

**Act CCIV of 2011 on  
National Higher Education**

*(as it stood on 2nd September 2016)*

The Hungarian National Assembly, aware of its responsibility for the nation, in accordance with the credo set out in the Fundamental Law, agreeing with the need for a spiritual and intellectual renewal of the nation, with confidence in the vocation of the young generations becoming academic citizens, and expressing its belief that our children and grandchildren will with their talent, stamina and strength of mind raise Hungary once again, has adopted this new Act on national higher education.

***PART ONE***

***GENERAL PROVISIONS***

Chapter I

GENERAL PROVISIONS

**1. Purpose and scope of the Act**

**Article 1**

(1) The purpose of this Act is to create the necessary conditions for raising the standard of higher education and for the transfer and acquisition of competitive knowledge, and to ensure the operation of the national system of higher education institutions within the framework established in Article X(3) of the Fundamental Law. The rules governing the management of higher education institutions shall be laid down in a Government Decree, within the framework set by law.

(2) The scope of this act covers all persons and organisations involved in the activities and governance of higher education, as well as the higher education activities performed by Hungarian higher education institutions outside the territory of Hungary.

**2. Basic principles governing the operation of higher education**

**Article 2**

(1) Higher education institutions are organisations established as set out in this Act, for the performance of educational, academic research and artistic creative activities, which shall constitute their core activities.

(2) The state shall be responsible for ensuring the operation of the system of higher education, while the responsibility for ensuring the operation of higher education institutions shall lie with their maintainers.

(3) The educational core activities of higher education institutions shall include the provision of tertiary vocational programmes, bachelor programmes, master programmes, doctoral programmes and postgraduate specialisation programmes. Unless otherwise provided in this Act, activities included in the scope of educational core activities shall be performed exclusively by higher education institutions.

(4) Higher education institutions shall not provide access to their premises for political parties or organisations affiliated with political parties which intend to use such premises for operating purposes.

(5) The state shall ensure the availability of Hungarian-medium programmes in all fields of study. Higher education institutions may offer programmes delivered, in whole or in part, in languages other than Hungarian. Minority students may pursue their studies in their mother tongue or in Hungarian, or in their mother tongue as well as in Hungarian, as defined in this Act.

(5a) Higher education institutions shall contribute to the social and economic development of their regions through the dissemination and economic exploitation of the intellectual values resulting from their core activities for community purposes.

(6) Higher education institutions shall maintain the records required by law and report the data specified in the national statistical data collection programme and the higher education information system.

### **Article 3**

(1) The successive cycles of higher education leading to a tertiary degree are the following:

- a)* bachelor studies
- b)* master studies,
- c)* doctoral studies.

(2) Bachelor and master studies may be organised according to the two-cycle model, where a bachelor programme is followed by a separate master programme, or as single-cycle long programmes, in the cases specified in law. The structure of single-cycle long programmes and programmes organised according to the bachelor-master model shall be defined by the Government.

(3) In addition to the programmes referred to in paragraph (1), the following non-degree programmes may be organised in the framework of higher education:

- a)* tertiary vocational programmes,
- b)* postgraduate specialisation programmes.

(4) Higher education institutions may participate in adult education as set out in their founding charters, pursuant to the act on adult education.

### **Article 4**

(1) Higher education institutions may be established, either individually or jointly with other right holders, by

- a)* the Hungarian state, national minority self-governments,
- b)* ecclesiastical legal persons (hereinafter referred to as “ecclesiastical maintainer”),
- c)* companies established in the territory of Hungary,
- d)* foundations, public foundations and organisations engaged in religious activities registered in Hungary and, in the cases specified in this Act, maintaining bodies complying with Article 95/A.

(1a) Ecclesiastical higher education institutions are higher education institutions maintained by the maintainers referred to in point *b*) of paragraph (1). Private higher education institutions are higher education institutions maintained by the maintainers referred to in points *c*) and *d*) of paragraph (1).

(2) The right to exercise the founder's rights shall be transferable as set out in this Act. Those exercising the founder's rights shall perform the tasks related to maintaining the higher education institution (hereinafter referred to as "maintainer").

(3) Higher education institutions maintained by those referred to in point *a*) of paragraph (1) shall operate as budgetary units. The maintainers listed in point *a*) of paragraph (1) and those specified in points *b*) to *d*) of paragraph (1) may choose to exercise the maintainer's rights jointly.

(4) Unless otherwise provided by law, the minister responsible for education (hereinafter referred to as "Minister") shall exercise the maintainer's rights on behalf of the state.

## **Article 5**

(1) Higher education institutions shall have legal personality.

(2) The Labour Code and, in respect of public higher education institutions, the act on the legal status of public service employees shall apply subject to the derogations laid down in this Act.

(3) The transformation of higher education institutions pursuant to this Act, including fusions, separations and acquisitions, shall not constitute market conduct under the act on the prohibition of unfair market conduct and the restriction of competition.

## ***PART TWO***

### ***OPERATION OF HIGHER EDUCATION INSTITUTIONS***

#### **Chapter II**

#### **ESTABLISHMENT OF HIGHER EDUCATION INSTITUTIONS**

### **3. Recognition by the state**

#### **Article 6**

(1) An organisation may be established and operate as a higher education institution if it is established for the performance of the higher education tasks defined in this Act and is granted state recognition by the Hungarian National Assembly.

(2) State recognition may be granted to a higher education institution if the conditions necessary for the performance of its tasks exist and the higher education institution is authorised to deliver at least four programmes, including

- a*) bachelor programmes,
- b*) bachelor and master programmes,
- c*) bachelor, master and doctoral programmes,
- d*) master and doctoral programmes

in at least two fields of study or disciplines, according to any of the programme structures referred to in points *a*) to *d*).

(3) Taking into account the tasks defined in the founding charter, the conditions necessary for the performance of the tasks of a higher education institution shall be deemed to exist if the human resources, organisational conditions and physical and financial assets necessary for continuous operation are given, and the required institutional documents are available.

(4) Higher education institutions shall be established upon recognition by the state.

(5) A higher education institution may commence operation if

*a)* it has received, upon the maintainer's application, an operating authorisation from the body maintaining the register of higher education institutions (hereinafter referred to as "educational authority"), it has been registered, and

*b)* the Hungarian National Assembly has adopted a decision on its recognition by the state.

## **4. The operating authorisation**

### **Article 7**

(1) Higher education institutions shall have permanent seats and permanent academic teaching and research staff.

(2) The permanent seat is the place where the higher education institution performs its core activities and has its central administration, provided that it remains available for the performance of the tasks of the higher education institution for not less than eight years, as defined by the Government.

(3) The requirement of having permanent academic teaching and research staff shall be deemed fulfilled if the higher education institution employs at least sixty percent of the members of the teaching and research staff necessary for the performance of its core activities under employment contracts or on a public service employment basis.

### **Article 8**

(1) As a preliminary condition for issuing the operating authorisation, the maintainer shall prove that all conditions necessary for the operation of the higher education institution exist or can be created gradually, according to the needs of educational and research activities.

(2) The educational authority shall issue the operating authorisation on condition that the educational and research activities included in the authorisation are not commenced until the Hungarian National Assembly adopts a decision on granting state recognition, and the legislative amendment related to the state recognition enters into force. The educational authority shall review operating authorisations at least every five years.

(3) State-recognised higher education institutions are listed in Annex 1 to this Act.

(4) The higher education institution's founding charter and its amendments shall be adopted by the maintainer. The minimum information to be included in the founding charter and the operating authorisation is defined in Annex 2.

(5) Higher education institutions may establish and maintain institutions or organisational units for the performance of the tasks defined in their founding charters.

(6) Organisations providing accommodation for students participating in higher education (dormitories, student residences) may perform tasks relating to preparation facilitating entry into higher education, participate in the delivery of tertiary programmes, and work as colleges for advanced studies, under an agreement made with the higher education institution in the case of institutions that do not belong the higher education institution organisationally.

(7) Housing for students may be provided in dormitories, operated as part of the higher education institution, or in student residences, established as institutions that do not belong to the higher education institution organisationally. Student residences shall be legal persons operating either as budgetary units or non-budgetary units, depending on their founders.

(8) Student residences may be established by ecclesiastical and private higher education institutions and others entitled to establish a higher education institution.

## **Article 9**

(1) A higher education institution shall be either a university or a college.

(2) The names “university” and “college” and their equivalents in foreign languages may only be used by the higher education institutions listed in Annex 1 to this Act and foreign higher education institutions operating in the territory of Hungary pursuant to this Act.

(3) A university is a higher education institution that

*a)* may deliver at least eight bachelor programmes and six master programmes, and may deliver doctoral programmes and award doctoral degrees,

*b)* ensures that at least sixty percent of the members of its teaching and research staff, employed under employment contracts or on a public service employment basis, hold academic qualifications,

*c)* is able to deliver some of its programmes in foreign languages, and

*d)* has student research societies.

(3a) A university of applied sciences is a higher education institution that

*a)* may deliver at least four bachelor programmes and two master programmes,

*b)* uses the dual education system in at least two programmes if its operating authorisation covers the fields of study or programmes specified in point 1a of Article 108,

*c)* ensures that at least forty-five percent of the members of its teaching and research staff, employed under employment contracts or on a public service employment basis, hold academic qualifications,

*d)* is able to deliver some of its programmes in foreign languages, and

*e)* has student research societies.

(4) A college is a higher education institution that

*a)* ensures that at least one third of the members of its teaching and research staff, employed under employment contracts or on a public service employment basis, hold academic qualifications, and

*b)* may have student research societies.

(5)

(6) Universities and colleges may also offer non-degree programmes, namely tertiary vocational programmes and postgraduate specialisation programmes.

(7) In the event of a change in the official name of a higher education institution, the educational authority shall acknowledge the notification of the change and initiate through the minister the amendment of Annex 1 to this Act.

## **Article 10**

(1) In the interest of achieving national strategic objectives, the Minister may classify a higher education institution as a flagship higher education institution, as set out in the applicable government decree.

(2) Universities and university faculties that deliver programmes of outstanding quality and gain recognition from the academic community may be classified as a “*research*” university or faculty under the conditions defined by the Government.

(3) Colleges that offer programmes in more than one field of study, deliver high-quality practice-oriented programmes, gain international recognition in the field of applied sciences and pursue wide-ranging international cooperation in education and training may be classified as a “college of applied sciences” under the conditions defined by the Government.

(4) The Minister may provide funding for the operation of the organisations and organisational units referred to in paragraphs (1) to (3), as set out in the relevant decree of the Government.

## Chapter III

### BASIC PRINCIPLES GOVERNING THE OPERATION OF HIGHER EDUCATION INSTITUTIONS

#### 5. Basic rules of operation

##### Article 11

(1) Higher education institutions shall

*a)* define those provisions governing their operation and organisation (hereinafter referred to as “rules for organisation and operation”) which are not precluded by law and are not to be included in other regulations on the basis of an empowerment given by law,

*b)* have the option of adopting rules for organisation and operation which are published on their websites ensuring barrier free access and include the parts listed in Annex 2,

*c)* maintain an information and counselling system to help the integration and progress of students during their studies in higher education, giving particular attention to students with disabilities, and provide assistance to career planning during and following the completion of studies,

*d)* perform tasks relating to nurturing talent and increasing the prestige of science in society,

*e)* provide access for those without student status to information on lecture schedules, by ensuring equal opportunities, and to lectures, within the limits specified by the rules for organisation and operation,

*f)* define and publish the requirements for the acquisition of student status (hereinafter referred to as “admission requirements”), as set out in this Act,

*g)* ensure in the course of their operation that those involved in the performance of the tasks of the higher education institution observe the requirements of equal treatment and equal access when taking decisions concerning students, lecturers, professors and others who work in higher education.

(2) In a manner corresponding to their core activities, higher education institutions shall ensure health promotion, including the organisation of regular exercise and sports activities, offer library services, and provide opportunities for the development of the financial and entrepreneurial skills required in a knowledge-based economy, the improvement of mother tongue and technical language skills, and the enhancement of foreign language proficiency for professional purposes.

#### 6. Structure of the higher education institution

## Article 12

(1) The governing body of the higher education institution is the senate. The senate shall be chaired by the rector.

(2) The rights of the higher education institution laid down in the Fundamental Law shall be vested in the senate.

(3) The senate shall

*a)* define the higher education institution's educational and research tasks and monitor their implementation,

*b)* adopt its own operational arrangements;

*c)* adopt the medium term institutional development plan, which shall cover a period of not less than four years, define yearly implementation tasks, and include a strategy for research, development and innovation;

*d)* make proposals as to the content of the call for applications for the position of rector, select candidates for rector, and evaluate the performance of the rector as an executive officer;

*e)* adopt the higher education institution's

*ea)* educational programme,

*eb)* rules for organisation and operation, and doctoral rules,

*ec)* principles of income distribution reflecting differentiation on the basis of quality and performance,

*ed)* budget, within the framework set by the maintainer,

*ee)* annual accounts drawn up in accordance with the applicable accountancy provisions;

*f)* define the institution's

*fa)* system of student counselling,

*fb)* system of student feedback on the performance of the academic teaching staff;

*g)* decide, with the consent of the maintainer, on

*ga)* launching developments,

*gb)* the asset management plan of the higher education institution,

*gc)* the establishment of business organisations and the acquisition of shares in business organisations;

*h)* the senate shall also decide on

*ha)*

*hb)* the establishment of an academic council and the election of its members and chair,

*hc)* the ranking of applications for lecturer, professor and executive officer positions, the granting of titles and awards,

*hd)* the establishment and dissolution of a doctoral school and the launch of doctoral programmes,

*he)* initiating the award of national higher education scholarships,

*hf)* initiating the launch or termination of programmes.

(4) The institutional development plan shall set out the ideas related to developments and the exploitation, safeguarding and alienation of assets placed at the higher education institution's disposal by the maintainer, as well as the expected revenues and expenditures.

(5) If a committee or council set up by the senate also acts in matters that concern students, it shall be ensured that student representatives have an opportunity to participate in the work of such committee, except for the credit transfer committee. The senate shall set up a permanent committee for dealing with the studies, examinations and social affairs of students. Student participation shall be ensured in committees acting in matters that concern students, with the

stipulation that the number of members delegated by students to the permanent committee set up for dealing with the studies, examinations and social affairs of students shall not be less than twenty-five percent of all members of the committee.

(6) With the exception of the representatives of the students' union and the doctoral students' union, membership of the senate shall be open to anyone employed, under an employment contract or on a public service employment basis, as a lecturer, professor or research fellow, or in any other position, at the higher education institution.

(7) At public higher education institutions, the members of the senate, except the rector and the chancellor, shall obtain their mandates through an election procedure. All matters related to the work of the senate shall be regulated by the higher education institution's rules for organisation and operation, taking account of the following:

*a)* the senate shall not have less than nine members, and the members elected by the academic teaching and research staff, taken together with the chair, shall constitute a majority in the body, and the representation of members of the academic teaching staff not appointed as executive officers shall be ensured,

*b)* under the conditions laid down in point *b)* of Article 60(1), the number of representatives delegated by the students' union shall be not less than twenty percent and not more than twenty-five percent of senate members,

*c)* the doctoral students' union shall be entitled to delegate one representative,

*d)* the number of members employed in other positions and the number of representatives delegated by representative trade unions shall not exceed five percent of senate members and shall be at least one in both cases,

*e)* the term of office of senate members shall be four years, and it shall be not less than one year and not more than three years in the case of the representatives of the students' union and the doctoral students' union.

