities and their organisations have the right to establish and maintain extensive and direct international contacts.

#### **Article 20**

(1) Minorities have the right - as determined in a separate Act - to be represented in the National Assembly.

(2) The National Assembly shall elect an Ombudsman for National and Ethnic Minority Rights. Before putting forward a proposal concerning the person of the Ombudsman for National and Ethnic Minority Rights, the President of the Republic shall seek the opinion of national minority self-governments, or in the absence of such a self-government, the view of the registered national organisation representing the interests of the given minority. The provisions of Act LIX of 1993 on the Ombudsman for Civil Rights shall apply to the Commissioner for National and Ethnic Minority Rights.

(3) The Ombudsman for National and Ethnic Minority Rights shall have the authority to act on issues which fall within the scope of this Act.

### **CHAPTER 4**

#### **The self-governments of minorities and their establishment**

#### **Article 21**

(1) Minorities, as determined in a separate Act,

(a) have the right to establish local minority self-governments in townships, in towns, or in the districts of the capital city, as well as regional minority self-governments in the counties and in the capital city,

(b) have the right to establish a national minority self-government.

(2) A separate Act contains the provisions concerning the election by minority voters of their local and regional minority representatives as well as that of the members of the national minority self-governments.

#### **Article 22**

Minority self-governments are established by direct elections, in accordance with the provisions of a separate law.

#### **Article 23**

(1) The board of elected representatives of the local minority self-government (hereinafter: the board) consists of 5 members.

(2) The regional minority self-governments and the minority self-governments in the capital city have 9 members.

(3) One minority can establish only one local minority self-government in the same settlement.

(4) One minority can establish only one regional minority self-government in a county and in the capital city.

(5) One minority can establish only one national minority self-government. More than one minority can establish joint, associated national self-governments. The number of members of national self-governments varies between 15-53, as determined in a separate Act.

#### *The expiration of minority self-governments*

#### **Article 24**

(1) The minority self-government - simultaneously with the expiration of the board's mandate - ceases to exist, if no new board is elected after the expiration of board's mandate.

(2) If the minority self-government ceases to exist, representatives of the minority self-governments can be elected only at the time of the next municipal general elections.

#### *The expiration of the mandate of the board*

#### **Article 24/A**

The mandate of the board ends, if

- a) it has expired,
- b) the board has been dissolved,
- c) the board has declared its dissolution,
- d) the number of representatives has become less than half of the number of the representatives to be elected.

#### *The rights and obligations of minority self-governments*

#### **Article 24/B**



(1) The voting citizens belonging to any national or ethnic minority are entitled to the rights of minority self-governance, and exercise these rights through their elected representatives, as determined by law.

(2) The minority self-government is a legal entity. The board is entitled to exercise the duties and the powers of the minority self-government; the latter is represented by its president.

(3) The minority self-government may conduct minority public affairs falling within the scope of its powers and duties individually or it may cooperate with state organs and municipal or regional self-governmental bodies.

(4) Within its powers and duties, the minority self-government may determine the way of conducting minority public affairs individually or with the authorities determined in paragraph (3).

#### **Article 24/C**

(1) The rights of minority self-governments and the legal exercise of their powers are protected by the court.

(2) The illegal decisions of minority self-governments acting individually or jointly may be reviewed by the court.

#### **Article 24/D**

(1) The rights of minority self-governments are equal with respect to all minority self-governments. The obligations of minority self-governments may differ.

(2) There is no subordination or superordination between minority self-governments, or between minority and municipal governments.

#### **Article 24/E**

(1) In the interest of conducting minority public affairs, minority self-governments may initiate measures to be taken by, ask information from, and make proposal to, state organs and municipal or regional governmental bodies with the appropriate powers and competence. The right to initiate measures includes the right to initiate the discontinuance of a practice, and the amendment or withdrawal of an individual decision, which violates minority rights with respect to the operation of institutions administered (owned) by the state or by municipal and regional governments.

(2) In case of an initiative defined in par (1), the head of the organ with appropriate powers and competences is obliged to deliver a judgment on the merits or to issue a statement within 30 days from the receipt of the initiative. If the subject of the request does not fall within the powers or competence of the head of the respective organ, s/he is obliged to transfer the request to the organ with appropriate powers and competences within 3 days from the receipt of the request.

(3) If the requested state, municipal or regional organ does not fulfil its obligations defined in par (2), the minority self-government is entitled to initiate the extraordinary procedure of the supervising authority or the organ exercising legal control over the organ requested. The requesting party shall be informed about the result of the extraordinary procedure within 30 days at the latest.

#### *The scope of powers and duties of local minority self-governments*

## **Article 25**

(1) Within its powers and within the framework of existing laws, the minority self-government shall define

- a) the detailed regulations of its organisational structure and operational order within 3 months from its statutory assembly;
- b) the name and the insignia of the local minority self-government, its medals/decorations as well as the requirements and regulations for the awarding of such medals/decorations;
- c) the local feasts of the minority represented;
- d) the full list of its opening assets; the rules governing the utilization of assets at its exclusive disposal;
- e) the foundation, the take over and the administration of institutions;
- f) the foundation of, and the participation in, business and other organisations;
- g) the foundation of, and the affiliation to, associations of minority self-governments;
- h) the announcement of calls for project proposals;
- i) the establishment of scholarships;
- j) the utilization of the assets of the municipal government that have been put separately at its disposal;
- k) its budget, its annual accounts, and the utilization of resources put at its disposal by the municipal government, within the framework of the budgetary decree of the municipal government;
- l) the initiative to declare its historical buildings and memorial sites as being protected by law;
- m) its participation in the election of lay-assessors at local courts.

## **Article 26**

(1) If it is necessary for the local minority self-government to obtain the approval of the municipal government or one of its organs in order to exercise its rights, the competent organ is obliged to put the related request of the local minority self-government on the agenda of its next meeting, and the decision must be made within 30 days from the submission of the request.

(2) The municipal government is obliged to incorporate the resolutions of the local minority self-government determined in points of *j*) and *k*) of par (1) of Article 25, into the decree on its budget and annual accounts, with its content unchanged, within 60 days from its receipt.

## **Article 27**

(1) The municipal government is obliged to provide – in a way defined in its organisational and operational statute - for the local minority self-government the conditions needed for its operation as a body. The mayor's office ensures the implementation of the above.

(2) The conditions of the operation as a body, and the related tasks include particularly:

- a) the use of premises;
- b) the costs of mailing, delivery, typing and copying.

(3) In its capacity of executive organ for the minority local self- government's economic activities, the mayor's office may administer the economic activities of more than one local minority self-government upon the agreement between the municipal government and the respective minority self-government.

(4) In case of neglect of paragraphs (1) - (3), Article 24/E, paragraph (3) shall apply.

#### **Article 28**

(1) In the field of local media, the promotion of local traditions and culture, and the collective usage of the language, any municipal government decree affecting the minority population in their capacity as such may be passed by the board of elected representatives only with the approval of the minority self-government representing this population.

(2) The appointment (the dismissal and the revocation of the mandate of leadership) of heads of minority institutions, (provided that the right to appointment is not exercised by the local minority self-government) as well as the decisions of the municipal government concerning the education of people belonging to minorities require the approval of the local minority self-governments affected. In the absence of such a minority self-government, the local association of the given minority must be consulted.

(3) The party entitled to the right of consent and the right to consultation stipulated in paragraphs (1)-(2) shall exercise those rights within 30 days from the receipt of the related initiative.

#### **Article 29**

(1) Prior to the decision, the proponent must inform the competent decision-maker about the statement or the non-claim of the party entitled to the right of consent and the right to consultation under paragraphs (1)-(2) of Article 28.

(2) In case the municipal government makes a decision without the consent or the consultation specified under paragraphs (1)-(2) of Article 28, the office of public administration, upon the initiative of the affected local minority self-government, examines the decision out of turn, and in case of well-foundedness, it may turn for remedy to the court or to the Constitutional Court. The initiative of the local minority self-government has delaying force with respect to the execution of the decision contested.

(3) If the office of public administration does not share the view of the local minority self-government, and therefore it does not turn to a court or to the Constitutional Court, the local minority self-government may do so directly. Such an action by the local minority self-government has no delaying force with respect to the execution of the decision, but the minority self-government may ask the court to suspend the execution.

(4) If the municipal government makes a decision without the consent or the consultation of the affected local minority self-government, provisions of paragraphs (1) and (3), and paragraph (3) of Article 28 shall apply.

#### **Article 30**

(1) The local minority self-government maintains contacts with any minority organisation or association, and may enter into an agreement of co-operation with them. Within the scope of its duties, the local minority self-government supports the self-organising activities of local communities, and it co-operates with such communities.

(2) Minority associations, institutions and other organisations - in terms of the present paragraph, also minority public utility companies - may apply to state funding in the field of

minority culture, education, science and civilization under the same conditions as local minority self-governments.

#### **Article 30/A**

(1) When conducting minority public affairs, the local minority self-government shall act within the scope of its obligatory and voluntarily undertaken powers and duties.

(2) When conducting minority public affairs, local minority self-governments may, in accordance with legal provisions, act with different scopes of powers and duties, depending on their capacity and on the demands of local minority communities.

(3) The obligatory duties of local minority self-governments include particularly:

a) the conduct of powers and duties transferred to it by the municipal government upon the initiative of the local minority self-government;

b) the conduct of powers and duties transferred to it upon its own initiative by another local minority self-government.

(4) Besides its duties determined in paragraph (3), the local minority self-government may, within the framework of the resources at its disposal, voluntarily undertake further duties, particularly in the field of education, local written and electronic media, culture and the promotion of local traditions.

(5) For the purpose of conducting its obligatory and voluntarily undertaken duties, the local minority self-government may found and take over institutions, companies and other organisations, and it also may appoint the heads of such organisations and exercise the rights of the founder as determined in a separate Act.

(6) The local minority self-government may only found or take part in companies, in which its liability does not exceed its initial share, provided that such an activity does not jeopardize the conduct of its duties under the law.

(7) The Act on Public Finances shall apply to companies, in which the local minority self-government possesses the majority of shares.

#### **Article 30/B**

(1) With the exception of the procedure determined in Articles 47 and 49, the board of the municipal government may delegate its legally transferable powers and duties to the board of the local minority self-government, upon the request of the latter, in accordance with the agreement determined in paragraph (3). Powers and duties in the field of public utilities and those connected to the functions of an administrative authority may not be transferred.

(2) Boards of local minority self-governments may, on the basis of an the agreement initiated by them, mutually transfer their powers and duties to other local minority self-governments representing the same minority, provided that the conditions determined in paragraph (3) are given. The transfer shall not include the powers and duties transferred to the local minority self-government by the municipal government.

