

For the timely implementation of Article 59 of the revised Professional Qualifications Directive the following report is to be presented to the European Commission by each Member State.

National Action Plan for Hungary

national review of regulated
professions

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Introduction

After the revision of Directive 2005/36/EC on the recognition of professional qualifications, the Communication of the European Commission (2 October, 2013) called each Member State to actively perform a review and to modernize their regulations on qualifications governing access to professions or to professional titles. The Communication had presented a work plan allowing the Member States to develop their National Action Plans until January 2016.

Besides being an obligation, the task to screen the current regulations and to develop an action plan also presents an opportunity. It enables Member States to create a more flexible and transparent regulatory framework, which would facilitate the mobility of qualified professionals within the internal market and the cross-border provision of professional services. It should also have a positive impact on the employment situation and enhance economic growth.

According to the decision of the Meeting of Administrative State Secretaries (8 May, 2014), the coordination of the task had been assigned to the Ministry for National Economy. Since the first stage of the task is coordinated by the staff of the Educational Authority, their expertise helped the edition of the following National Action Plan concerning the regulated professions of the first cluster. Sectorial reports and action plans included in this document have been provided by competent ministries and authorities.

The aim of this document is to summarize the envisaged measures, and at the same time to provide ample room for elaborating detailed agenda in the future.

Governmental measures for the simplification of qualification requirements between 2011 and 2015

Background

The Hungarian regulatory system in force related to the qualification requirements proved to be exceedingly complex and obscure even for the competent legislative bodies. In addition, many of these regulations were declared 20 years ago, thus their provisions are neither in accordance with the current social and economic environment, nor with the present system of the training programmes. It was deemed necessary to carry out a comprehensive supervision in order to create a set of requirements matching the actual needs and counterbalancing the risks of the labour market.

According to point 9 of the Government decision No. 1133/2011. (V.2.) on the short and medium-term programme for reducing administrative burden on the enterprises creates obligations for the Minister of National Economy – in cooperation with other ministries concerned and responsible for the regulation of professions – to make recommendation addressed to the Government on a full overview of the qualification requirements which are necessary to practice certain professions or duties and are to be redefined on a fair and objectively justified level. The first set of recommendations related to industrial, commercial,

touristic services was submitted by the Ministry for National Economy. More recommendations are to follow in the upcoming months.

Chronological summary of the measures

The main course of the intervention was set by the Government decision No. 1589/2012. (XII.17.). On the one hand it declared the basic principles by which the qualification requirements should have been revised for the sake of reduction, on the other the ministers of competent authorities were called to map and supervise the regulations containing references on qualification requirements completely. In 2013 competent ministries had carried out comprehensive revision of these sorts of regulations in force and defined the principles by delegating professional workshops. Later on, the Government decision No. 2054/2013. (XII.31.) was approved containing a list of qualification requirements recommended to be simplified or to be repealed related to each competent authority.

In April 2014 the qualification requirements to be repealed related to the competence of the Minister of National Economy were discussed on administrative and public forums by all departments and professional organizations, respectively. The draft was also published on the governmental portal.

In accordance with the results of these consultations the Ministry for National Economy had assigned and scheduled the tasks focusing on the simplification. The final draft on repealing, modifying, harmonizing the qualification requirements related to the competence of the Minister of National Economy assigned in the Government decision No. 2054/2013. (XII.31.) underwent a second round of administrative consultations. The lists of these requirements can be found in the IKIM (Ministry of Commerce, Industry and Tourism) ministerial decree No. 5/1997. (III.5.) on the qualification requirements for practicing each industrial, commercial, touristic services and in NFGM (Ministry of National Development and Economy) ministerial decree No. 21/2010. (V.14.) on the qualification requirement for practicing each industrial and commercial services. The amendment of these two ministerial decrees came into force on 17 June 2015.

Results of the legislation

The qualification requirements on touristic duties included in IKIM (Ministry of Commerce, Industry and Tourism) ministerial decree No. 5/1997. (III.5.) were repealed. The Annex of the NFGM (Ministry of National Development and Economy) ministerial decree No. 21/2010. (V.14.) was also amended as discussed and approved beforehand by the competent authorities, the qualification requirements are now listed with the names used in Government decree No. 150/2012. (VII.6.) on National Register of Vocational Qualifications and on the procedure of its modification.

As a result of the Government decision No. 1312/2016. (VI.13.) on the measures relating to the review of central offices and the intermediary bodies operating in the form of budgetary authority – which was made in Summer 2016 – certain intermediary bodies and central offices

undergo a transformation or cease to operate in the near future. Therefore the data on some of the competent authorities mentioned in the National Action Plan and in its attachment (list of regulated professions in Hungary) will not be relevant. The changes will be made and communicated through the webpage of the European Commission designated to the database of the regulated professions.

I. Regulated activities in the scope of the Ministry of Interior

1. Description of the current system

Two areas of legislation related to home affairs set out provisions on regulated professions: the regulatory areas of law enforcement and local government.

1.1. Regulated professions in the regulatory area of law enforcement (3 professions)

Since the structure of conditions to be fulfilled follows the same system one act sets out the provisions on the three regulated professions – personal and property security activity, property protection system design and installation, private investigation activity – in the regulatory area of law enforcement. The purpose of Act CXXXIII of 2005 (Act1) on the rules of the protection of persons and property, and of the private detective activities is to strengthen the legality of the activities of protection of persons and property and of the services of private detectives carried out within undertakings in order to improve public order and public security, including raising the effectiveness of the protection of persons and property as well as of the crime prevention. Further purposes of the legislation is to provide guarantee for the society for being able to validate their claims concerning the property and personal rights of recipients during the use of services.

Personally carrying out activities that fall under the scope of Act1 (including the organization and management of private detective services), unless set out otherwise, require the possession of a license issued by the Police. The Police keeps a register of the issued licenses and the

- data necessary to prove the fulfilment of the requirements set out in Articles 5 and 5/A of Act1, and data based upon which the licenses were issued;
- changes in data;
- those entitled to carry out security designer-mechanic activities or private detective activities;
- withdrawal of a license;
- prohibition of activities and the withdrawal of a license.

1.2. Regulated professions (2) affecting the field of municipalities

The rules on funeral service provider is primarily set out by Act XLIII of 1999 (Act2) on the cemeteries and funeral, which was adopted by the Hungarian Parliament for the purpose of the worthy preservation and care of the memory of deceased persons, the enforcement of the public health purpose and reverence function of cemeteries, and the development of the cemetery and funeral culture. Paragraph 30 section 2 of Act2 sets out provisions on the activities of funeral services and on the funeral service provider. Only persons fulfilling the following criteria can be authorized to carry out funeral services:

- a) possesses a clean criminal record and is not subject to prohibition of profession of providing funeral services,
- b) is verified to be in the possession of the financial insurance according to the implementing Government decree (Decree) of Act2,

- c) has premises that fulfils the basic reverence conditions and requirements for the proper work, and is not detrimental to the dignity of the activity and is not dangerous to the health of the people and the environment,
- d) provides a written statement on the fact that no conflict of interests exists in their case, and
- e) possesses – or at least one personally contributing employer has – the professional qualification set out in the Decree and also fulfils the conditions set out in the Decree.

As laid down under Decree 21/2016 (VI.9.) of the Ministry of Interior on the professional rules of performing the industrial activity of chimney sweeping, it is a condition of performing the industrial activity of chimney sweeping that the chimney sweeping service provider shall employ, in each service area reported by the service provider, at least one chimney sweep master (or the natural person personally cooperating in performing the duty should be a qualified chimney sweep master) as well as a qualified chimney sweep. The chimney sweep master and the qualified chimney sweep shall attend refreshment courses and advanced training courses offering both theoretical and practical knowledge, held by chimney sweep masters with advanced technical qualifications, every year. Obligatory course attendance shall be 16 hours per year.

The training of semi-skilled workers shall be performed by chimney sweep masters; the training course shall extend to minimally 3 months. From the range of chimney sweeping industrial activities, semi-skilled workers may only perform sweeping, under the professional guidance of a chimney sweep master or a qualified chimney sweep.

Even as regards persons holding the necessary qualifications, chimney sweeping activities shall be performed only by employees of the state chimney sweeping industrial organ, municipal public service providers or private service providers. Act CCXI of 2015 on chimney sweeping industrial activity stipulates that natural person employees employed by the listed organs, or business entities under the supervision and control of these employees, irrespective of the ownership rates, voting rates or appointment and call-back rights, may not undertake in the area of their employers' chimney sweeping industrial activity any chimney construction, installation, insulation or repair activities, may not trade in chimney products or perform any other activities that target amending defects or irregularities revealed by their employers within the scope of their chimney sweeping industrial activity or trading in any products related to this. Such restrictions in the performance of the profession are justified with respect to the conflict of interests and aim at avoiding potential misuse of monopoly by the service providers when complying with the regulations applicable to service providers with respect to clients.

2. The experiences and outcome of the revision

We have experienced two challenges while uploading the requested information. One was separating regulated training and regulated profession, which primarily made it necessary to separate chimney sweep training and chimney sweep industrial activity. As from 1 July 2016, the regulated activity shall be performed within the framework of state service provision, municipal service provision or private service provision, so the preconditions for performing this regulated profession are not only related to acquiring qualifications but also to territorial restrictions and the range of the service beneficiaries. The state organ provides service in public administration units (counties and settlements) where there is no municipal service provider. At the same time, even in these public administration units the state service provider performs chimney sweeping industrial service only in properties owned and used by private

individuals, while in other properties in public ownership or use, chimney sweeping service is performed by private service providers.

At the same time, in public administration units where there are municipal service providers, the municipal service provider performs the chimney sweeping industrial service in the complete range of properties (irrespective of ownership or use).

Thus, the performance of professional activity by natural persons holding chimney sweep qualifications is limited by the operational area of their employers (state chimney cleaning industrial organ, municipal public service provider or private service provider).

The second challenge concerned the nature of the private detective activities, as according to the preliminary feedback of the European Commission the elements of the reserved activities of the private detective can basically be carried out by any person. Therefore the question is what the distinguishing elements of the private detective activities are, that also make it necessary to set out legal requirements concerning these activities. We have found the answer in the agency contract, which is an inevitable precondition for carrying out private detective activities for a client, and which establishes the framework of trust in which the parties have special rights and obligations.

3. Changes in chimney sweeping industrial regulations

When compiling the document entitled National Action Plan – the review of regulated activities (professions) at the national level, the Hungarian Parliament issued a new act, while the Government and the Minister of Interior issued new decrees regulating the chimney sweeping industrial activity. These regulations are the following:

- a) Act CCXI of 2015 on chimney sweeping industrial activity;
- b) Government Decree 99/2016 (V.13.) on the Implementation of the Act on chimney sweeping industrial activity;
- c) Decree 21/2016 (VI.9.) of the Ministry of Interior on the professional rules of performing chimney sweeping industrial activity

The essence of the new sectoral legislation is that, in view of the life protection and damage prevention character of the chimney sweeping industrial activity, from 1 July 2016 chimney sweeping industrial activity in properties owned and used by private individuals shall be performed by the state organ (regular checks are performed free of charge) unless the municipality of the settlement concerned operates their own public service company. In these settlements, in addition to the state organ, officially registered private service providers perform the chimney sweeping industrial service for properties in public ownership or use, at market prices.

In settlements where the municipality continues to maintain the public service provider, this performs chimney sweeping activity on the whole range of properties.

For the protection of human lives and property security, the new legislation ensures the long-term and undisturbed provision of chimney sweeping industrial activity. In the previous system the disorders arising in the exclusiveness of the public service in chimney sweeping caused supply insecurity, thereby involving the risk of danger of fire and to life. In the

household service, it is possible to stabilise chimney sweeping industrial service in the long run only by the full-scale involvement of the state. The transition to service provision by the state organ shall be implemented gradually and in different ways in the respective regions, depending on the validity of public service contracts earlier signed by municipalities or the termination of such contracts by the municipalities.

It can thus be established in general that in the two above fields of legislation there has been a long standing set of requirements, so both authorities and representatives of the profession have followed this set of rules as a consensus and believe that it gives genuine responses to the interests related to the professions and activities concerned. Accordingly, as concluded during consultations with the two fields, it is not necessary to amend the existing regulations on performing this profession.

II. Health

1. Description of the current regulations

Legislations on which the system is founded:

- Act CLIV of 1997 on health
- Act LXXXIV of 2003 on certain aspects of healthcare activities
- Act XCVII of 2006 on the professional chambers in healthcare
- Act CLXXXVII of 2011 on vocational education and training
- Government Decree 139/2015. (VI.9.) on the list of qualifications obtainable in higher education and enrollment of new qualifications
- EMMI (Ministry of Human Capacities) ministerial decree 22/2012. (IX.14.) on obtaining a specialist qualification in health
- Government Decree 150/2012. (VII.6.) on the National Register of Vocational Qualifications and on the procedure of its modification
- EMMI (Ministry of Human Capacities) Ministerial Decree 27/2016 (IX.16.) on professional and examination requirements of qualifications of the sector of the minister of human capacities

The regulation covers the performance of professional activities that are related to several different healthcare qualifications.

Regulated professions in the health sector can be classified as follows:

- Medical professions
- Dental professions
- Pharmacist professions
- Other clinically skilled health worker professions
- Other healthcare professions (such as Nursing and Midwifery professions)

2. The evaluation process and its conclusions

According to Paragraph 110 of the Act CLIV of 1997 on health, any healthcare activity – other than the activities carried out on the basis of reported cross-border services or on the basis of temporary license to practice – can be pursued independently or with the supervision of a person who is entitled to perform the relevant healthcare activity without supervision. Obtaining the necessary qualification or participating in the training to obtain the necessary qualification is a requirement in order to pursue the given healthcare activity (in the latter case, the activity can be pursued only with supervision).

The Health Registration and Training Center – that continues to operate as The National Healthcare Service Center with effect from 1 January 2017 – keep a register of persons who obtained healthcare qualification (Basic Registry) and of healthcare professionals who are entitled to pursue the relevant healthcare activity independently (Operational Registry).

Healthcare qualifications which has been issued, nostrificated or recognized in Hungary can be registered to the Basic Registry, in order to keep a record on persons who have the necessary qualification to pursue healthcare activity in an integrated, closed system.

The current regulation impose compulsory chamber membership to persons who have healthcare qualifications, are registered to the Basic Registry and pursue healthcare activities – in case of the co-existence of these three criteria.

The current regulation provides opportunity for the notification of cross-border services on a temporary or occasionally basis and for the licencing of persons with healthcare qualifications to practice healthcare activity on a temporary basis without operational registration. The report should be addressed to the Health Registration and Training Center, while the application for a temporary license to practice should be submitted to the Office of the Chief Medical Officer of State. The duration of the activities carried out in both cases shall not exceed one year.

The necessary qualifications which are required for pursuing healthcare activities are laid down in the current regulation. The level of the required qualifications for practicing the given profession differs on the basis of the duties to be performed. *Practicing medical, dental and pharmacist professions requires appropriate higher level education and the completion of specialist training, while in case of the other healthcare professions the requirement is the completion of a secondary level course.* During the evaluation, a total of 197 professions were identified in the health sector.

The regulations of healthcare professions has been reviewed and modified several times in accordance with the aspects of the Hungarian healthcare system and the development of the trainings, as well as – arising from Hungary's membership to the EU – of the EU regulations.

The comprehensive evaluation of the system in the case of graduate level medical, dental and clinical psychologist professions has taken place in 2012. The applicable rules were previously laid down in the EüM (Ministry of Health) ministerial decree 66/1999. (XII.25.) on obtaining the qualification of specialist medical practitioner, specialist dental practitioner, specialist pharmacist and specialist clinical psychologist. However, more than 10 years have passed since the definition of training requirements, therefore the review and the modification of the whole system of the training and the curriculum of the training was required, having regard to the scientific and technical development, to the practical need arising from the completion of the training and to the EU regulations.

As a result of the 2012 review,

a) concerning the specialist medical practitioner training

Both the system and the curriculum of the training were revised.

- The acquisition of certain postgraduate specialised programme (vascular surgery, medical genetics, medical oncology, thoracic surgery, renal diseases, and plastic surgery) is no longer requires the completion of another postgraduate specialised

programme in compliance with the development of the specialty, with the practical needs and with the principles of the relevant EU directives.

- The following programmes were deleted from the list of postgraduate specialised programmes: audiology, physiotherapy, phoniatriy, paediatric ophthalmology, neuropathology, and radiation medicine. However, new postgraduate specialised programmes were also introduced: paediatric hemato-oncology and gynaecologic oncology.
- The new regulations increased the opportunities for part-time completion of specialist trainings. The main goal of this provision is to facilitate the fulfilment of the training requirements without wasting years in case of medical practitioners with family. In many previous cases, the lack of this opportunity has lead medical practitioners starting a family to leave their healthcare practice. The new regulation therefore facilitates the access to the labour market.
- The duration and the curriculum of the trainings were modified in case of several specialist qualifications.

b) concerning the specialist pharmacist training

Three main training areas (community pharmacy, hospital/clinical pharmacy, and industrial pharmacy) were laid down, moreover the basic qualifications and – as a novelty – postgraduate specialised programmes in pharmacy were defined within these areas. Specialist pharmacist qualifications are mostly identical to former obtainable qualifications; therefore the aim of the provision was to simplify the structure of the specialist pharmacist training and to eliminate the duplications.

c) concerning the specialist clinical psychologist training

It has been divided into three distinct areas as follows: *clinical psychology, clinical neuropsychology, and health psychology. The structure of the training and the list of postgraduate specialised programmes reflect this classification.*

d) concerning other trainings defined by law

The system of the specialist dental practitioner training, of the clinical biochemist training, of the clinical physicist training, and of the postgraduate specialised training in diagnostic molecular biology remained unchanged compared to the previous regulation, while minor changes were made in the case of the a clinical microbiologist training.

e) concerning the trainings of health workers

As previously declared, professional and examination requirements of qualifications supplied by healthcare professionals have been revised in 2016. According to implementation of the Government decision 1198/2011. (VI.17.) on the concept of the reform of the vocational training system and its harmonization with the economic needs, the structure and the content of the National Register of Vocational Qualifications was modified, which was proclaimed in the Government decree 150/2012. (VII.06.) on the

National Register of Vocational Qualifications (NQR) and on the procedure of its modification.

The new register contains 62 basic and postgraduate qualifications and 3 partial qualifications, so it determines 65 secondary healthcare qualifications

The training and examination requirements of the healthcare professions listed in the NQR were laid down with the participation of the Hungarian Chamber of Commerce and Industry.

Considering the particular importance of healthcare, the conclusion of the evaluation is that the modification of the current regulation of the activities is not necessary since it would jeopardize patient safety and the person's right to health and in order. The maintenance of the professional standards and its verification, based on administrative, ethical and professional rules, plus the identical interpretation of different qualifications and professional trainings is a common interest of both the health sector and the recipients of the healthcare services.

The evaluation process related to the training and exam requirements of regulated professions in the health sector was completed prior to the announcement of such EU tasks. The regulation on the acquisition of the necessary qualification in order to perform healthcare activities and on the conditions of this activity is essential and it only limits the access to the labour market – as a criteria of the evaluation – in proportion to the importance of and the responsibility in the performance of healthcare activity.

In Hungary higher education of healthcare training was established in 1975 (in non-medical area). There are 4 BSc trainings (nursing and patient care, healthcare and prevention, healthcare organization and medical laboratory and diagnostic imaging analytic) and 10 MSc trainings (nursing, healthcare psychology, healthcare manager, healthcare social work, physiotherapy, medical laboratory researcher, complex rehabilitation, public health, radiography, dietetics) in 6 universities.

3. National Action Plan

As a conclusion of the evaluation, maintaining the current system is reasonable based on the following arguments:

- In order to ensure the safety of both the healthcare professionals and the patients, only registered persons are entitled to pursue healthcare activities in Hungary.
- In order to ensure and maintain high professional standards, it is required to complete the trainings to obtain the necessary qualification, to abide by the professional rules and to participate in the continuing education for pursuing healthcare activities independently.
- In order to ensure the representation of professional, ethical, economic and social interests of the healthcare professionals, the existence of professional chambers in healthcare is recommended.

As previously declared, professional and examination requirements of qualifications supplied by healthcare professionals have been revised in 2016. We can conclude that the continuous development of the system is essential, having regard to the scientific, technical, ethical, social and legal challenges and to the international obligations. Although the modification of the regulation of current professions is not necessary based on the result of the proportionality evaluation, its refinement is however reasonable – especially in the case of the health worker professions – based on the experiences of recent years.

The concept of the “Vocational education and training in the service of the economy” was approved by the Government decision 1040/2015. (II.10.). The amendment of the Act CLXXXVII of 2011 on vocational education and training may justify:

- *the review of the National Register of Vocational Qualifications,*
- *the creation of new healthcare qualifications that can be obtained along with the secondary school graduation in a special educational institution.*

The concept of establishing the new structure was to create a qualification that can be considered as the basis of most healthcare qualifications, therefore ensuring the access to further specialization and the formation of sector-specific regulation concerning healthcare professions.