*f)* the meetings of the senate shall be open to the employees and students of the higher education institution,

*g)* a quorum shall exist at a senate meeting if more than sixty percent of its members are present, and its decisions shall be adopted by the unanimous vote of the majority of members present, unless a greater majority is required pursuant to a law or the rules for organisation and operation,

*h)* the senate shall hold a closed meeting and a secret ballot if more than fifty percent of its members present so request,

*i)* the meetings of the senate shall be minuted, and the decisions of the senate shall take the form of resolutions, which shall be made public as set out in the rules for organisation and operation,

*j)* the representative of the maintainer shall be notified of the meetings of the senate in advance, by sending information on the date, time and agenda of the meeting, which the representative of the maintainer may attend in an advisory capacity,

*k)* notwithstanding point *g)*, if the conditions laid down in the rules for organisation and operation are satisfied, the senate may at the initiative of the rector vote and adopt decisions on matters, except for those related to individuals, out of session, via electronic means, if

*ka)* the identity of members voting and the existence of quorum can be established in a satisfactory and credible manner when adopting the decision;

*kb)* the members and the representative of the maintainer receive the agenda, together with written documentation to underpin the decision, not later than three working days prior to the starting date of the vote, and at least one working day is allowed for casting votes;

*kc)* the matter to be decided is simple, and the senate members or the representative of the maintainer has not raised any issues based on the written preparatory documentation which cannot be solved by a single supplement or amendment to the documentation; if the written documentation needs to be supplemented or amended, the time limit referred to in subpoint *kb)* shall apply to the receipt of the supplemented or amended written documentation by the members;

*kd)* the convocation of a senate meeting is not proposed by any member of the senate or the representative of the maintainer before or on the starting date of the vote, and

*ke)* at least sixty percent of the members of the senate participate in the vote, and the unanimous decision taken by more than half of the members participating in the vote is documented and made public by the rector as set out in point *i)*,

*l)* the elected members of the senate shall fulfil their mandates in their personal capacity, the rights and obligations arising from membership in the senate shall not be transferable, and no representation is allowed in exercising these rights and meeting these obligations,

*m)* the prevalence of democratic principles in the election procedure shall be ensured, taking into account the proportional representation of lecturers, professors, research fellows and teachers employed on a full-time basis.

(8) The powers defined in points *a) to g)* and *hb)*, *hd)* and *hf)* of paragraph (3) shall not be delegated.

### **Article 13**

(1) The higher education institution shall be headed and represented by the rector, who shall have competence to act and take decisions in respect of all matters that do not fall under the competence of any other person or body pursuant to a law, the rules for organisation and operation, or the collective bargaining agreement. When performing the duties defined in points *a) to f)* of Article 13/A(2), the chancellor shall act as the head and representative of the higher education institution. At public higher education institutions, the rector may submit to the maintainer objections against the decisions and actions of the chancellor, or in the event of the chancellor's failure to act.

(2) At public higher education institutions, the rector shall be responsible for ensuring that the core activities of the higher education institution are performed properly, exercising in that context the rights of the employer over those employed as lecturers, professors, research fellows and teachers, as well as the rights of the contracting party in relation to the non-employee engagement contracts referred to in Article 25(3). The rector shall be entitled to determine, with the consent of the chancellor, the salaries of those employed as lecturers, professors, research fellows and teachers and the payments due under non-employee engagement contracts and other legal relationships.

(3) On a case-by-case basis or in certain defined matters, the rector may delegate the powers defined in paragraphs (1) and (2) to the vice-rector or another senior executive officer or executive officer employed by the higher education institution. The delegated powers shall not be subdelegated.

(4) The chief financial officer or, at public higher education institutions, the chancellor shall be responsible for the preparation of management measures and proposals.

(5) Persons appointed as rector shall have leadership and management skills and experience acquired at higher education institutions, shall hold at least one language certificate attesting to the completion of a state-recognised type C intermediate level, or intermediate level (level B2)

complex, language examination for general purposes, or an equivalent language examination, and shall be employed full time by the higher education institution, either under an employment contract or on a public service employment basis. Appointment as rector of a university shall require employment as a university professor, while appointment as rector of a college or rector of a university of applied sciences shall require employment as a university professor, college professor, associate professor, research consultant or research professor.

(6) The senate may initiate the removal of the rector by the affirmative vote of two thirds of its members. The initiation of removal shall be reasoned.

(7) As set out in Article 13(2), the rector

*a)* shall be responsible for

*aa)* maintaining domestic and international relations and cooperation in the field of education and research,

*ab)* ensuring the compliance of the institution's educational programme with the applicable legal provisions,

*ac)* adopting the measures necessary for the amendment of the operating authorisation of the higher education institution, the launch of programmes, the registration of the doctoral school and the higher education admission procedure, as defined by law;

*b)* shall exercise, with the limitation set out in Article 14(3a), the maintainer's rights over the public education institution maintained by the higher education institution;

*c)* shall keep contact with representative organisations, the students' union and the doctoral students' union regarding matters falling under the competence of the rector;

*d)* shall coordinate cooperation between the higher education institution and other higher education institutions as well as national higher education organisations and bodies in the field of education and research;

*e)* may initiate internal audits to be ordered by the chancellor.

### **Article 13/A**

(1) At public higher education institutions, the chancellor shall be responsible for ensuring the operation of the institution.

(2) The chancellor

*a)* shall be in charge of the economic, financial, controlling, internal audit, accounting, labour, legal, administrative, IT and asset management activities of the higher education institution, including technical, facility utilisation, operational, logistical, service provision, procurement and public procurement matters, and shall manage operation in this field,

*b)* shall be responsible for the preparation of the necessary measures and proposals relating to management and the fields specified in point *a)*, exercising in that context the right of consent, in matters not falling under the competence of the consistorium, to decisions and measures having economic consequences for the management, organisation and operation of the institution, taken by those defined in Article 12(1) and Article 13(1); which decisions shall apply and take effect subject to the consent of the chancellor,

*c)* shall ensure, using the resources available to the higher education institution, the conditions for managing the higher education institution in a manner that ensures the performance of core tasks,

*d)* shall exercise the owner's rights in respect of companies and business organisations operating with participation from the higher education institution,

*e)* shall exercise the employer's rights over the employees of the higher education institution, except for those referred to in Article 13(2), and ensure that the financial and professional competences required by law are available,

*f)* shall ensure the performance of the tasks of the chief financial officer, shall appoint and dismiss the chief financial officer,

*g)* shall be obliged to cooperate with and provide information to the rector during the performance of his or her duties.

(3) Persons appointed and employed as chancellor shall

*a)* have three years' experience acquired in an executive position at a higher education institution or company, or in central or territorial public administration, and

*b)* hold a tertiary degree.

(4) The chancellor shall be employed by the higher education institution on a public service employment basis, and the Minister shall exercise the employer's rights over the chancellor.

(5) On a case-by-case basis or in certain defined matters, the chancellor may delegate the powers defined in points *b)*, *d)* and *e)* of paragraph (2) to a senior executive officer or executive officer employed by the institution. When delegating the power specified in point *e)* of paragraph (2), the chancellor shall ensure that the senior executive officer or executive officer of the higher education institution can exercise the powers necessary for the performance of the delegated tasks. The delegated powers shall not be subdelegated.

(6) In cases where the chancellor is prevented from performing his or her duties or is involved in the case concerned, and when the office of the chancellor is temporarily vacant, the executive officer designated by the rules for operation and organisation shall be entitled to act as the deputy of the chancellor.

### **Article 13/B**

(1) Public higher education institutions shall have a consistorium for the purpose of giving guidance to strategic decision making, as well as providing professional support and oversight of management activities.

(2) The consistorium shall have five members, of whom three shall be delegated by the Minister. The members to be delegated by the Minister shall be proposed by the key organisations in the economic and social environment of the higher education institution, the higher education institution and its students' union. A proposal shall become effective when the proposed candidate has given a statement of acceptance, which shall include consent to the processing of his or her personal data and to the disclosure of his or her personal data specified in this paragraph. The list of proposed candidates and their CVs shall be made public.

(3) The rector and the chancellor shall be *ex officio* members of the consistorium.

(4) The delegated members of the consistorium shall be appointed by the Minister. The rector and the chancellor shall be members of the consistorium until the end of their term of appointment as senior executive officers, while the delegated members shall be appointed for five years.

(5) The delegated members of the consistorium shall not be entitled to remuneration for their activities.

(6) Within the framework set by the higher education institution's rules for organisation and operation, the consistorium shall adopt its own operational arrangements, with the stipulation that

*a)* it shall elect a chair from among its members,

*b)* it shall meet as often as necessary, but at least twice a year,

- c)* a quorum shall exist at its meetings if at least three members are present,
- d)* its decisions shall be supported by the majority of the members entitled to vote present.
- (7) The chancellor shall be responsible for preparing the meetings of the consistorium.

### **Article 13/C**

(1) Senate decisions with economic consequences, taken on the matters referred to in point *c)*, subpoints *ed)* and *ee)* of point *e)* and subpoints *gb)* and *gc)* of point *g)* of Article 12(3), shall take effect only with the prior consent of the consistorium.

(2) The senate may submit to the maintainer objections against the decisions of the consistorium, or in the event of its failure to act.

(3) The provision of paragraph (1) concerning the consistorium's right to prior consent shall not apply

*a)* to issues on the agenda of a repeated meeting if the members present at the repeated meeting of the consistorium convened within fifteen days does not constitute a quorum,

*b)* when the number of consistorium members is so low that the condition for a quorum set in point *c)* of Article 13/B(6) cannot be satisfied.

### **Article 13/D**

Membership in the consistorium shall cease when a member's term of appointment expires or when a member dies, resigns or is recalled. The Minister shall be entitled to recall the delegated members, stating the reasons for the recall. The acceptance of resignations and the recall of members shall fall under the competence of the Minister.

### **Article 14**

(1) Higher education institutions may establish organisational units providing IT, social, sport, library, archive, museum and health services, as well as dormitories, as set out in the applicable government decree, and other organisational units, in particular workshops, hotels and farms for practical training purposes, places for practising artistic activities, botanical gardens, and organisational units performing production activities. Even where multiple sites exist, only one organisational unit shall be responsible for the delivery of a given programme. The responsible organisational unit shall be identified in the educational programme.

(2) The libraries and library systems of higher education institutions shall be academic public collections accessible to all, shall provide literature, information, education and research services, and may also perform the functions of museum institutions and archives. The libraries of public universities shall offer conventional and virtual learning environments, ensure the availability of teaching materials and literature, provide academic performance measurement services, perform the functions of the content manager of the higher education institution, as well as the tasks of public libraries, special libraries and academic libraries, as defined in the act on museum institutions, public library services and community culture. University libraries shall receive support from the national Document Supply System in accordance with the applicable law.

(2a) A higher education institution may pursue activities

*a)* at its seat and sites,

*b)* at a community based higher education centre, under an agreement,

*c)* away from its seat in the case defined in Article 78(1),

d) at the seats and sites of other higher education institutions maintained by the same maintainer, under an agreement made with the consent of the maintainer,

e) away from its seat in the case of postgraduate specialisation programmes.

(3) The non-educational organisational units of higher education institutions may be organised into institutional centres. The public education institutions maintained by public higher education institutions shall be organisational units with legal personality, established upon entry into the register of the educational authority by the body designated by the Government for the performance of certain tasks falling within the sphere of the public education responsibilities of the Minister, following the submission of the fundamental professional document of the public education institution by the maintainer, and dissolved by deregistration. The rector of the public higher education institution shall be the employer of the head of the public education institution maintained by it, while the head of the public education institution shall exercise the employer's rights over all of its other employees, with the exception of taking decisions on matters relating to wage management, which shall require the consent of the chancellor.

(3a) In the case of public education institutions maintained by public higher education institutions, the person empowered by Article 4(4) shall decide on the establishment, name, reorganisation, dissolution and amendment of the scope of activities of the public education institution in accordance with Act CXC of 2011 on National Public Education (hereinafter referred to as "Act on National Public Education").

(4) Higher education institutions may set up economic councils, which shall operate in accordance with the higher education institution's rules for organisation and operation.

## Chapter IV

### THE SYSTEM OF PROGRAMMES IN HIGHER EDUCATION

#### **7. Tertiary degrees and professional qualifications**

##### **Article 15**

(1) Higher education institutions shall deliver programmes on the basis of an educational programme. As part of their educational programmes, higher education institutions shall develop the curricula for bachelor, master and tertiary vocational programmes in accordance with the programme and outcome requirements issued by the minister, and freely for postgraduate specialisation programmes. Curricula shall be revised every five years. New and amended study and examination requirements shall be phased in progressively.

(2) Tertiary vocational programmes lead to the award of a tertiary level qualification attested by a diploma. The diploma awarded for the completion of a tertiary vocational programme shall not qualify as a degree. For the completion of a tertiary vocational programme, a minimum of one hundred and twenty credits shall be acquired. The programme and outcome requirements of a tertiary vocational programme shall specify the field of study it belongs to. The number of credits may count toward a bachelor programme in the same field of study shall be not less than thirty and not more than ninety. The duration of the programme shall not be less than four semesters.

(3) Bachelor programmes lead to the award of a bachelor degree (*baccalaureus, bachelor of science, bachelor of profession, bachelor of arts*) and a professional qualification. Bachelor degrees shall be awarded for the completion of the first cycle of higher education and give access to master programmes. The programme and outcome requirements of a bachelor programme shall

specify the professional qualification that can be obtained by its completion. Bachelor programmes including extensive practice shall include a practice period (hereinafter referred to as “practice period”) which shall not be shorter than the length specified in Article 85(3). The completion of the practice period shall be a prerequisite for taking a final examination. The minimum number of credits to be acquired for the completion of a bachelor programme shall be one hundred and eighty, and the total number of credits available shall be two hundred and forty. The duration of the programme shall be not less than six and not more than eight semesters.

(4) Master programmes lead to the award of a master degree (*magister, master of science, master of profession, master of arts*) and a professional qualification. Master degrees shall be awarded for the completion of the second cycle of higher education. The programme and outcome requirements of a master programme shall specify the professional qualification that can be obtained by its completion. Subject to the provisions of paragraph (5), the minimum number of credits to be acquired for the completion of a master programme shall be sixty, and the total number of credits available shall be one hundred and twenty. The duration of the programme shall be not less than two and not more than four semesters.

(5) The minimum number of credits to be acquired for the completion of a single-cycle long programme shall be three hundred, and the total number of credits available shall be three hundred and sixty. The duration of the programme shall be not less than ten and not more than twelve semesters.

(6) Following a bachelor or master degree, a specialist qualification may be obtained by completing a postgraduate specialisation programme. The minimum number of credits to be acquired for the completion of a postgraduate specialisation programme shall be sixty, and the total number of credits available shall be one hundred and twenty. The duration of the programme shall be not less than two and not more than four semesters.

## Article 16

(1) The educational programme may include doctoral programmes which prepare master degree holders for obtaining a doctoral degree. The minimum number of credits to be acquired for the completion of a doctoral programme shall be two hundred and forty. Unless otherwise provided in this Act, the duration of the programme shall be eight semesters.

(2) A higher education institution may be authorised to deliver doctoral programmes only if it offers master programmes in the given discipline.

(3) A higher education institution may be authorised to deliver doctoral programmes and award doctoral degrees in the disciplines, including branches of science or art, covered by its operating authorisation. In the field of arts, authorisation may be obtained for delivering PhD programmes, which lead to a PhD degree, or DLA programmes, which lead to a Doctor of Liberal Arts degree (hereinafter referred to as “doctoral programme”), and for awarding the aforementioned degrees.

(4) The academic qualification attested by the diploma awarded for the completion of a doctoral programme shall be either Doctor of Philosophy (or in abbreviated form “PhD”) or Doctor of Liberal Arts (or in abbreviated form “DLA”). The diploma shall be signed by the rector and the chair of the doctoral council.

(5) It shall be the right of the doctoral council of the higher education institution to organise doctoral programmes and award doctoral degrees (hereinafter referred to as “doctoral procedure”). The doctoral council of the higher education institution may set up disciplinary doctoral councils, in particular for the branches of science and art specified by the doctoral rules.

Except for the representatives of doctoral students, all members of the doctoral council shall hold academic qualifications.

## **8. Programme delivery modes**

### **Article 17**

(1) In accordance with the programme and outcome requirements, tertiary programmes may be offered as full-time, part-time or distance education programmes. Full-time programmes shall comprise at least two hundred contact hours per semester.