(3) If this Act does not rule otherwise, the local minority self-government, which transfers its powers and duties, the local minority self-government, to which these powers and duties are transferred, and the affected national minority self-government conclude a trilateral agreement under paragraph (1)- (2). The agreement shall state that simultaneously with its conclusion,

a) the powers and duties being the subject of the agreement are taken over by the affected local minority self-government,

b) the local minority self-government or the municipal government, which transfers its powers and duties, puts the proportional material and financial conditions at the disposal of the affected local minority self-government,

c) the recipient local minority self-government agrees that if the conduct of powers and duties meets difficulties on its part, the party which transfers its powers and duties may, with the consent of the national minority self-government, withdraw the transfer by a unilateral declaration. Shall this occur, the local minority self-government, which has taken over the powers and duties shall, to the value of the time at the transfer, put the transferred assets, or the assets equivalent to it, at the disposal of the party, which has originally transferred its duties and powers,

d) the parties to the agreement accept, that in case the conduct of the obligatory powers and duties, as subjects of this agreement, becomes impossible, the powers and duties will subsequently be conducted by the competent municipal government, which is, under the law, obliged to conduct those powers and duties.

(4) Shall any dispute concerning the implementation of this agreement arise between the parties, the office of public administration shall hold a conciliation within 15 working days from the proposal of the parties. If no consensus is reached within 30 working days, the office of public administration exercises its right to legal control.

#### **Article 30/C**

(1) The board may transfer its powers and duties to its organs (the president and the committees) as well as to the association concerned of minority self-governments as determined by law.

(2) The local minority self-government may give instructions with respect to the conduct of the powers and duties transferred to its organs, and it also may withdraw them. The transferred powers and duties shall not be transferred further.

(3) Within the scope of its non-transferable powers and duties, the local minority self-government decides about

a) the drafting, the review and the amendment of its organisational and operational statutes, within 3 months from its statutory assembly,

b) its budget, its annual accounts, the utilisation of the property set aside for it as part of the total property of the municipal government;

c) the planning and the utilisation of resources made available to it by the municipal government,

d) the establishment, the take over, the liquidation, the reorganisation of institutions and the appointment of the heads of institutions,

e) the conclusion of an agreement related to duties taken over from the municipal government or other local minority self-governments,

f) the establishment of, the liquidation of, and the participation in, business or other organisations,

g) the establishment of, and the affiliation to, associations of minority self-governments,

h) the affiliation to organisations of interest representation, and the conclusion of agreements on co-operation with municipal self-governments from other countries, and with other organisations,

- i) the election of its president and vice president,
- j) the establishment of its committees,
- k) the full list of its opening assets,
- l) the election of lay-assessors at local courts,
- m) any other issue which, according to the law, falls within its non-transferable powers and duties.

#### *The operation of local minority self-governments*

##### **Article 30/D**

(1) The president of the local electoral committee convenes the statutory assembly of the board within 15 days after the election.

(2) The statutory assembly will be chaired by seniority by the oldest member of the board.

(3) Members of the board may take the oath under Article 67 in their mother tongue, in Hungarian, or in both languages either at the statutory assembly, or at the first session after their election. Members of the board shall not exercise their respective rights before taking the oath.

##### **Article 30/E**

(1) The board holds its sessions when necessary, in conformity with the number of sessions defined in its organisational and operational statutes, provided that this number is not less than four per year. The board has to be convened if so proposed by at least one-third of the members of the board, or by a committee of the local minority self-government. The session is convened and chaired by the president.

(2) The sessions are open to the public.

(3) The board holds a closed session in the following cases: elections, appointments, dismissals, the granting of a mandate of leadership, the launch of disciplinary procedures, the imposition of disciplinary punishments, and also when a statement is required in connection to the hearing of a personal case, in case the affected person does not give his/her consent to a public hearing, furthermore, in cases of incompatibility and decorations, and in any other case when the law excludes publicity.

(4) The board may order a closed session, if a public session would interfere with business interest.

(5) Members of the board, the chief administrator of the mayor's office, and upon invitation, the affected persons and experts may be present at the closed session. The law may impose the invitation of the affected persons.

##### **Article 30/F**

(1) Minutes shall be taken of the sessions of the board. It shall be taken both in the language of the affected minority and in Hungarian, or exclusively in Hungarian. In case the minutes are taken both in the minority language and in Hungarian, those taken in the minority language shall be considered as authentic. The minutes include the list of the attending board members and invited guests, the discussed items on the agenda, the substance of the discussion, the exact results of voting and the decisions. The decision of the local minority self-government is a resolution.

(2) The president of the board is in charge of the minutes. The minutes shall be signed by the president, and by a representative, who is appointed by the board from among its members to authenticate the minutes. Within 15 days after the session, the president submits the minutes to the chief administrator of the mayor's office, who forwards it to the office of public administration in 5 days.

(3) The proposals submitted to the sessions as well as the minutes of the sessions are public, with the exceptions of the proposals and the minutes of closed sessions.

(4) Separate minutes shall be taken of closed sessions. The access to data of public interest as defined in a separate law, and to data to be made public for general interest, shall be guaranteed in case of closed sessions, too. The provisions governing the taking of the minutes at public sessions shall apply to minutes taken at closed sessions.

#### **Article 30/G**

The board passes its resolutions by open voting. In cases of paragraphs (3) and (4) of Article 30/E, secret voting may also be held. The president shall order a vote by name upon the proposal of at least one half of the board members.

#### **Article 30/H**

(1) The board constitutes a quorum if there are at least one half of the representatives present at the session. The adoption of a decision requires the simple majority of affirmative votes of the representatives present.

(2) The board member or his/her relative may be excluded from the decision making process if they are personally affected in the issue. The board member is obliged to notify the board about his/her being personally affected. The board makes a decision about the exclusion upon the proposal of the affected parties, or upon the proposal of any other board member. The excluded board member shall be taken into account as being present with regard to the quorum.

(3) A simple majority of votes is needed for passing a resolution on the issues under paragraph (3) of Article 30/C, Article 30/J, paragraph (3) of Article 30/P, paragraph (1) of Article 60, paragraph (3) and paragraph (4) *b* of Article 60/A, and on issues which, according to the organisational and operational statutes, require the simple majority of votes of the representatives.

(4) The chief administrator of the competent municipal government or the person s/he has mandated (henceforth: the chief administrator), shall be invited to the sessions of the board. The chief administrator is obliged to notify the board about any infringement of the law concerning its resolutions.

#### **Article 30/I**

The board holds at least one public hearing a year.

#### **Article 30/J**

Before the termination of its mandate, the board may declare its dissolution by a voting by name. This decision requires a qualified majority of votes.

*The representative of the local minority self-government*

#### **Article 30/K**

(1) The representative of the local minority self-government, as a member of the board, represents the interests of the respective local minority community concerning minority public affairs. S/he takes part in the preparation, in the making and in the implementation of board decisions.

(2) The mandate, the rights and the obligations of the representative of the local minority self-government originate at the time of his/her election, and terminate with the end of the mandate.

(3) The representative of the local minority self-government

a) may seek information on issues affecting the local minority self-government from the president, the deputy president, the president of the committee, and the chief administrator at the session of the board. The requested persons are obliged to provide a response on the merits orally at the session, or in writing within 15 days,

b) may request that his/her written comments be attached to the minutes, and that his/her opinion be recorded in the minutes,

c) may represent the board upon authorisation,

d) is obliged to take part in the work of the board.

(4) The representative of the local minority self-government shall be exempted from his/her job for the time necessary for his/her participation in the work of the board. S/he shall be recompensed by the board for the income lost this way. On the basis of this income the representative is also entitled to social security. The board also may state a lump sum.

(5) The mandate of the representative of the local minority self-government terminates in case

a) the mandate of the board terminates,

b) of the abdication of the representative submitted in writing or recorded in the minutes of the session of the board,

c) of the loss of the representative's voting right,

d) of the statement of incompatibility,

e) of the dissolution or the liquidation of the board,

f) the representative of the local minority self-government has not taken part in the sessions of the board for more than a year.

#### *The committees of the local minority self-government*

#### **Article 30/L**

(1) The board may establish a committee / committees. At least half of the committee members shall be members of the board at the same time. The organisational and operational statutes of the committee shall define the detailed provisions concerning its operation.

(2) In the scope of its duties, the committee shall prepare the decisions of the board. The board may transfer its powers to its committees, and in this respect the committee may make a decision, which may be reviewed by the board.

(3) The committee shall be convened upon the request of the president of the local minority self-government, or upon the request of at least one third of the members of the committee.



(4) The provisions concerning the operation of the board and its decision-making process shall apply to the operation, to the quorum and to the decision making process of the committee.

#### **Article 30/M**

(1) The chair of the committee and at least two of its members shall be appointed from the members of the board. The president and the deputy president of the local minority self-government shall not be the chair or member of the committees. The committee has at least three members.

(2) The president of the local minority self-government may suspend the committee's decision, if it is contrary to the resolution of the local minority self-government, or if it interferes with the interests of the local minority self-government. The decision suspended will be discussed and decided at the upcoming session of the board.

(3) The member of the committee or his/her relative may be excluded from the decision making process if they are personally affected. The member of the committee is obliged to notify the committee about his/her conflict of personal interest. The committee makes a decision about the exclusion. The affected member of the committee shall be taken into account as being present with regard to the quorum.

*The president, the deputy president and the members of the local minority self-government*

#### **Article 30/N**

(1) At its statutory assembly, the board elects a president from among its members and, in order to assist and replace the president, a deputy president from its members. The president and the deputy president work as agents mandated by their communities.

(2) In case of the simultaneous vacancy of the presidency and the deputy presidency, or in case of the long-term incapacitation of the president and the deputy president, the operational and organisational statutes shall regulate the way of convening and running the sessions of the board.

(3) The president of the local minority self-government is entitled to the right of consultation in the sessions of the board of the municipal government.

#### **Article 30/O**

(1) The following functionaries may not be elected to the position of the president of the local minority self-government: the president of the Republic of Hungary, members of the Constitutional Court, parliamentary commissioners, the president, the deputy president and the auditors of the State Audit Office, ministers, state secretaries, deputy state secretaries, civil servants of the central administration, heads of the county and Budapest offices of public administration, the civil servants of those local and regional state organs whose powers and duties include the affairs of the respective local minority self-government and whose competence covers also the local (regional) minority self-government, the chief administrator (the county chief administrator, the district chief administrator) of the territorially competent municipal government, the civil servants of the mayor's office, judges, prosecutors, notaries, court - bailiffs, members of the permanent staff of armed forces and the police, staff members of the territorially competent council for regional development, the heads and the managers of institutions and companies established or administered by the local minority self-government, who have been granted their mandate of leadership by the local minority self-government.

(2) The president shall eliminate the incompatibility within 30 days from his/her election, respectively from the day of the emergence of the incompatibility.

(3) If the president neglects his/her duty under paragraph (2), the board has the right to decide on the matter of incompatibility upon the proposal of any board member, and if justified, it declares the incompatibility of the president.

