



SIGMA

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Public Administration: Responding to the COVID-19 Pandemic

*Mapping the EU member states' public administration responses to the COVID-19 pandemic
(for EU Enlargement and Neighbourhood countries)*

HUNGARY

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HUNGARY

Centre of Government, policy co-ordination and decision-making process

1. How is the Government (Council of Ministers) functioning (organisation of virtual meetings, remote sessions etc.)?

The Government continues to function. It takes decisions and functions normally. The Rules of Procedure of the Government (1144/2010 (VII.7.) allow for distance work/teleconferencing.

2. How are the crisis management and external communications co-ordinated within the Government? What is the role of the CoG in this? Is there a central strategy/guidance?

Hungary's national response to COVID-19 is supported by a dedicated governance structure to ensure a public health-led, whole-of-society approach. The main co-ordinating body for the day-to-day pandemic crisis management is the so-called Operational Group, that has been set up by the Government Decree 1012/2020 (I.31.). It is comprised of various medical professionals, police, military officials, members of the Government, etc. and is led by the Prime Minister.

The Operational Group is meeting on a daily basis, reviews the international and national data on the pandemic, makes recommendations to the Government to take actions related to preparation and mitigation and holds daily press briefings on the situation. The Action Plan of this Group was adopted during its first meeting on 31 January.

(<https://www.kormany.hu/hu/belugyminiszterium/hirek/az-operativ-torzs-akcioterve-a-koronavirus-jarvany-elleni-vedekezesert>).

The national response is also following advice from the WHO and ECDC, as well as following the response of neighbouring countries, too. Since 20 March, the Operational Group daily briefings are held on-line and the press can provide their questions only in writing, in advance. Questions (some of them) are answered with a delay and not on-spot.

In addition to the normal government machinery, The Prime Minister has also set up special Action Teams to handle different aspects of the virus mitigation. These teams are mostly led by members of the Government, but some are led by external professionals. The teams are:

- Team to organise digital education;*
- Team to manage the setup of mobile pandemic hospitals;*
- Team to ensure the functioning of essential companies;*
- Team to manage international affairs;*
- Team to handle the communication to the public;*
- Team to manage the legal affairs under the extraordinary (emergency) situation;*
- Team to handle the budget and finances;*
- Team to support the re-start of the economy;*
- Team to co-ordinate pharmaceutical R&D;*
- Team to manage border control;*
- Team to co-ordinate volunteering;*

Teams are producing regular reports on the situation and proposals for short- and longer-term actions.

In terms of additional communication channels, the Spokesperson of the Government is also an active communicator (mainly through virtual channels), as well as the Minister of the Prime Minister's Office who is holding weekly press briefings after the Government sessions, mostly about decisions taken by the Government related to the pandemic. The Minister of Foreign Affairs is also an active communicator on international affairs, including communication around the special legal measures authorising the Government to govern under the emergency situation and, to some extent, to govern even by taking over some Parliamentary powers.

The most prominent announcements are coming from the Prime Minister, mainly through his personal Facebook channel.

Special COVID-19 communication platforms have been set-up: <https://koronavirus.gov.hu> (perhaps worth noting that the website structure and messaging is quite similar to the Serbian COVID-19 page, <https://covid19.rs>).

3. Any arrangements (rules, working procedures) which aim to streamline and accelerate the Government decision-making process (as regards deadlines, public consultations, transparency, impact analysis)?

The work of the Government is co-ordinated under the Rules of Procedure (RoP) of the Government. To the best of our knowledge, as there is no publicly available information about the current decision-making processes, and no specific rules were initiated to streamline the procedural rules stemming from the RoP. Laws proposed by the Government are still substantiated with a detailed justification, etc., however it is evident that the decisions are prepared in a very closed circle by the Prime Minister.

Public service and human resource management

1. What arrangements regarding teleworking? What is the share of civil servants teleworking? What is the share of civil servants still coming to the office?

Since all government offices are open (though in-person service provision is reduced and opening hours are limited), there are no general, mandatory teleworking arrangements for civil servants in place. The general guidance issued is very supportive of teleworking. However, the ministries and other government institutions are still trying to operate more or less in their normal way although the share of civil servants teleworking is increasing but unknown in numbers.

Teleworking arrangements are regulated by the Civil Service Act (CXCIX/2011) and the corresponding Government Decree 30/2012 (III.7.).

2. What other flexible working arrangement (part time work, distribution of working hours over 7 days...)?

Most of the government services are functioning with reduced opening hours. The Government one-stop shops accept clients only with prior appointment. Certain government services (e.g. some family protection services, family planning and certain youth protection) is functioning only via telephone. No formal regulation has been issued regarding this.

3. If civil servants cannot telework, how are they paid?

To date, there is no special arrangement related to the working conditions (including payment) for civil servants in general. Their working conditions do not deviate from normal working conditions (e.g. species working hours, distribution, or work over extended period are not declared), hence their payment is also not changed. Everyone is normally paid.