(2) Full-time programmes shall be delivered through full-time daytime delivery, based on a five-day working week, on working days. Derogation from this provision is possible with the consent of the students' union of the higher education institution. Full-time programmes may also be organised as dual study programmes.

(3) Part-time programmes may use the evening or correspondence delivery mode. With the exception of postgraduate specialisation programmes, the number of contact hours comprised by part-time programmes shall be not less than thirty percent and not more than fifty percent of that of full-time programmes. The number of contact hours comprised by postgraduate specialisation programmes shall be not less than twenty percent and not more than fifty percent of that of full-time programmes.

## **Chapter V**

### **DATA PROCESSING BY HIGHER EDUCATION INSTITUTIONS, THE HIGHER EDUCATION INFORMATION SYSTEM**

## **9. The purpose of data processing**

### **Article 18**

(1) Higher education institutions shall record personal and sensitive data that are absolutely necessary for

- a)* the sound operation of the higher education institution,
- b)* the exercise of rights and fulfilment of obligations by applicants and students,
- c)* the organisation of education and research activities,
- d)* the exercise of the employer's rights, the exercise of rights and fulfilment of obligations by lecturers, professors, research fellows and other workers,
- e)* the maintenance of the records specified by law,
- f)* the determination, assessment and certification of eligibility for the benefits granted pursuant to law and the higher education institution's rules for organisation and operation,
- g)* the operation of a graduate tracking system in relation to the programmes referred to Article 15 and 16.

(2) The scope of the data recorded pursuant to paragraph (1), the purpose and duration of data processing, and the conditions for transferring the recorded data are laid down in Annexes 3 and 6. The recorded data may be used for statistical purposes and may be transferred to the official statistical service for the purpose of statistical use.

## 10. The higher education information system

### Article 19

(1) A central register (hereinafter referred to as “higher education information system”) shall contain all data that are necessary for exercising the state powers related to higher education, national economic planning, and the exercise of rights and fulfilment of obligations by those who participate in higher education. All references in this Act to a central register shall apply to the higher education information system.

(2) The higher education information system shall be an electronic public register containing authentic data, comprising the following subsystems or applications:

*a)* a register of higher education institutions which contains the data included in the founding charters and operating authorisations of higher education institutions,

*b)* the higher education admission system, which contains the institutional and personal data necessary for carrying out the higher education admission procedure,

*c)* personal records which contain the data of students and persons employed in higher education,

*d)* a register of diplomas which contains the data of evidence of formal qualifications, diplomas and diploma supplements issued by higher education institutions following the completion of tertiary studies, and the data of doctoral degrees awarded,

*e)* a graduate tracking system which provides aggregate data and reports compiled from the de-identified data supplied from the subsystems of the higher education information system and the records of the higher education institutions,

*f)* a sectoral management information system supporting state-level educational governance and maintainer control and providing aggregate data and reports compiled from the data supplied, unless otherwise provided by law, in de-identified form the subsystems of the higher education information system and the records of the higher education institutions.

(3) Higher education institutions and maintainers shall be required to supply data to the higher education information system, as set out in the applicable government decree.

(4) The body responsible for the operation of the higher education information system shall issue

*a)* an institution identification number to each higher education institution holding an operating authorisation (hereinafter referred to as “institution identification number”);

*b)* to each person employed as a lecturer, professor, research fellow or teacher on a public service employment basis or in the framework of any other work-related legal relationship

*ba)* a teacher identification number,

*bb)*

*c)* a student identification number to each applicant for admission to higher education and to each student;

*d)* student identity cards to students upon request.

(5) One person may have only one identification number issued under point *b)* of paragraph (4) or point *c)* of paragraph (4) in the higher education information system.

(6) In respect of teacher and student identification numbers and student identity card registers, the scope of data to be processed, the purpose and duration of processing, the conditions for transferring data, as well as the technical, technological and user features of identification numbers and identity cards are laid down in Annex 3. The Government shall lay down the rules governing the issue of identification numbers and identity cards in a decree.

## Chapter VI

### TRANSFORMATION AND DISSOLUTION OF HIGHER EDUCATION INSTITUTIONS

#### **11. Transformation of higher education institutions**

##### **Article 20**

(1) Transformations may be carried out in order to coordinate the activities of higher education institutions. Transformations include fusions and demergers. A fusion may take place by acquisition or merger, and a demerger may take the form of division or separation. Decisions on transformation shall be taken by the senate or the maintainer, who shall obtain the preliminary views of the senates before taking such decisions.

(2) In the absence of specific permission from the Government, higher education institutions operating as budgetary units, or their separating organisational units, may only merge with other budgetary units.

##### **Article 21**

(1) In the event of an acquisition, the higher education institution being acquired shall cease to exist, and the tasks of the acquired higher education institution shall be performed by the acquiring higher education institution, as a legal successor.

(2) A merger shall result in the creation of a new higher education institution, which shall be the legal successor of the higher education institutions involved in the fusion.

(3) In the event of a division, the original higher education institution shall cease to exist, and new higher education institutions shall be created. The created institutions shall be the legal successors of the dissolved higher education institution. Legal succession shall be decided under the procedures for dissolution and establishment.

(4) In the event of a separation, the original higher education institution shall continue to operate, and the separating organisational unit may either become a new institution or be acquired by another higher education institution. The newly created higher education institution or the acquiring higher education institution shall be the legal successor of the original higher education institution in respect of the separating organisational unit.

(5) Following the transformations provided for in paragraphs (1) to (4), the procedure for the establishment of the new higher education institution shall be carried out with the stipulation that its operation shall be authorised without an expert opinion if the tasks performed as part of the core activities and the circumstances under which the institution operates remain unchanged.

##### **Article 21/A**

The transformation of a higher education institution may be initiated by its organisational unit involved in the transformation independently, upon the decision of its main decision making body adopted by a two-thirds majority of its members.

#### **12. Dissolution of higher education institutions**

## **Article 22**

(1) Higher education institutions shall be dissolved upon the revocation of state recognition.

(2) The Government shall initiate the revocation of state recognition by the Hungarian National Assembly if

*a)* the court has established that the conditions for the dissolution of the higher education institution exist,

*b)* the maintainer of the higher education institution is to be or has dissolved without a legal successor,

*c)* the maintainer of the higher education institution is to lose or has lost the right to maintain higher education institutions,

*d)* the maintainer of the higher education institution is to cease or has ceased to exercise this right, unless the maintainer's right is transferred to a new maintainer.

(3) The provisions of points *b)* to *d)* of paragraph (2) shall not apply to public higher education institutions.

(4) The Government shall also initiate the revocation of state recognition by the Hungarian National Assembly if the maintainer has adopted a decision on the dissolution of the higher education institution.

(5) The Government shall also initiate the revocation of state recognition by the Hungarian National Assembly if the higher education institution merges with, is acquired by, or demerges with another higher education institution.

(6) In the case referred to paragraph (4), dissolution shall take place in a phased manner, ensuring that all students can complete their studies at the same level where they were commenced. A higher education institution may be dissolved as from the last day of the examination period following a given semester, provided that students can continue their studies at another higher education institution.

## **Article 23**

(1) Prior to the decision on dissolution, the maintainer dissolving the higher education institution shall make an agreement with the higher education institution where students can continue their commenced studies.

(2) In the event of dissolution without a legal successor, the assets of the higher education institution shall be vested in the maintainer.

(3) The educational authority shall publish its final decisions relating to the transformation of higher education institutions as determined by the Government and on the website of the ministry headed by the Minister.

## ***PART THREE***

### ***PERSONS EMPLOYED IN HIGHER EDUCATION***

#### **Chapter VII**

#### **PERSONS EMPLOYED IN HIGHER EDUCATION AND THE GENERAL RULES OF EMPLOYMENT**

## **13. Positions, rules governing the employment relationship**

### **Article 24**

(1) The educational tasks of higher education institutions shall be performed by persons employed as lecturers, professors and teachers. Higher education institutions may employ research fellows for the performance of independent research tasks.

(2) Higher education institutions may employ staff in other positions as well for the performance of tasks related to operation.

(3) Where a higher education institution establishes an institution or organisational unit for the performance of tasks related to public education, public culture, public collections, health, social services, sports or other tasks, the specific rules applying to the given sector, task or activity shall apply to the persons employed at such institutions and organisational units [the persons listed in paragraphs (1) to (3) are hereinafter referred to jointly as “employees”].

(4) The act on the legal status of public service employees shall apply to the employees of higher education institutions operating as budgetary units and the Labour Code shall apply to the employees of other higher education institutions subject to the derogations laid down in this Act.

(5) As a condition for employment in higher education, the prospective employee shall have a clean criminal record, shall not be disqualified from the pursuit of occupation in a way that precludes the performance of the envisaged activities, and shall be in possession of the required degree and professional qualification.

(5a) No proof of fulfilment shall be required in respect of the requirement relating to the possession of a clean criminal record and the absence of disqualification from the pursuit of occupation, as defined in paragraph (5), if the person to be employed has already proved in relation to a previous non-employee engagement or employment relationship with the same higher education institution that no grounds for exclusion exist, and the previous legal relationship ended less than six months earlier.

(6) The act on the legal status of public service employees shall apply with the following derogations:

*a)* by way of derogation from its Article 40(5), the determination of reward and the appraisal of performance may be subject to Article 73(3) of this Act in the case of a rector,

*b)* the obligation to offer another job and the related record keeping obligation referred to in points *b)* and *c)* of its Article 30/A(1) and in its Articles 30/B to 30/E, shall not apply to higher education institutions operating as budgetary units,

*c)* the executive salary supplement rate specified in the act may be adjusted by the employer according to the result of the performance appraisal in the case of the rector and the chancellor,

*d)* the basis for the calculation of the senior executive salary supplement may be defined by a government decree in derogation from its Article 69,

*e)* a government decree may contain provisions which derogate from its Article 70(2).

(7) At public higher education institutions, the rector and the chancellor shall provide for the exercise of the employer’s rights referred to in Article 13(2) and point *e)* of Article 13/A(2) in the form of an instruction. Changes in the exercise of the employer’s rights, including the transfer of the employer’s rights by way of an instruction, shall be communicated in writing directly to the persons concerned and the instruction shall be published in accordance with the same rules as those applicable to the publication of the rules for organisation and operation.

### **Article 24/A**

(1) In relation to the requirement of a clean criminal record and the absence of disqualification from the pursuit of occupation set out in Article 24(5), paragraphs (2) and (3) shall apply to persons employed in higher education, unless otherwise provided by law concerning their legal relationships.

(2) The fact that a person to be employed or employed in higher education complies with the requirement referred to in paragraph (1) shall be proved by the person concerned by presenting an official certificate.

(3) In order to ascertain compliance with the requirement referred to in paragraph (1), higher education institutions may process those personal data of the persons referred to in paragraph (2) which are included the official certificate issued by the criminal registry. Higher education institutions may process the obtained personal data until the date of the decision on the establishment of an employment relationship or, if an employment relationship is established, until the end of the sixth month following the expiry or termination thereof.

## Chapter VIII

### SPECIFIC RULES FOR PERSONS EMPLOYED AS LECTURERS, PROFESSORS, RESEARCH FELLOWS AND TEACHERS

#### **14. Lecturer and professor positions, titles related to such positions**

##### **Article 25**

(1) With the exception referred to in paragraph (3), academic teaching tasks shall be performed by persons employed as lecturers and professors on a public service employment basis at higher education institutions operating as budgetary units or under employment contracts at other higher education institutions. Persons employed as lecturers and professors shall hold a master degree or a higher qualification.

(2) In cases where the duties of a position include the performance of academic teaching tasks as well as academic research tasks, the employment contract or the public service appointment shall provide for the proportions of the total working time, specified for full-time or part-time employment, to be allocated to each type of task.

(3) Academic teaching tasks may also be performed by non-employees if the nature of the activity allows it, provided that the time spent on the work done does not exceed sixty percent of the working time specified for full-time employment (hereinafter referred to as “external lecturers and professors”). Article 24(5) and paragraph (2) of this Article shall apply to the engagement of external lecturers and professors. Engagement contracts for non-employee services may also be concluded for ad hoc, non-recurring teaching tasks. A higher education institution may sign an engagement contract with a person employed by it, either on a public service employment basis or under an employment contract, for the performance of academic teaching tasks that are not included in the job description of that person.

(4) Higher education institutions shall enter into or maintain a non-employee engagement contract with persons who have a clean criminal record and are not disqualified from the pursuit of occupation in a way that precludes the performance of the activities covered by the contract.

(5) The fact that none of the grounds for exclusion defined in paragraph (4) exist shall be proved for the rector

*a)* prior to the establishment of the contractual relationship, by the person intending to enter into a non-employee engagement contract as a contractor,

*b)* during the contractual relationship, by the contractor, within fifteen working days of the rector's written notice, indicating the legal consequences of failure to do so or, if it is impossible within that time limit for any reason beyond the control of the contractor, immediately after that reason no longer prevails.

(5a) Point *a)* of paragraph (5) shall not apply to prospective contractors who have already proved in relation to a previous non-employee engagement or employment relationship with the same higher education institution that none of the grounds for exclusion referred to in paragraph (5) exist, and the previous legal relationship ended less than six months earlier.

(6) Where it is proved that none of the grounds for exclusion defined in paragraph (4) exist, the higher education institution shall reimburse to the contractor the administrative service fee paid for the procedure necessary for obtaining an official certificate issued by the criminal registry for verification purposes.

(7) The higher education institution shall terminate the non-employee engagement contract with immediate effect if

*a)* the contractor fails to fulfil the obligation under point *b)* of paragraph (5) within fifteen working days of repeated due notice, and fails to prove that the failure to fulfil the obligation is a consequence of reasons beyond the control of the contractor,

*b)* the rector identifies the existence of any of the grounds for exclusion defined in paragraph (4).

(8) For the purpose of identifying the existence of grounds for exclusion, the personal data obtained under paragraph (5) may be processed by the rector

*a)* until the date of the decision on the conclusion of a non-employee engagement contract, or

*b)* where a non-employee engagement contract has already been concluded and exists, until the end of that contract.

## Article 26

(1) The number of weekly hours, determined as an average of two consecutive academic semesters, allocated to holding lectures, seminars, practice sessions and consultation for students (hereinafter referred to as "teaching time") shall not be less than eight in the case of university and college professors, ten in the case of associate professors, and twelve in the case of senior lecturers, assistant lecturers and master lecturers. At least twenty percent of the total working time of lecturers and professors shall be allocated to academic research, or artistic activities in the case of those working in the study fields of art and art mediation, or activities related to sports in the case of those working in the study field of sport science, and the remaining part of their working time not allocated to students or academic research shall be used for the performance of tasks, as part of the duties of the position and in accordance with the employer's instructions, which relate to the operation of the higher education institution and require the expertise of a lecturer or professor. Data on the results of academic research activities shall be recorded in the national academic bibliographic database referred to in point *o)* of Article 3(1) of Act XL of 1994 on the Hungarian Academy of Sciences (hereinafter referred to as "Database").

(2) The teaching time may be increased by not more than forty percent and reduced by not more than twenty-five percent by the employer, in accordance with the employment

requirements. The principles governing the determination of teaching time shall be laid down in the employment requirements. An increase or reduction shall not apply to a period that is longer than two consecutive semesters.

(3) In the assessment of the existence of operating conditions, a lecturer or professor shall be taken into account by one higher education institution only, irrespective of the number of higher education institutions where that lecturer or professor performs academic teaching tasks. Each lecturer and professor shall specify in a written statement the higher education institution which may take them into account.

(4) Lecturers and professors may with the consent of their employers perform the duties of their positions at foreign-based higher education institutions offering Hungarian-medium programmes, under higher education cooperation programmes launched by the minister, for a definite period of up to five years.

## **15. Establishment and termination of employment as lecturer or professor**

### **Article 27**

(1) Higher education institutions shall employ lecturers and professors in the following positions:

- a)* assistant lecturer,
- b)* senior lecturer,
- c)* college or university associate professor,
- d)* college or university professor,
- e)* master lecturer.