(4) The provisions of paragraph (1)-(3) shall apply also to the deputy president and the representative of the local minority self-government.

#### **Article 30/P**

The mandate of the president terminates in case

- a) his mandate as a representative of the local minority self-government terminates (Article 30/K, par(5)),
- b) the court declares the suppression of the post of the president under paragraph(3).

(2) The mandate of the president may not be terminated by revocation.

(3) On the basis of its related resolution passed with qualified majority, the board may file a lawsuit against the president at the territorially competent county or Budapest court requesting the suppression of his/her post because of his/her ongoing illegal actions. The board may simultaneously request the suspension of the president from this post.

(4) The Act on the Code of Civil Procedure shall apply to the court proceedings under paragraph (3) with the difference that there is no counter-claim, intermission or settlement of dispute in these procedures.

(5) Provisions concerning the president shall apply to the deputy president.

*The remuneration of the president, the deputy president, the representatives of the board, the president and the members of the committees of the local minority self-government*

#### **Article 30/Q**

(1) The board may grant honoraria from its budget to the president, to the deputy president, to the board members, and also to the president and the members of its committees.

(2) The honorarium of the president of the local minority self-government cannot be higher than the triple of the base salary of civil servants stated by law, and in the case of the deputy president it should be lower than the amount determined for the president.

(3) The honorarium of the president and the members of the committees cannot be higher than 30 % of the president's honorarium.

(4) The honorarium of the representatives of the local minority self-government cannot be higher than 25 % of the president's honorarium.

(5) The amount of the honorarium of the president and the deputy president is numerically established by the board.

(6) With the exception of the refunding of costs, the president cannot be remunerated for his work carried out in public foundations or in public utility companies established by the minority self-government.

*The regional minority self-governments*

### **Article 30/R**

(1) Articles 27-29, 30/A-30/Q and paragraphs (3) and (4) of Article 59 of this Act governing the legal status, the powers and duties as well as the organs of local minority self-governments shall apply to the regional minority self-governments, with respect to disparities contained in Articles 30/R-30/T.

(2) The regional minority self-government:

a) gives its opinion on draft resolutions of the county assembly or the government of the capital city which affect minorities in their capacity as such,

b) contributes in the field of secondary education of the given minority to the professional supervision of state organs having the appropriate powers and duties, as determined in the Act on Public Education,

c) may propose the transfer of powers and duties of county assemblies and the Budapest municipal government concerning the administration of dormitories of national and ethnic minorities, their secondary schools and vocational schools;

d) may propose the transfer of powers and duties of municipal governments and district governments of Budapest concerning the administration of dormitories of national and ethnic minorities, their secondary schools and vocational schools,

e) may, through the association of regional minority self-governments, undertake the organisation of zonal minority public services, provided that this is in line with the regulations of the Act on Municipal Governments.

### **Article 30/S**

(1) The board of the regional self-government may establish committees. The establishment of a committee of finances is obligatory.

(2) Members of the regional self-government elect the president and the deputy president of the regional self-government from among themselves at the statutory assembly.

### **Article 30/T**

The honorarium determined by the board of the regional minority self-government cannot be higher

a) than the sextuple of the base salary of civil servants, in the case of the president

b) than the amount determined for the president, in the case of the deputy president

c) than 30% of the honorarium of the president of the regional minority self-government, in the case of the chair and the members of the committee

d) than 25% of the honorarium of the president of the regional minority self-government, in the case of the representatives.

### *The national minority self-government*

### **Article 31**

Articles 30/A-30/Q of this Act governing the legal status, the powers and duties as well as the organs of local minority self-governments shall apply to national minority self-governments (hereinafter: national self-governments) with respect to disparities contained in paragraph (2) of Article 37 and in Articles 39-39/C.

## **Article 32-34<sup>2</sup>**

*The statutory assembly of the national self-government*

### **Article 35**

- (1) The mandate of the national self-government commences with the statutory assembly. The statutory assembly is convened by the president of the National Electoral Committee within 30 days after the election of the representatives.
- (2) If no new general assembly is elected, the national self-government shall cease to exist, and the organ responsible for performing state functions related to national and ethnic minorities takes over the administration of its assets.<sup>3</sup>
- (3) Before the election of the president, the statutory assembly is chaired by the oldest representative, as chairman by seniority.
- (4) A three-member committee of mandates is established at the statutory assembly. The committee of mandates examines the mandates of the elected representatives and submits a report on the results of this examination to the general assembly.
- (5) The national self-government elects its president and deputy president from among its members at the statutory assembly.
- (6) The national self-government establishes the committee of financial control at its statutory assembly.
- (7) The outgoing president, the head of the office of the national self-government and the newly elected president jointly provide the regular take over and transmission.

*The powers and duties of the national-self-government*

### **Article 36**

- (1) The national self-government represents and protects the rights of the minority represented by it on a national level, and also on regional (county and capital city) level if the given minority has no regional self-government. In the interest of developing the cultural autonomy of the given minority, it may establish institutions and co-ordinate their activities.

### **Article 37**

- (1) The national self-government - in accordance with the law - decides independently on
  - a) its name, the location of its headquarters, the detailed regulations concerning its form of organisation and operation within 3 months after the statutory assembly,
  - b) its budget, its closing balance sheet, the inventory of its assets;
  - c) the full list of its opening assets;
  - d) its insignia;
  - e) the nation-wide feasts of the minority represented by it;
  - f) its medals/decorations, and the requirements and regulations of awarding them;
  - g) the principles and the means governing the utilisation of the radio and television channels at its disposal;

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<sup>2</sup> Repealed

<sup>3</sup> Text amended by Act CIX of 2006 on Law Amendments connected to Governmental Restructuring

- h)* the principles governing the utilisation of the public radio and television air time at its disposal;
- i)* the establishment, administration, operation and liquidation of institutions, particularly primary and secondary minority educational institutions, and further, on the establishment, administration, operation and take over of higher educational institutions or training courses to be offered in institutions of higher education,
- j,* the establishment of business or other organisations,
- k)* the administration of a theatre;
- l)* the establishment and administration of a museum/exhibition hall, and a public collection with a countrywide collection coverage;
- m)* the administration of a minority library;
- n)* the establishment and administration of an artistic or scientific institute, and a publishing house;
- o)* the establishment and operation of legal advisory services;
- p)* the announcement of calls for project proposals and the foundation of scholarships within the scope of its operation;
- q)* the conclusion of a public education agreement with the Minister of Education under the Act on Public Education,
- r)* the conclusion of a public education agreement with the municipal government under the Act on Public Education,
- s)* the publication of its press releases;
- t)* the compilation of the list of minority forenames and the requests related to forenames;
- u)* the performance of other duties which legally fall within its scope of powers and duties.

(2) With the exception of powers and duties provided for the board of the municipal government as an administrative agency by law, and also with the exception of its powers and duties in the field of public utility services, the board of the municipal government shall delegate its legally transferable powers and duties to the board of the national minority self-government upon the request of the latter, on the basis of a separate agreement, provided that when acting in the area of these transferred powers and duties, the board of the national self-government would conduct minority public affairs, and that it can also provide the necessary conditions determined by law for performing these duties.

(3) The national self-government shall state its opinion on the take over of institutions by local and regional minority self-governments.

### **Article 38**

(1) The national self-government may

(a) with the exception of the decrees of municipal governments, state its opinion on bills affecting the minority represented by it in its capacity of minority, and on regulations issued by the general assemblies of counties and the capital city, if the given minority has no regional minority self-government,

b) state its opinion on the domestic implementation of bilateral and multilateral agreements concerning the protection of minorities, and it also may propose measures in favour of their enforcement;

c) contribute to spreading information about the minority voters' register required for the election of minority self-governments, as determined in a separate Act,

d) seek information from public administrative bodies with relation to issues concerning minority groups, may make proposals to them, and may initiate measures within their competence;

(e) co-operate with state bodies having the appropriate powers and competences in the professional supervision of the primary, secondary and higher education of the minority it represents.

(2) In the course of legislation on the preservation and conservation of the historical settlements and architectural monuments of minorities (with the exception of the decrees of municipal governments), and also in the course of the drafting government decrees on the implementation of the Act on Public Education, the national self-government is entitled to the right of consent concerning the kindergarten and school education of those belonging to a minority.

### **Article 39**

(1) The president, the deputy president and the representative of the national self-government may take part at the sessions of the local and the regional minority self-governments.

### **Article 39/A**

(1) The powers and duties of the national self-government are the due of its general assembly. With the exception of the non-transferable powers and duties, the general assembly may transfer its powers and duties to the president, to its committee, and also to the association of minority self-governments, as determined by the law.

(2) The organs of the general assembly are: the president, one or more than one deputy president, the committees and the office.

### **Article 39/B**

(1) The national self-government shall regulate in detail the operation of its office in its organisational and operational statute.

(2) The head of the office is appointed by the general assembly upon the proposition of the president for an undetermined period. With respect to the head of the office, the employer's rights are exercised by the president, with the exception of the right to dismissal. The later is exercised by the general assembly.

(3) The head of the office is obliged to inform the board, the committee and the president of the national self-government in case s/he perceives illegality with respect to their decisions.

(4) The office, as an organisation of the national self-government, prepares and implements the resolutions of the national self-government, and it carries out management-related duties.

(5) The office is a budgetary institution of the national self-government. If the national self-government ceases to exist, the office takes over the duties of the national self-government concerning the operation of its institutions, and also its responsibilities as (part) owner or (part) administrator with regard to other organisations established by it. The present paragraph does not apply to the responsibilities of the national self-government stemming from a transfer of powers and duties under this Act, an agreement on public education or the take over of the administration of public educational and cultural institutions.

(6) As for the movable and immovable property, the assets and the documents not falling under paragraph (5), the office shall temporarily hand them over to the organ responsible for performing state functions related to national and ethnic minorities within 60 days after the cessation of the national self-government. The organ responsible for performing state functions related to national and ethnic minorities shall, under obligation of accountability, return the documents and the originally transferred assets or those that have replaced them to the new national self-government within 30 days after its establishment.<sup>4</sup>

(7) The powers and duties of the office under paragraph (5) shall go back to the new national self-government from the day of its establishment. With regard to its activities under paragraph (5), the office is obliged to present accounts to the general assembly, and it shall at the same time no longer exercise independently its rights under paragraph (5).

#### **Article 39/C**

The honorarium, respectively the salary determined by the general assembly of the national self-government cannot be higher than

- a) the tenfold of the base salary of civil servants, for the president,
- b) the eightfold of the base salary of civil servants, for the deputy president,
- c) the sextuple of the base salary of civil servants, for the chair of the committee,
- d) the triple of the base salary of civil servants, for members of committees,
- e) the double of the base salary of civil servants, for the elected representatives.