III. Culture

1. Introduction

Cultural institutions constitute one of Hungary's largest institutional systems with over 11 thousand institutions and organisations. The following areas are managed by the State Secretariat for Culture of the Ministry of Human Capacities:

- libraries,
- community culture,
- archives,
- museums,
- performing arts, and
- creative arts.

The provision of high-quality cultural services requires that the cultural professionals have the necessary competences. To this end, they must be provided with the opportunity of continuous education and in-service training. In Hungary, the education and in-service training of cultural professionals are controlled centrally.

2. The existing regulatory system

At present, the following decrees regulate the qualification requirements, the education and in-service training of cultural professionals, in chronological order:

- Government Decree 150/1992. (XI.20.) on the implementation of Act XXXIII of 1992 on the status of civil servants and on the settlement of certain issues related to the relationship of civil servants employed in the area of arts, community culture and public collections
- MKM ministerial decree 2/1993. (I.30.) on the qualifications and other conditions required for filling certain cultural civil servant positions (hereinafter, the "Qualification Decree")
- Act CXL of 1997 on museums, public library Services and community culture (hereinafter, the "Cultural Act")
- NKÖM ministerial decree 1/2000. (I.14.) on the organised training scheme of cultural professionals the related requirements and the funding thereof (hereinafter, the "Decree")
- OKM ministerial decree 2/2010. (I.14.) on the operating licence of museums
- NFGM ministerial decree 21/2010. (V.14.) on qualifications required for pursuing certain industrial and commercial activities
- Government Decree 122/2011. (VII. 15.) on certain artistic positions and arts jobs, and on the detailed rules pertaining to the qualifications and other conditions necessary for filling them

- EMMI ministerial decree 37/2013. (V.28.) on the professional and examination requirements of professional qualifications in the sector supervised by the Minister of Human Capacities

The Qualification Decree regulates the qualification conditions for filling cultural civil servant jobs and the additional requirements necessary for filling certain positions.

The Decree regulates the planning, implementation and financing of trainings organised for the professionals, holding secondary or higher degrees, employed for at least 6 hours a day based on public servant or employment relationship (hereinafter: cultural professionals), for specialist jobs in cultural institutions falling within the scope of the Cultural Act.

The organised in-service training of cultural professionals may take the form of:

- course-line in-service training accredited by the minister in charge of culture,
- education outside the schooling system, listed in the National Register of Vocational Qualifications, which provides qualification in the fields of museum, library, archives, community culture, image and sound archives,
- training concluding with a state-recognised monolingual or bilingual written, oral or complex B1, B2 or C1 level language exam,
- cultural education or vocational in-service training conducted by a higher education institution, concluding with the issue of a diploma,
- PhD training with the aim to obtain an academic degree in a special field falling within the cultural institution's scope of activity, and
- vocational in-service training in a field being a part of the cultural institution's scope of activity organised on the basis of an international programme or agreement.

The duration of the organised trainings in each seven-year in-service training cycle is not less than 120 hours.

Pursuant to Paragraph 94 of the Cultural Act, "the professionals employed in institutions falling within the scope of this Act may participate in in-service training and organised education in order to refresh their professional skills". The minister in charge of culture regulates, by decree, the range and fees of the forms of education qualifying as in-service training and organised education. Aid may be granted for the participation in in-service training and organised education of the professionals employed in institutions falling within the scope of the Cultural Act.

3. Experience and results of the review

It can be established based on the review that, having regard to the relevant national and international regulatory environment, it is justified, however not fully, to upload data in the database of regulated professions in respect of the qualifications in the field of culture in view of the single qualification scheme both at the international and EU levels.

Previously, the cultural sector designated 104 professions as regulated, but it was established during the due diligence of the education system of professions in the context of the review that of those, 51 cannot be regarded as regulated, so we proposed to remove them from the list.

The review also pointed out that certain legal acts regulating training related to the field of culture, need to be revised and modified. Furthermore, the questions raised during the due diligence highlighted some areas (e.g. membership in professional organisations, limitation of licences, territorial restriction, etc.), in respect of which the laws governing the field of culture do not contain information. The proportionality review did not identify national regulation of discriminative nature, but the review drew the attention to the need for the subsequent elaboration of internal analyses related to the professions of the cultural field and the discussion thereof.

It was established during the internal review of the regulated professions that, in the absence of comprehensive EU regulation, the conditions for obtaining qualifications and the rules on training, examination and qualification, as well as the qualification documents are, in a number of cases, determined by regulations at the national level. Given that culture falls within the national competence and that both the institutional system and the cultural traditions and customs move on different development paths and have definite national features, we do not regard this as a problem.

4. Results of the consultations with the professional fields

There was an ongoing consultation with the professional fields during the review, and the professional fields provided the information necessary for responding to the questionnaire on the interface.

In providing proportionality information, a number of questions arose, and we experienced positive cooperation with the professional fields in respect of the professions proposed to be removed from the list of regulated professions.

5. Action Plan - Planned Schedule

Having regard to the above, the following measures are justified in the cultural professional fields:

- content review of certain national laws regulating professions and qualification requirements related to the field of culture,
- repeated review of the number and training rules of the regulated professions related to the area of national arts,
- performing analyses and impact studies related to the professions in the field of culture.

IV. Education

1. The teaching profession

Teaching is traditionally a regulated profession at all levels of the Hungarian educational system, from kindergarten teachers to teachers in higher education institutions.

The training for kindergarten teachers – since the 1980's – has been taking place in higher education institutions within the framework of a three-year training. The training of lower primary school teachers has taken place in higher education institutions from the 1970's, lasting for 3 years up to the 1990's, when the duration was raised to 4 years.

Before the introduction of the Bologna system (higher) primary school teachers had been educated at college level, while secondary school teachers at university level.

As a main rule, the training was specialized according to school types (higher primary and secondary school) and by school subjects.

The introduction of the Bologna system resulted in the split of teacher training into Bachelor's and Master's programme, which was changed in 2013. Since September 1, 2013 teacher training has been an integrated, one-tier Master's programme. In the one-tier Master's programme the training of (higher) primary and secondary school teachers is separated again.

In higher education to pursue the teaching profession it is not a professional qualification that is required, but as a main rule, a master's level degree.

2. Regulations on the teaching profession

In Hungary, the profession of teaching is regulated by law, the qualification requirements for teachers of general education are detailed in *Annex 3 of the Act CXC of 2011 on Public Education*.

The conditions of teaching activities in higher education institutions are regulated in the *paragraph 25 article 1 of the Act CCIV of 2011 on National Higher Education*.

3. The results of the review study

The main purpose of the review study was to investigate the Hungarian legal system, whether the profession-related requirements are directly or indirectly discriminatory on the basis of nationality or residence.

The results of the study showed that in Hungary, the major group of professionals present in the labour market without Hungarian qualification represents native Hungarian speakers, who moved to Hungary for establishment. There are special regulations regarding native foreign language teachers, who come to Hungary to teach foreign languages: they may be exempt from the obligation of recognition. The exemption from the recognition procedure is given on the basis of a certificate issued by the Hungarian Minister of Education, for a specified period of time as indicated in the certificate.

In September of 2015, the range of professionals, who are eligible for teaching activities in higher education institutions, has been widened by the modification of the *Act CCIV of 2011 on National Higher Education*. To occupy a teaching position in higher education it is sufficient to hold an *at least Master's level degree* (according to the former regulation, to hold a Master's degree was a must). For this reason, for teachers having degrees obtained at foreign higher education institutions it is sufficient to have the level of their Master's or *any higher academic degree (e.g. a doctoral degree)* recognised.

Considering the relatively large number of incoming teaching professionals, it appears that the present regulatory system does not impose serious barriers on migration and on the practice of the profession.

The concrete effects of the regulation, and the specific risks caused by the absence of regulation were also examined and taken into consideration in the study. To determine qualification requirements for teachers is a general interest; the ultimate purpose of the regulation is to ensure the constitutional right to high quality education free of charge. Primary and secondary education is a service obligatory to receive, and it is the duty of the state to provide this service. Approximately 13% of the Hungarian population receives this compulsory day by day service, therefore there is a general consensus about the need of quality management in education. In order to ensure the high quality of the service, it is a requirement for teaching professionals to hold a proper higher education qualification. With a low quality obligatory education a student might have difficulties in becoming a full and valuable member of the democratic society and might have difficulties with further education.

It is the nature of teaching that it is performed highly autonomously, and based on a complex professional, pedagogical and psychological knowledge. Overall, it can be stated that the Hungarian legislation puts the threshold for entering the teaching profession at a reasonably and socially acceptable high level.

At the same time the study also has ascertained, that in favour of the maintenance of the quality of education, the development of the support system of educational activities, the continuous professional development system are worth being considered further. The measures have been introduced in recent years, such as the system of compulsory retraining for teachers, or the evaluation system of teaching professionals, also support this objective. It may be too early to evaluate the cumulative effects of these new requirements, but the information available today already shows that this new requirements will not be overly burdensome for practising professionals.

4. Future perspectives

On the whole the review did not reveal any circumstance which would justify a need of a reform in the field of regulation of the teaching profession. Continuous monitoring is necessary to ensure that the regulation – similarly to the changes described above – could be able to respond flexibly to the new arising challenges.

V. Sports

1. Presentation of current regulatory system

Under Sub-section f) of Section (1) of Paragraph 79 Act I of 2004 on Sports (hereinafter: Sports Act), the Government is authorized to resolve detailed provisions regarding the practice of activities subject to qualifications in the area of sports. Regarding the sports sector, Government decree No. 157/2004. (V.18.) on the registry of qualifications required for the practice of activities in the area of sports contains the list of qualifications required for each specific activity. The Government Decree defines these activities and also lists the current qualifications and their legal predecessor, as well as other previously existing qualifications, one of which is mandatory for the practice of a given activity.

The Government Decree is a framework regulation, which – in order to manage the differences between the various sport specific competitive regulations, in accordance with the Sports Act – makes it mandatory for the sport associations to establish the regulation of qualification, in which the sport association shall define the differentiated activities allocated for the various levels. The Government Decree and the specific sport association regulation are to be applied together.

2. Results of the review

On 17 December 2012, the Government passed Government decision 1589/2012. (XII.17.) on the reasonable reduction of qualification requirements, which designated the main directions of governmental action to be taken in order to reduce the qualification requirements: it defines the principles according to which the qualification requirements need to be reviewed in order to simplify them; requested the minister responsible for the sector to review specific legislation in accordance with the principles and prescribed the complete identification and review of legislation containing further qualification requirements. During the implementation of the Government Decision, the practical terms of the qualification requirements review, as well as the sectorial proposals for qualification requirements to be simplified have been developed and established.

In 2013, the sports sector has performed the review with the objective of contributing to the establishment of a more flexible business environment, and through this, to increasing the job creation potential of Hungarian businesses, by reasonably simplifying the qualification requirements mandatory for practicing specific activities, or fulfilling certain jobs – in line with modern internal market requirements and the current economic environment.

The review in the involved sectors resulted in Government decision No. 2015/2013. (XII.31.) on the governmental tasks related to the reasonable reduction of qualification requirements, which prescribed for the responsible ministries to implement the simplification of the sectorial legislation in accordance with the review of qualification requirements. Furthermore, the Government decision No. 2015/2013. (XII.31.) established the conditions that only allow the introduction of new qualification requirements after they have undergone assessment based on

the professional principles defined in the Government decision No. 2015/2013. (XII.31.). These conditions also contribute to the clarification of the regulation concerning qualification requirements by permitting public access to the systematic registry of regulations on qualifications in the future.

In accordance with the Government decision No. 2015/2013. (XII.31.), the Minister of Human Capacities

- drafts the repeal of the legislation defining qualification requirements mandatory for the practice of activities or the filling of a post under his competence /see Annex 1 of Government decision No. 2015/2013. (XII.31.)/ and implements the necessary amendment,
- within the framework of the simplification of the qualification requirements, drafts and implements the amendment of legislation regulating the qualification requirements mandatory for the practice of sports activities defined in Annex 2. of Government decision No. 2015/2013. (XII.31.)

As a result of the review, it can be said that the simplification of the qualification requirements – as prescribed in the Government decision No. 2015/2013. (XII.31.) –, as well as ensuring their consistency with the professional qualifications listed in the National Register of Vocational Qualifications (OKJ) and the qualifications obtainable in higher education necessitate the amendment of the Government Decree.

3. Action plan

The objective of the review as well as the consequent amendment of the Government Decree is to contribute to the establishment of a more flexible business environment, and through this, to increase the job creation potential of Hungarian businesses, by reasonably simplifying the qualification requirements mandatory for practicing specific activities, or fulfilling certain jobs. With the amendment, the qualification requirement system becomes capable of taking real risks into consideration and posing legal requirements during employment only when the protection of the physical safety of sports participants is significantly justifies the regulation of professionals sports qualifications.

The amendment of the Government Decree includes

- the scope of the Decree is clarified in accordance with the changes that have taken place in the relevant legal environment,
- repealing sections of the Government Decree that have become obsolete,
- the compliance of qualifications obtained prior to the amendment will be updated,
- a new registry will be compiled which will reduce the number of activity groups from 20 to 5 for activities requiring a qualification, recognized by the state, in the area of sports, as well as define the current qualifications mandatory for the practice of activities on each level of qualification (OKJ qualification, professional qualification obtained in higher education, professional qualification obtained in vocational further training, other qualification). The registry will continue to indicate qualifications that are no longer present in the OKJ, but still provide entitlement for practicing a specific activity.

VI. Social Affairs

1. The present legal framework

Basic regulation:

- Law 3/1993 about social administration and provisions
- Law 31/1997 about child protection and guardianship
- SzCsM (Ministry of Social and Family Affairs) ministerial decree No. 1/2000. (I.7.) regulates the professional work carried out and the operational conditions of social institutions, which are involved with giving personal care.
- NM (Ministry of Social Welfare) ministerial decree No. 15/1998. (IV.30.) regulates the professional work and operational conditions of institutions that are involved with personal care giving, children's welfare services and child protection
- ESzCsM Regulation 25/2003. (V. 13.) on the qualification of persons engaged in professional guardianship
- ESzCsM (Ministry of Health, Social and Family Affairs) ministerial decree No. 29/2003. (V.20.) regulates the exam expectations of substitute parents, foster parents and those giving family day care as well as it regulates the training given to adoption counselors and helpers;
- EMMI (Ministry of Human Capacities) ministerial decree No. 1/2015. (I.14.) regulates the operation of reformatory institutions.
- ESzCsM Regulation 81/2004. (IX. 18.) on the training and examination of persons performing social services

The regulation of the profession is not connected to a certain diploma, but the professional activity on the field of construction is regulated on various kind of profession.

In social sciences, the area of social expertise is responsible for reacting to questions about social processes in our daily lives, which requires analyses and answers. Understanding and conceptualizing social processes require large scaled scientific as well as training capacity.

- Social work is listed among applied social sciences as a professional tool that helps the process of social development, aid, restoration and problem solving of the functioning of persons groups and societies, and the creation of better social conditions.
- Those involved with social work are in charge of keeping the balance between people and their social environment, which often gets disrupted; in case this equilibrium can no longer be achieved, professionals will attempt to decrease and treat the occurring social problems in line with the most urgent priorities.

Education within the area of social expertise aims to train such professionals, who are prepared for giving professional aid in ways that strengthen democratic systems. In order to achieve their goals, professionals are trained to use knowledge about human behavior, theories of social constructions, human rights, and also theories of social integration which is based on social justice.

2. Revision

Based on the above two laws the pursuit of social, child welfare and child protection activities is only allowed with official service registration and the **official registration of professionals**.

The register of social and child welfare and child protection qualifications is only possible in case of those gained and acquired in Hungary or of those abroad officially recognized in Hungary. This ensures the closed and unified registration of all qualified persons eligible to exercise the profession.

The qualifications required for the activities have been defined in detail. The education levels needed for the practice of professions vary according to activities. Some of these are tied to secondary or upper-level qualifications.

The regulation has been re-examined and modified several times according to the status of the Hungarian welfare system and development aspects of training, as well as a result of Hungary's membership of the EU and the corresponding EU regulations.

By the summer of 2015 the review of the training system had been completed, and general concepts for the simplification and restructuring of the qualification requirements had been formulated. These can be summarized as follows.

2.1 General objectives:

- better orienting of the design and development of the education and training programs;
- strengthening interoperability between education and training systems and between formal and non-formal learning routes;
- strengthening the quality assurance systems of education and training systems and supporting the development of their consistency;
- policy coordination within the education and training system and strengthening co-operation with social partners

2.2. Specific objectives

- comparison of training courses on social work and social activities, re-regulation of the relations between the professional qualifications and responsibilities ("jobs");
- reconsideration of the function and relation of social and vocational education concerned to bachelor and master degree, examination of relations between bachelor degrees and between bachelor and master degrees, also the opportunities of graduates on the labour market;
- reconsideration the duration of education and training, courses of vocational education, professional requirements modules, revising the content of theoretical and practical part of education and training programs;
- solving the situation of field exercises, field trainers, specific professional lecturers in order to improve the quality of field trainings.

3. Action plan

As a conclusion of the evaluation, maintaining the current system is reasonable based on the following arguments:

- In order to ensure the safety of both the professionals and the patients, only registered persons are entitled to pursue social, children's welfare related service and child protection activities in Hungary;
- In order ensure the quality of services as well as the compliance of professional qualifications to professional rules and standards it essential to ensure the fulfillment of continuous education obligations.

The concept of the "Vocational education and training in the service of the economy" was approved by the Government decision 1040/2015. (II.10.).

The amendment of the Act CLXXXVII of 2011 on vocational education and training may justify:

- *the review of the National Register of Vocational Qualifications,*
- *the creation of new healthcare qualifications that can be obtained along with the secondary school graduation in a special educational institution*

During the design of the structure of special educational institutions, we are committed to create a qualification that can be considered as the basis of most qualifications, therefore ensuring the access to further specialization and the formation of sector-specific regulation concerning professions.

The maintenance of certification requirements related to activities is justified for "the protection of for both consumers and service users" for reasons of public interest, but it is necessary to review all current jobs and the corresponding training requirements.

For the following positions our goal is to **maintain the current regulation**:

- early childhood educator
- nursery consultant
- family day care coordinator
- family day care provider
- professional carer
- substitute parent
- child minder
- child care
- assistant in child protection
- child protection clerk
- guardian in child protection
- clerk of boarder affairs
- foster parent
- foster parent counsellor

- adoption adviser
- trainer of habilitation dog
- trainer of watchdogs
- trainer of dogs helping persons with motion disabilities
- trainer of guide dogs for the blind
- interpreter of signing language
- Sign language specialist interpreter
- relay interpreter of signing language
- village and homestead community caregiver
- community care specialist
- community coordinator
- head of support service
- support service personal minder
- support service people transporter
- debt management counsellor

VII. Agriculture

1. Introduction

The Ministry of Agriculture (hereafter called ‘MA’) predicates that the general objective of regulating certain activities under its competence is to guarantee that only such professionals be authorized to perform tasks who have the qualifications and knowledge necessary for the good quality of the work. To this end, most of the professions regulated by the MA require the acquisition of qualifications listed in Government Decree No. 150/2012. (VII.6.) on the National Register of Vocational Qualifications and on the procedure of its modification.

2. Regulated professions under the competence of the MA

2.1. *Land surveyor and cartographer*

The regulation on land surveyor and cartographer professions existed even before Hungary’s accession to the EU. European legislations and recommendations are not involved. Hungarian legislation includes:

- Act XLVI of 2012 on Land Surveyor and Cartographer Activities,
- Government decree No. 266/2013. (VII.11.) on the Professional Activities related to Building and Construction Matters,
- VM (Ministry of Rural Development) ministerial decree No. 19/2013. (III.21.) on the Qualification Necessary to Perform Land Surveyor and Cartographer Activities,
- VM (Ministry of Rural Development) ministerial decree No. 52/2014. (IV.29.) on Land Surveyor Licences, on the Qualification of Land Surveyor in Real Estate Consolidation, and on Land Surveyor Supervisor Tasks,
- Government decree No. 327/2015. (XI. 10.) on the Professional Activities related to Land Surveyor and Cartographer Activities for Other Purposes.

The regulated professions included in the land surveyor (and real estate consolidator) with Licence (and Qualification) cluster cover basic state tasks of land surveying, cartography and remote sensing on the whole territory of Hungary. Real estate consolidators are necessary to be employed to prepare documentation utilized in the map database of the state real estate register, and to mark data on land both in the administrative and private sector. Land surveying processes (different plot formation and designation of buildings, legal marking of parcels, etc.) involve legal effects.

Land surveyor engineers and experts are employed at industrial and construction investments, where plans must be realized properly on land, and construction processes must be surveyed continuously.