(2) Persons employed as lecturers and professors shall be entitled to use the name of their positions as titles awarded in relation to their positions.

(3) As a condition for employment as a college or university professor, or the establishment of an employment relationship for that purpose, the person concerned shall be appointed as college professor by the Prime Minister, or as university professor by the President of the Republic, through the award of the title related to the position to be occupied (hereinafter referred to as “award of the title of college or university professor”). Action by the Prime Minister or the President of the Republic shall be a necessary precondition for occupying the position of college or university professor, leading to the award of the corresponding title. The acquisition or loss of the right to use the title of college or university professor awarded in relation to the position held shall not have the effect of establishing or terminating an employment relationship, unless the employer takes specific action to that effect. As the person exercising the employer’s right at the higher education institution, the rector shall be entitled to establish or terminate an employment relationship with a college or university professor.

(4) With the exception of the titles of college professor and university professor, the right to use the title related to the position held shall cease upon the termination of employment. University and college professors shall be entitled to use their titles until being deprived of the right to use such titles by the Prime Minister or the President of the Republic, as appropriate.

### **Article 28**

(1) Unless the employment requirements of the higher education institution include higher requirements,

a) employment as an assistant lecturer shall be conditional upon enrolment in a doctoral programme,

b) employment as a senior lecturer shall be conditional upon obtaining a doctoral degree.

(2) As a condition for employment as a college associate professor, the person concerned shall be in possession of a doctoral degree, shall have the skills needed for leading the study, academic or artistic work of students and assistant lecturers, and shall have appropriate professional experience.

(3) As a condition for employment as a college professor or a university associate professor, the person concerned shall be in possession of a doctoral degree, shall have the skills needed for leading the study, academic or artistic work of students, doctoral students and assistant lecturers, shall be able to give lectures in a foreign language, and shall have appropriate professional experience acquired in an educational setting.

(4)

(5) As a condition for employment as a university professor, the person concerned shall hold a doctoral degree and, if he or she is a Hungarian national, a habilitation or equivalent teaching experience acquired in an international higher education setting, and shall be an internationally recognised representative of the given discipline or artistic field who performs outstanding academic research or artistic work. Based on their experience acquired in education, research and research management, university professors shall have the skills necessary for leading the study, academic or artistic work of students, doctoral students and assistant lecturers, and are required to have publications, hold seminars and give lectures in foreign languages. University professors shall be entitled to use the academic title of Professor.

(6) For employment as a master lecturer, the person concerned shall be in possession of a master degree, at least ten years' professional and practical work experience, certified knowledge, and the skills needed for providing practical training to students.

## **Article 29**

(1) Where a position of university or college associate professor or university or college professor is to be occupied for a period of more than one year, vacancy shall be filled on the basis of an open application procedure. Calls for applications shall reflect the employment requirements and shall be published by the rector.

(2) Participation in such application procedures shall also be open to those who are not employed by the higher education institution. The submitted applications shall be assessed by the senate. The senate shall rank the applicants who comply with the requirements for filling the position. For all lecturer and professor positions, the rector shall select from the ranked applicants the person to be employed under an employment contract or on a public service employment basis. In cases where the applicant selected for a position of college or university professor does not yet hold the related title, the rector may initiate a procedure for the award of the title of college or university professor in relation to the position to be occupied before the establishment of an employment relationship.

(3) The rector shall send the maintainer of the higher education institution a proposal for the award of the title of college or university professor in relation to the position to be occupied, written for that specific purpose, requesting the maintainer to forward it through the Minister to the person entitled to award the title.

## **Article 30**

(1) Those entitled to use the title of college or university professor in relation to a position held may be employed in the same position by another employer without the need for awarding the title again.

(2) In the event of changing the place of work or establishing new or additional employment, either under an employment contract or on a public service employment basis, the employer may employ a lecturer or professor in a position corresponding to the same or a lower title than the one related to the position occupied at the previous employer.

### Article 31

(1)

(2) With the exception of those referred to in point *e*) of Article 27(1), lecturers who fail to obtain an academic qualification within ten years from the start date of their employment as a lecturer shall not be retained.

(3) The time limit referred to in paragraph (2) shall not include periods during which employment or public service employment is suspended for more than ninety days for reasons such as maternity leave, childcare, caring for a close relative, illness causing inability to work, undertaking work at a foreign higher education institution or research institute, or a study trip. Once the time limit has elapsed, the employment contract or public service appointment of the lecturer shall be terminated.

(4) Lecturers, professors and research fellows may be employed until the age of seventy. In the case of college professors and university professors, the rector shall be entitled to terminate the employment relationship.

(5) In addition to the cases defined in the Labour Code and the act on the legal status of public service employees, the employer may, by way of ordinary termination of contract or dismissal, terminate the employment of those lecturers and professors who

*a*) fail to fulfil the applicable employment requirements, reviewed and verified at least every five years by the employer,

*b*) fail to fulfil the conditions necessary for being employed in the occupied position, as prescribed by the employer in the employment contract or the appointment letter, allowing an appropriate time limit for compliance,

*c*) on the basis of the statement referred to in Article 26(3), cannot be taken into account by the higher education institution in the assessment of operating conditions. For the purposes of this point, the provisions of the Labour Code applicable to the employment relationship or the provisions of the act on the legal status of public service employees applicable to the public service appointment shall apply, as appropriate, excluding the provisions on severance pay and the notice period in the event of the termination of an employment contract or the dismissal of a public service employee.

(6) The employer shall terminate the employment of a college or university professor who has been dismissed by the Prime Minister or the President of the Republic, as appropriate, by deprivation of the right to use the title related to the position held. The procedure for the deprivation of the title of college or university professor related to the position held shall be initiated by the rector, as set out in Article 29(3).

(7) The rector shall be obliged to initiate a procedure for the deprivation of the title of college or university professor related to the position held if the college or university professor concerned so requests, or a final decision imposing the disciplinary penalty of dismissal or a final court

decision on disqualification from the pursuit of occupation has been adopted against the college or university professor concerned, or the college or university professor concerned has been given a final custodial sentence to be enforced for committing an intentional crime. Concurrently with taking the initiative under this paragraph, the rector shall take action to terminate employment as college or university professor.

(8) In cases where the holder of the title of college or university professor does not have an employment relationship with a higher education institution, the Minister shall be entitled to initiate dismissal and deprivation of the right to use the title related to the position.

## **16. Titles unrelated to lecturer and professor positions**

### **Article 32**

(1) Following the termination of employment by reason of retirement, the senate may award the title of Professor Emeritus or Professor Emerita (hereinafter referred to jointly as “Professor Emeritus”) to those holding the title of college or university professor in relation to a position held. The rights, teaching and other obligations and benefits associated with the title of Professor Emeritus, as well as the period of the foregoing, shall be laid down in the employment requirements of the higher education institution.

(2) The senate may award the following titles to external lecturers and professors:

- a)* private professor to those holding a doctoral degree;
- b)* honorary university / college associate professor, honorary university / college professor to those who are nationally recognised leading authorities,
- c)* master lecturer to those performing outstanding work in the field of practical training.

(3) The senate may award the title of master teacher to those lecturers and teachers employed by the higher education institution who perform outstanding work in the field of practical training.

(4) Persons holding the titles defined in paragraph (2) may be employed as teachers on an exceptional basis, upon decision of the senate.

(5) The conditions for the award and revocation of the titles defined in paragraphs (2) and (3), the rules of award, the associated benefits, and the rules of revocation shall be laid down in the employment requirements.

## **17. Research fellows**

### **Article 33**

(1) Persons who, in accordance with their employment contracts or public service appointments, are required to spend at least eighty percent of their total working time on the performance of the research activities of the higher education institution and, as part of the performance of their duties, also participate in the educational activities of the higher education institution, shall be employed as research fellows. Data on the results of the academic research activities of research fellows shall be recorded in the Database.

(2) Higher education institutions shall employ research fellows in the following positions:

- a)* assistant research fellow,
- b)* research fellow,
- c)* senior research fellow,

- d) research consultant,
- e) research professor.

(3) Otherwise, the provisions of Article 25(1) to (3), Article 26(3), Article 27(2), Article 29(1) and (2) and Article 30(2) shall apply to the employment of research fellows, except that vacancies shall be filled on the basis of an open application procedure where a position of research professor, research consultant or senior research fellow is to be occupied for a period of more than one year, and “external lecturers and professors” shall read “external research fellows”. Higher education institutions may conclude a non-employee engagement contract or other civil law contract with a person employed as a research fellow only for the performance of additional research tasks which are not covered by the job description of that person and have been commissioned or ordered by a third party.

## **18. Teacher positions**

### **Article 34**

(1) Persons employed as teachers shall hold tertiary degrees and professional qualifications.

(2) The provisions of Article 25 (1) and (3) shall apply to those employed as teachers. In their case, the teaching time shall be twenty hours per week, determined as an average of two academic semesters. The employer may increase or reduce the teaching time, in accordance with the employment requirements, by fifteen percent, provided that the teaching time per person employed as teachers is not less than eighteen hours per week, determined as an average of two academic semesters, at the higher education institution.

(3) Notwithstanding paragraph (2), the teaching time shall be twelve hours per week, determined as an average of two academic semesters, for teachers of professional methodology employed in teacher training. The employer may increase or reduce the teaching time by fifteen percent, provided that the teaching time per teacher of professional methodology employed in the teacher training programmes of the higher education institution is not less than twelve hours per week, determined as an average of two academic semesters.

## **19. Rights and obligations of employees performing academic teaching tasks**

### **Article 35**

(1) Persons employed as lecturers and professors shall have the right to perform their teaching work in accordance with their worldviews and values, without forcing or encouraging students to accept the same, and to define and select, within the framework of the educational programme, the material taught and the education and training methods applied. Persons employed as teachers, doctoral students performing academic teaching tasks and external lecturers and professors shall also enjoy the right referred to in this paragraph.

(2) Persons performing educational tasks shall be obliged to transmit knowledge in an objective and multi-perspective manner, teach and evaluate according to the approved curriculum, and respect the human dignity and rights of students; lecturers and professors shall perform their activities by taking into account the individual abilities, talents and disabilities of students.

(3) Persons employed as lecturers, professors, teachers and research fellows shall qualify as persons entrusted with public functions and shall enjoy protection under criminal law in relation to their activities related to students, during the performance of educational tasks.

(4)

(5) Persons employed as lecturers, professors, research fellows and teachers may initiate proceedings by the Commissioner for Educational Rights.

## **20. Wages, salaries**

### **Article 36**

(1)

(2) In the case of the employees of higher education institutions operating as budgetary units, the regular monthly pay relating to the period from 1 March of a given year to end of February of the following year, determined in accordance with the act on the legal status of public service employees, for shall not be higher than ten times of the average gross monthly earnings of employees in the national economy published officially by the Hungarian Central Statistical Office for the year preceding the given year.

## **Chapter IX**

### **EXECUTIVE OFFICER POSITIONS AND APPOINTMENT AS EXECUTIVE OFFICER**

## **21. Appointment of executive officers**

### **Article 37**

(1) The following senior executive officers may be appointed at higher education institutions, as set out in their rules for organisation and operation:

- a)* rector,
- b)* vice-rector,
- c)* director general,
- d)* dean,
- e)* chancellor.

(2) In addition to those listed in paragraph (1) and defined in the rules for organisation and operation, the following executive officers may be appointed at higher education institutions:

- a)* deputies to those listed in paragraph (1), with the exception of points *a)* and *b)*,
- b)* heads and deputy heads of organisational units.

(3) The executive officers defined in paragraphs (1) and (2) shall be appointed for a fixed term, which shall not exceed three years in the cases of points *a)* to *d)* of paragraph (1). The appointment may be renewed once in the case of those listed in points *a)*, *c)* and *d)* of paragraph (1), and more than once in the case of those listed in points *b)* and *e)* of paragraph (1) and in paragraph (2). The executive officers referred to in paragraphs (1) and (2) shall be appointed following an open application procedure.

(4) The senate shall express its opinion on all applications for appointment as rector which comply with the application criteria, and shall decide on the rector candidate by majority vote of all its members. At a given higher education institution, taking into account its legal predecessors, if any, the same person shall not be appointed to the senior executive position of rector more than

twice, regardless of the executive officer appointment cycles. The call for applications for the senior executive position of rector shall be published by the maintainer.

(4a) It shall be the responsibility of the Minister to publish calls for applications and propose candidates for the position of chancellor. The deadline for the submission of applications shall not be earlier than fifteen days after the publication of the call for applications. Chancellors shall be appointed and dismissed by the Prime Minister.

(5) Except for the applications referred to in paragraph (4a) and the applications for the positions of chief financial officer and chief internal auditor, decisions on the ranking of the applications for appointment as executive officer and senior executive officer shall be taken by the senate or the body or person specified in the rules for organisation and operation, empowered to act pursuant to Article 12(8) (referred to jointly as “senate” in the rest of this paragraph). Except in the cases referred to in paragraph (4), the senate shall send its decision to the person exercising the employer’s rights. Following consideration of the opinion of the senate, decision on the appointment of the executive officer shall be taken by the person exercising the employer’s rights. In the case of the appointment of the executive officer referred to in paragraph (4a), the rector shall employ the appointed person at the higher education institution, as determined by the person entitled to make the appointment.

(6) Senior executive officers and executive officers may be appointed for a term ending when the age of sixty-five is reached.

(7) Employers falling under the scope of the Labour Code shall apply paragraphs (1) to (6) with the exception that appointment as executive officer shall be understood as the employment of an executive officer under an employment contract.

(8) Article 29(3) shall apply to the procedures for the appointment and dismissal of college and university rectors with the exception that the Prime Minister shall be entitled to appoint and dismiss college rectors.

(9) Senior executive officers shall be fully liable for damages caused by negligence in the context of their executive activities. Their liability for damages caused intentionally in the context of their executive activities and for damages caused in other contexts shall be governed by general liability rules, with the exception that the liability for damages caused by negligence in a context other than the performance of executive activities shall be limited to the senior executive officer’s average twelve-month earnings.

## Chapter X

### PROTECTION AND RECONCILIATION OF INTERESTS

#### **22. The Reconciliation Council of Higher Education and the Institutional Reconciliation Councils**

##### **Article 38**

(1) Higher education issues of sectoral importance related to labour and social affairs, living and working conditions, and pay and benefits shall be negotiated within the Reconciliation Council of Higher Education. The Reconciliation Council of Higher Education shall be composed of the representatives of the representative trade unions of the sector, the representative of the

Hungarian Rectors' Conference and the representatives of the Minister and of other stakeholder ministers.

(2) Higher education institutions may have Institutional Reconciliation Councils (hereinafter referred to as "Council") with participation of the trade union's institutional organisation and the employer. The organisation and modus operandi of the Council shall be laid down in an agreement between the higher education and the trade union's institutional organisation.

(3) If initiated by the representative trade union working in the institution, the establishment and operation of the Council shall be ensured on a mandatory basis.

## ***PART FOUR***

### ***STUDENTS***

#### **Chapter XI**

### **ACQUISITION OF STUDENT STATUS AND THE RIGHTS AND OBLIGATIONS OF STUDENTS**

#### **23. Admission, enrolment**

##### **Article 39**

(1) All Hungarian nationals shall have the right to study at higher education institutions under the conditions set out in this Act, participating in programmes funded fully or partially through Hungarian state scholarships [hereinafter referred to jointly as "full or partial Hungarian state scholarship"] or in self-funded programmes. This right shall further extend to

- a)* persons having the right of free movement and residence pursuant to a specific law,
- b)* those persons with stateless, refugee subsidiary protection, asylum, tolerated, immigrant or permanent resident status who live in the territory of Hungary and are not covered by point *a)*,
- c)* foreigners to be treated in the same way as Hungarian nationals pursuant to an international agreement,
- d)* the nationals of those countries where, on the basis of the principle of reciprocity, Hungarian nationals may use the higher education services provided by the given state,
- e)* those persons falling under the scope of the act on Hungarians living in neighbouring countries (hereinafter referred to as "Act on Preferential Treatment") who are not Hungarian nationals and do not have the right of free movement and residence,
- f)* those third-country nationals claiming to be Hungarians who comply with the definition in the act on the entry and residence of third-country nationals, unless they are covered by the Act on Preferential Treatment or they are Hungarian nationals.
- g)* third-country nationals holding a permit issued for the purposes of highly qualified employment and residence (EU Blue Card),
- h)* third-country nationals holding a single permit for work and residence.