#### **Article 39/D**

(1) Regulations governing budgetary institutions shall apply to the management, to the reporting and bookkeeping obligations of national self-governments and their working organs, with a view to disparities contained in this Act.

(2) The national self-government may contract on a loan only without jeopardizing its solvency, and shall not use state support and assets for the purpose of loan recovery.

(3) In a manner required by the allocator, the national self-government shall financially report on the use of targeted subsidies received from the state budget under the law or a separate agreement. The national self-government shall provide for the separate registration and bookkeeping of such subsidies.

(4) The national self-government shall grant subsidies to outside organisations and persons only for the purpose of conducting its duties under the law. The possibility to obtain subsidies shall be made public and the requirement of equal treatment shall be respected in the course of granting subsidies.

(5) Members and employees of the national self-government, outside organisations and persons, and the relatives of these all may be granted subsidies by the national self-government only in line with the restrictions laid down in its organisational and operational statutes.

#### **Article 39/E**

(1) The incomes and expenditures of the entrepreneurial activities of the national self-government shall be registered and kept separately and included in the annual report.

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<sup>4</sup> Text amended by Act CIX of 2006 on Law Amendments connected to Governmental Restructuring

(2) In the closing balance sheet, the national self-government shall state what proportion of its income shall be spent for its operation and respectively for the conduct of minority public affairs.

(3) Provisions of the Act on State Finances shall apply to the majority-owned companies of the national self-government, and also to companies in which the joint share of the national self-government and the local minority self-government exceeds 51 per cent.

#### **Article 39/F**

(1) The business activities of national self-governments shall not jeopardize the conduct of minority public affairs; the national self-government may have shares in companies, in which its liabilities do not exceed its initial share.

(2) The general assembly is responsible for the safety of business activities, while the chair of the general assembly shall be responsible for the correctitude of business activities.

(3) The responsibility for loss-making business activities shall lie with the national self-government, and the state has no liabilities in this respect.

(4) The Act on paying off debts of municipal governments shall apply to the paying off debts of the national self-governments.

(5) In order to restore its solvency, the national self-government shall suspend the financing of all activities other than its duties under the law.

#### **Article 39/G**

(1) The economic activities of the national self-governments, and the use of subsidies and assets provided free of charge by the State for determined objectives, shall be supervised by the National Audit Office. The national self-government shall conduct its own financial supervision and that of its institutions by a lawfully qualified interior auditor, independently or jointly with other national self-governments.

(2) The national self-government shall establish a committee of finances. With respect to the national self-government and its institutions, the tasks of the committee of finances lie particularly in giving its opinion on the draft annual budget and on the draft of the semi-annual and annual report, in the following and analysing of financial transactions, in the examination of the well-foundedness of financial decisions (particularly the contracts on loans), and in the enforcement of the financial legal provisions and interior statutes. The committee shall submit the report on its activity to the general assembly without delay. The general assembly decides on the report out of turn. In case of the disagreement of the general assembly or in case it fails to decide on the report, the committee on finances shall forward the report to the National Audit Office.

(3) Independently or jointly with other national self-governments, the national self-government shall charge a budget auditor (office) who (which) is legally registered as such, and furthermore, it also shall make public in *Belügyi Közlöny* (the Gazette of Interior Affairs) and in *Cégközlöny* (Gazette of Businesses) the simplified annual report on its cash flow – as determined in a separate act - which includes the joint data of the national self-government and its institutions, its annual balance sheet, the pay-off amount and the profit and loss statement. Regulations of the act on municipal governments shall otherwise apply to the auditor.

(4) Each year, the national self-government shall make public in *Magyar Közlöny* (the Official Gazette of the Republic of Hungary), and - if such exists - on the website of the national self-government, its budget approved by the general assembly, by 28 February, its



report, by 15 May, and its organisational and operational statutes within 45 days from its approval or its modification.

#### **Article 39/H**

(1) The representative of the national self-government shall make a declaration on his/her assets within 30 days from receiving his/her credentials, and henceforth, s/he is obliged to do so before 31 January each year, according to the rules of the appendix of this Act. The representative shall attach to his own declaration of assets that of his/her spouse or companion and that of his/her child, provided that these persons live with him/her.

(2) In case the representative of the national self-government fails to make the declaration of assets, s/he shall not exercise her/his rights as a representative and shall not be granted the allowances determined in Article 39/C – until s/he hands in the declaration.

(3) The declarations of assets are registered and verified by the committee designated for this purpose by the provisions of the organisational and operational statutes. The declarations of assets are public, with the exception of identification data. The declaration of the representative's relative is not public, it may be inspected only by members of the verifying committee.

(4) A procedure concerning the declarations of assets may be proposed by anyone before the verifying committee. The committee shall inform the national self-government about the results of the procedure at its upcoming session.

(5) In the course of the procedure on the declarations of assets, the representative shall notify the verifying committee - upon its request - without delay and in writing about the identification data contained in his/her declaration of assets and in that of his/her relative. The identification data are only accessible to the members of the committee, and shall be deleted within 8 days from the ending of the procedure.

(6) The national self-government shall not transfer its powers with respect to the decision on the procedure on the declarations of assets.

(7) The national self-government shall discuss the procedure on the declarations of assets at its closed session.

## **CHAPTER 5**

### **The Local Spokesperson for Minorities**

#### **Article 40**

(1) In accordance with paragraph (7) of Article 12 of the act on municipal governments, the local spokesperson of a minority (hereinafter `spokesperson') is entitled,

a) unless s/he is a representative in the municipal government, to attend, and participate with consultative right in, the sessions - including closed sessions - of the board of the municipal government or any of its committees where issues on the agenda concern minorities,

b) to propose to the mayor, or to the president of a committee, the discussion of an issue, which concerns minorities and falls within the competence of the board of the municipal government or the committee;

c) to propose that the board of the municipal government review a decision made by its committee which affects a minority;

d) to seek information at the meeting of the board or any committee, from the mayor, from the chief administrator or from the president of the committee on issues affecting a minority which fall within the competence of the municipal government;

e) to ask for information and for administrative co-operation from the mayor and the chief administrator if necessary to perform his/her duties;

f) to initiate action by the mayor, the chief administrator, or by an administrator with appropriate powers on issues affecting minorities in their capacity as such;

g) to propose - in line with the provisions of par (1) of Article 101 of the act on municipal governments – that the board of the municipal government turn to the body with appropriate powers concerning issues affecting the situation of the given minority.

(2) On the basis of the initiative specified in item b) of paragraph (1), the mayor or the president of the committee is obliged to put forward the proposal of the spokesperson at the next session of the board of the municipal government, or at the next session of the committee. The board of the municipal government or the committee shall decide on putting the issue on the agenda, and also on the modalities of preparing the case.

(3) If the spokesperson seeks information from the mayor, from the chief administrator or from the president of the committee during the session of the board of municipal government or during the session of the committee, s/he must be given reply at the session or – in a written form - within 15 days from the meeting at the latest.

(4) The verbal contribution of the spokesperson must be recorded - at his/her request - in the minutes of the meeting of the board of the municipal government or the committee, or - if the contribution has been submitted in writing - it must be enclosed to the minutes.

(5) The discussion of an issue affecting a given minority, which has been put on the agenda in accordance with the provisions of paragraph (2) on the basis of the initiative specified in item b) of paragraph (1), may be postponed or removed from the agenda by the board of representatives only if so requested by the spokesperson.

(6) Before the competent municipal government body enacts a municipal government decree concerning the rights and the obligations of a minority, or before it takes a measure having a general impact on the situation of a minority, it must consult the spokesperson.

#### **Article 41**

(1) The employer must release the spokesperson from his/her duties - at his/her own request - for the period s/he performs his/her duties as a spokesperson. The board of the municipal government shall compensate him/her for the loss of income resulting from his/her absence from work. On the basis of this income the spokesperson is also entitled to social security.

(2) The spokesperson is not entitled to honorarium for performing his/her duties as a spokesperson, the provisions regulating the reimbursement of costs and payment of allowances of town councillors shall apply to him/her.

(3) The provisions of paragraph (1) - (2) do not affect the rights and the duties of members of the board of the municipal government in cases where the spokesperson is also a member of the municipal government.

## **CHAPTER 6**

### **The Cultural and Educational Autonomy of Minorities**

#### **Article 42**

In accordance with this Act the following languages are deemed languages used by minorities: Bulgarian, Gypsy ('Romani' and 'Beash'), Greek, Croatian, Polish, German, Armenian, Romanian, Ruthenian, Serbian, Slovak, Slovenian and Ukrainian.

#### **Article 43**

(1) The state recognises the mother tongues of minorities as a factor contributing to community cohesion. Regardless of the administrator, the state supports the use of minority languages in minority educational institutions.

(2) Depending on the decision of their parents or guardian, children belonging to a minority may be educated in their mother tongue, bilingually (in their mother tongue and in Hungarian), or in Hungarian. From the year on, when the child turns 14, the parents exercise the above right together with their child, provided that s/he is not incapable.

(3) The education of minorities in their mother tongue or their bilingual education may be provided in minority kindergartens, schools, or in classes or groups within schools, according to local possibilities and demands.

(4) The municipal government being legally tasked with the organisation of minority kindergarten and school education, shall, at the request of the parents of minimum eight students belonging to the same minority, establish and run a minority class or group, provided that the kindergarten groups and the school classes can be organised under the Act on Public Education. If the number of pupils in a given settlement is not sufficient to establish minority classes, the regional (capital city) minority self-government ensures the conditions for complementary minority education at the request of the affected national self-government.

#### **Article 44**

The extra costs of minority education in the mother tongue or those of bilingual education as provided for in Article 43 are to be met by the state or the municipal government in line with the provisions of the law.

#### **Article 45**

(1) In the course of the legal regulation of education and higher education, the choice of the content and the structure of educational activities and the supervision of such activities, cultural and educational interests corresponding to the cultural autonomy of minorities have to be enforced in line with this Act.

(2) The language of instruction in Roma minority education may be exclusively Hungarian, but the educational institution shall, according to the demands of the parents, provide for the teaching of the Roma languages (Romani and Beash).

(3) Minority kindergarten and school education shall ensure that students acquire knowledge on their people, particularly in the field of the history of their minority and its mother country, as well as its cultural traditions and values.

#### **Article 46**

(1) Municipal governments and minority self-governments co-operate in assessing the demand for minority education and in the organisation of such education.

(2) It is the duty of the state to train native teachers to provide education in the mother tongue or bilingual education.

(3) The state will ensure - also through international agreements - that members of minorities participate in full-time and part-time training, further training, and scientific training in foreign institutions that teach in the relevant minority language and foster that culture.

(4) In order to implement the provisions of paragraph (2), the state shall support the employment in Hungary of guest teachers coming from the mother country or from the linguistic region of the minority concerned.