Land surveyor and cartographer licences are issued by an institute responsible for geodesy and remote sensing and controlled by the **Department of Land Administration**. The licensee receives a certificate and a letter of commission from the Institute. In case of land surveyor and cartographer activity of civil defence, an “Order” is also issued. To be a qualified land surveyor in real estate consolidation, a licensed land surveyor must have a university degree,

certain duration of proven professional practice, a specified number of reference works, a recommendation of the land surveyor supervisor, and pass the qualification examination.

Qualification of land surveyor engineer is necessary to manage land surveying tasks concerning the design and realization of buildings, to operate and supervise construction works and to certify their quality. To be a qualified land surveyor engineer, a licensed land surveyor must have a university degree, be the member of the Hungarian Chamber of Engineers, have at least 5 years of professional practice and a specified number of reference works, and pass the qualification examination.

Land surveyor expert may prepare expert opinions. To be a land surveyor expert, one must have at least 10 years of professional practice, have a qualification of land surveyor engineer for at least 5 years, and also have the experience in design management work of at least 5 defined reference works.

The actual number of land surveyors include: 632 registered land surveyor engineers, 148 registered land surveyor experts, and a further 118 persons who have both engineer and expert licences. 2452 persons possess land surveyor licences, and 2267 persons are land surveyors in real estate consolidation.

2.2. Classifier of carcasses after slaughter

The regulated profession, classifier of carcasses cannot be included in a professional cluster.

Legally it is based on the FVM (Ministry of Agriculture and Rural Development) ministerial decree No. 75/2003. (VII.4.) on the Classification of Carcasses after Slaughter, which is in accordance with Council Regulation (EC) No. 1234/2007, with Commission Regulation (EC) No. 1249/2008, and with Directive 2006/123/EC.

In accordance with the practice utilized in other EU member states, the classification of carcasses may be performed, on condition of a due licence, by a classifying body, or by a classifier not operating in the framework of a classifying body.

The official training of classifiers, the organization of examinations, the registration of classifiers, the issuance, suspension and withdrawal of licences are all managed by the National Food Chain Safety Office.

2.3. Safeguard of nature values

Only officials performing police tasks are authorized to safeguard values of nature. The regulation is created for reasons of nature and environment protection, its main objective is to protect living organisms and their natural habitats.

Officials performing police tasks may take abridgement measures, so a definite regulation is necessary.

As regards the safeguarding of natural values, national legislation is based on the Directive 2009/147/EC and Council Directive 92/43/EEC.

The Ministry of Interior has harmonized the tasks and authorities of guards doing service in different sectors of safeguarding. These activities are covered by the national legislation as follows:

- Act CXX of 2012 on the Activities of Officials Performing Police Tasks and on the Modification of Certain Regulations on the Avoidance of Truancy
- BM (Ministry of Interior) ministerial decree No. 70/2012. (XII.14.) on the Detailed Rules on the Equipment of Officials Performing Police Tasks and Armed Security Guards with Clothing

- BM (Ministry of Interior) ministerial decree No. 69/2012. (XII.14.) on the Administrative Service Fee of Service Licence and Service Plaque of Officials Performing Police Tasks
- BM (Ministry of Interior) ministerial decree No. 68/2012. (XII.14.) on the Training and Examination of Officials Performing Police Tasks, of Assistant Officers, of Body Guards and Property Guards
- BM (Ministry of Interior) ministerial decree No. 86/2012. (XII.28.) on Coercive Instruments Usable by Officials Performing Police Tasks and by Assistant Officers, on the Rules of Claiming Coercive Instruments, Taking Charge of them and Returning them, on the Types of Coercive Instruments and their Utilization, on the Methods of Coercion, as well as on the Detailed Rules on the Procedures of Presenting Reports and Investigation.

The special police tasks of the different activities are regulated by the following legislation:

- Act CLIX of 1997 on the Armed Safety Duty, and on the Nature Guard and Rural Guard Duties;
- Government decree No. 4/2000. (I.21.) on the Detailed Regulations on Nature Guards and Guard Duties;
- KöM (Ministry of Environment Protection) ministerial decree No. 9/2000 (V.19.) on the Service Regulation of the Nature Guard Duty
- Act XXXVII of 2009 on Forests, on the Protection and Management of Forests.
- FVM (Ministry of Agriculture and Rural Development) ministerial decree No. 71/2010 (V.13.) on the Registration of Forest Special Officers and Authorized Forest Special Officers, and on their Special Training, and on the Detailed Rules of their Service Activities, as well as on Certain Rules of Service Activities Covered by Forestry Administrative Officers
- FVM (Ministry of Agriculture and Rural Development) ministerial decree No. 36/2010 (IV.13.) on the Detailed Rules of Exploration of Forest Habitats
- *Act CII of 2013 on Fisheries and the Protection of Fish*
- VM (Ministry of Rural Development) ministerial decree No. 133/2013. (XII.29.) laying down certain rules of Fisheries and of fish protection
- Act CCXIX of 2012 on Wine Communities
- FM (Ministry of Agriculture) ministerial decree No. 29/1998 (IV.30.) on the Service of the Rural Policemen and the Vineyard Guards
- FVM–PM (Ministry of Agriculture and Rural Development and the Ministry of Finance) joint ministerial decree No. 64/2009 (V.22.) on the Organisation and Conditions of the use of Government Contributions provided for the Establishment, Maintenance and Operation of the Rural Police

In Hungary, the number of state nature guards is 250, and that of fisheries inspector is 600. Guards protecting state nature values are government officers, so, in due dates, they must pass administrative basic examination and a professional examination.

Nature guards must have middle or high level professional education. In addition. they must complete the police training course defined in Act CXX of 2012, and pass the examination organized by the Directorate of Education, Training and Science of the Ministry of Interior. Fisheries inspectors are employed by the holder of fisheries rights as defined in Act CII of 2013 on Fisheries and the Protection of Fish. Fisheries inspectors must pass the examination

for police training course and for fishery guard. Community fisheries inspectors have less rights due to the fact they are civilians. They do not need to pass exam for police training, neither.

Community fisheries inspectors must pass the fisheries inspector examination, and take a certain, predefined oath. The training course can be completed outside the formal school system, and completing middle level education is not a criteria for entry.

Guards must undergo further trainings every five years and pass the examination. Fisheries inspectors and community fisheries inspectors must undergo further trainings every two years and pass the examination.

2.4. Activities in the sphere of food safety

Food chain involves high risks: safe food, healthy plants and animals are essential factors of the protection of mankind and society. The aim of the regulation is to guarantee the production of healthy, high quality and safe products in the food chain, and to establish the adequate level of animal welfare during production.

National legal regulations are based on the Guidelines 2009/128/EC and 2010/63/EU and the Regulation 2005/1/EC of the European Parliament and Council, the Guidelines 2006/88/EC and 2007/43/EC of the European Council:

- FVM (Ministry of Agriculture and Rural Development) ministerial decree No. 43/2010. (IV.23.) on Plant Protection;
- Act XXVIII of 1998 on Animal protection and animal welfare;
- Act CXXVII of 2012 on the Hungarian Veterinary Chamber and the provision of veterinary services;
- Government decree No. 113/2006. (V.12.) on detailed rules regarding the powers and operation of the authorized veterinarian;
- Government decree No. 40/2013. (II.14.) on animal testing;
- FVM-GKM-KvVM (Ministry of Agriculture and Rural Development, the Ministry of Economy and Transport and the Ministry of Environmental Protection and Water Management) joint ministerial decree No. 44/2005. (V.6.) on aerial work activity in agriculture and forestry;
- FVM (Ministry of Agriculture and Rural Development) ministerial decree No. 32/1999 on animal protection rules to be respected during animal husbandry;
- FVM (Ministry of Agriculture and Rural Development) ministerial decree No. 88/2008. (VII.18.) implementing Council Regulation (EC) No. 1/2005. on the protection of animals during transport and related operations;

- FVM (Ministry of Agriculture and Rural Development) ministerial decree No. 127/2008. (IX.29.) on animal health requirements for aquaculture animals and products, and on the prevention and control of certain diseases in aquatic animals;
- VM (Ministry of Rural Development) ministerial decree No. 107/2011. (XI.10.) on the gathering, processing and distribution of wild mushrooms for human consumption;
- Government decision No. 1703/2013. (X.8.). on the ratification of the Food Chain Safety Strategy (2013-2022).

Knowledge and qualification in food safety, food quality and technology issues are essential criteria of activities related to food safety. This required knowledge is defined in VM (Ministry of Rural Development) ministerial decree No. 47/2011. (V.31.) on the qualifications required for the operation of a food producing enterprise

Qualifications required for practicing the regulated professions of this field include university degrees (e.g. veterinarian), food safety authority qualifications (e.g. mushroom inspector) and trainings organized by the authorities in co-operation with trade associations (e.g. aquaculture health care officer). In case of certain qualifications obligation of permanent post-gradual courses is specified (e.g. private veterinarian) or the periodical renewal of the qualification is required.

The system of food safety authorities is assisted by professional chambers (Hungarian Veterinary Chamber, Hungarian *Chamber of Professionals and Doctors of Plant Protection*) and other corporations (e.g. *Council of the Ethics of Animal Investigation*).

Based on central statistical data 143.032 persons were employed in food industry in 2014 (1.285 of them were employed in tobacco industry).

2.5. Regulated professions in waste management

Waste management – as the part of communal services — is essential in the everyday life of people. However, from the industry's point of view waste management is an issue relating partly to environment protection, partly to competitiveness.

Regulated professions in the field of waste management are covering all the activities from the formation of waste materials to the very end of waste treatment, salvage or disposal.

National regulation is based on Guidelines 2008/98/EC, 94/62/EC, 2000/53/EC, 2012/19/EU and 2006/66/EC of the European Parliament and Council:

- Act CLXXXV of 2012 on waste;
- Government decree No. 246/2014. (IX.29.) concerning the creation and operation of certain waste management facilities;
- Government decree No. 197/2014. (VIII.1.) on waste management activities related to electric and electronic equipments;
- Government decree No. 445/2012. (XII.29.) on waste management activities related to batteries and accumulators;
- *KvVM (Ministry of Environmental Protection and Water Management) ministerial decree No. 23/2003. (XII.29.) on the Treatment of Biological Waste and the Technical Requirements of Composting;*

- Government decree No. 385/2014. (XII.31.) concerning the conditions of providing waste management public service;
- Government decree No. 369/2014. (XII.30.) on end-of-life vehicles;
- Government decree No. 309/2014. (XII.11.) on the registration and data supply obligations in relation with waste management;
- Government decree No. 439/2012. (XII.29.) on the registration and authorization of waste management activities;
- *BM-KvVM* (Ministry of Interior and Ministry of Environmental Protection and Water Management) joint ministerial *decree No. 45/2004. (VII.26.)* on the detailed rules of construction and demolition waste treatment;
- *EüM (Ministry of Health) ministerial decree No. 20/2005. (VI.10.)* on treatment of waste of human medicines and their packaging waste;
- *EüM (Ministry of Health) ministerial decree No. 16/2002. (IV.10.)* on health requirements related to the municipal solid and fluid waste;
- *EüM (Ministry of Health) ministerial decree No. 1/2002. (I.11.)* on the handling of waste created in *health institutions*;
- FM (Ministry of Agriculture) ministerial decree No. 29/2014. (XI.28.) concerning technical requirements, operational conditions and technological emission limit values of waste incineration;
- Government decree No. 385/2014. (XII.31.) on the Waste Management Activity of the Public Service Provider;
- Government Decree No. 180/2007. (VII.3.) on cross border transportation of waste

Based on central statistical data the number of persons employed in waste management is slightly under 10.000 and this number is relatively stationary.

2.6. Regulated professions in forestry and game management

Based on the forestry and game management activity the following areas are required to take an authority exam: the activity of the forestry personnel and the eligible forestry personnel, the duties of the professional hunter and the truffle gatherer.

The aim of the forestry expert personnel's activity is to implement the tasks prescribed for them in Act XXXVII of 2009 on the forest, protection of the forest and forest management, i.e. tasks relating to planning and professional direction of the forestry work as well as protection of the forest and safeguarding of property. It is not possible to maintain forests that meet the public expectations and to implement professional and sustainable forest management without the work of properly qualified experts. The necessary qualification can be acquired by people possessing forestry technician qualification or diploma-level or graduate forester.

The activities can be pursued only in correspondence with the law.

- Act XXXVII of 2009 on Forests, on the Protection and Management of Forests.
- FVM (Ministry of Agriculture and Rural Development) ministerial decree No. 71/2010 (V.13.) on the Registration of Forest Special Officers and Authorized Forest Special Officers, and on their Special Training, and on the Detailed Rules of their Service Activities, as well as on Certain Rules of Service Activities Covered by Forestry Administrative Officers

- FVM (Ministry of Agriculture and Rural Development) ministerial decree No. 36/2010 (IV.13.) on the Detailed Rules of Exploration of Forest Habitats

The aim of the profession „professional hunter” is to implement wildlife protection required by public policy and to perform professional and sustainable wildlife management which are regulated by the FVM (Ministry of Agriculture and Rural Development) ministerial decree No. 79/2004. (V.4.) implementing Act LV of 1996 on the protection and management of wildlife and on hunting.

Basic conditions of practicing the profession are secondary level vocational education and membership in the Hungarian National Chamber of Hunters.

In Hungary approximately 1400 hunting authorities are employing 3600 professional hunters. Yearly income of the wildlife management sector was more than 20 billion HUF as the average of 5 years (2010-2015). In addition further income was realized from other touristic services being in relation with the accommodation of guest hunters and their families.

Gathering of subterranean mushrooms is a centuries-old tradition in Hungary. The education and examination of gatherers and truffle searching dogs, the methods, species and gathering times are regulated by VM (Ministry of Rural Development) ministerial decree No. 24/2012. (III.9.) on the harvesting of subterranean mushrooms. VM (Ministry of Rural Development) ministerial decree No. 107/2011. (XI.10.) on the gathering, processing and distribution of wild mushrooms for human consumption is also part of the regulation. Gatherers receive the certification and gathering register book after the successful exam. The use of search dogs is permitted only using dogs that have completed the special competence exam. Truffle gatherers have to obtain at least a qualification of basic education. Their education and registration, the coordination and data management of their activities are the tasks of the Forestry Directorate of the National Food Chain Safety Office. Presently approximately 200 persons are practicing truffle gathering.

2.7. Certifications in relation with agriculture and forestry

In the agricultural sector the Agricultural Safety Regulation [FVM (Ministry of Agriculture and Rural Development) ministerial decree No. 16/2001. (III.3.)] and the Forestry Safety Regulation [MÉM (Ministry of Agriculture and Food) ministerial decree No. 15/1989. (X. 8.)] were elaborated and published on the basis of the Act on labour safety. In accordance with the regulations, the introduced operator licence certifies that the operator is educated in the professional and labour safety issues regarding the defined power and special machines, and is able to perform his tasks while observing labour safety and environment protection regulations.

Conditions of the requirement and issuance of agricultural and forestry machine operator licences are regulated by FVM (Ministry of Agriculture and Rural Development) ministerial decree No. 83/2003. (VII.16.) on the introduction and regulation of agricultural and forestry machine operator licences.

FVM (Ministry of Agriculture and Rural Development) ministerial decree No. 83/2003. (VII.16.) regulates the activities performed in organized work, the services being in relation

with these activities, and the employees performing these activities and services and defines the qualifications which are required for the issuance of operator licences.

Agricultural and forestry machine operator licences are issued by the Herman Ottó Institute, the validity of the licences are conditioned by special medical examination.

Up to the middle of September 2015 the Herman Ottó Institute issued 208 266 licences for 17 categories of machine operators.

2.8. Wages of professionals practising the regulated professions

Wages and employment concerning the professions belonging to the Ministry of Agriculture cannot be described precisely, since major part of the activities are performed in part-time employment, supplementary work or ad hoc work.

Waging of state employees is based on the Public Servant Wage Protocol or the Government Officer Wage Protocol that of local government's nature guides is based on the Public Servant Wage Protocol.

The estimated average gross wage for government officers with tertiary level education and language skills is approximately 970 Euro/month, for public servants 800 Euro/month. There are no available correct data regarding the private sector.

For the profession professional hunter the estimated average wage is 300 Euro/month.

3. Ministry level actions required in connection with regulation and registration of regulated professions

3.1. Overview of the regulated professions

During the mapping process of regulated professions 105 professions were considered as regulated ones, therefore the corresponding regulations have been examined by the competent professional departments of the MA.

After the interpretation of the term „regulated profession” defined in the Directive 2005/36/EC on the recognition of professional qualifications, and upon consultation with experts of the Ministry for National Economy and the Educational Authority and as a result of the subsequent review and merge, 53 professions have been deleted from the list of regulated professions.

It is a priority task of the MA to gain further overview of the competence system of professional departments concerning the regulated professions falling within its sphere of responsibility and to develop regulation of official data registration and processing system on professions concerned.

3.2. Regulation of regulated professions belonging to certain departments

The MA regards the current regulation of regulated professions falling within its sphere of responsibility well-grounded and proportional to their social significance, and properly adopted to the EU requirements.

The ministerial professional departments maintain close working relationship with the professional organisations. There are no problems or regulatory gaps related to the certification requirements.

For the reasons explained above the MA has concluded that maintaining the current regulation system regarding all activities is adequate.

3.3. Examination of qualification requirements

In the framework of the implementation of Government decision No. 2054/2013. (XII.31.) on the governmental tasks related to the reasonable reduction of certification requirements the ministerial professional departments have examined the qualification requirements of the regulated professions.

As a result of the examination simplifications were implemented. In order to ensure proper high quality and professionalism in the field of the regulated professions and activities further simplification or modification is not recommended.

In our opinion a modern regulation has been established within this subject in the recent years. During the preparation of this regulation the reduction of administrative burdens was taken into consideration while focusing on the right balance between simplification and mandatory minimum qualification requirements.

Monitoring of professional changes, the expansion of knowledge in specific fields, the technological innovations and their integration into the training requirements are the ongoing tasks of the MA.

3.4. Planned regulation and deregulation processes

In view of the fact that the large majority of the regulated professions falling within the sphere of responsibility of the MA exists for a great many years, it was deemed not necessary to make impact studies on regulation recently.

The regulation and deregulation tasks, whereby the regulations regarding regulated professions has been changed, were performed by the MA before the EU registration process of the regulated professions. That was usually part of the adaptation of Hungarian law to the EU law.

Statements and necessary measures concerning the professions that have required impact studies are specified in this section.

The revision of the regulation on truffle gathering revealed that the gathering period determined for particular subterranean mushroom species can vary by vintage. Flexible changeability of this period is helpful for collectors.

In the case of the professional hunter profession maintaining the current regulatory system is deemed necessary beside the revision and fine-tuning of certain detailed rules. These detailed rules are concerned with the issue of employment and employment conditions, without any essential change to the job. The revision of employment regulations helps to increase the value of the profession, and to improve the working conditions of professional hunters effectively working in the occupation.

The regulation of truffle gathering was modified on 12th May 2016, the regulation changes about the professional hunters will probably come in effect at the beginning of 2017.

In the context of legal revision with the purpose of reducing state bureaucracy, the provision that requires operator licence for the authorization of the use of electric fishing machines was abolished from Act CII of 2013 on fisheries and on the protection of fish with effect from 1st January 2016, as a result of the initiative taken in June 2015 by the Department for Angling and Fisheries Management. Furthermore, the electric fishing machine was removed from the list of those agricultural and forestry machines listed in the FVM (Ministry of Agriculture and Rural Development) ministerial decree No. 83/2003. (VII.16.) on the rules of the introduction and issuing of agriculture and forestry machine operator licences, the use of which requires operator licence.

Furthermore, further standardization is necessary in attendance training and examination of professional fisheries inspectors, since the examination is different by county.

The deregulation process detailed above was completed in Spring 2016

VIII. Legal Affairs

1. Introduction

There are some professions covered by Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications concerning which it is the minister responsible for the judicial system who has the power to define the rules of pursuing the profession, and to define the corresponding professional qualification requirements.

These professions are among others the following: judge, court bailiff, notary, patent attorney, translator, interpreter, lawyer and prosecutor. In the case of most of these professions however, Hungarian nationality is required, so only people of Hungarian nationality can pursue them. Therefore, there is no cross-border provision of services, consequently these professions are not in the database.

There are three professions where there are no requirements about the nationality; there can be cross-border provision of services during the pursuit of these professions. These are: lawyer, patent attorney and translator/interpreter.

2. Current legislation

2.1 Lawyer

An attorney represents his or her client, provides the defense in criminal cases, provides legal counsel, prepares contracts, petitions and other documents, holds cash and valuables deposited with him or her.

Act XI of 1998 on Attorneys at Law specifies the following:

Section 13 (1) Any member of the bar association who has taken the attorney's oath may engage in legal practice.

(2) The bar association shall register all attorneys admitted as members and shall furnish them with picture identification cards.