(2) Persons not mentioned in paragraph (1) may study in self-funded form only.

(3) Student status shall be acquired on the basis of a decision on admission or transfer, upon enrolment. Students participating in the programmes set out in Article 15(2) to (6) shall fulfil the special conditions prescribed in this Act if their programmes are funded through a full or partial

Hungarian state scholarship. Self-funding students participating in the programmes set out in Article 15(2) to (6) shall sign a student contract. The personal data recorded by the body responsible for keeping records on the fulfilment of conditions for Hungarian state scholarships, the purpose and duration of data processing, and the conditions for transferring the recorded data are laid down in Annex 5.

(4) Applicants for admission may submit a certain number of applications under one admission procedure, as specified in the applicable government decree. Applications for the same programme shall constitute one application, even where applications are submitted simultaneously for studies to be funded through a full or partial Hungarian state scholarship and for self-funded studies.

(5) Higher education institutions shall decide on admission to tertiary vocational, bachelor, master and single-cycle long programmes by taking into account the performance of the applicants, the maximum number of students determined for the given higher education institution, the student capacity of the selected programme and the order of preference indicated by the applicants, on the basis of a single ranking list applied across the country, except for master programmes. The ranking list shall be created through classification decisions by the body responsible for the operation of the higher education information system. Applicants classified as students to be funded through full or partial Hungarian state scholarships may be admitted to programmes funded through full or partial Hungarian state scholarships offered by public higher education institutions or ecclesiastical higher education institutions, under and pursuant to the conditions of international agreements or agreements concluded by the Government or the Minister pursuant to Articles 92 and 94, or private higher education institutions. Each applicant may be admitted to one programme under one admission procedure.

(6) Higher education institutions shall decide on admission to postgraduate specialisation programmes and doctoral programmes by taking into account the performance of the applicants, the number of students to be admitted, the maximum number of students determined for the given higher education institution, the student capacity of the selected programme and the number of students that may be admitted for programmes funded through full or partial Hungarian state scholarships, based on the ranking of applicants by the institution. Applicants may be admitted to programmes funded through full or partial Hungarian state scholarships offered by public higher education institutions or ecclesiastical higher education institutions, under and pursuant to the conditions of international agreements or agreements concluded by the Government or the Minister pursuant to Articles 92 and 94, or private higher education institutions.

(7) Admitted applicants may acquire student status in the semester for which they were admitted during the admission procedure.

#### **Article 40**

(1) The prerequisite for admission to a tertiary vocational programme is the successful completion of the secondary school leaving examination. Higher education institutions may make admission subject to the fulfilment of reasonable and non-discriminatory requirements related to medical or occupational fitness or career aptitude, or require participation in an assessment or examination of medical or occupational fitness or a career aptitude assessment, as well as specific results achieved during secondary school studies or at the secondary school leaving examination, or the possession of a given vocational qualification.

(2) Admission to a bachelor programme or a single-cycle long programme

*a)* shall be conditional upon the successful completion of the secondary school leaving examination,

*b)* may be conditional upon the possession of a specific level of language proficiency,

*c)* may be conditional upon an assessment of medical or occupational fitness or a career aptitude assessment.

(3) Not later than two years before the admission procedure,

*a)* the Government shall lay down in a decree the requirements relating to the completion of the secondary school leaving examination which need to be fulfilled for admission to certain bachelor programmes offered by higher education institutions,

*b)* higher education institutions offering the same programme may adopt common programme-specific requirements related to aptitude assessment or oral entrance examinations.

(4) For admission to a master programme, applicants shall hold a bachelor degree and a professional qualification attested by a diploma.

(5) For admission to a postgraduate specialisation programme, applicants shall possess a bachelor or master degree and a professional qualification. The prerequisites for admission to a postgraduate specialisation programme may include the occupation of a certain position, professional experience of a specific duration and the possession of additional qualifications.

(6) For admission to a doctoral programme, applicants shall possess a master degree, a professional qualification and at least one language certificate attesting to the completion of a state-recognised type C intermediate level, or intermediate level (level B2) complex, language examination for general purposes, or an equivalent language examination.

(7) Higher education institutions may define further prerequisites for admission to master, postgraduate specialisation and doctoral programmes, with the stipulation that the same admission requirements shall apply to all applicants, irrespective of the higher education institutions which awarded their diplomas.

#### **Article 41**

(1) The Government shall ensure equal opportunities for

*a)* disadvantaged students,

*b)* those who are on unpaid leave for childcare purposes, or receive maternity benefit, childcare assistance, child-raising allowance or childcare benefit,

*c)* disabled applicants,

*d)* minority applicants,

paying special attention to the groups of students referred to in points *a)* to *d)* when defining the higher education admission procedure and during their studies in higher education, and to the group referred to in point *d)* when determining the number of students who may receive full or partial Hungarian state scholarships.

(2) As regards compliance with the requirements referred to in paragraph (1), applicants for tertiary vocational, bachelor and master programmes shall not be exempted from the basic requirements the fulfilment of which is necessary for obtaining the qualification attested by the diploma.

#### **Article 41/A**

(1) The provisions of other laws concerning the method of administration shall apply to the central higher education admission procedure managed by the body responsible for the operation

of the higher education information system only if required by this Act. Act CXL of 2004 on the general rules of administrative procedures and services (hereinafter referred to as “Act on Administrative Procedure”) shall apply to the use of languages in the central higher education admission procedure.

(1a) The procedural principles set out in the Act on Administrative Procedure shall apply to the central higher education admission procedure, with the exception of those concerning the selection of the form of contact.

(2) The admission procedure shall commence upon the applicant’s application for a programme offered by a higher education institution.

(3) The applicant is the person who intends to participate in the programme indicated in the application form. In the absence of evidence to the contrary, it shall be presumed that the application has been submitted by the applicant.

(4) The procedure shall be commenced *ex officio* upon the instruction of the supervisory authority or a court order.

#### **Article 41/B**

(1) A first-instance decision shall become final if

- a)* it was not appealed by the person entitled to appeal, and the deadline for appeals expired,
- b)* the person entitled to appeal waived the right to appeal or withdrew the appeal,
- c)* no appeal lies, or
- d)* the supervisory authority upheld the decision of the body responsible for the operation of the higher education information system.

(2) In case of a waiver of the right to appeal or the withdrawal of an appeal, the first-instance decision shall become final upon its notification.

(3) In the case referred to in point *c)* of paragraph (1), the decisions at first and second instance shall become final upon their notification.

(4) In the case referred to in point *d)* of paragraph (1), the first-instance decision shall become final upon the notification of the decision at second instance.

#### **Article 41/C**

(1) Documents sent by post shall be deemed to have been served as specified in Article 79(1) and (2) of the Act on Administrative Procedure. Documents transmitted by electronic means shall be deemed to have been served on the day verified by the acknowledgement of receipt generated in the electronic system, but not later than the fifth day after the transmission of the document.

(2) The consignee may submit an application for the rebuttal of the presumption of service to the proceeding body within five days after becoming aware that service can be presumed to have taken place and, on pain of being time-barred, not later than thirty days from when it can be presumed that service has taken place.

(3) The application shall contain the facts and circumstances which prove the irregularity of service and the absence of any fault on the part of the consignee. If the application is granted, the proceeding body shall amend or revoke its decision, or repeat certain procedural steps.

#### **Article 41/D**

(1) The classification decision of the body responsible for the operation of the higher education information system shall issue its classification decisions in the form of resolutions and on all other decisions in the form of rulings. All decisions shall be notified in accordance with the applicable government decree.

(2) Classification decisions shall contain the name of the proceeding body, the reference number of the case, the name, contact details and personal identification data of the applicant, the decision on the merits of the application, information on the legislation forming the basis of the decision, the date and place of the decision, and the signature of the issuer. The stated reasons for the classification decision shall contain an assessment of the applicant's performance during the admission procedure, covering all applications submitted, and the applicant shall be informed of the legal remedies available.

(3) Rulings shall contain the name of the proceeding body, the reference number of the case, the name, contact details and personal identification data of the applicant, the decision, the date and place of the decision, and information on how to appeal against the ruling.

(4) An independent appeal may be lodged only against a ruling for the rejection of an application without the assessment of its merits or a ruling for the termination of a procedure. Other rulings may be appealed only in the appeal against the classification decision or, in the absence thereof, in the appeal against the ruling for the termination of the procedure.

#### **Article 41/E**

(1) If a decision contains a clerical error, such as a misspelled name, a wrong number or other typographical error, or a calculation error, it shall be corrected, unless the correction affects the substance of the decision.

(2) Decisions shall be corrected by adopting corrective decisions. Corrections shall not be subject to appeal. The correction shall be notified to the same person to whom the decision to be corrected was notified.

(3) If a decision lacks any of the mandatory information defined in Article 41/D, or there is no decision on the merits of the application, the decision shall be supplemented. A decision shall not be supplemented if more than one month has elapsed since it became final, or the supplemented decision would infringe any right acquired and exercised in good faith.

(4) Decisions shall be supplemented by adopting independent supplementing decisions. Supplements shall be subject to appeal in accordance with Article 41/G. The supplement shall be notified to the same person to whom the decision to be supplemented was notified.

(5) The body responsible for the operation of the higher education information system may amend its classification decision within fifteen days after the notification of the classification decision if it detects or becomes aware of, upon indication given by the higher education institution, a procedural or calculation error that affects the substance of the decision. Such decisions shall be subject to appeal in accordance with Article 41/G.

(6) In case of a final decision ordering the body responsible for the operation of the higher education information system to carry out a new procedure, the repeated procedure shall be carried out by adopting a new classification decision within fifteen days after the receipt of the decision ordering a new procedure.

#### **Article 41/F**

(1) The higher education admission procedure shall be terminated if

*a)* it would have been appropriate to reject the application without the assessment of its merits, but the body responsible for the operation of the higher education information system became aware of the reason for rejection following the commencement of the procedure,

*b)* the applicant withdrew the application,

*c)* the applicant died,

*d)* the circumstances giving a reason for continuing the procedure ceased to exist,

*e)*

*f)* the applicant failed to comply with the request for correcting deficiencies.

(2) The application shall be rejected without the assessment of its merits if

*a)* the body responsible for the operation of the higher education information system lacks competence to assess it,

*b)* it was submitted too early or too late,

*c)* it was apparently submitted by a person other than one entitled to submit it.

#### **Article 41/G**

(1) The applicant may appeal against the first-instance decision within fifteen days of its notification. The appeal shall be examined by the supervisory authority. The appeal shall be lodged with the body responsible for the operation of the higher education information system via electronic means or by post.

(2) The appeal shall be examined within thirty days, requesting, where necessary, an opinion from the higher education institution concerned on what is contained in it.

(3) If the body responsible for the operation of the higher education information system amends or corrects or supplements its classification decision on the basis of the appeal, it shall be notified to both the applicant and the higher education institution concerned. The amending decision may be appealed in the same way as the amended decision.

(4) If the body responsible for the operation of the higher education information system finds the appeal unfounded, it shall refer the appeal and its position, together with the necessary documents, to the supervisory authority not later than five days from the expiry of the thirty-day period available for the examination of the appeal.

#### **Article 41/H**

(1) The provisions of Chapter VII of the Act on Administrative Procedure shall apply to appeals and the review of decisions with the exceptions referred to in paragraphs (2) to (4).

(2) The administrative time limit shall be thirty-five days in the second-instance procedure.

(3) In the appeal procedure, the objective time limit for applications for restitutio in integrum and for the rebuttal of presumption of service shall be thirty days.

(4) Article 102(2) and Article 112 of the Act on Administrative Procedure shall not apply to the appeal procedure.

(5) The Budapest-Capital Administrative and Labour Court shall have competence and jurisdiction in actions brought against the decision of the supervisory authority. Chapter XX of the Code of Civil Procedure shall apply to the court proceedings.

## **24. The rights of applicants and persons with student status, the obligations of students**

## **Article 42**

### **(1) Students**

*a)* may apply for guest student status at another higher education institution in order to take courses related to the programme pursued at the home institution,

*b)* may apply for transfer to another programme within the same field of study, offered by the same or another higher education institution.

(2) Higher education institutions may, without carrying out an admission procedure, admit persons who are not students of the higher education institution and hold a tertiary degree to any course or module of a programme offered, for the purpose of completing only that part of the programme, and may grant student status to such persons, who shall finance their studies themselves. The completed course or module may be validated in accordance with the rules of credit transfer.

(3) The conditions for accepting the applications referred to in paragraphs (1) and (2) shall be defined by the receiving higher education institution.

(4) If the application for admission or transfer to a higher education institution has been accepted, student status may be acquired by enrolment after the decision on admission or transfer has become final, undertaking the obligations defined in Article 43(2).

(5) As long as student status exists, no further enrolment is needed. Students are required to register for academic terms, before the start thereof, in accordance with the rules of the higher education institution. Students who have failed to fulfil their payment obligations in due time shall not be allowed to register.

(6) With the exceptions laid down in the relevant decree of the Government, the transfer referred to in point *b)* of paragraph (1) shall be approved only if the new programme leads to the same degree.

## **Article 43**

(1) Students shall have the right to receive complete, accurate and accessible information, provided as set out in law and the rules of the institution, for commencing and pursuing their studies, creating their study schedules and using the educational opportunities and resources available at the higher education institution; and to receive services that correspond to their condition, personal abilities and disabilities.

(2) Students shall be obliged to:

*a)* observe the rules of the higher education institution,

*b)* respect the traditions of the higher education institution, as well as the human dignity of staff members and other students, or peers whose application for admission or transfer to the higher education institution has been accepted.

(3) In order to enable the fulfilment of their payment obligations toward the higher education institution, students shall be entitled to payment in instalments, deferment and exemption in accordance with the conditions and procedure laid down in the rules for organisation and operation, upon the decision of the rector, of which the maintainer shall be informed.

## **25. Rules governing student employment**

### **Article 44**

(1) Students may work under a student employment contract:

*a)* at a workplace outside the higher education institution during the completion of a dual study programme, or at the higher education institution or a business organisation established by the higher education institution or a workplace outside the higher education institution during the completion of a practice period or practical training organised in the framework of or as part of the educational programme,

*b)* at the higher education institution or a business organisation established by the higher education institution, in an arrangement that is not related directly to the educational programme.

(2) The provisions of the Labour Code shall apply *mutatis mutandis* to the employment of students working under student employment contracts. When defining the rules applicable to student employment contracts, the Government may lay down conditions that are more favourable to students than those laid down the Labour Code.

(3) Students

*a)* may receive remuneration in the cases referred to in point *a)* of paragraph (1) and shall receive remuneration during the completion of a continuous practice period of at least six weeks and a dual study programme, the weekly amount of which shall not be less than fifteen percent of the mandatory lowest remuneration for work (minimum wage) and, unless otherwise agreed, shall be paid by the workplace,

*b)* shall be entitled to remuneration in accordance with the agreement between the parties in the cases referred to in point *b)* of paragraph (1), and when the property created by the students under such legal relationships is handed over, all ownership rights and intellectual property rights shall be transferred to the higher education institution or the business organisation established by it, unless otherwise agreed.

(3a) If a practice period organised in the framework of or as part of the educational programme, as referred to in point *a)* of paragraph (1), is completed at a budgetary unit, the conclusion of a student employment contract and the payment of remuneration shall not be necessary. In this case as well, students shall be entitled to all the rights granted to employees under the Labour Code. The terms and conditions of the agreement to be made with students participating in practical training shall be the same as those defined by the Government.