(5) A university or college degree, a certificate of qualifications and skills acquired by a person belonging to a minority in his/her kin state must be considered - within the scope of applicable laws and international agreements - as equivalent to the appropriate degrees and certificates obtained in the Republic of Hungary.

#### **Article 47**

(1) In accordance with the provisions of the Act on Public Education, the minority self-government may take part in the implementation of the obligatory tasks of municipal governments related to kindergarten, school and dormitory education of children belonging to a national or ethnic minority.

(2) In accordance with the provisions of the Act on Public Education, the local minority self-government may found and administer public educational institutions and it may take over the right of managing public educational institutions founded by others. The transfer of administration rights shall not result in reorganisation. In the absence of evidence to the contrary, a reorganisation conducted before the planned transfer or within two years after it shall qualify as a reorganisation with respect to the transfer of administration rights. By virtue of this paragraph, fusion or dissection of institutions qualify as reorganisation.

(3) The local minority self-government may take over public educational institutions from the municipal government in accordance with the provisions of the Act on Public Education, unless otherwise stipulated in this Act.

(4) At the request of the national self-government, the municipal government is obliged to transfer the administration of schools or dormitories with regional or national coverage which, in conformity with their founding charter, carry out minority related tasks, and if all students take part in minority education. This provision applies to schools and dormitories operating on a district level if the geographical location of persons belonging to the given minority does not allow those institutions to operate on a regional or national level. The opinion of the school board and the dormitory board of the affected institutions, or for lack of those, the opinion of the parents' association and the students' self-government must be enclosed to the request.

(5) The take over and on the transfer of administration shall take the form of a written agreement. In the course of the transfer, provisions of Act on Public Education shall apply with the disparity that the municipal government, before making a decision on the transfer, must obtain the approval of the kindergarten board, the school board, the dormitory board or, for lack of those, the agreement of the parents' association and the school and the dormitory students' self-governments, if the transfer does not occur according to paragraph (4).

(6) If the transfer of the educational institution is conducted

a) according to paragraph (4), the Minister of Education,

b) differently from the conditions determined in paragraph (4), the municipal government transferring the administration shall conclude a public educational agreement with the

minority self-government, as the future administrator, in accordance with the provisions of the Act on Public Education.

(7) Along with the administration rights, the moveable and immovable property used for carrying out the tasks of a public educational institution shall also be transferred. The transfer is free of charge. As regards educational and teaching institutions, the date of the transfer of use is 1 July after the year of the notification about the intent of transfer, as regards other institutions of public education, it is the 1 January of the year following the notification. The period of use shall not be shorter than 10 years.

(8) If the transfer of administration rights to the minority self-government is not conducted in accordance with paragraph (4), then the transfer shall not affect the obligation of the municipal government to carry out its compulsory tasks. For the time of the transfer of administration rights, the right of the municipal government to administer and to supervise the institutions shall be suspended. The tasks of the administrator determined in Articles 102-104 and 106 of the Act on Public Education shall be carried out by the minority self-government, as the new administrator. For the time of the suspension of its competence to administer institutions, the municipal government may request information from the minority self-government about the implementation of local governmental tasks and may put forward proposals on the implementation of certain tasks it deems necessary.

(9) If a minority self-government ceases to exist without the establishment of a new minority self-government, the rights of administration shall be exercised, until the establishment of the minority self-government,

*a)* by the Ministry of Education, if the transfer is conducted according to paragraph (4),

*b)* by the municipal government that has transferred the administration right, if the transfer has been carried out differently from the regulations contained in paragraph (4).

(10) Minority self-governments, which take over public educational institutions may claim financial support and subsidies under the same legal title and conditions as municipal governments on the basis of the current Act on State Budget and the public educational agreement specified in paragraph (6). Minority self-governments may also claim complementary subsidy for carrying out minority-related tasks (hereinafter: complementary minority administration subsidy), or according to the conditions specified, it may take part in calls for proposals announced for municipal governments.

(11) If the transfer is carried out under paragraph (4), the complementary minority administration subsidy shall be provided from the state budget. If the transfer is done otherwise than determined in paragraph (4), the complementary subsidy shall be allocated to the minority self-government from the state budget, and the subsidy shall be accounted for to the municipal government, in accordance with the Act on Public Education. If the transfer is carried out according to paragraph (4), the state budget provides complementary subsidy for the operation of the transferred public educational institutions through calls for proposals in line with the conditions determined therein. The minority self-government shall use subsidies provided for the purpose of carrying out public educational tasks, the complementary minority administration subsidy as well as the subsidies for operational costs exclusively in favour of the particular institution. The public educational state subsidies and the complementary minority administration subsidy should be registered and kept separately from other incomes, and they must be accounted for.

(12) The complementary minority administration subsidy under paragraph (10) shall be calculated each year on the basis of data available at the time of the budgetary planning, in the Act on State Budget, with regard to the use of public educational services. For calculating the

complementary minority administration subsidy, the amount of sectorial operational expenses and the renovation costs of municipal governments shall be reduced by the incomes of the institution and by the amount of other subsidies that have been allocated from the public educational budget and that are available through calls for proposals for municipal governments, minority self-governments and their institutions too. The accordingly calculated amount constitutes the base for calculating the proportion of normative support as well as the amount of the complementary minority administration subsidy.

(13) If the national self-government establishes a new school, item a) of paragraph (6), paragraph (10) and with regard to item a), paragraph (11) of this Article shall apply provided that the school qualifies as a national institution under point 27, paragraph (1) of Article 121 of the Act on Public Education. If a local minority self-government establishes a school, item b) of paragraph (6), paragraph (10) and – with regard to item b) – paragraph (11) of this Article shall apply, provided that no school carries out minority educational tasks in the given settlement.

(14) The state subsidy available to minority self-governments through applying for the purpose of running public educational institutions shall be included in the budget of the Ministry of Education.

(15) The municipal government and the minority self-government may conclude an agreement on the joint administration of the public educational institution. Paragraph (10) shall apply to jointly administered public educational institutions.

(16) The provisions of Act No. XXXII/1992 on the legal status of public servants shall apply to employment in public educational institutions administered by minority self-governments.

#### **Article 47/A**

If the law guarantees the right to consultation or the right of consent to minority self-governments with regard to public educational affairs, the minority self-government shall make its statement within 30 days. Upon the request of the affected party, this deadline shall be extended by 30 days. This deadline must be respected under pain of loss of rights. If the minority self-government fails to give its consent and no agreement is reached between the parties within the next 15 days, a nine-member committee shall be established. The minority self-government, the party interested in the consent and the National Minority Committee, (the latter regulated by paragraph (1) of Article 98 of the Act on Public Education) are entitled to delegate to the committee 3 members each. The National Minority Committee selects its candidates from the national list of experts (henceforth: the candidates). The committee establishes its own operating order with the restriction that its decisions shall require the simple majority of votes. This decision qualifies as a consent. The operational costs of the committee shall be covered by the party interested in the consent. The candidates are entitled to remuneration under the same conditions as the experts on the national list; their honorarium shall be determined by the National Minority Committee and it shall be paid by the party interested in the consent.

#### **Article 48**

(1) Those who do not belong to a minority may study in a minority educational institution if it has free places after meeting the demands of the given minority. The admission of students (enrolment) shall follow the regulations made public in advance.

(2) The teaching of the Hungarian language shall be provided also in minority public educational institutions in a number of lessons and at a level that are necessary to master it.

(3) In settlements where the Hungarian population or another national or ethnic minority constitutes a numerical minority, education in the mother tongue or the bilingual education of Hungarian pupils and the pupils of the other minority shall be guaranteed by the municipal government, in accordance with the provisions of the law.

#### **Article 49**

(1) In accordance with the provisions of the respective law, the local minority self-government may take part in the execution of the obligatory municipal tasks related to the cultural life of minorities.

(2) The minority self-government is entitled to establish, to administer, or to take over cultural institutions and duties related to culture. The state contributes to the performance of these duties according to the provisions of the Act on State Budget.

#### **Article 49/A**

(1) At the request of the national self-government, the municipal government, as the administrator of the institution, is obliged to transfer to the requesting national self-government the administration of those institutions that carry out exclusively minority culture related tasks and meet the cultural demands of the affected minority.

(2) The administration right of multiethnic cultural institutions shall be transferred on the basis of an agreement concluded by the affected national self-governments; the national minority self-government(s) that will administer the institution shall be designated in the agreement.

(3) Parties shall specify in an agreement the performance of those obligatory duties regulated by law, which relate to those inhabitants who do not belong to the affected minority.

(4) As the new administrator of the institution, the national self-government is responsible for its proper, legal and expedient operation and management.

(5) The new administrator is obliged to maintain in good state the immovable property transferred to it. The new administrator is liable for the damages caused under the general regulations of civil law.

#### **Article 49/B**

(1) The municipal government, which transfers the administration of the cultural institution and the related tasks, shall conclude an agreement with the minority self-government, as the new administrator.

(2) The parties are free to decide on the content of the agreement within the framework of the law. The purpose of the transfer is to ensure the substantial and organisational continuity and possibly the extension of basic municipal cultural services even if they are managed by the minority self-government. The agreement shall regulate:

- a) the tasks of the cultural institution,
- b) the scope of those being affected by the activity of the cultural institution,
- c) the time of its validity.
- d) the minimum opening hours of the cultural institution deemed necessary for performing its legal duties,
- e) the required professional qualification of the actors with respect to the conduct of cultural tasks,

- f) the personal, material and financial conditions of the operation of the institution,
- g) the provisions concerning the ownership,
- h) the conditions of the re-transfer of the cultural institution.

#### **Article 49/C**

(1) In the case of the establishment of a cultural institution, its transfer, its reorganisation and the suspension of its activities for more than 60 days, the opinion of the Minister of National Cultural Heritage shall be obtained 30 days before the decision of the board, and its content shall be communicated to the board.

(2) The transfer does not affect the employment relations of those employed at the cultural institution. The rights of the employer shall be exercised by the new administrator after the transfer. The transfer does not qualify as reorganisation. The transfer of administration rights shall not result in reorganisation. In the absence of evidence to the contrary, a reorganisation conducted before the planned transfer or within two years afterwards shall qualify as reorganisation related to the transfer of administration. Under the present paragraph, fusion or dissection of institutions qualify as reorganisation.

(3) Along with the transfer of cultural tasks, the moveable and immovable property used for this purpose shall also be transferred to the use and possession of the new administrator. The transfer is free of charge. The period of use shall not be shorter than 10 years.

(4) In case of the non-realization of conditions and duties enshrined in the law, the administrative body responsible for the given sector and for its supervision, may request the court to annul the agreement and at the same time, it may also request *in integrum restitutio*. In the course of the court procedure, the Minister of National Cultural Heritage shall be called upon in order to give a professional statement on the issue.