4. Are civil servants being sent on mandatory annual leave? If not, is use of annual leave recommended? Any other special arrangement on absence management?

This is not proving an issue so far. There have been no demands for annual leave to be taken.

5. Any new, special regulations for working overtime (removing limitations to overtime work e.g. for medical staff)?

New higher limitations for overtime have been introduced for the health care sector, the police and some other law enforcement agencies.

6. Arrangement for paying for extra workload (health care)?

For healthcare workers the Prime Minister announced a 20% salary increase on 4 April. Also, a one-off HUF 500.000 (ca. EUR 1400) will be provided to healthcare workers in the upcoming months.

7. What measures have been introduced to create fiscal space to fund health care, economic measures etc. against COVID-19 (salary cuts, freeze of recruitment, promotions...)?

There have been no salary cuts or freezes on recruitment so far. The fiscal space-related measures are so far not affecting the civil service system.

Accountability

1. How did you keep the national parliament operational? Any simplification of parliamentary procedures?

The Hungarian National Assembly (the Parliament) is functioning under normal procedures. No adjustments have been made in its functioning, including procedures or sitting of committees. The only significant change is that parliamentary sessions are not open for the general public to be present in the building and the Law XII of 2020 (adopted on 30/3/2020) on the containment of Corona virus granting extraordinary powers to the Government during the national emergency situation.

The Law XII of 2020 (adopted on 30 March 2020) granted to the Government extraordinary powers to cope with the crisis. The Government may, in order to guarantee that life, health, person, property and rights of the citizens are protected, and to guarantee the stability of the national economy, by means of a decree, suspend the application of certain laws, derogate from the provisions of laws and take other extraordinary measures.

The law vested extraordinary powers to the Government and at the same time established limits thereof:

- any special government decree can only be adopted during the state of danger [Section 2 par (1) and Section 3 par (1)]*
- the new Act does not limit the power of the Parliament,*
- the Law gives to the Parliament the power to terminate the extraordinary authorisation at any time during the state of danger [Section 3 par (2)].*
- there are no restrictions on the Parliament's activities, as it exercises its oversight functions and is not in recess (there are draft bills tabled, and there is the normal way of sitting in the forthcoming period).*
- measures introduced by decrees have to be necessary and proportionate in the context of the COVID-19 pandemic to protect citizens' lives, health, security and economic stability [Section 2 par (2)]. Upon the decisions of the Parliament, the measures will cease to be in force when the state of danger ends [Section 8.*

- the Government should inform the Parliament regularly about the use of the special powers. If that is not possible, the information is to be given to the Speaker and to the leaders of the political fractions.
- the law requires the Constitutional Court to remain operational and permits to make decision through electronic channels and deviation from the normal rules of procedure therefore the Constitutional Court reactions can be expected in case of the law violations.
- the Parliament may, following the Act, withdraw the authorisation to the Government any time before the end of the period of state of danger.

The Government already adopted several decrees within last days, as for example: Decree on free parking within the entire country. This was otherwise the competence of the municipalities.

Another example is a new economic recovery plan announced and published in the 6 April 2020 evening's Official Journal. Also, amending the 2020 annual budget of the country in relation to COVID-19 will be/is done by Government Decree.

2. How about the Ombudsman (e.g. overseeing the situation in prisons)

The Ombudsman personally (and his office) is operational, with no official limitation of exercising its duties. On its website, the Ombudsman indicates that personal appointments with clients and claimants is suspended as of 12 March, but the office can be accessed by telephone or via the internet.

A joint communication by the Ombudsmen (<https://www.ajbh.hu/en/web/ajbh-en/-/communication-from-the-commissioner-for-fundamental-rights-of-hungary-and-his-deputies?inheritRedirect=true&redirect=%2Fen%2Fweb%2Fajbh-en%2F>) stress the need to give special attention to the most vulnerable groups during the COVID-19 situation and that the office of the Ombudsman continues to closely follow the situation with a special attention to the most vulnerable groups. The statement lists some especially vulnerable groups, but does not include prisons.

The Ombudsman is active and communicates intensively during the pandemic (e.g. issued its position regarding taking photos in hospitals, which some hospital directors and the responsible Ministry wanted to limit; see:

https://index.hu/kultur/media/2020/03/26/tasz_koronavirus_sajto_fotozas_korhaz/)

3. Does administrative justice work? Have deadlines changed?

Though the judicial system is functioning normally, the Government issued a series of changes related to judicial administrative procedures (including appointment and other human resource-related tasks of judicial staff, civil code; administrative procedures; penal code) in its Government Decree 74/2020 (III.31.).