(4) The organiser of the practical training shall on a mandatory basis take out liability insurance for the benefit of students participating in tertiary vocational programmes.

(5) Point *a)* of paragraph (3) of this Article shall apply to the teaching and research activities of doctoral students subject to the following derogations:

*a)* as part of their academic obligations, doctoral students may be obliged to allocate twenty percent of their total weekly working time to performing work related to the educational and academic research activities of the higher education institution,

*b)* the time worked, including the work referred to in point *a)*, shall not exceed fifty percent of the total weekly working time of the doctoral student, determined as an average of one semester,

*c)* the working time of doctoral students shall be organised in such manner that enables them to fulfil their obligations to take and prepare for examinations,

*d)* even where the period of such engagement equals fifty percent of the total weekly working time, the total monthly remuneration shall not be less than the mandatory lowest remuneration for work (minimum wage) or, in case of a different period, an appropriate part thereof, calculated *pro rata temporis*.

## **26. Suspension of student status**

## **Article 45**

(1) Student status shall be suspended when a student gives notice of not wishing to meet obligations in the coming academic term or fails to register for the next academic term. The period of suspension shall not be longer than two consecutive semesters. Students may suspend student their status more than once, as set out in the study and examination rules.

(2) The higher education institution may allow the suspension of student status upon the student's request

*a)* for a continuous period that is longer than what is specified in paragraph (1),

*b)* before the completion of the first semester, unless it is already allowed under the rules of the higher education institution, or

*c)* until the end of an academic term already commenced, for the given academic term, provided that the student is unable to meet obligations arising from student status due to childbirth, accident, illness or any other unexpected cause, without any fault on the part of the student.

(3) Student status shall be suspended if the disciplinary sanction of prohibition from the continuation of studies is imposed on a student.

(4) Student status shall be suspended for the period of actual service performed by members of the voluntary military reserve force, during which period students shall be exempted from the obligations defined in the study and examination rules of the higher education institution.

## **Chapter XII**

### **STUDENTS FUNDED THROUGH FULL OR PARTIAL HUNGARIAN STATE SCHOLARSHIPS AND SELF-FUNDING STUDENTS**

#### **27. Forms of funding**

##### **Article 46 (1)**

Based on the form of funding, students participating in higher education shall belong to any of the following categories:

*a)* students funded through full Hungarian state scholarships,

*b)* students funded through partial Hungarian state scholarships,

*c)* self-funding students.

(2) For all students referred to in paragraph (1), the Hungarian state provides an opportunity to borrow a student loan, as set out in the relevant government decree.

(2a)

(3) In accordance with the programme costs determined by law, the state shall cover the full cost of the programmes pursued by students funded through full Hungarian state scholarships and half of the cost of the programmes pursued by students funded through partial Hungarian state scholarships, whereas the costs of self-funded programmes shall be covered by the students. The repayment obligations determined by the body responsible for keeping records on the fulfilment of conditions for Hungarian state scholarships in respect of programmes funded through full or partial Hungarian state scholarships shall constitute public debt the enforcement of which is subject to the same rules as those applicable to taxes. A full or partial Hungarian state scholarship

may be granted to any student participating in any cycle of higher education or in any tertiary vocational or postgraduate specialisation programme, irrespective of the mode of study.

(4) Within the framework set in Article 39(5) and (6), the Minister shall annually adopt a decision specifying those programmes offered by higher education institutions for which full or partial Hungarian state scholarships are available. The minimum admission requirements (score) to be fulfilled for gaining access to a programme shall be laid down in a government decree, while the minimum admission requirements (score) to be fulfilled for receiving a full or partial Hungarian state scholarship for a given programme in a given year shall be laid down in a ministerial decision. The decision shall be published in the official gazette of the ministry headed by the Minister.

(5) The decision referred to in paragraph (4) shall be prepared,

*a)*

*b)* with the involvement of the Hungarian Doctoral Council in accordance with Article 72(5).

(6) The ministerial decision referred to in paragraph (4) shall be adopted by taking into account

*a)* the national strategic objectives and the strategic objectives for rural development,

*b)* medium and long term labour market forecasts,

*c)* the data of the graduate tracking system

*d)*

(7) Not later than 31 December of the year preceding the date of admission, the Minister shall publish a comprehensive annual information notice which shall contain all information necessary for the submission of applications.

## **28. Period of state-funded studies. Classification, reclassification.**

### **Article 47**

(1) A person may participate in tertiary programmes funded through full or partial Hungarian state scholarships, including tertiary vocational, bachelor and master programmes, for a total period of twelve semesters (hereinafter referred to as “period of funding”). For students participating in single-cycle long programmes the duration of which exceeds ten semesters according to the programme requirements, the period of funding shall not exceed fourteen semesters.

(1a) In cases where a student participates in an arts teacher training programme commenced simultaneously with or following a single-cycle long programme other than a teacher training programme within the study field of arts or in a teacher training programme only available as a second master programme leading to a teacher qualification following a master programme other than a teacher training programme in the same professional field, as defined in the relevant decree of the Government, the period of funding determined in paragraph (1) may be two semesters longer.

(2) For students participating in doctoral programmes, the period of funding shall not exceed eight semesters.

(3) The period of funding available for obtaining a given degree (diploma) may be up to two semesters longer than the duration of the corresponding programme. The period of funding provided for a given programme shall include all earlier periods during which funding was received for the same programme. Students who are unable to obtain the given degree (diploma) during the period of funding thus determined shall complete the remaining part of the programme in self-funded form even if the period of funding available pursuant to paragraph (1) has not been exhausted.

(4) Higher education institutions may extend the period of funding determined in paragraph (1) by up to four semesters for students with disabilities.

(5) All semesters for which the student has registered shall constitute part of the period for which funding is received.

(6) The period of funding shall not include

*a)* semesters commenced but could not be completed because of illness, childbirth or for any other reason which is not imputable to the student,

*b)* semesters funded but could not be completed because the higher education institution was dissolved without allowing students to complete their studies, provided that the student concerned was unable to complete his or her studies at another higher education institution,

*c)* semesters completed at the dissolved higher education institution but were not recognised by the higher education institution where studies were continued,

*d)* semesters completed by students holding statuses defined in points *a)* and *b)* of Article 21/A(1) of Act CXXXII of 2011 on the National University of Public Service and on public administration, law enforcement and military higher education (hereinafter referred to as “Act on the National University of Public Service”) and participating in programmes delivered the National University of Public Service.

(7) Holding a degree and a professional qualification awarded for the completion of a tertiary programme shall not constitute a reason for exclusion from participation in programmes funded through full or partial Hungarian state scholarships, but in cases where a student studying in any cycle of higher education simultaneously participates in a programme funded through a full or partial Hungarian state scholarship and another (parallel) programme in the same cycle, the available period of funding shall be reduced in each semester by a number of semesters corresponding to the number of parallel programmes funded through full or partial Hungarian state scholarships.

(8) If the period of funding available pursuant to this Article has ended, higher education studies may be continued only in self-funded form.

## **Article 48**

(1) Based on the form of funding, students shall be classified as either students funded through full or partial Hungarian state scholarships or self-funding students.

(2) In each academic year, higher education institutions shall reclassify students participating in programmes funded through full or partial Hungarian state scholarships as self-funding students in cases where a student failed to collect at least eighteen credits on average, or to achieve the average academic performance level defined in the higher education institution’s rules for organisation and operation in accordance with the relevant decree of the Government, in the last two semesters that student status was not terminated and the student did not pursue studies abroad, as defined in Article 81(3) and (4), and in cases where a student has withdrawn the declaration referred to in Article 48/D(2).

(2a) Paragraph (2) shall not apply to doctoral programmes.

(3) In the case of students admitted to programmes funded through full or partial Hungarian state scholarships, if student status is terminated before the completion of the programme, or studies are continued in self-funded form for any reason, the vacancy thus caused may be filled by a self-funding student participating in the same programme at the higher education institution, where such application exists. The higher education institution shall decide on reclassification

based on the academic performance of the self-funding student applying for reclassification as a student participating in a programme funded through a full or partial Hungarian state scholarship.

(4) A student admitted to a programme funded through a full Hungarian state scholarship may also be replaced through the reclassification of a student participating in a programme funded through a partial Hungarian state scholarship, as set out in paragraph (3).

## **28/A Special conditions applying to programmes funded through full or partial Hungarian state scholarships**

### **Article 48/A**

Subject to the provisions of Article 48/B, students funded through full or partial Hungarian state scholarships shall be obliged to:

*a)* obtain the diploma awarded for the completion of the programme pursued and funded through a full or partial Hungarian state scholarship within the period of studies defined in the programme and outcome requirements of the given programme, but not later than within a period that is one and a half times longer than the duration of the programme, as defined in the related programme and outcome requirements, and

*b)* maintain an employment relationship or any other work-related legal relationship established with an employer under the jurisdiction of Hungary or engage in entrepreneurial activities under the jurisdiction of Hungary (hereinafter referred to as “employment in Hungary”) and, as a result, have social security cover, as defined in Article 5 of Act LXXX of 1997 on the eligibility for social security benefits and private pensions and the funding for these services, for a period within the twenty-year period after obtaining the diploma the length of which equals the duration of studies funded through a full or partial state scholarship,

*c)* pay to the Hungarian State 50% of the amount of state scholarship funding determined for the programme pursued in accordance with point *a)* of Article 48/C(1) in the event of failure to obtain a diploma awarded for the completion of the programme funded through a full or partial Hungarian state scholarship within the time limit set in point *a)*, or

*d)* repay to the Hungarian State the amount of the full or partial Hungarian state scholarship disbursed by the Hungarian State in accordance with point *a)* of Article 48/C(1), increased annually at a rate equal to the average annual increase in consumer prices, as determined by the Hungarian Central Statistical Office, in the event of failure to comply with the requirement in point *b)* concerning employment in Hungary after obtaining the diploma.

### **Article 48/B**

(1) The obligation under point *b)* of Article 48/A may be fulfilled over several shorter periods.

(2) Where a student funded through a full or partial Hungarian state scholarship changes the form of funding during the period of student status and continues a programme funded through a full or partial Hungarian state scholarship in a self-funded form, the obligations under points *b)* to *d)* of Article 48/A shall apply only to the period funded through a full or partial Hungarian state scholarship.

(3) Persons falling under the scope of the act on Hungarians living in neighbouring states may fulfil the obligation under point *b)* of Article 48/A in their country of origin.

(4) The obligations under points *b)* and *d)* of Article 48/A shall not apply to those students funded through full or partial Hungarian state scholarships who participate in programmes in

religious studies, and the provisions of point *c*) of Article 48/A shall apply subject to the specific requirements of programmes in religious studies.

(5) The period of employment in Hungary shall be determined by taking into account twice the length of the period of social security cover resulting from voluntary military service in Hungary and, for persons falling under the scope of the act on Hungarians living in neighbouring states, work-related legal relationships in the country of origin.

(6) The provisions under this subheading shall apply to students reclassified from self-funding student to student funded through a full or partial state scholarship and to students acquiring student status through transfer to a programme funded through a full or partial Hungarian state scholarship.

(7) In cases where a student participates in more than one programme simultaneously or obtains several diplomas successively, the obligations under points *b*) and *d*) of Article 48/A shall apply from the date of obtaining the first diploma and shall be fulfilled in respect of all programmes.

(8) The obligation under point *a*) of Article 48/A shall not limit the possibility of changing to another programme. The programme may be changed by changing the mode of study, the language of instruction or the place of delivery, through transfer or an admission procedure. For changing to another programme through an admission procedure, the student must be enrolled in a new programme within one year after withdrawal from a tertiary programme without obtaining a final certificate. As regards the fulfilment of conditions in the case of programme change, the duration and the cost of the new programme shall prevail.

### **Article 48/C**

(1) In relation to the conditions to be fulfilled by students, the Hungarian state shall be obliged to:

*a*) pay to higher education institutions the costs of delivering programmes funded through full or partial Hungarian state scholarships awarded to students (hereinafter referred to as “state scholarship”), during the period of funding a given programme, but only up to the termination of student status, in the case of each student funded through a full or partial Hungarian state scholarship,

*b*) endeavour to provide, relying on the employment policy tools available to it, appropriate employment opportunities to students funded through full or partial Hungarian state scholarships following the completion of their programmes funded through full or partial Hungarian state scholarships.

(2) The amount of the state scholarship shall equal the total costs of the active semesters of the student funded through a full or partial Hungarian state scholarship at the given higher education institution, determined for each student funded through a full or partial Hungarian state scholarship by the higher education institution within the framework set by the applicable law. For the purposes of this subheading, active semester shall mean a semester for which a student funded through a full or partial Hungarian state scholarship has registered.

(3) In the case of students funded through partial Hungarian state scholarships, the amount of state scholarship funding determined for a given semester shall equal fifty percent of the amount of state scholarship funding determined for the same semester for a student participating in the same programme as a student funded through a full Hungarian state scholarship.

(4) In cases where a student funded through a full or partial Hungarian state scholarship is participating in a programme which is not offered in self-funded form by the given higher

education intuition, the calculations referred to in paragraph (3) shall be made by taking into account the lowest of the costs determined by other higher education institutions as payable by self-funding students participating in the same programme.

#### **Article 48/D**

(1)

(2) Persons classified as applicants whose studies may be funded through full or partial state scholarships shall at the time of enrolment make a declaration regarding the acceptance of the conditions of such form of funding.

(3)-(5)

#### **Article 48/E**

(1)-(3)

(4) The body responsible for keeping records on the fulfilment of conditions for Hungarian state scholarships shall keep contact with the persons receiving full or partial Hungarian state scholarships via electronic means for the purpose of exercising their rights and meeting their obligations under this subheading.

#### **Article 48/F**

#### **Article 48/G**

Higher education institutions shall ensure that

*a)*

*b)* the fact that student status has been acquired in relation to a programme funded through a full or partial state scholarship and the date of obtaining the diploma are entered into the academic administrative records,

*c)* the data specified in point *b)* are supplied to the body responsible for keeping records on the fulfilment of conditions for Hungarian state scholarships.

#### **Article 48/H**

The body responsible for keeping records on the fulfilment of conditions for Hungarian state scholarships shall record the following in respect of each student funded through a full or partial Hungarian state scholarship:

*a)*

*b)* for all programmes funded through full or partial Hungarian state scholarships which has been commenced by the student funded through a full or partial Hungarian state scholarship:

*ba)* the number of active semesters needed for the completion of a given programme and any costs determined as payable by the student for each semester,

*bb)* the start date of studies and the date of obtaining a diploma,

*c)* the current amount of the full or partial Hungarian state scholarship received as at the time of the closing of a given semester.

#### **Article 48/I**

(1) Until the programme is completed, the body responsible for keeping records on the fulfilment of conditions for Hungarian state scholarships shall annually inform each student funded through a full or partial Hungarian state scholarship of the amount of the state scholarship received.

(2) After the completion of a programme funded through a full or partial Hungarian scholarship or, if a given programme is not completed by the student funded through a full or partial Hungarian state scholarship, after the date of the termination of student status, the body responsible for keeping records on the fulfilment of conditions for Hungarian state scholarships shall inform the former student funded through a full or partial Hungarian state scholarship within sixty days of the total amount of the state scholarship received for the given programme.

(3) Following the date referred to in paragraph (2), the body responsible for keeping records on the fulfilment of conditions for Hungarian state scholarships shall provide information annually on the amount of the state scholarship received, which shall be applied as a reference amount for the fulfilment of the requirement under *d)* of Article 48/A.

#### **Article 48/J**

The body responsible for keeping records on the fulfilment of conditions for Hungarian state scholarships shall keep track of the employment path of former students funded through full or partial Hungarian state scholarships.