(5) For the time of the transfer, the administration rights of the municipal government shall be suspended and the administration tasks regulated by the respective law shall be conducted by the minority self-government, as the new administrator. If the minority self-government is unable to perform its duties, the municipal government that transferred the administration shall, on the basis of the conditions enshrined in the agreement concluded with the minority self-government, take back the administration of the institution.

(6) The minority self-government is entitled to state support under the Act on State Budget in order to operate the cultural institutions it administers.

#### **Article 49/D**

(1) With respect to the provisions of the Act on the association and cooperation of municipal governments, the municipal government and the minority self-government may enter into an agreement on the joint administration of a cultural institution and the joint conduct of cultural activities. Article 49/C paragraph (1) shall apply to jointly administered cultural institutions.

(2) If the law guarantees consultative rights or the right of consent for the minority self-government with respect to the transfer of cultural institutions and the related cultural tasks, Article 47/A shall apply to the procedure.

#### **Article 49/E**

(1) A public library system ensures that minorities have access to literature in their mother tongue.



(2) In settlements where there is no library administered by the municipal government, it is the duty of the municipal government to provide the minority population with library material in their mother tongue according to the related legal provisions.

#### **Article 50**

(1) The state guarantees the publication of textbooks and the provision of equipment necessary for minority education.

(2) The state supports

a) the collection of material documents of minority cultures, the establishment and the enrichment of public collections;

b) the publication of books by minorities and the publication of their periodicals;

c) information on acts and on announcements of public interest in the native languages of the minorities;

d) the performance of church ceremonies related to the family events of minorities in their mother tongue, and the religious activities of churches in the mother tongue of minorities.

### **CHAPTER 7**

#### **Language Use**

##### **Article 51**

(1) In the Republic of Hungary everybody may freely use his/her mother tongue wherever and whenever s/he wishes to do so. The conditions of the language use of minorities - in cases provided for by a separate law - must be guaranteed by the state.

(2) In the course of civil and criminal proceedings, or in administrative procedures the use of the mother tongue is ensured by the applicable procedural acts.

##### **Article 52**

(1) In the National Assembly, MPs belonging to minorities may also use their mother tongue.

(2) In the board of representatives of the municipal government, a minority representative may also use his/her mother tongue. If s/he takes the floor in the language of a minority, the Hungarian translation of the contribution or a Hungarian summary of its contents will be enclosed to the minutes of the meeting.

(3) If the settlement is also inhabited by people belonging to a minority, the minutes and resolutions of the board of representatives of the municipal government may – besides Hungarian - also be recorded or worded in the mother tongue of the given minority. In the event of disputes over the interpretation, the Hungarian version is deemed to be authentic.

##### **Article 53**

(1) Upon the well-founded request of the local minority self-government or the regional minority self-government operating on the territory under the competence of the municipal government, the latter is obliged to ensure that

a) the announcement of its regulations and the publication of its announcements are also made in the language of the minority - in addition to the Hungarian language;

b) the forms used in the course of administrative procedures are also available in the language of the minority;

c) signs bearing the names of settlements and streets, public offices, and companies offering public services, or announcements relating to their operations - in addition to the Hungarian wording and spelling, with the same content and form - may also be read in the mother tongue of the minority.

(2) The board of the municipal government decides about the well-foundedness of the request within 30 days from its submitting.

#### **Article 54**

The local authorities shall ensure that in the course of filling vacancies in local public services, and also in the course of hiring notaries and bailiffs, candidates speaking also the mother tongue of the given minority would be employed, provided that they meet the general professional requirements and that the numerical proportion of the given minority in the settlement justifies these measures.

### **CHAPTER 8**

#### **Assistance to Minorities, the Financial Management and the Assets of Minority Governments**

#### **Article 55**

(1) For conducting minority public affairs, the state shall, in the Act on State Budget

a) allocate financial support, the general and the task-based conditions of which shall be determined by a government decree,

b) provide additional normative support for the kindergarten education of minorities, and for their schooling in their mother tongue or their bilingual education,

c) provide the financial assistance specified in chapter VI, in the field of the cultural and educational autonomy of minorities,

d) provide financial assistance for the Public Foundation regulated under Article 55/A, and for the minority civil organisations.

(2) With the exceptions contained in Article 47 paragraph(10)-(11), and Article 49/C paragraph(3), institutions administered by the national self-governments shall be treated in respect to normative state support equally with church institutions providing human services,.

(3) With the exceptions specified in Article 47 paragraphs (10-11), and Article 49/C, paragraph (6), local and regional minority self-governments are entitled to normative state support under the same rules as churches. The local and regional minority self-governments receive the normative state support through the municipal government.

(4) The local and the regional minority self-government receive the normative state support specified in paragraph (3), and the operational support specified in point a) of paragraph (1) through the municipal government, which is obliged to transfer the support to the account of the local or the regional minority self-government within 8 days.

(5) The minority self-government is entitled to the state support specified in point a) of paragraph (1) in the case if it conducts minority public affairs specified in a resolution passed by its board.

(6) A public foundation shall be established to help preserve the identity of minorities living in Hungary, foster and pass on their traditions, preserve and develop their mother tongues, preserve their intellectual and material monuments, and promote activities aimed at reducing the cultural and political disadvantages which derive from their minority affiliation.

(7) The provision of assistance by the public foundation is part of the public financing scheme targeted at minorities.

#### **Article 55/A**

(1) The public foundation referred to in paragraphs (3)-(4) of Article 55 shall be established by the Government of the Republic of Hungary under the name 'Public Foundation for the National and Ethnic Minorities living in Hungary' (hereinafter 'Public Foundation') with its headquarters in Budapest.

(2) The property of the Public Foundation comprises the assets transferred to it, and the financial means specified in the prevailing annual Act on State Budget.

(3) The primary decision-making board of the Public Foundation is the Board of Trustees. Its members shall be the following:

a) one representative from each national minority self-government - elected at their general assembly - or, in the absence of a national minority self-government, a person designated by the local minority self-governments of the given minority, or else, in their absence, by the civil organisations of the given minority;

b) one person from among the MPs of the governing party/ies and one person from the MPs of the opposition, designated by the Parliamentary Standing Committee dealing with national and ethnic minorities in Hungary,

c) four persons appointed by the Founder and one person appointed by the President of the Hungarian Academy of Sciences.

(4) The President of the Board of Trustees – who is also its legal representative - shall be the person designated by the Government.<sup>5</sup>

(5) Members of the body authorised to control the Public Foundation (The Board of Supervisors) shall be the following:

a) one person from among the MPs of the governing party/ies and one person from the MPs of the opposition, designated by the Parliamentary Standing Committee dealing with national and ethnic minorities in Hungary,

b) two persons appointed by the Founder.

(6) The President of the Board of Supervisors shall be a person nominated by the Founder.

(7) The right of the designation and the appointment specified in paragraphs (3)-(6) includes the right of revocation of the mandate and the appointment.

#### **Article 56**

Domestic and foreign organisations, foundations and private persons may participate in the financing of minorities.

#### **Article 57**

(1) The business activities of minority self-governments shall be supervised by the National Audit Office.

(2) The supervisory monitoring of the budgetary institutions administered by the local and regional minority self-governments shall be carried out by the interior auditor of the minority self-governments, or by the interior auditor responsible for the monitoring of the business

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<sup>5</sup> Text amended by Act CIX of 2006 on Law Amendments connected to Governmental Restructuring

activities of municipal governmental organs. The interior auditor is obliged to report to the board of the local or regional minority self-government about the results of the monitoring.

*The assets of minority governments*

**Article 58**

(1) The legal provisions of this Act and the act on municipal governments shall apply to the assets and to the management activities of minority self-governments.

(2) The assets and the incomes of minority self-governments are particularly:

- a) contributions from the state budget;
- b) contributions by the municipal government;
- c) their own revenues,
- d) financial assistance,
- e) the gain from its property,
- f) donations
- g) transferred financial assets.

**Article 59**

(1) In case of the transfer of powers and duties under this Act, the property necessary for the minority self-government to perform its duties shall be transferred for its use and to its ownership by the municipal government or the minority self-government, which transferred its powers and duties. This transfer shall be conducted according to a separate agreement, and must not hinder the municipal government in performing its duties and exercising its powers.

(2) In order to ensure the conditions of operation of national minority self-governments, the territorially competent municipal government must transfer to their disposal a net area of 150-300 square metres – and be compensated by the state - within 3 months from their establishment, if the national minority self-government is established within two budgetary years from this Act coming into force.

(3) Within two months after the establishment of the local minority self-government, the municipal government shall pass to the free use of the local minority self-government the assets necessary to conduct minority public affairs and to ensure the conditions of operation as specified in Article 27. This transfer must not hinder the municipal government in performing its duties and exercising its powers. The municipal government separately specifies the list of transferred assets in its decree.

(4) The regulations of the Civil Code shall apply to the right of use and to the transfer procedure, however, the terms of conditions of the transfer shall be recorded in a written document containing the detailed specification of the assets to be transferred, their value, and the minority public affairs to be conducted through the transfer.

(5)<sup>6</sup>

**Article 59/A**

(1) The self-contained building, or the part of a building transferred to the national minority self-government for use, shall be passed into its proprietorship as a free one-off transfer of assets.

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<sup>6</sup> Repealed

(2) Paragraph (1) shall apply to national self-governments which do not possess a self-contained building, or a part of a building.

(3) The self-contained building, or the part of a building acquired by the national self-government as a free one-off transfer of assets, constitutes the opening assets of national self-governments, which are not commercializable, according to the provisions of point a) of paragraph (4), Article 60/A.

#### **Article 60**

(1) The minority self-government, with the disparities specified by law, is entitled to the rights and is bound by the obligations of an owner. The board decides on matters concerning its rights as an owner within its non-transferable powers; the resolution requires a qualified majority of the votes.

(2) If the local or regional minority self-government terminates its activities, all their movable and immovable property and all the rights of material value shall be transferred to the temporary trusteeship of the municipal government, for the time until the succession occurs. After the succession, the newly established local or regional minority self-government will own the property or the property of equal value replacing the original assets.

(3) If the local or regional minority self-government terminates its activities according to paragraph (2), their administration rights as well as the employer's rights in respect to the heads of institutions shall be exercised by the municipal government. The municipal government cannot sell or mortgage the property temporarily administered by it, nor can it convey the property to the trusteeship of others. Within 30 days from the establishment of the local or regional minority self-government, the municipal government shall give an account of its temporary trusteeship.

(4) Within 30 days from the succession, the temporarily administered property, or the property of equal value shall be transferred to the newly established local or regional minority self-government, and an account shall be made of the temporary trusteeship.

(5) The municipal government is liable for the debts of the local or the regional minority self-government only if this is included in the agreement they concluded, and to the extent determined in the agreement.

#### **Article 60/A**

(1) The property of the minority self-government serves the conduct of minority public affairs.

(2) In the course of the conduct of minority public affairs, the minority self-government independently administers its property. The board is responsible for the safety of the financial management, while the president shall be responsible for its correctitude.