(3) The bar association must, upon request, admit as an attorney anyone who:

a) is a national of any State that is a party to the Agreement on the European Economic Area;

b) has a law school degree;

c) has taken the Hungarian bar examination;

d) who has been engaged in legal practice for at least one year as an attorney, articulated clerk or assistant attorney;

e) is a member of the Hungarian Attorney's Insurance and Assistance Association or has other liability insurance that is accepted by the bar association;

f) has office space suitable for conducting a full-time legal practice in an area in which the bar association operates;

g) is not excluded for any of the reasons specified in Subsection (4).

Section 89/F (1) The bar association shall, upon the jurist's request, admit a registered European Community jurist to the bar association if

a) he satisfies the conditions specified in Paragraphs e)-g) of Subsection (3) of Section 13,

b) he dependably proves, with documents pertaining to the number and nature of the cases he has handled or in a personal interview at the special invitation of the bar association, that he has continuously conducted his practice in connection with Hungarian law for three years in the territory of Hungary (including practice in connection with the application of European Union law in Hungary), and

c) he proves, in a personal interview, that he is sufficiently proficient in the Hungarian language to practice the law.

(2) A registered European Community jurist may, at his request, be admitted to the bar association as an attorney if he has continuously practiced the law in Hungary although his legal practice in connection with Hungarian law (including practice in connection with the application of European Union law in Hungary) is less than three years, and he otherwise satisfies the conditions stipulated in Subsection (1).

(4) European Community jurists shall become full-fledged members of the bar association once admitted to the bar. In addition to an appellation, attorneys are entitled to include their professional designation as used in their home EEA Member State in the use of their name.

Lawyers need specific professional complex knowledge to exercise their profession on a high level. It can only be acquired after gaining experience following a successful graduation. In order to maintain public confidence, higher professional requirements are necessary. Therefore, the legislation sets out a professional practice requirement. Legislation also guarantees that lawyers practice their profession with the greatest possible care to protect the assets of their clients. Lawyers are also obliged to have civil liability insurance covering damages caused in relation to professional practice. The regulation on the office space suitable for conducting a full-time legal practice ensures the conditions of proper operation.

Chapter IX of Act XI of 1998 on Attorneys at Law regulates the practice of the law in Hungary by attorneys authorised to practice the law in a State party to the Agreement on the European Economic Area, in accordance with the relevant directives of Union law.

2.2 Patent attorney

The task of patent attorneys is to assist their clients in enforcing their rights and discharging their obligations in matters relating to industrial property rights; in the course thereof, they provide representation in cases relating to industrial property rights whether by assignment or appointment before the competent courts and other authorities; they prepare petitions, contracts and other documents, perform research in connection with industrial property rights, and provide expert opinion, advice and information.

Act XXXII of 1995 on patent attorneys specifies the following:

Section 2

(1) Only members of the Hungarian Chamber of Patent Attorneys (hereinafter referred to as “the Chamber”) may act as patent attorneys.

(2) Anyone shall be entitled to admission to the Chamber if he or she:

(a) has Hungarian nationality, the nationality of an EEA State, a residence permit or immigrant status;

(b) has no previous criminal conviction;

(c) holds a university or master degree in engineering, information technology, or a similar degree in the field of health care or natural sciences, in particular a medical, veterinary, biologist, chemist, pharmacist, mathematician or physicist degree; and

(d) has passed a patent attorney examination.

(3) For admission to the Chamber one shall be required to:

(a) have liability insurance of patent attorneys covering the entire territory of Hungary, unless the attorney works exclusively for a economic entity in accordance with Section 6(2);

(b) be in possession of adequate office space for carrying on patent attorney activity, unless the patent attorney works for an economic entity in accordance with Section 6 (2), or works as an employee in accordance with Section 6/A, Section 7(2) or Section 10(2).

Section 4

(1) Any person may take a patent attorney examination who

(a) meets the requirements laid down in Section 2(2)(a) to (c);

(b) has an advanced level industrial property protection qualification specified in a separate legal rule; and

(c) has practiced not less than three years as a patent attorney candidate.

Patent attorneys need specific professional complex knowledge to exercise their profession on a high level. It can only be acquired after gaining experience following a successful graduation. In order to maintain public confidence, higher professional requirements are necessary. Therefore, the legislation sets out professional practice requirement for candidates.

Nowadays the development of science and technology is very rapid. The aim of the legislation in force is that only professionals with the most proper qualification provide representation in matters relating to industrial property rights. The legislation also guarantees that patent attorneys practice their profession with the greatest possible care to protect the assets of their clients.

2.3 Qualified translator and interpreter

Qualified translators and interpreters convert special professional information from one language (the source language) to another (the target language).

Minister Council Decree No. 24/1986. (VI.26.) on translation and interpretation specifies the following:

Section 2 Only translators and interpreters with translator or interpreter qualification may perform translation or interpretation tasks with remuneration in an employment relationship or a legal relationship aimed at the performance of work.

The legislation specifies that only translators and interpreters with proper qualification may perform translation or interpretation tasks, thus guaranteeing professional competence and the use of the right terminology (special terms) during converting information from one language to another.

3. Conclusions

After the examination of the national legislation it should be noted, that the requirements of these three professions under the Hungarian legal regulations in force are not discriminatory, they do not conflict the principle of equal treatment. The regulations serve the right to provide services. Restrictions conform to the principles of necessity and proportionality as well. The legislation aims primarily at the protection of consumers and recipients of services and the sound administration of justice.

Conclusion of uploading information to the database is that although the current systems of all three professions work adequately, however, the review of the legal environment for the professions of lawyer and translator/interpreter has been started at the Ministry of Justice. In case of a high-level decision, renewal of the regulation is to be expected. The amendments will aim the creation of a clearer and more transparent legal environment, and the update of the requirements for the pursuit of the professions with retaining the principles of necessity and proportionality.

4. Action Plan

Raising the quality level of all services and eliminating the professionals without the proper skills have outstanding economic and social importance. Regulation of the proper skill and experiment requirements of these three professions remains essential. Mitigating the constraints of the present national legislation is not deemed necessary.

In regard of lawyers the review of the legal environment has begun at the Ministry of Justice. In case of a high-level decision, renewal of the regulation is to be expected.

The need to amend the Minister Council Decree No. 24/1986. (VI.26.) on translation and interpretation was also recognized, because its content is obsolete in a number of respects, and minister council decree is not listed among legal acts having the force of law in Section 2 of Article T) of the Fundamental Law of Hungary. It should be noted, that – in relation to Directive 2010/64/EU of the European Parliament and of the Council on the right to interpretation and translation in criminal proceedings – there is also a motion to improve the regulation on translators and interpreters.

IX. Archaeological heritage and protection of monuments

1. Current regulation

The Government decree No. 439/2013. (XI.20.) regulates the activities of experts of archaeology and conservators of built heritage. It regulates the registration requirements and manages the inventory of experts of archaeology and protection of monuments.

The experts of archaeology take part in the search for archaeological heritage, appraisal, accounting, recording, preserving and perform consulting work made in connection with the sustainable use. Based on the Government decree No. 439/2013. (XI.20.) the candidates for the list of experts must have master's degree in archaeology and 5 years of proven research activity (mandatory traineeship), or a „rating system” based on professional criteria.

The monument protection activities consist of researching historic buildings, restoration, development of building diagnostics, documentation of historic values, and expertise in regulatory matters. Experts must possess a post-secondary level degree and 5 years of proven research activity, or a „rating system” based on professional criteria.

The Prime Minister's Office is in charge of the list and the inventory of experts.

2. Evaluation of the current regulation (results and experiences)

The conclusions and results of the review

The required knowledge of experts based on the Hungarian education and the mandatory traineeship took place in Hungary. This is a complex, diverse, interdisciplinary task that requires knowledge in several fields to preserve the national values. It was concluded during the review of national legislation on regulated professions that the actual regulation of the activity of experts of archaeology and protection of monuments is adequate.

The results of the consultations with experts

Extensive public consultation was held with the participation of professional and social partners during the codification of the modification of the Government decree No. 439/2013. (XI.20.), in 2015. It provided the basis for the changing the „rating system” of the application process.

Description of the on-going or planned developments

The modification of the current system is not scheduled.

3. Action plan

The action plans in support of impact assessments (economic, social, etc) presentation

At the beginning of 2015 during the modification process of the Government decree No. 493/2013. (XI.20.) there was a detailed reconciliation with professional and social partners. The partners have supported the changing of the „rating system” criteria.

In the light of the objectives set above, the associated action plan

The registration of experts of archaeology and protection of monuments are in course, the lessons learned from the operation of the system will be considered during the next revision of the legislation. No changes of the system are planned in the near future.

Planned schedule (with dates)

Amendments to the law shall not take place in 2016.

X. Construction

1. Current regulation

The fundamental acts:

National Act:

- Act LXXVIII of 1997 on the forming and protection of the built environment
- Act LVIII of 1996 on the professional chambers of architects and engineers
- Government decree No. 266/2013. (VII.11.) on the regulation of professional activities in the construction and in fields related to construction

The regulation of the profession is not connected to a certain diploma, but the professional activity on the field of construction is regulated on various kind of profession:

It is as follows:

- settlement planning;
- settlement expertise;
- architectural-technical design in construction;
- architectural-technical expertise in construction;
- construction site supervision;
- construction site management;
- assessing energy performance certificate of buildings.

2. Evaluation of the current regulation (results and experiences)

There is a detailed regulation of each activity. Post-secondary education level (BSc or MSc) is a must for professionals, whereas activities in the field of construction site management can be carried out by technicians (secondary education level) as well.

Hungarian citizens and those with permanent residence permit have to become member of the chamber in order to be entitled to carrying out designer activity. The membership is not compulsory in other areas. Cross border activity is allowed for European citizens according to the regulation of the country of origin, following the registration of their statement to the chamber. The licensing and monitoring is carried out by the Hungarian Chamber of Engineers and the Hungarian Chamber of Architects, both of which are independent public bodies, founded by the law. The minister responsible for construction has the right of supervision over the chambers.

It is a basic interest of customers, stakeholders and the whole society to keep the quality on a high level, by the control of ethics and professional activity, and to have a uniform interpretation of the level of education and professional practice. The regulation has to be maintained in order to protect the customers and the built environment, preserving the cultural and historical heritage.

In the view of the Hungarian EU membership and the European legislation, the regulation of the professional activity has been revised several times.

The first revision was carried out in 2006, when the professional education became the centre of the regulation and the number of the entitlements was reduced to 40 in accordance with the regulatory course of other Member States. As a result of the further amendments in 2009, the Hungarian regulation was harmonized with the European Law, especially in the area of the cross border activities.

The Ministry responsible for the construction initiated a new discussion with the chamber of engineers, the chamber of architects and the professional organizations of the construction industry in order to find a solution for further improvements of the regulation. As a result of this process the new regulation of the profession was issued in the Government decree No. 266/2013. (VII.11.), which regulates the profession in a clear and simple way, and also confers the evaluation of the diplomas and of the professional practice to the chambers. The system corresponds to the European regulation on the mutual recognition of the diplomas and the free movement of professionals. The authentic and integrated register of the professionals of the Hungarian Chamber of Engineers is available on the internet.

The professional regulation of the construction and in the field of the activities related to the construction has been created in order to protect the interest of the consumers, and to keep high quality in the design and construction works. The system is in accordance with the obligations of Hungary in order to ensure the free movement of professionals in the EU. There are no additional rules for those working ‘cross-border’ for the purpose of the neutrality of the competition, but even in these cases high quality must be ensured and keeping the special legal and technical regulations of Hungary is compulsory. The chambers are actively taking part in the work of European professional organizations such as the European Council of Engineers’ Chambers and Architects Council of Europe, in order to work out the common regulations, securing the interest of the consumers and ensuring high quality.

3. Action plan

According to the above, maintaining the present regulation is the interest of the public:

1. The high quality and the protection of the built environment can be maintained by the regulation of the qualification requirements and the continuous professional training based on the unified professional regulations.
2. Professional regulation is able to ensure the use of standards during design and the cost efficient implementation of projects.
3. The supervision of the professional activity is carried out by the chambers, as independent professional public bodies. It ensures that the activities will be carried out for the interest of the consumers, and the public. The ethical rules are compulsory for all members of the chambers, and since licensing is the duty of the chambers, the right of supervision is also lying with these organizations.

On course of forming the legal regulation of the professional activities in the field of construction, especially of the professions of architects and civil engineers in Hungary, the

system of the regulation fully corresponds to the directives and other legislative acts of the European Union. The regulation ensures the equal treatment of the citizens of Hungary and the other Member States during the competition, taking into consideration the rules of the 'home country' in case of cross border activities.

Keeping the regulation at the current level is of public interest. No measures are necessary to take at the moment.

XI. Energy

From the point of view of the regulated professions there are two special areas within the energy: mining and natural gas supply. On both fields it is necessary to determine the qualifications and professional experience needed to hold positions significant from technical safety aspect, because the tasks of the jobs are hazardous activities, and there is a risk of fire, explosion, or other serious malfunctions, accidents. Employing and educating the competent professionals is needed to prevent these risks.

1. Understanding existing system

1.1. *Description of existing legal system*

Two groups can be discerned in the regulation of mining professions: first, comprehensive ministerial decrees, secondly a stand-alone profession and trade-related legislation determines the level of education and the time of practice necessary to conduct the profession.

A) The comprehensive regulation is implemented by *the KHEM (Ministry of Road Transport, Telecommunication and Construction) ministerial decree No. 60/2009. (XI.3.) on the professional qualifications and practices required in the mining industry from technical safety aspects* in the field of mining, and by *the GKM (Ministry of Economy and Road Transport) ministerial decree No. 12/2004. (II.13.) on the professional qualifications and practices required in the natural gas supply from technical safety aspects* in the field of natural gas supply.

B) The following legislation implements the individual sectional legislation:

- *Act XLVIII of 1993 on Mining* (specialist of pressure equipment testing, geological expert, mine surveyor, technical operating manager of the mine),
- *Government Decree No. 23/2006. (II.3.) on the magisterial supervision of the pressure equipments within the competence of the mining authority* (specialist of pressure equipment testing),
- *KHEM (Ministry of Road Transport, Telecommunication and Construction) ministerial decree No. 12/2010. (III.4.) on mine surveyors*,
- *KHEM (Ministry of Road Transport, Telecommunication and Construction) ministerial decree No. 13/2010. (III.4.) on the general blasting safety regulations* (manager of blasting and master of blasting),
- *KHEM (Ministry of Road Transport, Telecommunication and Construction) ministerial decree No. 40/2010. (V.12.) on the detailed rules of carrying out the geological expert's activity*, and
- *NFM (Ministry of National Development) ministerial decree No. 16/2013. (IV.19.) on the appointment of the responsible technical manager of the mine*.

1.2. The existing system in practice

As the legal background was divided into two groups, the corresponding procedures are following the same approach.

A) In the case of the two comprehensive ministerial decrees the employer is obliged to employ such persons for the jobs specified in the decrees who meet the criteria. The authority performing technical and safety oversight of mining and gas activities (hereinafter referred to as the mining authority) constantly monitors that the employees in the mines and gas undertakings fulfill the legal conditions.

B) In the case of the regulated professions in the individual sectional decrees, performing the activity requires the license of the mining authority. The application for the license can be submitted by individuals who have the secondary or post-secondary education level required by certain regulations, in the case of the geological expert and the mine surveyor post-secondary education level, and the proper practice time. In addition, in the case of manager of blasting and master of blasting course completion, in the case of mine surveyor professional certification exam is required to obtain a license. The mining authority registers the licensed geological experts, specialists of pressure equipment testing, mine surveyors and technical operating managers of the mine. The aforementioned four activities can only be performed by a person who is registered.

2. Evaluation of the current regulation

The essential conclusion of the review, data upload was that the further review of the current system and of the certification requirements is justified, because the Hungarian Office for Mining and Geology (hereinafter referred to as: MBFH) acting as the public authority in the field of mining and natural gas supply indicated to the Ministry for National Economy and to the Ministry of National Development that the regulation of some of the professions need to be amended. Requests for the simplification of the regulation have been received from fields outside the review process, the developed amendments mean relief for the professionals compared to the current system that instead of waiting the result of the permitting process the professionals may perform the professional activity on the day following the announcement.

2.1. The results of the negotiation with specialized authority

During the discussions with the authorities more proposals emerged for amendment to the regulations. In the case of the GKM (*Ministry of Economy and Road Transport*) ministerial decree No. 12/2004. (II.13.) on the professional qualifications and practices required in the natural gas supply from technical safety aspects the Ministry for National Economy, in the case of the KHEM (*Ministry of Road Transport, Telecommunication and Construction*) ministerial decree No. 60/2009. (XI.3.) on the professional qualifications and practices required in the mining industry from technical safety aspects the Ministry of National Development has the competence to amend it.

Based on the information given by the MBFH the review of the GKM (*Ministry of Economy and Road Transport*) ministerial decree No. 12/2004. (II.13.) on the professional qualifications and practices required in the natural gas supply from technical safety aspects has already taken place. On the field of mining the review of the KHEM (*Ministry of Road Transport, Telecommunication and Construction*) ministerial decree No. 60/2009. (XI.3.) on the professional qualifications and practices required in the mining industry from technical safety aspects will be included in the MBFH's legislative plan for 2017.

2.2. Description of ongoing or planned developments

On the one hand in the case of more regulated professions (specialist of pressure equipment testing, geological expert, mine surveyor, technical operating manager of the mine) the relief lies in the amendments connected to the reduction of bureaucracy, which means that the licensing were replaced with notification from 1 January 2016. The notification procedure means that the professional who meets the conditions from the regulation, does not have to wait for the license from the mining authority, but is able to start exercising the profession the day after the notification. The mining authority examines the compliance of the applicant with the conditions prescribed in the regulation, however this procedure does not restrict the applicant in the exercise of the profession. The amendment, according to which the professional certification exams will be abolished in the case of the mining surveyors, means even more relief.

On the other hand the review of the GKM (*Ministry of Economy and Road Transport*) ministerial decree No. 12/2004. (II.13.) on the professional qualifications and practices required in the natural gas supply from technical safety aspects is in progress in the Ministry for National Economy which include the proposals of the MBFH and the Hungarian Trade Licensing Office.

Furthermore, based on the information given by the MBFH the review and amendment of the KHEM (*Ministry of Road Transport, Telecommunication and Construction*) ministerial decree No. 60/2009. (XI.3.) on the professional qualifications and practices required in the mining industry from technical safety aspects will be included in the MBFH's legislative plan for 2017.

2.3. Presentation of impact assessments in support of the action plans (economic, social, etc.)

Impact assessments are not yet done, but those will take place after the finalization of the amendment proposals that are agreed and accepted by the social and professional associations.

3. Action plan

3.1. In view of the objectives set out above and the associated concrete plan of action

The priority objective is to review the training, educational requirements for professions based on the needs of the sector and transfer the changes identified in the review to the legislation.

3.2. Planned schedule

The legislative changes connected to the reduction of bureaucracy entered into force in March 2016.

According to the information of the Ministry for National Economy the reconciliation of the new ministerial decree on the professional qualifications and practices required in the natural gas supply from technical safety aspects is in progress.

The review and amendment of the ministerial decree on the professional qualifications and practices required in the mining industry from technical safety aspects is expected to be done in 2017.

XII. Nuclear industry

1. Presentation of the current regulation

In Hungary, professions related to the nuclear industry are strictly controlled and regulated. The current system for regulation on the professions in the field of nuclear industry is composed of the following legislations:

- Act CXVI of 1996 on Atomic Energy and related acts and ministerial decrees
- NFM (Ministry of National Development) Ministerial Decree No. 55/2012 (IX.17) on the special professional training, further training of workers employed at a nuclear facility, and on the employees having the right to conduct activities in relation to use of atomic energy (hereinafter referred to as: Decree)

The Decree specifies the special qualifications indispensable for the operation of the nuclear facility thus allowing meeting the domestic-international nuclear-specific legal requirements and expectations in a manner more flexible and precise than the framework of the general qualification system of the country. The regulation of professions in the field of nuclear industry does not require but considers diploma as preferred to achieve high standards of safety at the nuclear facility of the country. These professions include:

- Management positions
- Control room operators
- Maintenance operative leaders
- Engineering

In other job areas, the required competences are ensured by the national secondary education level, while the training system is provided by the licensee's training organization.

As these professions are of safety significance with indirect impact on the safety and health of the public, they are essential in terms of high competence levels that can only be obtained in locally available infrastructure and language environment.

2. Evaluation of the current regulation (results and experiences)

The legal regulation and most specifically the Decree, offer a legal framework that prescribes regulation for each profession that is considered to have a safety impact on the public and the environment. Moreover, it also provides a detailed explanation when specifying special competencies and qualifications that are indispensable for the safe and reliable operation of the nuclear facility. This further allows meeting the domestic and international nuclear-specific legal requirements and expectations in a manner more flexible and precise than the framework of the general qualification system of the country, while maintaining high quality levels and excellence in the related professions.