#### **Article 48/K**

The tasks related to recording the diplomas obtained and the periods of employment in Hungary, as well as imposing obligations to repay state scholarships retrospectively and granting exemptions from payment obligations shall be performed by the body responsible for keeping records on the fulfilment of conditions for Hungarian state scholarships at first instance and the minister responsible for education at second instance, applying the provisions of the Act on Administrative Procedure.

#### **Article 48/L**

The period of employment in Hungary shall include

- a)* the period of receiving maternity benefit, childcare assistance and childcare benefit,
- b)* the period during which a former student funded through a full or partial Hungarian state scholarship received jobseeker's allowance.

#### **Article 48/M**

(1) A former student funded through a full or partial Hungarian state scholarship shall not be required to fulfil the condition set in point *a)* of Article 48/A and the outstanding obligations under point *c)* of Article 48/A if she gives birth to three children.

(2) A former student funded through a full or partial Hungarian state scholarship who, following enrolment in a given programme, studied as a student funded through a full or partial Hungarian state scholarship for

- a)* up to one semester in a tertiary vocational programme or a two-cycle programme, or

*b)* up to two semesters in a single-cycle long programme, without changing to another programme, shall not be required to meet the obligation determined under point *c)* of Article 48/A.

#### **Article 48/N**

(1) Upon the request of a former student funded through a full or partial Hungarian state scholarship, the body responsible for keeping records on the fulfilment of conditions for Hungarian state scholarships may allow the suspension of fulfilment in respect of the condition under point *a)* of Article 48/A

*a)* for the period of studies at a higher education institution abroad,

*b)* for the period of adult learning aimed at obtaining a certificate of foreign language proficiency.

(2) Such suspension may be allowed not more than twice, for a total period of up to two years, provided that the student funded through a full or partial Hungarian state scholarship demonstrates that

*a)* the foreign higher education institution and the studies pursued abroad qualify as a higher education institution and tertiary studies, respectively, under the law of the given state,

*b)* the course taken to obtain the certificate of foreign language proficiency required for the issue of a diploma qualifies as adult education.

(3) Upon the request of a former student funded through a full or partial Hungarian state scholarship, the body responsible for keeping records on the fulfilment of conditions for Hungarian state scholarships shall consider fulfilled the condition under point *c)* of Article 48/A, as set out in the relevant government decree, if the student maintains employment in Hungary for a period the length of which equals the duration of studies funded through a full or partial state scholarship.

#### **Article 48/O**

(1) Upon the request of a former student funded through a full or partial Hungarian state scholarship, the body responsible for keeping records on the fulfilment of conditions for Hungarian state scholarships shall consider fulfilled the condition under point *a)* of Article 48/A, if the student is unable to obtain a diploma due to long-term illness, accident or childbirth.

(2) Upon the request of a former student funded through a full or partial Hungarian state scholarship, the body responsible for keeping records on the fulfilment of conditions for Hungarian state scholarships shall consider fulfilled some or all of the conditions under points *b)* to *d)* of Article 48/A if the student is unable to fulfil obligations due to long-term illness, accident, childbirth, raising two or more children, or any other unexpected cause, without any fault on the part of the student.

(3) The body responsible for keeping records on the fulfilment of conditions for Hungarian state scholarships shall only allow preferential treatment on grounds of child-raising, as referred to in paragraph (2), for one parent in respect of the same child.

#### **Article 48/P**

(1) Where the body responsible for keeping records on the fulfilment of conditions for Hungarian state scholarships finds that a former student funded through a full or partial

Hungarian state scholarship has a repayment obligation, it shall adopt a decision thereon. The amount of the state scholarship to be recovered shall be repaid within thirty days after the decision has become final (due date).

(2) In addition to the mandatory information prescribed by the Act on Administrative Procedure, the decision referred to in paragraph (1) shall contain

*a)* the amount of the state scholarship to be recovered, together with the method of its calculation,

*b)* information on the conditions of payment in instalments and the method of application for division into instalments,

*c)* information on the method of the enforcement of the claim.

(3) The obligation to repay all or part of the full or partial Hungarian state scholarship received may be assumed by the employer of the former student funded through a full or partial Hungarian state scholarship, or by any other person, by submitting a statement to the body responsible for keeping records on the fulfilment of conditions for Hungarian state scholarships.

(4) The repayment obligation shall be an individual debt that is not recoverable from the estate.

#### **Article 48/Q**

(1) Upon the request of a former student funded through a full or partial Hungarian state scholarship, the body responsible for keeping records on the fulfilment of conditions for Hungarian state scholarships may allow payment in instalments over a period of

*a)* up to ten years if the amount of the state scholarship to be recovered is below five million forints,

*b)* up to fifteen years if the amount of the state scholarship to be recovered exceeds five million forints.

(2) Repayment obligations may be fulfilled before the due date.

(3) Where any one of the circumstances referred to in Article 48/M(1) and Article 48/O occurs during the period of payment in instalments, it may be taken into account in respect of the fulfilment of obligations still outstanding at the time of granting exemption.

#### **Article 48/R**

(1) The body responsible for keeping records on the fulfilment of conditions for Hungarian state scholarships shall send its final decision on the amount to be repaid, together with the data necessary for the enforcement of claims payable to the Hungarian state, to the state tax authority to effect recovery, if the repayment obligation imposed in the final decision is not fulfilled

*a)* within the specified time limit, or

*b)* the obligation imposed in the final decision adopted in respect of the application for payment in instalments, or any other request defined in this Act, submitted by the former student funded through a full or partial Hungarian state scholarship is not fulfilled within the specified time limit

by the former student funded through a full or partial Hungarian state scholarship or the person assuming the obligation pursuant to Article 48/P(3), up to the amount of the assumed debt.

(2) In its procedure for the enforcement of the repayment obligation, the state tax authority shall have the right of recovery entered into the land and property register in favour of the Hungarian State.

#### **Article 48/S**

Payments made pursuant to points *c*) and *d*) of Article 48/A shall form part of the revenues of the Higher Education Restructuring Fund.

## Chapter XIII

### FULFILMENT OF ACADEMIC OBLIGATIONS

#### **29. Academic requirements and the assessment of student performance**

##### **Article 49**

(1) In the course of studies at a higher education institution, the fulfilment of academic requirements shall be expressed in academic credit points (hereinafter referred to as “credit”), assigned to specific courses and curriculum units, and shall be assessed by marking. The total of the credits accumulated shall express progress toward the completion of a given programme, while the mark received shall express the quality of performance.

(2) In the course of their studies, students shall have the opportunity to collect up to five percent of the total number of credits required for obtaining a diploma by taking optional courses, or by participating in voluntary activities in substitution for those courses, pursuant to the higher education institution’s rules for organisation and operation, and to choose from courses with a total credit value that exceeds the total number of credits required by at least twenty percent.

(2a) It shall be ensured that students can include in their individual study schedules, without having to pay any additional cost or fee,

*a*) courses with a total credit value that exceeds the total number of credits required by at least ten percent, and

*b*) courses taught in a language other than Hungarian up to ten percent of the total number of credits required.

(3) Students may take courses offered under other programmes at the higher education institution with which they have student status or at other higher education institutions, as guest students, provided that such courses relate to their programmes of study.

(4) Higher education institutions shall provide recommended curricula in order to help students create their own study schedules. Higher education institutions shall ensure for all students the opportunity to participate in assessments and to repeat successful or unsuccessful assessments, guaranteeing that such repeated assessments are carried out in an unbiased manner.

(5) Credits shall not be awarded for a given learning outcome more than once. Credits shall be recognised only after a comparison of the learning outcomes forming the basis of the credits gained, based on the outcome requirements of the courses (modules) concerned. Credits shall be recognised if there is a seventy-five percent or closer match between the learning outcomes compared. The comparison of learning outcomes shall be carried out by a committee set up for that purpose (hereinafter referred to as “credit transfer committee”) by the higher education institution.

(6) The credit transfer committee may recognise prior non-formal and informal learning, as well as work experiences, for the purpose of the fulfilment of academic requirements, as set out in this Act and the applicable government decree.

(7) Issues related to the application of paragraphs (3) to (6) shall be regulated in the study and examination rules, with the stipulation that the number of credits required under the study and

examination rules for obtaining a final certificate (absolutorium), but at least two thirds of the credit value of the programme, shall be collected at the given higher education institution, even where previous studies at the institution or elsewhere or prior learning are recognised as having credit values.

(8) Students with disabilities shall be given the opportunity to prepare for and take examinations in a manner adapted to their disabilities, and shall receive assistance for meeting the obligations arising from student status. In justified cases, disabled students shall be exempted from learning certain subjects, or parts thereof, or the obligation to give participate in an assessment. Where necessary, exemption shall be granted in respect of a language examination, or a part or level thereof. Disabled students shall be allowed a longer preparation period when taking an examination, the use of aids, such as a typewriter or computer, for written examinations and, where appropriate, the option of taking a written examination instead of an oral one. The exemptions pursuant to this paragraph shall be granted only in respect of the grounds thereof and shall not entail exemption from the basic academic requirements to be fulfilled for obtaining the qualification attested by the diploma.

### **Article 50**

(1) The higher education institution shall issue a final certificate (absolutorium) to students who have fulfilled the study and examination requirements prescribed in the curriculum, except for those relating to the language examination and the bachelor or master thesis, completed the required practice period and acquired the required number of credits.

(2) Students participating in tertiary vocational, bachelor, master and postgraduate specialisation programmes shall take a final examination upon the completion of their studies.

(3) The final examination shall be taken after obtaining a final certificate (absolutorium). Students may complete the final examination during the examination period following the award of the final certificate, before the termination of student status, or in any other examination period within two years after the termination of student status, in accordance with the prevailing programme requirements. The study and examination rules may impose conditions on the completion of a final examination after the expiry of the two-year period following the award of the final certificate. If more than five years have passed since termination of student status, it shall not be possible to take a final examination.

(4) The final examination is the verification and assessment of the knowledge, skills and competences necessary for obtaining a diploma, in the course of which students are also required to demonstrate their ability to apply the acquired knowledge. As defined in the curriculum, the final examination may comprise several parts, such as the bachelor or master thesis defence and oral, written and practical components.

(5) Students who have failed to meet any of their payment obligations toward the higher education institution shall not be allowed to take a final examination.

## **30. The diploma**

### **Article 51**

(1) The prerequisites for the award of a diploma attesting to the completion of tertiary studies shall include the successful completion of the final examination and, unless otherwise provided in

this Act, the required language examination. Unless the programme and outcome requirements contain higher requirements, diplomas shall be issued subject to the presentation of a certificate attesting to the successful completion of the following state-recognised language examinations, or equivalent language examinations (hereinafter referred to as “language examination”):

*a)* at bachelor level: an intermediate level, type C language examination for general purposes, or an intermediate level (level B2) complex language examination for general purposes

*b)* at master level: the language examination defined in the programme and outcome requirements.

(2) With the exception of the final examination, the prerequisites defined in paragraph (1) shall not apply to cases where the language of the programme is not Hungarian.

(3) For those who have completed the final examination successfully, the diploma shall be drawn up and issued within thirty days of the presentation of the certificate attesting to the successful completion of the language examination defined in paragraph (1). For students who present a certificate proving compliance with the requirements under paragraph (1) before the date of the final examination, the diploma shall be drawn up and issued within thirty days after the day of the successful final examination.

(4) Diplomas may be issued only by higher education institutions falling under the scope of this Act. A document shall be called a diploma only if it is issued by a higher education institution in accordance with this Act to certify the completion of a programme, excluding tertiary vocational programmes and postgraduate specialisation programmes, leading to a professional qualification and a bachelor, master or doctoral degree.

(5) A diploma shall be an authentic instrument that includes the coat of arms of Hungary, the name and institution identification number of the awarding higher education institution, the serial number of the diploma, the name, name at birth and place and date of birth of the holder, the specification of the level of qualification, the awarded degree, the programme and the professional qualification, the grade of the diploma, the place, year, month and day of issue, the classification of the degree and the qualification attested by the diploma within the Hungarian Qualifications Framework and the European Qualifications Framework, and the programme duration according to the related programme and outcome requirements. It shall also bear the original signature of the head of the higher education institution, or the executive officer identified in the study and examination rules, and the imprint of the stamp of the higher education institution.

(6) All diplomas awarded shall be recorded in a central register.

## **Article 52**

(1) Diplomas shall be issued in Hungarian and English or in Hungarian and Latin or, for minority programmes and non-Hungarian-medium programmes, in Hungarian and in the minority language concerned or in Hungarian and in the language of the programme, respectively.

(2) The diplomas awarded for the completion of bachelor, master and tertiary vocational programmes shall be accompanied by the diploma supplement adopted by the European Commission and the Council of Europe, issued in Hungarian and English and, upon the request of students completing minority programmes, in the minority language concerned. The diploma supplement shall be an authentic instrument.

(3) The diplomas awarded for the completion of bachelor and master programmes, or single-cycle long programmes, postgraduate specialisation programmes and tertiary vocational programmes shall give access to the positions and activities defined in the applicable law.

(4) In the case of tertiary vocational programmes, the prerequisites for the award of the diploma laid down in the programme and outcome requirements may include the successful completion of a language examination.

(5) The English and Latin designations of the levels of qualification attested by diplomas awarded in Hungary:

a) “bachelor” or “baccalaureus” (in abbreviated form: BA, BSc),

b) “master” or “magister” (in abbreviated form: MA, MSc).

(6) Master degree holders may use the designation “qualified” before the name of the professional qualification attested by their diplomas (qualified engineer, qualified economist, qualified teacher, etc.). Those holding a diploma awarded for the completion of a postgraduate specialisation programme building on a master programme in legal studies shall be entitled to use the title “Legum Magister” or “Master of Laws” (in abbreviated form: LL. M.). Those holding a diploma awarded for the completion of a teacher training programme shall be entitled to use the title “Master of Education” (in abbreviated form: MEd).

(7) Those holding a diploma awarded for the completion of a programme in medical, dental, pharmaceutical, veterinarian or legal studies or a programme in political science shall be entitled to use a doctoral title. In abbreviated form, these are the following: dr. med., dr. med. dent., dr. pharm., dr. vet., dr. jur., dr. rer. pol.

(8) With the prior consent of the President of the Republic, the rector of the higher education institution shall confer a doctoral title with distinction called “Promotio sub auspiciis praesidentis Rei Publicae” on students whose performance has been consistently evaluated as excellent throughout their studies at secondary school, at the higher education institution and in the doctoral programme, provided that their performance was also outstanding during the procedure for obtaining a doctoral degree. The detailed conditions for the award of a doctoral title with distinction shall be adopted by the Government.

### **Article 52/A**

(1) The higher education institution shall revoke a diploma and the accompanying diploma supplement issued by it or its predecessor within five years from the date of issue of the diploma if the diploma was obtained unlawfully. Otherwise, the provisions of the Act on Administrative Proceedings shall apply mutatis mutandis to revocation.

(2) Notwithstanding paragraph (1), if the issue of a diploma was influenced by a criminal act, and the commission of the criminal act has been confirmed by a final court decision or a prosecutor’s decision, the higher education institution shall annul the diploma without any time limitation, provided that the annulment does not affect any right acquired and exercised in good faith. Otherwise, the provisions of the Act on Administrative Proceedings shall apply mutatis mutandis to annulment.

(3) Revoked and annulled diplomas shall be withdrawn by the higher education institution. The related decisions shall be published, without any reasons stated, in the official gazette of the ministry headed by the Minister and on the website of the educational authority.

(4) Decisions adopted pursuant to paragraphs (1) and (2) shall be subject to appeal.

(5) In cases where the higher education institution awarding the diploma has been dissolved without a legal successor, the procedures defined in paragraphs (1) and (2) shall be carried out by the educational authority.

(6) The body adopting the final decision referred to in paragraph (2) shall immediately notify the issuer of the diploma and the educational authority of the decision.