(3) The capital constitutes a separate unit within the property of the minority self-government. The list of the items of the capital is determined by the board within the scope of its non-transferable powers; the related resolution requires a qualified majority of the votes. The capital comprises all movable and immovable assets as well as rights of material value that are owned or exclusively used by the minority self-government and directly serve the conduct of minority public affairs.

(4) From among the items of the capital,

a) the following are not commercializable: the immovable property ensuring the operation, and all other assets specified as such by law or by the resolution of the minority self-government concerning its organisation and operation,

b) all assets not specified in paragraph (1) are commercializable with restrictions.

(5) It is possible to dispose of the assets of the capital commercializable with restrictions on the basis of conditions specified by law or by the resolution passed by the minority self-government with a qualified majority of the votes.

#### **Article 60/B**

The budget of minority self-governments is part of the state finances, and it is connected to state finances through its entire cash flow. The budget of minority self-governments is separated from the central state budget and is connected to it through state subventions and other budgetary relations.

#### **Article 60/C**

(1) Provisions governing the operational order of state finances, as well as provisions governing the order the budgetary obligations and the reporting of budgetary agencies shall apply to the management of minority self-governments.

(2) Within state finances, the local and regional minority self-governments are part of the system of municipal governments, and provisions governing the management of municipal governmental budgetary institutions shall apply to their management, with regard to disparities specified in this Act.

(3) Provisions governing the management of central budgetary institutions shall apply to the management of national self-governments, with regard to disparities specified in this Act.

#### **Article 60/D**

The certificate of the competent electoral committee and the minutes recorded at the statutory assembly of the board shall be required for minority self-governments to open a bank account.

### **CHAPTER 9**

#### **The associations of minority self-governments**

#### **Article 60/E**

(1) The minority self-government can freely associate with municipal governments and with other minority self-governments for the purpose of fulfilling its tasks more effectively. The conditions of the association shall be specified in an agreement.

(2) Besides the provisions of Articles 60/F and 60/G concerning the establishment of associations, associations may also be established under the Act on the association and cooperation of municipal governments.

(3) The association may not infringe the self-governance rights of minority self-governments and municipal governments that take part in it.

(4) The court decides over the disputes arisen between the associated minority self-governments in the course of the activities of the association. The associated minority self-governments may agree that in case of disputes, any minority self-government can request the standpoint of a conciliatory committee whose members are invited by the consortium for the protection of the interests of municipal governments designated in the agreement. The associated minority self-governments may also agree that before filing a lawsuit, the minority self-government shall request the standpoint of the conciliatory committee.

### *The associations of institutions*

#### **Article 60/F**

(1) The affected minority self-governments may agree to jointly establish, administer and develop one or more minority institutions, the sphere of activities of which covers two or more municipalities.

(2) The following shall be specified in the agreement:

- a) the sphere of activity and the sphere of those served by the joint institution;
- b) the proportion of the financial contribution of the individual self-governments;
- c) the rights and obligations concerning the administration of the institution, and also the way of exercising them;
- d) the conditions of the denunciation of the agreement.

### *The board of associated minority self-governments*

#### **Article 60/G**

(1) Boards of minority self-governments of the same minority may establish an associated minority self-governmental board.

(2) In case of the establishment of an associated minority self-governmental board, the minority self-governments partly or entirely unite their budgets, and jointly run their institutions.

(3) The conditions for the operation of the associated minority self-governmental board shall be provided by the municipal government designated in the agreement concluded by the affected municipal governments. Concerning the conditions of the operation, Article 27 of this act shall apply with the condition that all municipal governments affected shall be involved in ensuring them.

(4) At its statutory assembly, the associated minority self-governmental board adopts a resolution concerning its establishment, its headquarters and the list of the minority self-governments associated. The associated minority self-governmental board decides on its organisation and its operational order. The session of the associated minority self-governmental board shall be convened upon the initiative of the president of any participating minority self-government.

## **CHAPTER 10**

### **The control of legality of minority self-governments**

#### **Article 60/H**

(1) The head of the office of public administration of the capital city or of the county conducts the control of legality of minority self-governments. S/he can examine the decisions of minority self-governments only from a legal point of view.

(2) The control of legality of national minority self-governments under paragraph (1) shall be conducted by the head of the office of public administration which is territorially competent according to the headquarters of the national self-government.

## **Article 60/I**

(1) Within his/her authority concerning the control of legality, the head of the office of public administration examines whether

- a) the organisation, operation, decision-making procedure,
- b) the decrees, including the decisions made by the board, by the president, by the committees and by the association of minority self-governments are in conformity with the law.

(2) With the exception included in paragraph (3), the control of legality exercised by the head of the office of public administration does not cover those decisions of the minority self-government that are subject to

- a) labour dispute (disputes arising from the legal status of civil servants and public servants)
- b) court or administrative procedure specified in a separate act.

(3) The right of legality control exercised by the head of the office of public administration covers also legal disputes specified in paragraph (2) within the sphere of point a) of paragraph (1) and point a) of paragraph (2), provided that the decision of the minority self-government contains an infringement of the law in favour of the employee.

(4) Upon the request of the minority self-government, the head of the public administration office provides professional assistance within the scope of his/her duties and authority.

## **Article 60/J**

(1) Within the control of legality, the head of the office of public administration, simultaneously with setting a deadline, invites the affected persons to eliminate the infringement of the law. The affected person is obliged to examine the notice and inform the head of the office of public administration about the measures taken in conformity with the notice, or about his/her disapproval by the deadline fixed.

(2) If no measures have been taken by the deadline, or the affected person disapproves of the notice, the head of the office of public administration may initiate:

- a) the judicial review of the illegal resolution,
- b) the convocation of the board of the minority self-government in order to eliminate the infringement of the law,
- c) the statement of liability of the president or the deputy president of the board.

(3) The lawsuit aiming at the elimination of the infringement of the law can be filed against the minority self-government within 30 days after the expiration of the deadline fixed. With the exception of provisions contained in paragraph (2) of Article 29, the filing has no delaying force with regard to the execution of the decision, but the court may order to suspend the execution. If the execution of the illegal decision would cause severe harm to public interest or inevitable damages, the court must be requested to suspend the execution of the decision and at the same time, the affected person must be informed about the related request.

(4) Based on his/her experiences concerning the control of legality, the head of the office of public administration may initiate that the National Audit Office monitor the financial activities of the minority self-government.



## **CHAPTER 11**

### **The relation between minority self-governments and organs of central administration**

#### **Article 60/K**

(1) The Parliament shall regulate in an act

a) the legal status of minority self-governments, their exclusive powers and duties, their obligatory tasks, their obligatory organs, the guarantees of their operation, their financial means and the basic legal provisions of their management,

b) the legal status of the elected representatives of minority self-governments, the order of their election, their rights and obligations.

(2) The Constitutional Court shall, upon the proposal of the Government, dissolve the board of the minority self-government if its operation is contrary to the Constitution.

#### **Article 60/L**

If the Constitutional Court has ruled to dissolve the board, the President of the Republic appoints a Commissioner of the Republic to govern the execution of certain minority self-governmental tasks; the appointment applies to the time prior to the establishment of a new minority self-government, and respectively to the time prior to the failure of establishing a new minority self-government.

#### **Article 60/M**

The Government

a) reviews the situation of minorities living in Hungary at least once every second year, and submits a report to the Parliament,

b) provides for the control of legality of minority self-governments, with the intervention of the Minister of the Interior, and through the heads of county and capital city offices of public administration,

c) submits a proposal to the Constitutional Court on the dissolution of the boards of minority self-governments operating in an anticonstitutional way,

d) regulates in a decree the requirements of professional qualification with regard to providing local public services for minorities,

e) settles disputes between organs of state administration and minority self-governments, if the disputes do not fall under the procedures regulated by law.

#### **Article 60/N**

(1) The Minister designated by the Government

a) initiates in the Government the submission of a proposal concerning the dissolution of the boards operating in an anticonstitutional way,

b) takes part in the drafting of legal provisions and individual state decisions concerning the powers and duties of minority self-governments.

#### **Article 60/O**

The Minister having the competence according to his/her powers and duties:

a) regulates in a decree the professional requirements with regard to the operation of institutions administered by minority self-governments; the professional qualifications

required from the employees of these institutions, and s/he monitors the enforcement of the regulations.

b) informs the minority self-government about the results of the monitoring specified in point a), makes proposals in order to eliminate deficiencies, and s/he may propose that the board discuss the experiences of the monitoring, and finally, in case of the infringement of the law, s/he informs the office of public administration in charge of the control of legality,

c) provides, or may provide, financial support to minority self-governments according to the titles and conditions specified in the Act on State Budget.

## **CHAPTER 12**

### **Closing Provisions**

#### **Article 61**

(1) In accordance with this Act the following groups qualify as autochthonous national or ethnic groups of Hungary: Bulgarian, Gypsy, Greek, Croatian, Polish, German, Armenian, Romanian, Ruthenian, Serbian, Slovak, Slovenian and Ukrainian.

(2) If a minority other than those listed in paragraph (1) wishes to prove that they meet the requirements specified in this Act, they may submit sheets of signatures related to this petition to the President of the National Electoral Committee if supported by at least 1,000 voters who declare themselves members of this minority. In the course of this procedure the provisions of the Act on National Referendums and Petitions shall apply under the condition that in the course of its procedure, the National Electoral Committee is obliged to request the standpoint of the President of the Hungarian Academy of Sciences on the fulfilment of legal conditions.

(3)-(4)<sup>7</sup>

#### **Article 62**

(1) With the involvement of the ministries and state organs of nationwide authority concerned, and in co-operation with the heads of county and capital city offices of public administration, the Government shall assist the enforcement of the rights and special interests of minorities and ensure the related conditions through the organ of state administration that has been designated in a government decree and entrusted with performing state functions related to national and ethnic minorities.<sup>8</sup>

(2)-(3)<sup>9</sup>

#### **Article 63**

(1) Legal provisions concerning municipal governments, representatives of municipal governments, mayors and associations of municipal governments shall apply to minority self-governments in cases not ruled by the present Act.

(2) The budgetary appropriation specified in the Act on State Budget in respect to national minority self-governments can be amended during the budgetary year exclusively by the National Assembly.

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<sup>7</sup> Repealed

<sup>8</sup> Text amended by Act CIX of 2006 on Law Amendments connected to Governmental Restructuring

<sup>9</sup> Repealed

(3) The Act on State Budget regulates the budget of national self-governments in the chapter of the National Assembly, and it separately regulates therein the state support of institutions partly or entirely administered by the national self-governments.

(4)-(6)<sup>10</sup>

#### **Article 64**

(1) This Act - with the exception of paragraphs (2) and (3) of Article 20 - shall come into effect on the 90th day following its promulgation. A separate Act shall provide for the entry into force of paragraphs (2) and (3) of Article 20.