The national education and qualification system is only capable of ensuring general academic preparedness. Working in the nuclear facility requires specific skills and competencies required for working at a nuclear facility can only be obtained through the facility's own

training system. The knowledge acquired from the national education and qualification system provides only an entry level qualification to the training programs in place at the nuclear facility for each profession. Since the European Union allows free movement of its citizens, the basic education and general academic preparedness can be obtained outside of Hungary. The competences through the training programs offered by the nuclear facility however, can only be acquired in possession of fluent knowledge of the domestic language. In view of this, the current regulation is not discriminative either directly or indirectly; however, it represents indirectly implicit limitations on nationality or residence due to the language barrier.

The requirements according to which these training programs function are determined by systematic profoundness and accuracy which permits the training activities to be focused on given subject areas with optimized content thus cost. These subject areas also include additional efforts on the development of the elements of safety culture and solutions to minimize radioactive releases to the environment, the knowledge required to meet the rules and practices of environmental protection as well as nuclear event management.

In the efforts toward the constant and equal quality of the preparedness of people working in the nuclear facility, the current regulating system is deemed appropriate evidenced by periodic domestic and international supervisory and regulatory review missions.

In conclusion, following the internal examination of professions in the nuclear industry, the current regulatory system was considered suitable, therefore the application of alternative mechanisms was not considered necessary.

3. Action plan

According to the above, maintaining the present regulation is in the interest of the public:

- The constantly high standards of significant professions in the nuclear safety are properly governed by the regulation with strict specifications and requirements.
- The measures set the requirements that are determined with systematic profoundness and accuracy in detail, which permits the training activities to be focused, efficient and sustainable in pursue of high quality competence.
- The supervision of the professional activity is carried out by independent bodies both internally and externally on a regular basis. This ensures that the activities are carried out constantly with regard to the interest of the public and to the safety and health requirements. The ethical rules are kept to the highest levels, limitations such as language barriers are only of unintended, natural kind.

In the field of nuclear industry, for professions with high significance to the safety and health of the public, the regulation fully corresponds to the directives and other legislative acts of the European Union. The regulation ensures the equal treatment of the citizens of Hungary and the other Member States unless limited by the aforementioned natural limitations due to nationality or residence.

Keeping the regulation at the current level is of public interest, no measures are necessary to take at the moment.

XIII. Consumer protection

1. Current regulation

1.1. Antecedent and principle of the legislation

The preamble of Act CLV of 1997 on Consumer Protection (hereinafter referred to as “Fgytv.”) aims to enforce the consumer rights efficiently as well as to establish its institutional structure.

The 4th Mid-Term Consumer Protection Policy and action plan endorses the law-abiding attitude of the undertakings by way of preventive and alternative means.

In view thereof, the concept of the consumer relations officer was established on 1 February 2014 (consumer relations officer – ID 36145).

1.2. The purpose of consumer relations officers

The rationale behind the compulsory employing of consumer relations officers is to strengthen the careful consumer approach of consumers and undertakings. The consumer protection approach, the deepening of the knowledge of the consumer protection rules and the strengthening and easing the law-abiding attitude are ensured by the creation of the consumer relations officers’ position. To fulfill this task efficiently and successfully, it is necessary for the undertakings with countrywide network – associated with hundreds of thousands of consumers – to carry out their tasks with appropriate qualification.

1.3. Legal bases

The regulation concerning the consumer relations officers is laid down in Section 17/D, Section 54 and Annex I to Fgytv.. The legislation came into force on 1 February 2014. Later on Section 17/D was amended on 4 July 2014, while Annex I was amended on 1 January 2016.

Fgytv. states that undertakings, which

- fall within the scope of Fgytv. (natural person who is acting for purposes of purchasing, ordering, receiving and using goods or services which are outside his trade, business or profession);
- fall within the scope of Act C of 2000 on Accounting;
- do not fall within the scope of Act XXXIV of 2004 on Small and Medium-sized Enterprises and the Support Provided to Such Enterprises

have to employ consumer relations officers.

Fgytv. specifies the responsibilities of the consumer relations officer according to which they include the monitoring of the business entity’s activities affecting consumers, and organizing regular trainings and educational programs in the field of consumer protection, in order to strengthen consumer protection attitude, and to deepen the knowledge of consumer protection legislation of the business entity’s employees.

The consumer relations officer have to keep contact with the consumer protection authority, arbitration boards, and with other public entities tasked with consumer protection duties among other responsibilities.

Fgytv. lays down that the consumer relations officer have to be a Hungarian citizen or a national of any Member State of the European Union or any State that is a party to the Agreement on the European Economic Area, who has attained professional qualification or completed vocational education in the field of consumer protection, or has been issued a certificate upon attending an official training course outside the regular school system, culminating in an examination.

Nevertheless, consumer relations officers can be employed without the appropriate qualification till 31 July 2014 at the latest.

1.4. Current legislation

The obligation to employ consumer relations officers is in force since 1st February 2014. However, the concerning rules have been amended, as well as become more simply, and came into force on 1st January 2016.

According to the Amended Section 17/D Subsection 3a), business entities shall employ a consumer relations officer with professional qualifications or vocational education in the field of consumer protection, or whose field of expertise shown in the certificate issued upon attending an official training course outside the regular school system, culminating in an examination is consistent with the employer's main activity shown in the companies register.

Since 1st January 2016:

According to the Amended Section 17/D Subsection 6a) the consumer relations officer is obliged to inform the consumer protection authority about the data concerning their employment (name, date of issue and the number of their certificate, and the starting date of employment), as well as any changes in these data, within 8 days.

According to the Amended Section 17/D Subsection 8, training courses outside the regular school system may be offered by a business association or sole proprietorship who has reported the pursuit of their activity to the consumer protection authority according to Act LXXVI of 2009 on the Basic Rules of Taking up and Pursuit of Service Activity, and against whom there was no bankruptcy or liquidation procedures, and within 5 years before reporting the taking up of the training activity they were not mentioned on the list of those taxpayers having arrears, owe taxes, or are under enforcement procedure, and whose tax-number was not suspended or cancelled.

Upon passing the examination the training operator shall issue the certificate that contains the specialization of qualification. The training operator shall keep a list of the certificates of qualification.

The training operator shall continuously comply with the requirements set out in the Act on Consumer Protection during the pursuit of the training activity.

2. Evaluation of the current regulation (results and experiences)

2.1. Current system of training of consumer relations officers

Starting from 1 January 2016 the professional inspection of the activity of training and examination of consumer relations officers is no longer handled by the consumer protection authority.

State-recognized professional training of consumer protection or official training course outside the regular school system can be organized only by specific institutions, companies and individual businesses, where the activity has a notification obligation.

According to the information of the authority, in 2016 the following institutions provide state-recognized consumer protection professional training:

- Budapest Business School – Marketing Skills and Consumer Protection
- Eszterházy Károly College – Consumer Protection; Food Control and Consumer Protection
- Eszterházy Károly College – Consumer Protection (consumer protection monitoring and analyzing)
- University of Pécs – Consumer Protection Adviser with Legal Certificate

2.2. Requirements of official consumer protection training courses

The training aims to enable the examinee to obtain general and specific knowledge in the field of consumer protection and to be able to perform the duties of consumer relations officers laid down in Section 17/D of Fgytv..

In the course of the training, acquiring general consumer protection knowledge is obligatory, in addition, choosing at least one field of specialization is also a mandatory requirement.

1. Subjects of the training

1.1. General knowledge of consumer protection (mandatory)

1.2. Specializations (unbound choice)

1.2.1. Specialization in electronic communications

1.2.2. Specialization in tourism

1.2.3. Specialization in public service

1.2.4. Specialization in trade

2.3. Presentation of experiences and results of the training

Since the introduction of the consumer relations officer training, 10 institutions were erased from the register. The reason of the deletion is that these institutions were not capable of corresponding to legislative amendments. In 2016 8 institutions are entitled to operate trainings of consumer relations officers.

From the beginning of the training – apart from registered companies – there were no new partners entering.

With regard to the fact that the consumer protection authority exercised professional supervision over the consumer relations officer training and examining until the end of December 2015:

- training activities and changes have to be reported to the authority,
- the authority approves teaching curriculum, preparatory theme, methods of education and examination and tests of examinations of the training,
- it supervises the consistency with objectives, the content and the compliance with legislation in connection with teaching curriculum and preparatory theme, effectiveness of studies and exams code and whether teachers and examiners fulfill the conditions of Fgytv.,
- it keeps record of organizers,
- it supervises the operation of organizers,
- it removes organizers from the record in case of noncompliant operating,
- it issues and records certificates,
- it publishes requirements of examinations by 31 January in each year.

As a consequence of the abovementioned competencies, the consumer protection authority has limited overview of data by December 2015. Thus, e.g., how many consumer relations officers had certificate of professional qualification. In 2014, a total of 1192 people obtained consumer relations officer qualification, and 435 persons had gained their certificate in 2015.

In 2015, free choices of specialization are as follows. The majority's choice is tourism, and the electronic communications was selected by the smallest number of people. Most of the participants have chosen one additional specialization besides the mandatory. Nevertheless, it occurs that one attains all four specializations (9 people up until 2015).

No information is available concerning the career development of participants.

3. Action plan

As mentioned above, since 1st January 2016 legal rules concerning training of consumer relations officers have been amended as well as mitigated. The professional inspection of the activity of training and examination of consumer relations officers is no longer be handled by the consumer protection authority.

Possible directions of improvements

3.1. Follow-up

A follow up assessment with multi-directional approach could explore the effectiveness of the present training system.

- It would be useful to receive feedback in the form of an indicator showing the number of consumer relations officers who are working in positions corresponding to their qualification.
- The effectiveness of the training could be assessed by requesting the opinion of the undertakings employing consumer relations officers (e.g. in the course of an interview).
- By way of market research, it could be assessed whether there is a need for further consumer relations officers' training. In addition, it could be learned whether

consumer relations officers consider the knowledge acquired in the course of the training useful.

An other challenge to be tackled is ensuring that the qualified consumer relations officers are able to track the changes in the legal environment.

According to the current regulation only the employed consumer relations officers shall indicate their data to the consumer protection authority, therefore the number of people having consumer relations officer certificate cannot be or cannot be easily followed in the future, since the training operators do not have any obligation of providing data to the authority. A possible solution to this problem could be the development of a common database, through which graduated students and their fields of specialization could be registered.

3.2. The standardization of the content of the teaching materials

The organizer of the training had to file the relevant teaching curriculums and preparatory materials to the consumer protection authority in advance until the end of 2015 at the same time as the notification of the training activity is due.

The organizer was obliged to attach or enclose the complete preparatory material in electronic form or on paper. The complete preparatory material had to be categorized in line with the Annex to Act CLV of 1997 on Consumer Protection. Nevertheless, the detailed specification had to be described by the organizer of the training.

The following minimum requirements had to be fulfilled by the preparatory material:

- relevant and substantial consumer protection provisions in force,
- legislative changes due to come into force within 6 months from the date of the filing of the notification,
- practical lessons of the trainings have to be categorized by subjects. It was not compulsory to provide practical lessons concerning each and every subject.

Legal provisions had to be presented in an unambiguous and substantial way.

In view of the above, the teaching material of the consumer relations officers – approved by the authority and applied by the undertakings – complied with the legal requirements. Nevertheless, due to their individual characteristic, they were not uniform. Thus, the standard quality of the training was not guaranteed.

Since 1st January 2016 there is no need for mandatory approval of the authority of the content of the training materials, therefore there is a stronger demand for creating unified teaching materials.

It would be advisable to synchronize, compare and standardize the training materials with teaching materials of state approved educational institutions [see section 2.6.2 A) of this document].

3.3. Professional control of lecturers

Lecturers who have

- relevant post-secondary education and 3 years of professional experience gained in the employment of an authority that has consumer protection competence or
- at least 5 years of experience at the consumer protection authority

can teach and conduct examination.

The aforementioned requirements are formal ones. Therefore, the assessment of the teaching activity, and the further training of the teachers is to be considered.

XIV. Road Transport

1. Description of the regulation system related to the existing regulated professions

Two types of education can be identified in relation to the field of road transport:

- a) Vocational education trainings (organized in or outside the formal school system), which lead to qualifications recognized by the state under the scope of the Act CLXXXVII of 2011 on vocational education and training, and incorporated into the Government decree No. 150/2012. (VII.6.) on the National Register of Vocational Qualifications and on the procedure of its modification.
- b) Trainings regulated by public authority under the scope of the Act I of 1988 on road transport.

a) Qualifications recognized and regulated by the state:

Some of the qualifications listed in the National Register of Vocational Qualifications (OKJ) are designated by decrees issued by the minister responsible for road transport to be qualification requirements for certain professions.

There are seven qualifications related to the maintenance work of motor vehicles:

- 1) car electronic technician
- 2) car mechanic
- 3) car technician
- 4) gas car mechanic
- 5) car body mechanic
- 6) body painter
- 7) tyre repairing and wheel balancing

In case of the above professions the relevant regulation is the KHVM (Ministry of Road Transport, Water and Telecommunication) ministerial decree No. 1/1990 (IX.29.) on the personnel and equipment requirements of the maintenance work of motor vehicles.

b) Trainings regulated by public authority:

In the field of road transport the seven qualifications regulated by public authority are as follows:

- 1) Technical inspection officer
- 2) Driver exam officer
- 3) Vocational trainer (car driving)
- 4) Head of the driver's school
- 5) Taxi driver (without taxameter)
- 6) Road vocational attendant
- 7) Operator of the lift truck

- 1) The technical inspection officer is defined as a profession being regulated by the Act I of 1988 on road transport. The requirements regarding the qualification of the technical inspection officer are prescribed in paragraph 12/A of the KÖHÉM (Ministry of Road Transport, Telecommunication and Construction) ministerial decree No. 5/1990. (IV.12.) on the technical inspection of motor vehicles.
- 2-4) The driver exam officer, the vocational trainer (car driving), and the head of the driver's school are defined as professions being regulated by the Act I of 1988 on road transport. The specific requirements for the mentioned professions are prescribed in the GKM (Ministry of Economy and Road Transport) ministerial decree No. 24/2005. (IV.21.) on the detailed rules of education and exam of car drivers and road transport professionals.
- 5) The taxi driver is defined as a profession being regulated by the Act XLI of 2012 on passenger transport services and the Government decree No. 176/2015. (VII.7.) on transport services conducted with passenger cars for payment, issued on the basis of the Act XLI of 2012 on passenger transport services. The requirements of taxi drivers, regarding the education and exam, are detailed in the Government decree No. 176/2015. (VII.7.).
- 7) Operator of the lift truck is defined as a profession being regulated by the Act I of 1988 on road transport. The legal conditions of belonging to the group of the regulated professions for the operators of mobile lifting- and loading machines used in the road transport sector are further detailed in the KHÉM (Ministry of Road Transport, Telecommunication and Construction) ministerial decree No. 40/2009. (VIII.31.). It is further confirmed by the NGM (Ministry for National Economy) ministerial decree No. 17/2015. (VI.9.), which was issued for the modification of IKIM (Ministry of Commerce, Industry and Tourism) ministerial decree No. 5/1997. (III.5.) on qualification requirements for carrying out certain industry, trade and tourism related activities and of NFGM (Ministry of National Development and Economy) ministerial decree No. 21/2010. (V.14.) on qualification requirements for carrying out certain industry and trade related activities.

2. The results of the review

It can be clearly concluded that by drafting the KHVM (Ministry of Road Transport, Water and Telecommunication) ministerial decree No. 1/1990. (IX.29.) on the personnel and equipment requirements of the maintenance work of motor vehicles, to determine the scope of the regulated professions concerning vehicle maintenance activity, the legislator's aim was on one hand to guarantee road safety and, on the other hand, to meet the work safety requirements as well.

Under the Act I of 1988 on road transport, the Minister of Transport is responsible for guaranteeing road safety through the corresponding regulations. Besides, the Minister is also legally obliged to ensure work safety compliance of the relevant regulatory framework.

However, it can be clearly stated, that during the last 25 years that have passed since 1990, the date of drafting and issuing the KHVM Decree, significant changes have taken place in automotive technology and in applied technology, which obviously have impacts both on maintenance and repair activities. In addition, the economic environment has also undergone significant changes.

As a result the KHVM Decree issued for vehicle maintenance activity is considered to be obsolete and needs to be reviewed, which means rethinking, reviewing and, if necessary, modifying and reducing the regulated activities and the relations of the corresponding qualifications.

The construction and materials handling equipment operator qualification is also a work area which has significant road safety and work safety effects. In case their preparation (training) did not take place under adequate supervision, it would mean significant security risk and would lead to an increased number of accidents.

At the same time it can be stated that the present training system's further coordination and refining is justified. The trainings listed in OKJ is intended to provide the foundation for further studies and this nature of its courses should be reinforced further, especially for occupational health and safety, loading technology, machine operation and maintenance, etc. Practical training for machine operators should be designed to build on these foundations in accordance with local conditions.

With regards to vocational training, the improvement of road safety occupies a prominent role among Hungary's and the European Union's transport policy objectives.

Since, as a result of the development of road safety technology, a decreasing number of the accidents occur due to the fault of the vehicle or infrastructure, to reach the goals of road safety it is extremely important to reduce the risks occurring due to the fault of the driver.

With regards to driving instructor training it is important to note that the risk of accidents is considerably higher for novice drivers. It is even more so for those in driver training (i.e. in the process of obtaining their driver license). It is therefore crucial that driver training is conducted by instructors that meet strict standards and have the proper qualifications. The complex requirements for instructors (above average driving skills, competencies related to identifying areas for improvement for students, appropriate behavior and demeanor, good communication skills, leading by example in following the regulations, the traffic code and road traffic culture, pedagogical skills) mean that driving instructors must be required to go through a mandatory, tailored training regime to practice their profession.

3. Action Plan

In accordance with the considerations described above, the following steps are deemed to be necessary in the area of road transport until August 2017:

- In vehicle maintenance, new legislation is required to define a new, state of the art approach meeting technological demands and the needs of businesses so that the number of areas and professions that must be regulated by law can be reduced, while observing the aspects of road and occupational health and safety.
- The legal background for training machine operators as provided by authorities needs to be harmonized with the state approved training for the operators of construction

machinery in light of the fact that it builds on the foundations of the OKJ regime, mainly focusing on practical training.

- The systematic harmonization of road transport training provided in schools with road authority training is also necessary – to further our progress in this task, the Transport Authority Qualifications Register has been created. Keeping the technical inspector profession regulated is compulsory and justifiable in accordance with the Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC.

XV. Railway Transport

1. Historical background and antecedents

Today, the regulation on railway transport in Hungary, as a Member State of the European Union, is dependent – to a significant extent – on the relevant EU regulation. The education and training of railway professionals has a history of almost 130 years, as the launching ceremony of the first Railway Officer's Training Course was held on 3 September, 1887. The essence of the then transport policy concept was that a uniform state railway network was to be organised and operated by a staff with the highest professional qualifications. The participants of the first full-time training course graduated in 1891, when 218 people were awarded a degree. After World War II, this school continued operation under the name Hungarian State Transport Educational Institute and Railway Officer's Training Institute. The range of training widened in 1963 to include officer training in the fields of construction and rail track maintenance, telecommunications, control, command and signalling, mechanics and traction. During the reform of railway training in 1970, it was necessary to establish regional educational institutions whereby there were 5 regional educational units set up under the Hungarian State Railways (MÁV) Centre of Education.

Since Hungary's accession to the European Union on 1 May, 2004, the basis of the training of railway employees has been laid down by EU regulations. The Train Drivers Directive passed in 2007 and effective from 2009 (*Directive 2007/59/EC of the European Parliament and of the Council of 23 October 2007 on the certification of train drivers operating locomotives and trains on the railway system in the Community, hereinafter: Train Drivers Directive*) states that train drivers must have suitable basic training which must be regularly tested by the Member State concerned. These examinations must be conducted by a railway examination centre independent of the railway companies, infrastructure managers and the National Safety Authority (NSA), with independent examiners involved. The examinations must cover both theoretical and practical questions as well as knowledge of the railway infrastructure and vehicles. The trainings are conducted by individual training centres but railway companies, too, may be authorised to conduct trainings with limited scope of competence for their own employees.

Accordingly, a Railway Examination and Certification Centre was set up in Hungary and, after publication of the relevant legislation, the Authority (NSA) issued licenses to training organisations (*i.e. training centres meeting the relevant EU requirements*) performing the basic and recurrent trainings via railway trainers registered by the Authority, while the Railway Examination and Certification Centre conducts the examinations via railway authority examination commissioners appointed by the NSA.

2. The current regulatory system

2.1. The legislative regulation

Paragraph 36 of Act CLXXXIII of 2005 on Rail Transport (*hereinafter: RT Act*) provides (that):

- for rail transport safety-related positions, a basic proficiency examination certificate issued by the Authority is required;
- safety-related staff must attend recurrent trainings and pass recurrent examinations;
- framework rules for the conditions training organisations are required to meet;
- conditions railway trainers are required to meet;
- the examinations are organised by an independent examination centre appointed by the Government;
- the examinations are conducted by examination commissioners appointed by the chairman of the transport authority (NSA).