See:

https://magyarkozlony.hu/dokumentumok/a96e25d459b04cdd5d900c75fa4dbe0c1492f682/megte_kintes

These adjustments allowing for simplification of certain procedural steps related to hearing; provision of documents in procedures; provision of information by the company registry only in electronic form; electronic sittings in civil code procedures, etc. Deadlines in administrative proceedings did not change, except if certain procedural steps are suspended, due to the pandemic situation emergency. This was also necessary, as there was a temporary judicial pause from 15 March to the date of this Decree (31 March). During this period, the courts were not functioning in terms of sittings and hearings in person. After this pause has been lifted along with the abovementioned Decree, the judicial system will be in functional mode, though with a strong limitation of in-person contacts.

Expiry of administrative decisions (including expiry of IDs, passports, but also administrative decisions in on-going proceedings, etc.) are extended 1 month after the declaration of the end of the emergency situation.

The National Office for the Judiciary issued instructions for holding hearings and sitting of courts by video-conferencing.

On the other hand, under its extraordinary powers, the Government initiated substantial re-organisation of the administrative judiciary system, eliminating the special administrative courts and allocating their functions under selected courts as first instance, while appointing the Curia as the second instance.

4. Any public debates on respect of principles of good administration (legality, proportionality, predictability) of protective measures?

The opposition and civil society have heavily criticized the authorisation of the Government and there is wide-ranging debate (both nationally and in the international scene) about the potential power grab of the Prime Minister with the new Law XII of 2020 (30/3/2020). See point 1 for details of the Law.

Service delivery

1. Which services are being delivered (all, some, only the essential)?

All public services are provided although many with limitations (e.g. public biddings for agricultural land are not held, certain childcare services are reduced to telephone only, etc.).

The only exception is obviously on healthcare, where non-essential services (including dental care and most of non-urgent surgical and other interventions) are postponed or severely limited.

2. Are there any modifications done to the obligations of:

- i. *the administrations towards citizens/businesses (e.g. freezing of deadlines)?*

Yes, as above regarding prioritising. Non-urgent matters can be deferred and many deadlines in administrative matters as well as expiration deadlines of certain personal documents are frozen during the urgency situation.

- ii. *citizens/businesses towards public administration (reporting, payments of taxes, contributions, fees...)?*

Yes, the Government issued a number of steps related to easing the burden of citizens (and businesses). SMEs do not have to pay social contribution or their special taxes under their SME tax regime. In 11 sectors, businesses do not have to pay contributions for their employees for 3 months, etc. The Government also suspended all evictions, extended the childcare benefit payments for those whose such benefits would expire in these months, as well as frozen the payment of loans for companies and citizens. The tax authority will not ask for additional interest for non-paid taxes due to delayed payment. The pay-pass payment limit has been tripled, to allow for contactless payment at larger scale.

3. Has the crisis initiated any simplifications or enhanced the use of alternative tools:

- i. *in the internal procedures of the Government (e.g. acceptance of formal approvals over e-mail)?*

There has been an increase in digital solutions. As indicated above, both the judicial system and all legal proceedings have been made more flexible by using new channels for communication. Also, the decision to triple the contactless payment limit allows for easier non-cash transactions in shops.

- ii. *in the administrative procedures with citizens and businesses (e.g. replacement of handwritten signature with scanned copies or simple exchange of mails)?*

As indicated above, there are a number of simplifications in all administrative proceedings, including how to allow for simplified document management in various administrative proceedings and during the requests for various services. However, Hungary has made substantial progress already in generally simplifying a multitude of administrative procedures, so if changes are made now, due to COVID-19, they are not that significant. Overall, there have been some changes introduced mainly in the form of use of e-mail and less personal contact required.

Public financial management

- 1. Are COVID-19 response measures being introduced within the framework of or with reference to existing fiscal rules (budget deficit or public debt ratio limits etc.)?**

The Government announced (on 6 April) the increase of the budget deficit from 1% to 2.7% for 2020. A special epidemic fund is established in value of about 3.5 billion euro by reallocating funds from other areas of the budget (including transfers to political parties and local governments) and introducing new taxes on banks and large retailers. The public debt/GDP ratio will not be decreased further this year as originally planned.

The outline of a big economic rescue package was announced (on 6 April), 18-20% of the GDP. However, no details are public at the moment.

- 2. Are the cost of these measures being published?**

The only published figure (on 3 April) is that about EUR 1.1 billion has been spent so far for the protection measures.

No forecasts are available on the economic impact of the crisis

- 3. Have budget users been asked to identify cost-saving measures to partially offset the cost of the response measures?**

Budget users have not yet been asked, however cost saving measures are expected in the near future.

- 4. Are internal controls continuing to operate smoothly (electronic signatures)?**

Most probably. The treasury system is working, there have not been any complaints about delays or other problems.

- 5. Does each budget user or at least ministry have a risk management strategy that envisaged emergency measures in response to a sudden crisis? How is staff and customer safety balanced against the need to deliver required services?**

There are requirements for emergency planning, but no information is available regarding this. Most probably, those plans have limited use in the current situation.

Staff and customer safety are the overarching priority and if services require human contact, all safety precautions are taken.