(2)-(4)<sup>11</sup>

(5) The Government is authorized to pass a decree regulating

a) the order of the financial management, the reporting, the accounting and the obligation of information of minority self-governments, and the order of the interior monitoring of their budgetary organs,

b) the conditions and the order of accounting on the task-proportional support (general operational support and task-based support) allocated to minority self-governments from the state budget.

(6)<sup>12</sup>

#### **Article 65**

Regardless of the way of the termination of the activities of a minority self-government, its successor is the newly elected and established minority self-government,. The minority self-government that ceases to exist shall close its accounting on the day of its termination and shall formulate a budgetary report with the same content as the annual report of budgetary organs.

#### **Article 66**

The provisions of the Act on Civil Procedure shall apply to suits filed under this Act (Article 24/C, 29, 30/P, 60/E, 60/I, 60/J).

#### **Article 67**

The form of the oath specified in Article 30/D paragraph (3) is the following:

“I .....(name), as member of the minority community listed in the Act on the Rights of National and Ethnic Minorities, pledge loyalty to my minority community with respect to my electoral mandate, I shall abide by the Constitution and by the laws, I shall keep the secrets brought to my knowledge, I shall perform my duties according to the will of my electors and to my conscience, and I shall strive with all my might to preserve and foster the mother tongue, the traditions and the culture of the .....minority (specification of the minority). (According to the conviction of the person taking the oath) So help me God!”

#### *Appendix 1 to Act LXXVII of 1993*

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<sup>10</sup> Repealed

<sup>11</sup> Repealed

<sup>12</sup> Repealed

**Declaration of assets, income and economic interests of the elected representative (president, deputy president) of the national self-government, and that of his/her spouse or companion and his/her child living with him/her**

*The person issuing the declaration:*

1. The person issuing the declaration is:
  - a) an elected representative of the national self-government, its president, its deputy president (henceforth: the representative)
  - b) the spouse or the companion of the representative living together with him/her (henceforth: spouse/companion)
  - c) the child living together with the representative (henceforth: child)
2. Name of the representative:.....
3. Name of the spouse/companion: .....
4. Name of the child:.....

*Part A*

**DECLARATION OF ASSETS**

*I. Immovable property*

- a) Name of the settlement where the immovable property is located (if Budapest, the district should be indicated, too):  
.....
  - b) Size of the immovable property:.....
  - c) Method of its cultivation (or the size of the uncultivated land):.....
  - d) Character of the main function of the building (dwelling-house, holiday house, economic building, etc.), the floor-space of the building:.....
  - e) Legal character of the immovable property (block of condominiums, co-operative house, historical monument, mining ground, etc.):  
.....
  - f) Legal status of the person issuing the present declaration: (owner, tenant, etc.):.....
  - g) in case of joint ownership, the proportion of property:.....
  - h) the legal title of the acquisition, the time of the acquisition (the start of the legal relation):.....
- 2.
- a) Name of the settlement where the immovable property is located (if Budapest, the district should be indicated, too):  
.....

- b) Size of the immovable property:.....
- c) Method of its cultivation (or the size of the uncultivated land):.....
- d) Character of the main function of the building (dwelling-house, holiday house, economic building, etc.), the floor-space of the building:.....
- e) Legal character of the immovable property (block of condominiums, co-operative house, historical monument, mining ground, etc.):  
.....
- f) Legal status of the person issuing the present declaration: (owner, tenant, etc.):.....
- g) in case of joint ownership, the proportion of property:.....
- h) the legal title of the acquisition, the time of the acquisition (the start of the legal relation):.....

3.

- a) Name of the settlement where the immovable property is located (if Budapest, the district should be indicated, too):  
.....
- b) Size of the immovable property:.....
- c) Method of its cultivation (or the size of the uncultivated land):.....
- d) Character of the main function of the building (dwelling-house, holiday house, economic building, etc.), the floor-space of the building:.....
- e) Legal character of the immovable property (block of condominiums, co-operative house, historical monument, mining ground, etc.):  
.....
- f) Legal status of the person issuing the present declaration: (owner, tenant, etc.):.....
- g) in case of joint ownership, the proportion of property:.....
- h) the legal title of the acquisition, the time of the acquisition (the start of the legal relation):.....

4.

- a) Name of the settlement where the immovable property is located (if Budapest, the district should be indicated, too):  
.....
- b) Size of the immovable property:.....
- c) Method of its cultivation (or the size of the uncultivated land):.....
- d) Character of the main function of the building (dwelling-house, holiday house, economic building, etc.), the floor-space of the building:.....
- e) Legal character of the immovable property (block of condominiums, co-operative house, historical monument, mining ground, etc.):  
.....
- f) Legal status of the person issuing the present declaration: (owner, tenant, etc.):.....

- g) in case of joint ownership, the proportion of property:.....
- h) the legal title of the acquisition, the time of the acquisition (the start of the legal relation):.....

*II. Movable property of considerable value*

1. Motor vehicles

- a) automobile:.....type
- time of acquisition, the title of acquisition:.....type
- time of acquisition, the title of acquisition: .....type
- time of acquisition, the title of acquisition:.....type
- b) motor truck, bus:.....type
- time of acquisition, the title of acquisition:.....type
- time of acquisition, the title of acquisition:.....type
- time of acquisition, the title of acquisition:.....type
- c) motor cycle:.....type
- time of acquisition, the title of acquisition:.....type
- time of acquisition, the title of acquisition:.....type
- time of acquisition, the title of acquisition:.....type

2. Vessel and aircraft:

- a) its character: .....
- its type: .....
- the time of acquisition, the title of acquisition: .....
- b) its character: .....
- its type: .....
- the time of acquisition, the title of acquisition: .....

3. Protected work of art, protected collection:

- a) individual works of art:.....designation...pieces
- time of acquisition, the title of acquisition:..... designation...pieces
- time of acquisition, the title of acquisition: designation...pieces
- time of acquisition, the title of acquisition:.....designation...pieces
- b) collections:.....designation...pieces
- time of acquisition, the title of acquisition: .....designation...pieces
- time of acquisition, the title of acquisition: .....designation...pieces

time of acquisition, the title of acquisition: .....designation...pieces

4. Other movable property of a value exceeding the six months amount of current basic salary of representatives, per piece or per stock (per collection)

a) designation:.....

time of acquisition, the title of acquisition:.....

b) designation:.....

time of acquisition, the title of acquisition:.....

c) designation:.....

time of acquisition, the title of acquisition:.....

d) designation:.....

time of acquisition, the title of acquisition:.....

e) designation:.....

time of acquisition, the title of acquisition:.....

5. Savings in stocks or in any other investment (share, bond, insurance of a considerable value, etc.):

designation:.....

nominal value:.....

designation:.....

nominal value:.....

designation:.....

nominal value:.....

designation:.....

nominal value:.....

designation:.....

nominal value:.....

6. Savings deposited in a savings-book: .....HUF

7. Cash exceeding the six months amount of the current basic salary of representatives .....HUF

8. Pecuniary resources deposited at a bank account or any other contractual pecuniary claims exceeding in total the six months amount of the current basic salary of representatives:

a) Bank account resources:

in HUF:.....

in foreign currency (in value of HUF):

b) other, contractual pecuniary claim: .....HUF

9. Other assets of considerable value, if their total value exceeds the six months amount of the current basic salary of representatives:

designation:.....

designation:.....

designation:.....

designation.....

designation: .....

### *III. Debts*

Please, indicate here any possible debts, public dues, and liabilities towards banks or private persons:

1. Public dues (taxes, customs, duties, social security contributions, etc.):.....HUF

2. Liabilities towards banks: (credit, loans, etc.).....HUF

3. Liabilities towards private persons: .....HUF

### *IV. Miscellaneous*

.....  
.....  
.....  
.....  
.....

### *Part B)*

#### *DECLARATION ON INCOMES*

*(the representative's taxable incomes, except for his/her honorarium in his capacity of a representative)*

1. The profession of the representative: .....

His/her workplace:.....

Has he/she suspended his/her work? Yes

No

The amount of his/her monthly taxable (gross) income from his/her profession: ..... HUF

2. Activities other than those specified under point No 1, from which he/she receives taxable income:.....



- a) The designation of the activity:.....
- b) The payer (except for activities falling under the obligation of official secrecy by law).....
- c) The regularity of the income (monthly, other regularity, ad hoc or periodic).....
- d) The gross amount of the income: .....HUF

- a) The designation of the activity:.....
- b) The payer (except for activities falling under the obligation of official secrecy by law).....
- c) The regularity of the income (monthly, other regularity, ad hoc or periodic).....
- d) The gross amount of the income: .....HUF

- a) The designation of the activity:.....
- b) The payer (except for activities falling under the obligation of official secrecy by law).....
- c) The regularity of the income (monthly, other regularity, ad hoc or periodic).....
- d) The gross amount of the income: .....HUF

Part C)

DECLARATION ON ECONOMIC INTERESTS

The position or interest in a company:

I.

- 1. Name of the company:.....
- 2. Type of the company:.....
- 3. Type of the interest (owner, shareholder, in case of a deposit company, general partner/silent partner, etc.).....
- 4. The proportion of the owner's interest at the time of the acquisition:.....%
- 5. The present proportion of the owner's interest:.....%
- 6. The position in the company:.....

II.

- 1. Name of the company:.....
- 2. Type of the company:.....
- 3. Type of the interest (owner, shareholder, in case of a deposit company, general partner/silent partner, etc.).....
- 4. The proportion of the owner's interest at the time of the acquisition:.....%
- 5. The present proportion of the owner's interest:.....%
- 6. The position in the company:.....

III.

- 1. Name of the company:.....
- 2. Type of the company:.....
- 3. Type of the interest (owner, shareholder, in case of a deposit company, general partner/silent partner, etc.).....
- 4. The proportion of the owner’s interest at the time of the acquisition:.....%
- 5. The present proportion of the owner’s interest:.....%
- 6. The position in the company:.....

IV.

- 1. Name of the company:.....
- 2. Type of the company:.....
- 3. Type of the interest (owner, shareholder, in case of a deposit company, general partner/silent partner, etc.).....
- 4. The proportion of the owner’s interest at the time of the acquisition:.....%
- 5. The present proportion of the owner’s interest:.....%
- 6. The position in the company:.....

V.

- 1. Name of the company:.....
- 2. Type of the company:.....
- 3. Type of the interest (owner, shareholder, in case of a deposit company, general partner/silent partner, etc.).....
- 4. The proportion of the owner’s interest at the time of the acquisition:.....%
- 5. The present proportion of the owner’s interest:.....%
- 6. The position in the company:.....

Appendix 2 to Act LXXVII of 1993<sup>13</sup>

Appendix 3 to Act LXXVII of 1993<sup>14</sup>

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<sup>13</sup> Repealed  
<sup>14</sup> Repealed