By virtue of Paragraph 36/A (1) of the RT Act, the principle of equal treatment is to be observed during the trainings as well as the examinations, which is to be controlled by the transport authority (NSA).

Based on authorisation by the RT Act, granted specifically by Paragraph 88 (2) (13) of the RT Act, the specification of the detailed regulations lies within the competence of the minister responsible for transport.

2.2. Regulation by the Ministerial Decree

The detailed regulations are specified in the NFM (Ministry of National Development) ministerial decree No. 19/2011. (V.10.) on the rules of vocational training, examination of employees performing safety relevant activity in railway transportation, on the rules of operating railway examination centres and training institutions, issuing of licences for trainings and on the rules of railway engine drivers' skills. The Decree rules on:

- the conditions and requirements of basic and recurrent trainings;
- the requirements of railway trainers and railway authority examination commissioners;
- organisations performing basic and recurrent trainings;
- the conduction of basic and recurrent examinations;
- the documents issued on the basis of the examinations, except the rail driver's licence and complementary certificate made obligatory by the EU legislation;
- as well as the scopes of activities listed, the minimum time framework of recurrent trainings, the basic conditions required for the respective scopes of activities, the examination subjects and the scopes of activities available for the holders of respective examination certificates, presented in detailed tables in the annexes.

The education and training are modular, thus granting great flexibility for railway companies and rail track operators to adjust the respective trainings and examinations to the scopes of

duties actually performed, especially if several scopes of duty are performed by the same employee.

2.3. The scope and justification of the regulation

The regulation in Hungary governs not only railway employees working on the national, i.e. the cooperating trans-European railway network but rules on obligatory training and examinations in a much wider range. The obligatory authority training and examinations thus cover the following as well:

- urban railway tracks and vehicles (trams, underground railways, cable cars);
- suburban railway tracks and vehicles (“HÉV” ~ suburban commuter trains);
- narrow gauge rail services;
- industrial branch lines and sidings;
- special rolling stock vehicles and services (e.g.: multi-purpose vehicles /”Unimog”/, ski lift operators).

The common feature of these services is that they comprise a special category from the point of view of railway safety and at the same time, due to their role in passenger transport and their relatedness to the trans-European railway network, it is justified to maintain the employees’ training level and in order to ensure the uniform standard of the latter, maintain authority control. (According to the progress report on the implementation of the Railway Safety Directive of the European Commission, Hungary has the 8th highest risk level of fatal railway transport accidents in the EU. The most typical reason for railway accidents is accidents at level crossings.

(Source: <http://ec.europa.eu/transparency/regdoc/rep/1/2014/EN/1-2014-740-EN-F1-1.Pdf>).

In the case of urban (tram and underground railway) and suburban railway services it holds in general that the number of passengers transported significantly – by orders of magnitude – exceeds that of passengers transported along the trans-European railway system. The level of employees’ knowledge and skills in these systems is decisive for transport safety.

3. Assessment of findings

In view of the applicable national and international regulatory environment it can be established that, with reference to train driver’s (locomotive driver’s) qualifications in the area of railways – considering that the training system is harmonised at the EU level – it is not justified to revise the system from the point of view of the regulated professions (i.e. to shorten or eliminate the training in the case of professionals with train driver’s scopes of activity).

In areas not covered by the EU legislation – in the case of local, suburban and urban railway services – lacking comprehensive EU regulations, the conditions of obtaining qualifications and the rules related to trainings, examinations and qualifications as well as the documents certifying qualifications are determined by national-level regulations. Considering this, it was

reasonably required that the railway trainings be uploaded to the website of the European Commission.

In view of the fact that the European Railway Agency (*hereinafter: ERA*) is considering extending the Train Drivers Directive to safety related staff, we believe that the railway training and examination system already introduced in Hungary was ahead of the EU regulation and can thus not be considered unjustified. The regulation bans discrimination and ensures independent and unbiased assessment.

4. Action Plan

Considering the above, the following steps are justified to take in the area of railway:

- As specified in the Train Drivers Directive and laid down in Paragraph 36/G of the RT Act, the railway training and examination system, its effects on railway safety as well as the inherent development opportunities must be assessed and analysed within five years from the introduction of the training system (due in 2016);
- consultations must be initiated with ERA with reference to the project concerning safety-related scopes of activities conducted by ERA, and also comparison concerning the advantages and disadvantages is to be made between the Hungarian system and the EU best practice through experience exchange and EU-level cooperation, in view of labour market demands;
- by making use of other forms of training the opportunity must be granted that non-specialised educational institutions join the authority training, thereby widening the basis of labour supply and development.

XVI. Transport (Navigation)

Navigation activity is primarily conducted in international relations and along international waterways, and accordingly the qualifications required for navigation personnel must comply with the international standards in order to ensure international acceptability. The National Action Plan has been developed in the light of this principle, taking into account the international regulations.

With regard to seafarer qualifications there is a global standard regulation in place. By now the 1978 international Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) also joined by Hungary fully covers qualifications in relation to maritime employment ensuring the international recognition of Hungarian qualifications, therefore in that respect there is no need to develop a national action plan, but only to overrule the qualifications non-compliant with the STCW.

With regard to the international recognition of qualifications in inland navigation currently there is no international convention similar to maritime navigation in place, however, based on the Belgrade Convention ensuring free navigation on the Danube and the relevant recommendations of the Danube Commission the inland navigation qualifications issued in Hungary are recognized for the purpose of navigation on the Danube. The connection of the Danube-Rhine waterway system, however, would require the development of standard regulation for the whole European waterway network based on mutual recognition. Currently EU level regulation is in place only in terms of boatmaster qualifications, therefore the national action plan is aimed at promoting and facilitating the extension of the regulation to all navigation qualifications, thus supporting the free movement of goods and labour as well.

1. Presentation of the current regulation

Act XLII of 2000 on navigation specifies the following:

- Article 2 (1) 1) The State is responsible for determining the conditions of training and further training within and outside the education system for inland and maritime professionals in accordance with the international qualification requirements.
- Article 26 (1) Navigation vessels may be operated only by persons qualified in accordance with the ministerial decree on navigation qualifications whose state of health and condition allow the safe performance of work.
- Article 26 (2) Service on a navigation vessel requiring qualification may be performed only if the relevant qualification issued or recognized by the navigation authority, or a certificate recognized based on international agreement is available.

With regard to seafarer qualifications, the applicable regulation is Act XIX of 2012 on the announcement of the standard text of the 1978 Convention on Standards of Training, Certification and Watchkeeping for Seafarers modified by the 2010 Manila amendments.

Based on its authorization granted by the Navigation Act the minister responsible for transport determined the detailed rules in relation to the training and examination requirements for navigation qualifications and the relevant certificates in KöViM (Ministry of Environmental Protection and Water Management) ministerial decree No. 15/2001. (IV.27.) on navigation qualifications.

2. Evaluation of the current regulation (results and experiences)

Taking into account the relevant domestic and international regulatory environment it can be established that in the field of navigation the uploading of marine qualifications on the relevant site of regulated professions in view of the standard international and EU level qualification system is not justified.

In terms of inland navigation qualifications, due to the lack of overall EU regulation, the rules related to the conditions of obtaining qualifications, as well as training, examinations and certification, and also the necessary certificates are determined by national level regulation, with the exception of category A and B boatmaster qualifications. In view of this, uploading the inland navigation certificates on the relevant EU site was justified.

In addition, three seafarer qualifications determined by the decree on Hungarian navigation qualifications have also been uploaded on the joint website, which, however, do not comply with the STCW Convention and consequently with the international regulations. The deletion of these qualifications from the Hungarian legal system would be justified. The qualifications recommended for deletion are the following: boatman, navigator boatman and deck master.

In order to establish a standard regulation for inland navigation certification the European Commission set up a Common Expert Group (CEG) in the autumn of 2012. The expert group consists of delegated experts from the Member States as well as experts of international organizations. The expert group managed by DG MOVE developed a proposal by the end of 2014, which includes recommendations for the general rules and principles of the relevant EU legislation. At the same time, the Commission established a cooperation agreement with the Central Commission for Navigation on the Rhine, which is responsible for the coordination of the expert work on the harmonization process of inland navigation certification. The expert group drew up a proposal for the text of the EU legislation and made a proposal for standards of shipping qualifications.

In addition to the joint expert activity, the European Commission prepared an impact assessment related to the recognition and renewal of professional inland navigation qualifications also based on a survey for the preparation of the standardization and renewal of the relevant regulation. The Commission published an online questionnaire for the actors involved in inland navigation as well as detailed information on the survey procedure in the spring of 2013 at the following website:

http://ec.europa.eu/transport/media/consultations/2013-06-21-inlandnavigqualifications_en.htm

The opportunity for forming an opinion and submitting a proposal was available for all concerned organizations and individuals until 21 June 2013 on the subjects of training for professional boatmen, examination conditions, certification and navigation service book. The evaluation report on the survey was prepared in 2014, and is available at the following website:

<http://ec.europa.eu/transport/facts-fundings/evaluations/doc/2014-03-evaluation-report-directive-1996-50.pdf>

The final impact assessment is available at the following website:

http://ec.europa.eu/transport/modes/inland/news/2016-02-16-recognition-professional-qualifications_en.htm

During the review, based on the revision of the domestic system of navigation certification it could be established and considered as a fault in the domestic regulation that the system and the thematics of navigation qualifications under the law on qualifications are not harmonized with the administrative navigation qualifications. Due to the inadequate thematics and system of navigation training the individuals obtaining navigation qualifications are unable to meet the conditions required for obtaining administrative navigation qualifications, and consequently to meet the international expectations either. It is primarily attributed to the lack of navigation practice in the thematics and the small proportion of hours available for teaching special navigation related subjects. Due to the lack of administrative certification the qualified individuals are unable to find jobs corresponding with their qualifications. As it is stipulated in the Navigation Act navigation vessels may be operated only by persons with qualifications complying with the ministerial decree on navigation qualifications. A change in this situation was definitely justified.

3. Action plan

In view of the above, in the field of navigation the following measures would be justified:

- At the time of the next amendment process of the decree on navigation qualifications the inadequate and currently not approved seafarer qualifications – resulting from the Manila amendments of the STCW Convention – should be deleted, i.e. the qualifications related to boatman, navigator boatman and deck master positions.
- In terms of inland navigation qualifications it would be reasonable to wait for the publication of the EU regulation currently in progress and to adopt the standards in the national regulation. In view of the fact that the outlines of the EU regulation in progress are already visible, the national regulation – potentially formed earlier alongside it – could facilitate the harmonization.
- The domestic system of navigation training – formal or non-formal education – has been harmonized with the shipping authorial qualifications by the 2016 year modification of the Governmental Decree on the National Register of Vocational Qualifications and on the procedure of its modification.

XVII. Public Internal Auditor

1. Brief Historical background

The establishment of the new public internal financial control system (PIFC) in compliance with the new terminology was a result of the recommendation of the European Commission (Accession Negotiations Chapter 28 - Financial Control), and of the proposal of the national audit bodies. The Hungarian PIFC Development Strategy (hereinafter the 'policy paper') considered the following important financial audit related documents as crucial starting points: EU Common Position (CONF-H 30/00, 07.06.2000), Accession Partnership of 2002 and the annual reports 2001 and 2002. The government adopted the policy paper in 2003. After the adoption of the policy paper the central harmonisation unit (CHU) responsible for the development of the PIFC system was strengthened by appointing a ministerial commissioner as head of the unit, increasing the staff numbers and involving external human resources. In the elaboration of the PIFC methodology the Ministry of Finance (MoF) used external help (within the framework of the twinning programme). As a result, the legislative basis for a harmonised PIFC (with the components 1. financial management and control (FM/C); 2. internal audit; 3. central harmonisation unit) had been set up. Also in 2003, the MoF adopted the IIA standards for use by the public sector. It was part of this strategy to introduce a training system on modern internal control system, besides a registration system was implemented for internal auditors to monitor the trainings. The Public Internal Financial Control Methodology and Training Centre was established in 2009. The purpose of regulating the internal auditing as a profession was to improve the reputation of the profession and support of internal audit activity and raise its quality to a higher level. The complete review of public internal control system which is based on previous experiences was conducted in 2011. The system – as an important guaranteed element – still contains that a budgetary institution internal audit could be carried out by only someone who has the approval of the minister of public finances.

2. Justification of regulation

The internal audit is part of the public internal control system. The internal auditing is independent, subjective, assuring and consulting activities which are guaranteed independence by law. The aim of the internal control system is to improve the operation and increase the effectiveness of inspected organization. The task of the internal control is to bring in a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and govern the process and effectiveness of the internal control system.

The type of activity of internal audit requires the internal auditors to possess professional qualifications and defined practical experience, due to the fact that advisory and the assurance providing activity require higher levels of competence than the general conditions which are in place for civil servants.

For all of the above reasons an obligatory registration and vocational further training of internal auditors were set out in the regulation to ensure the competence and skills of the

internal auditors and to support effective and efficient work of internal auditors. This regulation also serves the application of internationally accepted internal audit standards.

The regulation helps the enforcers of law to determine whether someone complies with the conditions laid down by the regulation on both the employer and employee side. It is made very clear who can perform such activities.

3. Presentation of the current regulation

1.	Act CXCV of 2011 on public finances (PFA)
2.	Government decree No. 370/2011. (XII.31.) on the public budgetary organisations internal control system and internal audit
3.	NGM (Ministry for National Economy) ministerial decree No. 28/2011. (VIII.3.) regulates the PBO's internal auditors registering process and the PIFC training commitment for internal auditors, heads and financial managers of public budgetary organisations (MNE Decree)

According to the current national regulations (Art. 70 of PFA) the PBO's internal auditor has to be authorised by the Minister of Public Finances in Hungary. The minister allows the continuation of these activities to persons possessing

- legal capacity,
- a clean criminal record,
- the qualifications and experience prescribed by the Government decree No. 370/2011. (XII.31.), and

are not prohibited from carrying out internal audit activities.

In the process of the authorization natural persons have to initiate their own admission to the register of public internal auditors. The aim of the registration is to make sure that the internal auditor has the appropriate qualifications to carry out the practices which are detailed in section 24 of the Government decree No. 370/2011. (XII.31.):

24. § (2) The vocational conditions necessary for perform internal audit activity require someone who has acquired at least of 2 years' vocational experience in auditing/controlling, budgetary, financial, accounting or the activities of the given public budgetary organization (where he or she will be employed as internal auditor) and

a) having the following professional qualifications is one:

aa) lawyer, economist, economist (MA), Business Informatics, Informatics Economist,

ab) such qualifications which authorize to perform regulated accounting services,

b) other qualification which is not included in point a) and having one of the following specializations:

ba) certified financial controller,

- bb) financial-accounting specialized supervisor,*
- bc) control expert,*
- bd) chartered accountant,*
- be) public finance controller,*
- bf) certified public accountant,*
- bg) Certified Internal Auditor (IIA certification),*
- bh) CISA (ISACA certification),*
- bi) public finance management and control expert,*
- bj) budgetary expert or*
- bk) public finance expert.*

The procedure of registration, cancellation of registration and the recording of registration as well as the vocational trainings of internal auditors are regulated by NGM (Ministry for National Economy) ministerial decree No. 28/2011. (VIII.3.).

According to the legal requirements, internal auditors must improve their knowledge, skills, and other competencies through continuing professional development. In order to fulfil this obligation they required to attend vocational training. During the coming year after registration they have to take an exam on so called 'Public Internal Financial Control I.' training and then once every two years the internal auditors have to take part in one course of so called 'Public Internal Financial Control II.' training in order to enhance their knowledge, skills, and other competencies through continuing professional development. Failing to comply with these vocational obligations will result in the internal auditors' revocation of authorisation.

4. The results of the review

Based on the current practical experiences, the procedure for registration (authorisation) and the training obligations are regulated adequately.

There are 2512 authorized internal auditors in the continuously updated registry at this moment in time. 198 internal auditors have been registered so far in 2016. It can be said that the majority of internal auditors are fulfilling their training obligations, but there were also cases where the internal auditors didn't comply with the obligations despite being warned, therefore the authority removed them from the registry.

Due to the changing environment and the emerging needs, as well as the intention to reduce bureaucracy we implemented a procedure where we are switching from the authorisation process to a notification based process from 1st of January 2016. The amendments also include expansion of the scale of possible qualifications that satisfy the conditions to perform internal audit activity.

5. Action plan

It should be emphasized that the improvement of the quality of the profession is necessary to maintain those rules which guarantee that only those internal auditors possess a license who observe and are familiar with the operative rules. Based on the practical experiences we are

confident that the regulation of the public internal audit profession is suitable and well-functioning, which supports the effective selection of internal auditors for employment.

However, just like stated above, alteration and modification processes were made for a simpler registration process, which is also a part of the bureaucracy reduction scheme. Thanks to the modification the internal auditor is able to start the internal audit activity on the same day as he/she notified the authorities, with the required application form. After the submission of the application form the authority registers the applicants complying with stated regulation. Then they are notified of the registration by the authority

In order to promote the profession and expand the scale of possible qualifications which satisfy the conditions to perform internal audit activity from 1st of January, 2016 the following qualifications are also accepted: public financial and control expert, IT security expert, integrity manager, and economic specialized engineer.

XVIII. Real estate

1. Presentation of the current regulation

In Hungary, real estate professions include four categories: real estate agents, real estate property value assessors and agents, condominium managers and property managers. These professions and the related regulation are based on statutory legislation (Section 64/A-64/D of Act LXXVIII of 1993, Section 54 of Act CXXXIII of 2003). The detailed rules for obtaining the vocational qualification and practicing these professions are arranged in separate legislation (Decree No. 27/2012. (VIII.27.) and Decree No. 23/2013. (VI.28.) of the Ministry for National Economy respectively).

Currently, the requirements of real estate profession training and examination are regulated by the Decree No. 27/2012. (VIII.27.) of the Ministry for National Economy. The coming into effect of the previous decree and the change in the regulatory environment (law on vocational training) has primarily brought along the increase of the number of training hours. The proportion of theoretical and practical training hours is 60-40 per cent. The prerequisite for starting the training programme is a general certificate of education (secondary level). Furthermore in case of real estate property value assessor and agent training the possession of real estate agent qualification is also necessary, while in the case of the property manager training the possession of condominium manager qualification is an additional condition. The trainings end with examination (written, oral and practical) and the successful examinees receive a certification and a Europass supplementary certificate upon request.

2. Evaluation of the current regulation (results and experiences)

Since 1 January 2016, providing real estate agent, real estate property value assessor and agent, condominium manager, and property manager services on a commercial basis – by virtue of being established there – is subjected to prior declaration based on the Directive 2006/123/EC (12 December 2006) of the European Parliament and of the Council on services in the internal market. Prior to 1 January 2016, real estate agent, real estate property value assessor and agent activities were subjected to either licensing or prior declaration depending on whether a natural person or a company wished to pursue such activities.

The condition for providing such services is the possession of the qualification required for that profession, and for a company to have at least one employee or an active member with the required qualification.

The Hungarian public administration authorities keep a registry of real estate agents, real estate property value assessors and agents, condominium managers and property managers that declared their activities. Besides, the authorities monitor at least once every year that registered service providers meet all statutory conditions required for the provision of such services.

3. Action plan

As a result of internal screening it may be established that the domestic measures related to real estate agent, real estate property value assessor and agent, condominium manager and property manager professions are properly serving the objectives to be achieved by means of their introduction. Therefore, the current regulation system should be maintained.

XIX. Construction material industry

1. Introduction of the main features of the current regulatory system

Regulations of industrial professions are based on two national laws in Hungary: IKIM (Ministry of Commerce, Industry and Tourism) ministerial decree No. 5/1997. (III.5.) on qualification requirements for carrying out certain industry, trade and tourism related activities (legislation currently in force contains only the construction professions) and NFGM (Ministry of National Development and Economy) ministerial decree No. 21/2010. (V.14.) on qualification requirements for carrying out certain industry and trade related activities.

The common feature of both decrees is that they regulate qualification requirements of the professions listed in the annexes.

Based on the above, the two ministerial decree regulate the following professions, which were involved in the overview:

Decree No. 5/1997 (III.5.) IKIM	Decree No. 21/2010. (V.14.) NFGM
tiler	joiner
building insulator	leather goods maker
bricklayer	shoemaker
painter-decorator	electrical technician
carpenter	lift contractor/lift electrician
glazier	hairstylist
	gas installer/repairer
	welder
	air conditioning technician
	upholsterer
	manicurist, nail technician
	cosmetician/beauty care
	pedicurist
	locksmith
	optician (dispensing optician)
	goldsmith
	tailor
	furrier
	electrical equipment repairer
	electrician
	plumber and heating (central heating) installer

Additionally, for the sake of the protection of consumers, and of the public policy the Government decree No. 146/2014. (V.5.) on elevators, escalators and travelators also regulates the elevator and escalator inspector professions.

2. Lessons learned from the overview

The primary outcome of the overview was that the current system should be maintained but it needs to be reviewed, and qualification requirements are to be reconsidered. Receiving several comments and proposals from professional organizations led us to a conclusion that some feature of the present framework needs to be reviewed more closely.

2.1 The results of the consultation with specialized organs

The main risk that the professional organizations have identified was the lack of information of the Government's legislation intents. Professional bodies stated that proper solutions would have been found more easily if responsible professional technicians had been involved from the planning phase. Professional organizations believe that commitment to quality, effectiveness and efficiency improvement should be top priority. These decisions should be made in cooperation with experienced professionals.

2.2 Introduction of the developments to be made or already in progress

Currently governmental and social discussion are taking place about (1) contraction and (2) cancelation of qualification requirements, (3) determination of new activities and related qualifications, (4) clarification of certain activities covered by IKIM ministerial decree No. 5/1997. (III.5.). It is expected that the relevant provisions of the National Register of Vocational Qualifications will be reviewed in relation to construction professions. A further review of the other industrial activities [NFGM ministerial decree No. 21/2010. (V.14.)] is also due.

2.3 Impact assessments

No impact assessment had been made in this regard. It is going to be made after the review and finalization of the proposals from the professional organizations.

3. Action Plan

3.1 Aims and corresponding action plans determined in view to the aforementioned facts

The following comprehensive set of objectives can be identified:

- Create the possibility of occupation (to support the career development in adult education and vocational training)

- Support for the occupation (further education, LLL)
- Clarify the qualification requirements of occupation
- Review the legal conditions of the acquisition and retention of occupational rights
- Identify legislative and practical barriers, deregulation proposals
- Taking up a position on current development trends of the vocational training system; effective and result-oriented implementation

The priority objective is to design a system of activities and related qualifications determined by and reflecting the sector's needs.

3.2 Planned schedule (with dates)

Consultations were held with the representative professional organizations in 2016. After that, consultations are underway at government level. It may be followed by a series of concrete proposals that can be submitted to the Government in 2017.

XX. Retail services

1. Presentation of the current regulation

In accordance with section 1 subsection 2 and annex point 3 of the NFGM ministerial decree No. 21/2010. (V.14.) on the qualification necessary to practice certain industrial and commercial activities in order that certain products to be sold during commercial activity – with certain exceptions – the person must have the qualification set forth in the decree of the minister responsible for commerce.

The retail sales persons get into contact with consumers on a daily basis therefore the basic understanding of commerce and the products sold deems to be inevitable.

2. Evaluation of the current regulation (results and experiences)

2.1. Lessons learned from the overview

It was concluded that basically the currently applied system is to be maintained, since no modification proposal has been submitted to the ministry by actors of the civil sector. The lack of feedback was interpreted as the regulation being well-approved in the society at large, therefore it is not deemed to be overly burdensome.

2.2. The results of the negotiation with specialized organs

As indicated beforehand, there was no claim articulated towards the ministry for it to modify the regulation. Concerning this profession no professional debate took place whether the regulation should be upheld, no claim arose for further discussion during the filling in of the questionnaires.

2.3. Introduction of the developments to be made or already in progress

The position of the ministry is that the current status is to be upheld. As such no developments were planned concerning this profession.

3. Action plan

3.1. Introduction of the action plans' impact assessments

No action plans and impact assessments were made in this regard.

3.2. Aims and their action plans determined in view to aforementioned facts

No such aims have been identified.

3.3. Planned schedule (with dates)

There was no need for formulating planned schedules due to the aforementioned.

XXI. Accounting services and tax consultancy

1. Presentation of the current regulation

1.1. *Accounting services*

1.1.1. *Historical background*

During the 1990s, the transformation of the Hungarian economy to a market economy has changed the share of private ownership. This economic change made it necessary to establish the foundations of new accounting regulatory framework, which is suitable to the new ownership structure. The new accounting system strengthens the ownership attitude and contributes to the faster development of the market economy. The current accounting law was promulgated in 2000, and entered into force on January 1, 2001 onwards (further: Accounting Act).

Before the legal regulation of the accounting information system, accounting primarily served the purpose of economic management, which provided detailed accounting information according to the government regulation. A coherent state regulation provided aggregated information for the economic leaders in the public sector, but did not allow access to entrepreneurs (and their stakeholders) for this information.

With conversion of accounting and accounting information system a true and fair picture of tax information is available – appropriate to internationally established standards – to all interested parties about the property and financial situation, achieved earnings and business activities of the entrepreneurs, which are regulated by Accounting Act.

The legal regulation of accounting provides an opportunity to the leaders, to use the outputs of the system as important information base in the decision making process. Corresponding to the purpose of the Accounting Act, the emphasis is on the final product of the information system: the accounting report. Detailed instructions on the accounts and the accounting principles enforce that the financial statements give a true and fair view of the enterprise's assets and liabilities, financial position, income development. Therefore, the Accounting Act places great emphasis on the fact that who is authorized to compile the report.

1.1.2. *Control*

The Act states that the entrepreneur's duty is to employ a natural person to make the tasks of the book-keeping services management, and to prepare annual report, simplified annual report, and the consolidated (consolidated) financial statements. This natural person has to have a certified public accountant qualification or accountant qualification. The law requires from 1st January 2003 that the qualified accountant possesses permit for this activity. The Accounting Act also includes the main conditions of the permission (registration), which is – besides the qualification – to have a clean criminal record, and a three-year-long professional experience in accounting, financial or controlling area.

Tracking changes in the legal environment, keeping knowledge up-to-date is essential in accountancy, therefore accountants are required to take part in annual compulsory trainings. The monitoring of the compulsory training is also regulated in the Accounting Act. The Act states that the training of accounting service providers can be organized and implemented by organizations approved by the minister responsible for the accounting organizations through an accreditation process. The content of the training must be evaluated during a credit rating process also by the minister. The sanction of breaching training obligations is the withdrawal of the license.

1.1.3. Justification of the regulation

The overall supervision is essential for the bookkeeping service activities. An important element of the regulation is the permission request at the authority by the accountant before even beginning to provide accounting service. Before issuing the license, the authority can verify that the accountant has the appropriate qualifications and professional experience. The justification of this supervision is that most of the economic abuses are attributed to the deficiencies of the accounting data management. If the published accounting report provided by the accountant does not adequately reflect the real situation of the private property and the financial situation of the entrepreneur, it can cause serious economic damage for the entrepreneur, the other stakeholders and for the official bodies that based their decisions on the reported data.

The legislation protects the entrepreneurs as well, since they have to take responsibility for the information provided in the report. However, in the absence of appropriate expertise they take their decisions based on the accountants' knowledge.

In recent years, key government objective is to make the economy transparent, and improve tax compliance. The role of accountants is particularly important for achieving these objectives, because accountants operate the system of self-taxation. It is extremely important that only those accountants carry out this activity, who have the necessary qualification, up to date knowledge and professional experience. Thus, the regulation is consistent with the objectives of the government. The task of the next period is the refinement of the regulation based on the experience of the past few years.

1.2. Tax consultancy

1.2.1. Historical background:

First regulation of tax advisers' rights took place in the mid-1990s. Initially, the legislation identified only the tasks carried out by tax advisors, but it did not define who can provide these services. The range of the tax consultancy activities has steadily expanded, which resulted in increasing liability of the tax advisers. This increased liability indicated the necessity of statutory regulation for the tax adviser profession. By legislative act, only licensed tax advisers can provide tax consulting services from 1 January 2009.

The importance of supervision intensified over the past six years, since high priority government objective is to make the economy transparent, and improve tax compliance. Tax

advisers have crucial role in achieving this goal, since on the one hand tax advisor can represent the tax payers at tax authority, on the other hand tax advisors can take part in the supervisory procedures of the tax authority as experts. These facts indicate why it is extremely important that only tax advisors, who have professional and up-to-date knowledge, perform tax consultancy activities.

1.2.2. Regulation

The main reason of the registry of tax advisors is to provide reliable information to stakeholders on tax experts who have appropriate knowledge for tax consultancy activities and also have license to provide these services. This regulation can contribute to the suppression of economic abuses and to the monitoring of the implementation of the Act CXXXVI of 2007 on prevention against money laundering and terrorist financing. Indirectly, the regulation protects the tax payers' interest, and the appropriate operation of the taxation system.

Another important purpose of the register is to enable the authority to monitor whether the tax advisor requesting a license is in possession of the required qualification, even before the advisor begins to provide tax consultancy service. Before issuing the license, the authority can verify that the tax advisor has the appropriate qualifications and no criminal record. The authority maintains three types of register related to tax consultancy activities.

- Tax adviser registration may be requested right after the completion of tax advisory qualification requirements.
- For taxation expert registration – beyond the tax adviser qualification – college or university degree and three-year or five-year professional experience – depending on the specialization of the degree – is also required.
- The experts, who completed the requirement of tax advisory qualification and certified taxation expert qualification, as well, can be registered in the third registry as certified tax expert.

Taxation experts in the three register have the same permissions, so the number of the licenses is approximately 6000 in the first quarter of 2016.

Tracking the changes in the legal environment, keeping knowledge up-to-date is essential in tax consultancy, therefore tax advisers are required to take part on annual compulsory trainings. Regulation of compulsory training is also part of the tax consultancy control. The organizations that are in compliance with the regulated conditions of training implementation may submit a credit evaluation request to the minister responsible for taxation.

During the training tax advisers have to reach 100 credit points in every five years. It is possible with the completion of a compulsory training qualified by the authority in a credit evaluation process, or with the completion of studies relevant to the tax consulting profession. The completion of 100 credit point is monitored in every five years after the end of the

training period. The sanction of breaching the training obligation is the withdrawal of the license.

The scrutiny of training organizations is a part of the supervision. During the supervision, the authority examines whether they perform their administrative tasks related to the further training programmes adequately and in due time. The programme also has to fulfil the requirements, which were undertaken in the credit evaluation request, especially the timetable and the content of the training.

1.2.3. Justification of regulation

The suppression of economic abuses is high priority objective, and the regulation of tax consultancy activity is essential. A proper registry and the exclusion of experts without adequate knowledge is important, because the post-control of the tax advisors would be disproportionately difficult and long, which would make the protection of the tax advisors' partners nearly impossible and would not constitute a useful measure against abuses.

2. Evaluation of the current regulation (results and experiences)

2.1. Accounting services

Approximately 55 thousand accountants possess registered chartered accountant license in the first quarter of 2016. Annually 2500-3000 new licenses are issued. The previously granted permissions are continuously monitored. In most cases the withdrawal of licenses is due to failing the compulsory training requirements.

The comprehensive audits show that while most of the accountants comply with the legal requirements and fulfil all the obligations related to the license, more than 10% of the registered accountants do not participate in annual compulsory training sessions, therefore these accountants do not have adequate knowledge while carrying out their tasks. The experience of recent years also shows that the regular reason behind the failure to meet the training requirements is the termination or long-term suspension of accounting services.

2.2. Tax consultancy

According to the current regulation, the registration process of tax advisors is well-regulated, however, during the monitoring process the authority does not have the right to examine the quality of tax consultancy activities. During the audit, the authority examines only the completion of the training requirement and the fulfilment of the obligation to notify changes in registered data. Breaching any of these obligations results in the withdrawal of the license and registration.

The first licenses were issued in October 2008. Examination of the five-year long training obligation has begun in the autumn of 2013. During the audit, it was found that the majority of tax advisers have completed the training obligation, but in nearly 500 cases licenses were withdrawn by the end of 2014, due to failing the compulsory training requirements. Monitoring of the registered tax advisers continues in 2015, as well.

3. Action plan (Accounting services and tax consultancy)

3.1. Short-term objectives:

Raising the quality level of accounting and tax consultancy services has an outstanding economic importance. The regulation of the proper skill and experience requirements of the accountants and tax advisers remains essential. In line with the objectives of the government, the partial or complete amendment of the legislation is not justified.

3.2. Long-term objectives

At the same time, it is necessary to maintain the existing rules in order to improve the professional quality. These rules ensure that only those accountants and tax advisers possess permission for providing accounting or tax consultancy services, who know and comply with all legal requirements in their work. An annual comprehensive supervision carried out by the licensing authority would work as a guarantee. As for the chartered accountant profession this period follows the decision on exemption requests and lasts from June 1 to December 31. During the supervision, the authority can withdraw the license of those accountants and tax advisors, who do not fulfil their obligations of prescribed training of the Accounting Act.

Besides the supervision of the training of these two services, the representations of professionals support the creation of professional standards and an ethical code of conduct. To set up a supervisory body is necessary, which is entitled to examine and discipline the activities in professional and ethical aspects.

XXII. Vocational Education and Training, Adult Learning and Education

1. Current Regulation

Four regulated professions were identified in the field of vocational education and training (VET), and adult learning and education (ALE):

1. ALE activity
2. VET expert
3. Vocational Examination Board activity
4. ALE expert

The regulation of these activities was laid down very recently. It must be noted that in the case of ALE activities the professional manager's activities were examined.

2. Aim of the regulation

The regulation of the aforementioned activities aims to lay down the conditions of carrying out such activities to ensure high quality performance. It also sets out the activities covered, and the responsibility of the professional performing the activities.

3. Regulated professions

3.1 *ALE activity*

ALE activity is regulated by the Government decree No. 393/2013. (XI.12.) *on the authorization scheme and requirements for carrying out ALE activities, on the register of ALE institutions, and on the rules of monitoring ALE institutions.*

The regulation ensures that the person responsible for the vocational content of any ALE activity holds a degree in andragogy or has relevant professional experience – as a professional manager – in the field of ALE.

The legal regulation defines the most important activities covered by this profession, but the activities are not fully detailed in order to be adjustable to the organizational specifics of different ALE institutions. The professional manager is responsible for:

1. the professional activity;
2. and particularly the training programme of the ALE institution.

3.2 VET expert

VET expert activities are regulated by OM (Ministry of Education) ministerial decree No. 31/2004. (XI.13.) *on the National Expert Registry, the National Examination Registry, the National VET expert Registry, the National Vocational Examination Chairman Registry, and on the expert activities.*

The regulation aims to consolidate the scheme of professional monitoring activities, therefore stricter conditions of carrying out these activities have been introduced by defining the conditions and the rules of admission to the expert registry more clearly. The Education Authority (OH) checks whether the applicant fulfils the conditions, and is also responsible for managing the National Expert Registry. The OH is obliged to cooperate with the National National Office of VET and ALE (NSZFH) in cases related to monitoring activity carried out in the field of VET.

VET provided in the school system, in particular the vocational theoretical training and the practical training organized in the school, is monitored and evaluated externally on the basis of the law on public education. Professional monitoring of public education institutions is carried out by the OH. In the case of institutions also providing VET, there is one (or more) additional VET expert joining the monitoring team. The expert is appointed by the OH in cooperation with the NSZFH, and is responsible for monitoring the vocational subjects with the same code of conduct as the other experts.

Submitting the application is available for persons who hold tertiary level qualification (at least BA/MA level, and in pedagogy or andragogy in particular), possess 10 years of professional experience, and at least 2 related professional recommendations.

There is also an additional condition to take part in obligatory further education.

3.3 Vocational Examination Board activity

The activities of vocational examination board members are closely related to the activities of VET experts since the members need to be registered in the National VET Expert Registry. The regulation, which resembles that of the VET expert activities, aims to define and ensure the uniform quality of the vocational examination. The interest and view of the VET providers are also represented during the board activities, since one member is appointed by the VET provider. With the amendment of the regulation the tasks of the vocational examination board have been increased in number, although in practice they were already an integral part of their activities.

The additional condition to take part in obligatory further education is still in force.

Persons eligible for applying for chairmanship:

1. possess proper qualification (relevant pedagogy qualification, other relevant post-secondary education, or tertiary education and relevant vocational qualification);
2. can prove that they possess 10 years of relevant professional experience;
3. and can present at least 2 related professional recommendations.

The members of the Examination Board (chair, member No. 1, member No. 2, representative of the VET provider) undertake all the examination (supervision of written exam, correction of the tests, questioning and hearing on the oral exam) and evaluation tasks.

The most vital requirement of an operating examination board is the professional independence. It is guaranteed by NSZFH selecting the members from the VET Expert Registry based on rules that promote randomization, independence, and feasibility simultaneously. Eligible experts are registered in an accessible electronic database. NSZFH must verify in advance that they possess the proper qualification and the required amount of relevant professional experience. The organizations (ministries, commercial chambers) responsible for the supervision of certain vocational qualifications shall recommend experts to be on the Register in the given field of expertise. The recommendation can only be refused in case of the requirements above are not met.

Vocational examination board activity consists of the following tasks:

1. approving the proposal on the exam schedule;
2. checking the conditions and the preparations of the exam;
3. verifying the documentation;
4. verifying the eligibility to begin the exam;
5. informing the examinees;
6. evaluating the exam performance;
7. documenting the exam.

3.4 ALE expert

ALE expert activities are regulated by NGM (Ministry for National Economy) ministerial decree No. 14/2014. (III.31.) on *the rules of carrying out ALE expert, and ALE programme expert activities*.

The principles of the regulation are as follows: quality, professionalism, continuity, and independence.

Quality: the regulation clearly sets out the conditions of performing ALE expert activities, the conditions and method of the application to the ALE expert registry, and also the obligatory further education requirements.

The relevant fields of expertise are to be registered on the profile of the ALE expert in the registry to ensure the effectiveness of the professionalism principle.

These fields of expertise can be easily revised in order to guarantee the continuity, therefore enable that adequate experts are available in each field of expertise.

Based on the results of the review on the activities of ALE experts, the legal consequences of misconduct have been broadened in order to further ensure the independence of the experts from the ALE providers who employ them.

Submitting the application is available for persons who hold tertiary level qualification (at least BA/MA level, and in pedagogy or andragogy in particular), possess the required amount of professional experience (4 years in the indicated field of expertise or 6 years in ALE management, teaching, quality assurance, teaching arrangement or in measuring and assessing).

The licensee is obliged to take part in obligatory further education within six months from the authorization, and in every two years afterwards.

4. Results of the Review

Ultimately it can be concluded that the present legal regulations – set out in the last five years – are well-suited, taking into account the aspects of the review. There is no need for substantive amendments.

The risks identified – such as the stricter requirements for practicing a profession – may have narrowed down the scope of potential professionals, but it did not result in the absence of eligible persons, therefore no damage has been caused. The risks are on a manageable level, and at the end of the day the measures taken have significantly improved the independence and the quality of these professions.

5. Action Plan

The following government decree has been amended recently:

1. Government decree No. 393/2013. (XI.12.) *on the authorization scheme and requirements for carrying out ALE activities, on the register of ALE institutions, and on the rules of monitoring ALE institutions.*

In force from: 2016.01.01.

Changes were made to the followings:

1. the composition of data included in the application for ALE licenses;
2. the composition of statements required as attachments for the application for ALE licenses;
3. the monitoring system of the ALE institutions;
4. the defined staffing conditions of the language trainings;
5. methodology of the calculation for the early school leaving ratio;
6. the level of the fines.

The rules of the professional manager's status have been amended: *„In the case of ALE provider institutions with legal forms such as individual entrepreneur, company operating as sole proprietorship, or single-member company, the individual entrepreneur and the owner of*

the company operating as sole proprietorship, or of the single-member company may act – notwithstanding section 7 point a) – as the professional manager if he fulfils the qualification (section 7 point a)) and professional experience requirements of professional managers.”

Broadening the possible scope of persons acting as managers is justified since ALE providers operating in different legal forms require different regulations.

No changes planned:

- OM (Ministry of Education) ministerial decree No. 31/2004. (XI.13.)
- NGM (Ministry for National Economy) ministerial decree No. 14/2014. (III.31.)

Based on the review, enacting new legal regulation or amending the present regulation is not considered necessary. The present system is deemed suitable. The monitoring and the continuous analysis of the system (mainly based on statistics) remains a fundamental task.

A new system is to be established in 2016 in order to ensure the continuous analysis of reports, and statistical data provided on these activities.

The decision on adjustments of the regulation (if necessary) can be made by the end of 2016.

XXIII. Tourism and catering

1. Presentation of the current regulation

1.1 *Tourism*

The definition of tourism related activities:

Travel Sector

- Tour operator activities shall mean the arrangement - on a commercial scale - of passenger transport, accommodation and other tourist services (such as in particular meals, guided tours, entertainment, leisure and cultural programs), providing at least two at the same time (hereinafter referred to as travel services) in a package.
- Travel agency activities shall mean the conclusion of contracts - within the framework of gainful business activities - in the name and on behalf of a tour operator for the provision of travel services.

Tour guide activities

- Tour guide shall mean a person who provides - within the framework of gainful business activities - detailed interpretation at tourist sites and other venues of significant interest to visitors of such sites, and who guides visitors and provides assistance and information focusing on helping their orientation in a place with which they are unfamiliar.
- Horse riding service means to provide service with horse on a commercial scale for educational, leisure time or therapeutic purposes.

The forms of performing and providing tourism related activities and the qualification prescribed for service providers:

- Established tour operators and travel agency service providers

All established travel agencies and tour operators offering travel-related services in Hungary must satisfy the requirements prescribed in Act CLXIV of 2005 on Trade (hereinafter referred to as “Trade Act”) and in Government Decree No. 213/1996. (XII.23.) on Travel Organization and Agency Activities, and must be registered, on the basis of their notification, to engage in such activity by the Hungarian Trade Licensing Office (Magyar Kereskedelmi Engedélyezési Hivatal) (www.mkeh.gov.hu).

Requirement of professional qualification:

According to Government Decree No. 213/1996. (XII.23.) on Travel Organization and Agency Activities the person being in charge of the professional aspects of operations (responsible person) is required to have certificate or at least one advanced language exam, 3 to 7 years professional practice according to his/her professional qualification and one of the 18 professional certificates described in Paragraph 5 subp. (1) of this Government Decree.

- Cross-border tour operator and travel agency service providers

According to Trade Act:

Any service provider with the right to exercise the freedom to provide services according to the Act LXXVI of 2009 on Service Activities shall notify the authority for trade and commerce of his intention to engage in the activities of tour operators and travel agencies in the form of cross-border services.

- Tour guide activities provided by established service providers

According to the Trade Act and ÖM (Ministry of Local Government) ministerial decree No. 33/2009. (XII.18.) on tour guiding (implementation of 2005/36/EC Directive on the recognition of professional qualifications and the Services Directive (123/2006/EC):

Any person who wishes to engage in the activities of tour guides must have the necessary qualification as a tour guide and language certification(s) prescribed in the above mentioned legislation.

Any person who wishes to engage in tour guide activities shall notify the authority for trade and commerce in advance thereof (notification system).

Where the activities of tour guides are performed by a company rather than a natural person, the requirements shall be satisfied by the person actually carrying out the activities.

The Hungarian Trade Licensing Office shall issue an official certificate and an official tour guide identification card to any person who established and notified the authority as being engaged in the activities of tour guides.

Requirement: certification of the professional qualification and certification(s) of the language in which the service provider wants to carry out activity (Hungarian tour guide vocational qualification).

- Tour guide activities provided by cross border service providers

According to Act LXXVI of 2009 on Service Activities and Government decree No. 33/2008. (II.21.) on the designation of authorities responsible for matters falling within the scope of Act C of 2001 on recognition of foreign diplomas and certificates and the list of services subject to the obligation to declare:

Any person who intends to engage in cross border tour guide activities in Hungary shall notify the Hungarian Trade Licensing Office in advance thereof (notification system).

Recognition of other EU Member States' professional qualification in case of cross-border services:

If the service provider is established in a Member State where tour guiding is a regulated profession, the certification on a relevant qualification shall be attached and examined and approved by the Hungarian Trade Licensing Office (mutual recognition). In case of a Member

State that does not regulate tour guiding profession, only a one-year-long professional practice in previous 10 years shall be certified.

Where the activity of tour guiding is performed by a company, the requirements shall also be satisfied by the natural person who actually carries out this activity.

- Established horse riding service providers

According to the Government Decree 320/2010. (XII.27.) the Hungarian Trade Licensing Office acts as a trade authority in course of notification and registering procedures of the horse riding service providers.

Any person who intends to engage in horse riding services shall notify the Hungarian Trade Licensing Office in advance (notification system).

According to the ÖM (Ministry of Local Government) Ministerial Decree No. 14/2008. (XII.20.) on horse riding services the person in charge of the horseback riding (responsible person) shall have one of the 6 professional qualifications listed in Paragraph 2 subp. (3) point b) of this Ministerial Decree, and further in case of providing therapeutic horseback riding services a therapist, who shall have a certification on one of the 5 professional qualifications listed in Paragraph 11/A subp. (1) point a) and one additional qualification described in Paragraph 11/A subp. (1) point b), has to be present in place of service.

When providing horse riding services for handicapped persons, that who educate or train such persons is required to have one of the professional certificates listed in Paragraph 11. subp. (5) points b) – d) (according to Paragraph 11/A. subp. (3) point a)) and one more special qualification described in Paragraph 11/A. subp. (3) point b).

According to Government Decree No. 33/2008. (II.21.) on the designation of authorities responsible for matters falling within the scope of Act C of 2001 on recognition of foreign diplomas and certificates and the list of services subject to the obligation to declare, the provisions mentioned above at cross border tour guide activity shall be appropriately applied in recognition of qualifications of persons from other Member States performing horseback riding tour guides.

1.2. Catering

According the Trade Act catering services shall mean the supply of ready-made food or food made on the premises, and beverages typically for in-house consumption, including any related entertainment and other service activities.

Relevant legislation regarding qualifications:

- NGM (Ministry for National Economy) ministerial decree No. 27/2012. (VIII.27.) on professional and examination requirements of vocational qualifications falling within the competence of the Minister of National Economy professional

- Government decree No. 150/2012. (VII.6.) on National Register of Vocational Qualifications and on the procedure of its amendments
- NFGM (Ministry of National Development and Economy) ministerial decree No. 21/2010. (V.14.) on qualification requirements for practicing certain industrial and commercial activities

Catering-related professions have been recently reviewed in Hungary as part of a national reform programme. The Hungarian Government decided to either abolish obligatory requirements or make simplification (in general reduce administrative burden and costs of enterprises).

The obligatory qualifications mentioned below have been abolished:

1. Qualifications for fast food and buffet services
2. Work place and institutional buffet services (the use of distinctive term lapsed)
3. Work place, institution kitchen services (the use of distinctive term lapsed)

The abovementioned obligatory qualifications have been replaced by the terms stated below:

1. Preparing hot and cold dishes, beverages and preparing pastries, doughs and ice-cream
2. In the case of serving hot and cold dishes, beverages, confectionary products the obligatory qualification only remains at catering premises that offer hot dishes. As a result at catering premises that does not offer hot dishes the obligatory qualification is not required any more.

2. Evaluation of the current regulation (results and experiences)

2.1 Tourism

A current national revision of all regulated professions has been completed:

Tourism-related professions have been recently reviewed in Hungary as part of a national reform programme. The Hungarian Government decided to either abolish obligatory requirements or make simplification (in general reduce administrative burden and costs of enterprises). In case of tour operator- and travel agent- related regulated professions (eg. carrying out travel agent and tour operating activities) obligatory national qualification requirements have been abolished.

Minimum and certain requirements for the responsible person of tour operators and travel agencies have been maintained (only one person per undertaking). IKM (Ministry of Economy and Commerce) ministerial decree No. 3/1992. (I.13) on the qualifying examination of tour operators has been repealed and the national exam organized by a designated business college is

no longer applicable. The profession requirements ensure minimum level of guarantee of basic professional knowledge of tour operating and travel agency activities: vocational or higher-level education certifications, knowledge of foreign language, training time.

Tour guide will be maintained as a regulated profession in Hungary and the necessary exam (tour guide qualification) will continue to be required in case of established service providers.

2.2. Catering

The definition and the evaluation of the three main professions/qualifications after the deregulation:

- Waiter

Description of activities: Sales and catering activities, hosting and assisting the guests, preparing drinks and serving the offered dishes. Detailed organization skills, responsibility for safety and hygiene in the restaurant / guest area.

- Cook

Description of activities: Preparing and adjusting hot and cold dishes, compilation of calculation sheets, adjusting menus, dealing with supply issues for cooking in restaurants, or at special events. Detailed organization skills, responsibility for safety and hygiene in the kitchen.

- Confectioner /Cake /Chocolate maker

Regular patisserie activities, like preparing and adjusting pastries, doughs, all types of desserts. Detailed organization skills, responsibility for safety and hygiene in the kitchen.

Evaluation of the aforementioned qualifications:

The professions are open for everyone, who is interested in food business. Working as a professional, the mandatory certification is needed, without any further inspections of nationality or residence. Due to risks of the food preparing activity, some specific skills are to be proved.

The food preparing activity is full of risks (e.g. hot steam, boiling materials, sharp utensils), and the outcome is extremely dangerous: e.g. food safety risk. During the preparing process there are many hazards to be avoided, therefore the ability to work in a kitchen/guest area needs to be proved. The protection of employees and the proper handling of food stuff have positive effects on the food security, as well.

Regulating the profession is one guarantee for minimizing possible risks of food/supply chain. Since the HACCP measures are in force, the transparent and wide known protection system is a standard for all - both the customers and the professionals as well. The same system guarantees the constant security, even when the professionals move to a next employer.

All type of the food preparation processes need to be protected with the same basic rules. In Tourism and Catering sector there are similar professions with similar regulations in force: cook, confectioner, waiter. The main issue of these activities is to protect all customers from all risks, mainly food safety issues.

Specific professional aptitudes (food stuff storing, preparation processes) are definitely needed during the food preparation process, analysing risks, and the constant application of HACCP rules.

The aim is to ensure food chain safety under all circumstances, including the security of the preparation process as well. The qualification process is a guarantee for preparation processes that effects the food safety / hygienic security itself.

No alternative mechanism was deemed more suitable to secure the food chain.

Proposed provisions: Since food safety reasons do not allow any modification is highly recommended to maintain current system.

3. Action plan

3.1 *Tourism*

As we saw in section 2, obligatory regulated national professional requirements for hotel receptionist, tour operator, travel agent activities have been abolished.

Possible direction for development regarding the qualifications required for tourist guide:

- Improve current system (simplify requirements on tour guides, remove unnecessary burdens etc.)
- Evaluation and review of relevant professional and exam content and process involving non-governmental organizations (commercial chamber, tour guide association)

We would like to draw the attention to the following issues:

- Interpretation problems of regulated professions: certain and clear distinction should be ensured between the legal requirements of job profiles and certain business activities (requirements for set-up businesses or how to hold a certain job or carry out certain profession). It seems from national reports and European Commission's database that there is confusion among Member States s interpretation.
- Regulatory problems concerning third countries' service providers (which requirements should be applied) and monitoring procedures especially in case of cross border activities.

3.2. *Catering*

As a consequence of the process of deregulation mentioned in section 1.2 the earlier categories with no real content have been abolished.

The aim of the next modification – at higher level of legislation – is the review of the existing categories of catering and the creation of new ones. In the process of refining the existing regulations we seek to define the requirements of the regulation in a current and lifelike way.

The competent department has long been consulting with the professional organization of the catering industry. During this cooperation the market expressed a fundamental need for modifying the existing legislation. The settlement and the comprehensive reform of the qualifications in the catering industry are among the short term objectives of the following years.

Conclusion

Following the screening and comprehensive review of the Hungarian regulatory system concerning the regulated professions, the measures presented in the sectorial action plans can be divided into three groups with regard to the necessity of maintaining the current regulations.

1. Maintaining the regulatory system with the current conditions is justified in the following sectors

- Archaeological heritage and protection of monuments
- Construction
- Education
- Home Affairs [law enforcement (personal and property security activity, property protection system design and installation, private investigation activity); funeral services; chimney sweeping industrial activity.]
- Nuclear industry
- Real estate sector
- Retail services
- VET and ALE

As a result of the screening it may be established that the domestic measures with regard to the professions related to these sectors properly meet the objectives to be achieved by means of their introduction. Therefore, the current regulation system should be upheld.

2. Maintaining and improving the current regulatory system with the use of certain measures in the following sectors

- Accounting services and tax consultancy

Ruling out professionals with inadequate qualifications, and raising the quality level of accounting, and tax consultancy services has an outstanding economic importance. Licensed accountants and tax advisers must possess an up to date knowledge of related regulations and comply with the qualification requirements.

During the monitoring process, the competent authority may withdraw the license of accountants and tax advisers, who do not fulfil the prescribed obligations. Additional crucial measure would be the monitoring of the further training related to these two services.

To set up a supervisory body, which creates professional and ethical standards, and to be entitled to examine the activities in professional and ethical aspects, is also necessary.

- Agriculture

The Ministry of Agriculture (MA) regards the current regulation of regulated professions falling within its sphere of responsibility well-grounded and proportional to their social significance, and properly adopted to the EU requirements. The ministerial professional departments maintain close working relationship with the

professional organisations. There are no problems or regulatory gaps related to the certification requirements.

However, as a result of the examination – conducted by the MA departments – of the qualification requirements certain simplifications were implemented. In order to ensure proper high quality and professionalism in the field of the regulated professions and activities further simplification or modification is not recommended. The revised legislation concerning truffle gathering and professional hunting entered into force in 2016.

- Consumer protection

Possible course of improvements in the field of consumer protection:

A) Follow-up

A follow up assessment with multi-directional approach could explore the effectiveness of the present training system.

It would be useful to receive feedback in the form of an indicator showing the number of consumer relations officers who are working in positions corresponding to their qualification.

B) The standardization of the content of the teaching materials

It would be advisable to compare, synchronize and standardize the training materials with teaching materials of other educational institutions with training programmes approved by the state.

C) Professional monitoring of teachers

The assessment of the education and the further training of the teachers have to be considered.

- Energy

The priority objective is to review the training, educational requirements for professions based on the needs of the sector and transfer the changes identified in the review to the legislation.

According to the information of the Ministry for National Economy the reconciliation of the new ministerial decree on the professional qualifications and practices required in the natural gas supply from technical safety aspects is in progress.

The review and amendment of the ministerial decree on the professional qualifications and practices required in the mining industry from technical safety aspects is expected to be done at the end of 2016.

In the case of more regulated professions (specialist of pressure equipment testing, geological expert, mine surveyor, technical operating manager of the mine) the relief lies in the amendments connected to the reduction of bureaucracy, the licensing has been replaced with notification from 1 January 2016. The amendment, according to

which the professional certification exams have been abolished in the case of the mining surveyors, means even more relief.

- Health

The review of the training and examination requirements concerning the healthcare qualifications was completed in 2012. It can be concluded that the continuous development of the system is essential, having regard to the scientific, technical, ethical, social and legal challenges and to the international obligations. The refinement of the regulation of current professions is reasonable – especially in the case of the health worker professions – based on the experience of recent years.

In relation with the amendment of the Government decree 150/2012. (VII.06.) on the National Register of Vocational Qualifications (NQR) and on the procedure of its modification in 2016, new healthcare qualifications have been introduced that can be obtained through graduating from the secondary vocational-school.

During the design of the structure of special educational institutions, the government was committed to create qualifications that can be considered as the basis of most healthcare qualifications, therefore ensuring the access to further specialization and the formation of sector-specific regulation concerning healthcare professions.

- Legal Affairs

Raising the quality level of all services on the field of legal affairs and eliminating the professionals lacking the proper skills have outstanding economic and social importance. Regulation of the proper skill and experiment requirements of these three professions (lawyer, patent attorney, translator/interpreter) remains essential. Mitigating the constraints of the present national legislation is not deemed necessary. In regard of lawyers the review of the legal environment has begun at the Ministry of Justice. In case of a high-level decision, renewal of the regulation is to be expected. The need to amend the Minister Council Decree No. 24/1986. (VI.26.) on translation and interpretation was also recognized, because its content is obsolete in a number of respects, and minister council decree is not listed among legal acts having the force of law in Section 2 of Article T) of the Fundamental Law of Hungary. It should be noted, that – in relation to Directive 2010/64/EU of the European Parliament and of the Council on the right to interpretation and translation in criminal proceedings – there is also a motion to improve the regulation on translators and interpreters.

- Public Internal Auditor

Due to the changing environment and the emerging needs, as well as the intention to reduce bureaucracy the Ministry for National Economy has implemented a procedure switching from the authorisation process to a notification based process from 1st of January 2016. The amendments also included expansion of the scale of possible qualifications that satisfy the conditions to perform internal audit activity.

- Railway Transport

The railway training and examination system, its effects on railway safety as well as the inherent development opportunities must be assessed and analyzed within five years from the introduction of the training system (due in 2016).

Consultations must be initiated with ERA with reference to the project concerning safety-related scopes of activities conducted by ERA, and also comparison concerning the advantages and disadvantages is to be made between the Hungarian system and the EU best practice through experience exchange and EU-level cooperation, in view of labour market demands.

By making use of other forms of training the opportunity must be granted that non-specialized educational institutions join the authority training, thereby widening the basis of labour supply and development.

- Road Transport

In accordance with the considerations described in the relevant chapter, the following steps are deemed to be necessary in the area of road transport until August 2017:

In vehicle maintenance, legislation is required to define a new, state of the art approach meeting technological demands and the needs of businesses so that the number of areas and professions that must be regulated by law can be reduced, while observing the aspects of road and occupational health and safety.

The systematic harmonization of road transport training provided in schools with road authority training is also necessary – to further our progress in this task, the Transport Authority Qualifications Register has been created. Keeping the technical inspector profession regulated is compulsory and justifiable in accordance with the Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC.

3. Revision and modification of the current regulation system are necessary by implementing certain improvements in the following sectors

- Construction, and construction material industry

Receiving several comments and proposals from professional organizations led the decision-making bodies to the conclusion that the present regulation is not completely accepted by society, and in some cases (e.g.: professions in construction)

not viewed as effective, therefore some feature of the present framework needs to be reviewed more closely.

Currently governmental and social discussion is taking place about (1) contraction and (2) cancelation of qualification requirements, (3) determination of new activities and related qualifications, (4) clarification of certain activities covered by IKIM ministerial decree No. 5/1997. (III.5.). It is expected that the relevant provisions of the National Register of Vocational Qualifications will be reviewed in relation to construction professions. A further review of the other industrial activities [NFGM ministerial decree No. 21/2010. (V.14.)] is also due.

- Culture

The review pointed out that certain legal acts regulating training related to the field of culture, need to be revised and modified. Furthermore, the questions raised during the due diligence highlighted some areas (e.g. membership in professional organisations, limitation of licences, territorial restriction, etc.), in respect of which the laws governing the field of culture do not contain information.

The following measures are justified in the cultural professional fields:

- content review of certain national laws regulating professions and qualification requirements related to the field of culture,
- repeated review of the number and training rules of the regulated professions related to the area of national arts,
- performing analyses and impact studies related to the professions in the field of culture.

- Social Affairs

Regulation of social affairs related professions must be maintained for the protection of consumers and recipients of services, but the simplification of the current system and re-regulation of the activities and the concerning education is deemed necessary.

Additionally the unified quality of the services can be ensured by qualification requirements, occupational rules, and by requiring compulsory further training.

Quality and content development of social affairs-related vocational and adult training has already been started and partly implemented in recent years.

The revision and the re-regulation of certain qualifications are provided with their future integration into the Register of Qualifications Regulated by Public Authority.

Generally the qualifications regulated by public authority do not cover the complete knowledge of a profession and occupation but only specific activities within a certain professional field. In order to carry out these activities one is required to gain certain special knowledge and to be licensed by the Authority

- Sports

The objective of the review as well as the consequent amendment of the Government decree No. 157/2004. (V.18.) on the registry of qualifications required for the practice of activities in the area of sports (Government Decree) is to contribute to the establishment of a more flexible business environment, and through this, to increase the job creation potential of Hungarian businesses, by reasonably simplifying the qualification requirements mandatory for practicing specific activities, or for fulfilling certain jobs. With the amendment, the qualification requirement system becomes capable of taking real risks into consideration and posing legal requirements during employment only when the protection of the physical safety of sports participants is significantly justified by the regulation of professional sports qualifications.

- Tourism and Catering

The obligatory regulated national profession requirements for hotel receptionist, tour operator, travel agent activities have been abolished. Professional requirements were added to legislations on the sector. In connection with the current professional requirements it is worth to be examined whether jurisdictional problem arises.

The competent department has long been consulting with the professional organization of the catering industry. During this cooperation the market expressed a fundamental need for modifying the existing legislation. The settlement and the comprehensive reform of the qualifications in the catering industry are among the short term objectives of the following years.

- Transport (Navigation)

At the time of the next amendment process of the decree on navigation qualifications the inadequate and currently not approved seafarer qualifications – resulting from the Manila amendments of the STCW Convention – should be deleted, i.e. the qualifications related to boatman, navigator boatman and deck master positions.

In terms of inland navigation qualifications it would be reasonable to wait for the publication of the EU regulation currently in progress and to adopt the standards in the national regulation.

The domestic system of navigation training – formal or non-formal education – should definitely be adjusted to the system of the administrative certification of navigation as soon as possible. The involvement of the Ministry of Transport is essential to ensure harmonization and the achievement of adequate results.

Presumably the modification proposals will be submitted in 2016 or 2017 after the review of the activities and qualifications, the social and governmental reconciliation. Review of the sectorial vocational qualifications and in some cases the identification of new training programmes have already begun in Q3 of 2015. The revised and amended National Register of Vocational Qualifications was set out in Q1 of 2016.

Annex I.

List of regulated professions (Hungary)

Annex II.

List of regulated professions deregulated since December 2013 (Hungary)