## Chapter XIV

### SPECIFIC RULES FOR TALENT PROMOTION AND DOCTORAL PROGRAMMES

#### **31. Doctoral programmes and the procedure for obtaining a doctoral degree**

##### **Article 53**

(1) Doctoral programmes shall involve study, research and reporting activities performed in the framework of preparing candidates, either individually or in groups, for obtaining a doctoral degree, in a manner adapted to the specifics of the disciplines concerned and the individual needs of the students, and shall comprise a study and research stage and a research and dissertation stage. At the end of the fourth semester of the doctoral programme, students shall be required to close the study and research stage with a comprehensive examination aimed to measure and assess progress made in study and research, the completion of which shall be a condition for the commencement of the research and dissertation stage.

(2) Following the comprehensive examination, students shall participate in the procedure for obtaining a doctoral degree by completing the research and dissertation stage of the doctoral programme, the aim of which is to obtain a doctoral degree.

(3) Subject to the fulfilment of the admission requirements and the requirements of the doctoral programme, participation in doctoral programmes shall be open to candidates who prepare for obtaining a doctoral degree individually. In such case student status shall be acquired at the time of and upon acceptance of the application for the comprehensive examination.

(4) Doctoral students shall submit their doctoral dissertations within three years from the comprehensive examination, as set out in the doctoral rules. In cases deserving special consideration, provided for in Article 45(2), this time limit may be extended by not more than one year, as set out in the doctoral rules. During the procedure for obtaining a doctoral degree, student status shall not be suspended for a period of more than two years.

(4a) The higher education institution shall issue a final certificate (absolutorium) to doctoral students who have acquired the number of credits required under the doctoral programme.

(5) The conditions for obtaining a doctoral degree shall include:

- a)* fulfilment of the obligations laid down in the doctoral rules;
- b)* provision of a certificate, as set out in the doctoral rules, of adequate language skills for performing academic activity in the given discipline in two foreign languages, one of which may be a non-Hungarian sign language in the case of deaf students;
- c)* presentation of independent academic work or activity in sport science through articles, studies or by other means, or presentation of the results of independent artistic creative activities, as a condition for obtaining an artistic doctorate (DLA);
- d)* solving independently an academic or artistic task adapted to the requirements of the degree; presentation of a paper or a work of art; defence of results in an open debate.

(6) All doctoral degrees awarded shall be recorded in a central register, which shall be open to the public for inspection. Online accessibility for the register shall be ensured. The detailed rules governing doctoral programmes and the award of doctoral degrees shall be laid down in the doctoral rules of the higher education institution.

(7) Persons holding a PhD degree may use the abbreviation “PhD” or “Dr.” with their name, while those holding a DLA degree may use the abbreviation “DLA” or “Dr.” with their name.

#### **Article 53/A**

(1) Doctoral dissertations and the accompanying theses shall be accessible to all. Publication may be postponed until not later than the publication of the application for a patent or protection. The higher education institution awarding the doctoral degree shall ensure that doctoral dissertations and the accompanying theses are archived in electronic and printed form and are made public in full, to which end the higher education institution shall make available in its central library, in a catalogued manner, all doctoral dissertations and the accompanying theses in one printed copy and one recorded on an electronic medium.

(2) Doctoral dissertations and the accompanying theses shall be made accessible to all in electronic form in the Database, identified by using digital object identifiers (DOI) according to the generally accepted international practice.

(3) In cases where a doctoral dissertation is involved in a patent procedure or other procedure for protection, the disclosure of the doctoral dissertation and the accompanying theses may be postponed until not later than the date of the registration of the patent or other protection, upon the request of the person submitting the dissertation, subject to the positive opinion of the examination committee and the consent of the doctoral council. For national security reasons, if a doctoral dissertation or the accompanying theses contain classified data, disclosure shall be postponed until the expiry of the classification period.

### **32. Talent promotion, student research societies, colleges for advanced studies**

#### **Article 54**

The tasks of higher education institutions shall include finding and identifying students who, due to their exceptional abilities and attitudes, are capable of performance exceeding curricular requirements, as well as disadvantaged and multiply disadvantaged students, with a view to promoting their professional, academic, artistic and sporting activities. Higher education institutions shall maintain, either individually or in cooperation with other higher education institutions, systems and programmes aimed at nurturing talents and helping disadvantaged students to catch up, including student research societies, colleges for advanced studies and Roma colleges for advanced studies. Colleges for advanced studies or Roma colleges for advanced studies may also be established, in cooperation with a higher education, by those entitled to establish and maintain higher education institutions pursuant to this Act. Higher education institutions shall offer mentoring schemes for disadvantaged students in order to help them fully develop their talents.

#### **Chapter XV**

### **LIABILITY OF STUDENTS, TERMINATION OF STUDENT STATUS**

#### **33. Disciplinary procedures and liability for damages**

## Article 55

(1) In the event of culpable and serious breaches of obligations, disciplinary sanctions may be imposed on students by way of a written decision adopted under a disciplinary procedure.

(2) The following disciplinary sanction may be imposed:

- a)* reprimand,
- b)* stern reprimand,
- c)* reduction or withdrawal of the benefits and allowances specified in the rules governing fees and allowances, for a period that shall not exceed six months,
- d)* temporary prohibition from the continuation of studies, the period of which shall not exceed two semesters,
- e)* expulsion from the higher education institution.

(3) Disciplinary sanctions shall be imposed by taking into account all circumstances of the act, in particular the injured, the consequences, recurrence of the offence, and the gravity of the act committed. The disciplinary sanction referred to in point *c)* of paragraph (2) shall not include the withdrawal of social aid. The disciplinary sanctions set out in points *d)* and *e)* of paragraph (2) shall entail a final or temporary withdrawal of the benefits and allowances related to student status. Student status shall be suspended for the period of the disciplinary sanction referred to in point *d)* of paragraph (2). The initiation of a disciplinary procedure and the imposition of a disciplinary sanction shall not be influenced by the academic performance of the student concerned.

(4) No disciplinary procedure shall be initiated if more than one month has passed since the disciplinary offence became known, or more than five months have passed since the offence was committed. For the purposes of these provisions, an offence shall be deemed to have become known when the party entitled to initiate a disciplinary procedure became aware of the circumstance giving rise to the procedure.

(5) The rules of disciplinary procedures shall be laid down in the higher education institution's rules for organisation and operation, with the stipulation that at least one third of the members of the disciplinary board shall be delegated by the students' union, and the student shall be heard in the course of the procedure, although a disciplinary hearing may be held even if the student has failed to appear despite of due notice.

## Article 56

(1) The liability of students causing damage to the higher education institution or the practical training organiser unlawfully, in relation to the fulfilment of their academic obligations, shall be governed by the rules of the Civil Code (hereinafter referred to as "Civil Code"), subject to the derogations laid down in this Act.

(2) In the cases referred to in paragraph (1), the compensation for damages caused by negligence shall not exceed fifty percent of the monthly amount of the mandatory lowest remuneration for work (minimum wage), as applicable on the day when the damage was caused. In the case of damages caused intentionally, the total damage shall be compensated.

(3) Students shall be fully liable for any loss or damage to any item received with a list attached or against a receipt, under an obligation to return it or give account of its use, provided that the item is kept permanently or used or operated exclusively by the student. In the case of damage or loss caused by occurrences beyond the control of the student, exemption from liability shall be granted.

(4) The higher education institution or the practical training organiser shall compensate students for damages caused in the context of the student relationship or the practical training in accordance with the provisions of the Civil Code. The higher education institution or the practical training organiser may be exempted from liability only if it proves that the damage was caused by unavoidable occurrences or the conduct of the injured beyond the control of the higher education institution or the practical training organiser.

## **34. Right of appeal**

### **Article 57**

(1) In the event of the infringements of their rights, students may

*a)* seek legal assistance from the students' union,

*b)*

*c)* lodge an appeal, which shall be examined by the higher education institution as set out in this Act,

*d)* initiate proceedings by the Commissioner for Educational Rights, provided that all remedies available under this Act, except for judicial proceedings, have been exhausted.

(2) In the cases specified in this Act, the relevant government decrees and its rules for organisation and operation, and if so requested by the student, the higher education institution shall notify the student of decisions that concern him or her in writing. The decision adopted by the higher education institution concerning the student shall be final if the student concerned fails to lodge an appeal within the time limit set in paragraph (3) or has waived the right to lodge an appeal.

(3) With the exception of decisions relating to the assessment of academic achievements, any decision or measure, or failure to act, of the higher education institution (hereinafter referred to jointly as "decision") shall be subject to appeal within fifteen days after notification or, in the absence of notification, the student's becoming aware of it. Students may also initiate proceedings against a decision relating to the assessment of academic achievements if it was not based on the requirements adopted by the higher education institution, or conflicts with the higher education institution's rules for organisation and operation or any provision applicable to the organisation of examinations has been violated.

(4) The appeal lodged shall not be examined by

*a)* the same person who adopted the contested decision or failed to adopt a decision,

*b)* a person who is a close relative of the person referred to in point *a)*,

*c)* a person who cannot be expected to consider the case objectively.

(5) The higher education institution may adopt the following decisions in respect of the appeal:

*a)* the appeal is dismissed,

*b)* the person who failed to adopt a decision is ordered to adopt a decision,

*c)* the decision must be amended,

*d)* the decision must be annulled, and the decision-maker is ordered to carry out a new procedure.

(6) During the examination of the appeal, the clarification of the facts, the calculation of time limits, failure to meet a deadline without fault on the part of the appellant, the form, content and notification of the decision, and the correction, replacement, supplement, amendment or

revocation of the decision upon request shall be governed, as appropriate, by the provisions of the Act on Administrative Procedure.

(7) The decision at second instance shall become final and enforceable upon notification, unless the student has applied for judicial review.

### **Article 58**

(1) The student may apply for the judicial review of the decision adopted in respect of the appeal within thirty days after its notification, on the grounds that it violates the law or the provisions applicable to student status. For the purposes of these provisions, the provisions applicable to student status shall include provisions on the rights and obligations of students laid down in legislation and the institutional documents.

(2) The rules of administrative litigation laid down in the Code of Civil Procedure shall apply to the court proceedings. The court may overturn the contested decision. The court shall deal with the case under the urgent procedure.

(3) Article 57 and paragraphs (1) and (2) shall apply *mutatis mutandis* to decisions and failure to act concerning

*a)* applicants to higher education institutions,

*b)*

*c)* students whose student status no longer exists.

(4) Higher education institutions shall lay down the rules of appeal procedures in their rules for organisation and operation, within the framework set in this Act.

## **35. Termination of student status**

### **Article 59**

(1) Student status shall be terminated

*a)* in the event of transfer to another higher education institution, on the day of the completion of transfer,

*b)* if a student gives notice of termination of student status, on the day that the notice is given,

*c)* if a student who cannot continue a programme funded through a full or partial Hungarian state scholarship does not wish to continue it in self-funded form,

*d)* on the last day of the first final examination period following the completion of a given cycle of higher education or, in the case of postgraduate specialisation programmes and tertiary vocational programmes, the last academic term,

*e)* if a student participating in a tertiary vocational programme becomes medically unfit to continue studies, and the higher education institution cannot offer another suitable tertiary vocational programme, or the student does not wish to continue studies, or is unable to continue studies because the necessary conditions do not exist, on the day that the decision on the termination of student status becomes final,

*f)* if the rector terminates the student status of a student who remains in arrears of payment after an unsuccessful demand for payment and examining the social situation of the student, on the day that the decision on the termination of student status becomes final,

*g)* on the day that the disciplinary decision on expulsion becomes final,

*h)* if a condition for student status defined in this Act is no longer met, on the day that the decision on the termination of student status for that reason becomes final,

*i)* if a student participating in a programme funded through a full or partial Hungarian state scholarship withdraws the declaration referred to in Article 48/D(2) and does not undertake to participate in a self-funded programme,

*j)* if a doctoral student fails to pass the comprehensive examination, on the day of the missed or unsuccessful examination,

*k)* upon obtaining a final certificate (absolutorium) in a doctoral programme,

*l)* at the end of the eighth semester for which a doctoral student has registered.

(2) Student status shall not be terminated pursuant to point *d)* of paragraph (1) in the case of those students participating in bachelor programmes who have been admitted to a master programme commencing in the next semester, following the award of the bachelor degree.

(3) Higher education institutions may terminate the student status unilaterally if a student fails to

*a)* fulfil the obligations relating to academic progress laid down in the study and examination rules and the curriculum,

*b)* register for the next semester for the third consecutive time,

*c)* resume studies following the suspension of student status, provided that the student has been called on to meet this obligation within a specified time limit and has been informed of the legal consequences of the failure to comply.

(4) Higher education institutions shall terminate the student status unilaterally in cases where the total number of unsuccessful and repeated retake examinations in a given unit of study has reached five.

(5) This Article shall apply to students who participate in more than one programme at the same higher education institution with the exception that termination of student status shall be understood as termination of a given programme.

## Chapter XVI

### STUDENTS' COMMUNITIES, STUDENTS' UNIONS, NATIONAL REPRESENTATION OF STUDENTS

#### **36. Students' unions**

##### **Article 60**

(1) At the level of the higher education institution, students' interests shall be represented by the students' union working as part of the higher education institution. With the exception provided for in Article 63, all students shall be members of the students' union and shall have the right to vote and to stand as a candidate in elections. The students' union may exercise its powers, as laid down in this Act, if

*a)* it has elected its officers, its statutes have been approved, and

*b)* it can be demonstrated that at least twenty-five percent of the full-time students of the higher education institution participated in the students' union elections.

(2) The rules governing the operation of the students' union shall be laid down in its statutes. The statutes shall be adopted by the delegates' meeting of the students' union and shall take effect upon approval by the senate. The senate shall express an opinion on the approval of the

statutes not later than at its first meeting held after the thirtieth day after the submission of the statutes.

(2a) The officers of the students' union

*a)* shall hold office for a total period of not more than four years, taking into account the terms of all offices held as an officer of the students' union,

*b)* shall not perform tasks as a senior executive officer, a member of the supervisory board or an auditor of a company which was established by the higher education institution or in which the higher education institution holds a participation.

(3) The approval of the statutes may be refused only if the proposed statutes are in violation of law or conflict with the higher education institution's rules for organisation and operation. The statutes and any amendments thereto shall be considered as having been approved if the senate has not expressed an opinion within the specified time limit.

(4) The higher education institution shall ensure the conditions for the operation and functioning of the students' union, and it shall be obliged to control the lawfulness of the use thereof and the legality of the operation of the student's union. The student's union may use, free of charge, the premises and equipment of the higher education institution for the performance of its tasks as long as it does not impede the operation of the higher education institution.

(5) In the event of the infringement of its rights set out in this Act, including the refusal of the approval of its statutes, the students' union may within thirty days of notification take the case to court on the grounds of violation of law or conflict with the rules of the higher education institution.

(6) The court shall give a decision in urgent, non-contentious proceedings. The court proceedings shall, on pain of being time-barred, be initiated within the specified time limit. The court may overturn the contested decision. The Budapest-Capital Administrative and Labour Court shall have jurisdiction for the proceedings. The submission of an application shall have suspensory effect on the enforcement of the decision.

(7) The students' union shall decide on its operation, the use of funds provided to enable its operation, the use of state aid and own revenues, the exercise of its competences, and setting up and maintaining an information system at the higher education institution. The students' union shall not be given instructions concerning its activities of interest representation.

## **Article 61**

(1) When the rules for organisation and operation are adopted and amended, the students' union shall exercise the right of consent in respect of the following:

*a)* rules on fees and allowances,

*b)* rules of student feedback on the performance of the academic teaching staff,

*c)* study and examination rules.

(2) The students' union shall contribute to obtaining feedback from students regarding the performance of the academic teaching staff and shall exercise the right of consent in respect of the use of funds for objectives related to youth policy and students.

(3) The students' union may express opinions and make proposals on all matters relating to students and the operation of the higher education institution. Higher education institutions shall define in their rules for organisation and operation the matters on which the students' union shall be consulted or shall take a decision.

(4) The students' union shall exercise its rights as set out in its statutes.

(5) The students' union shall receive a substantive reply to its proposals from the person or organisation competent to act within thirty days, or at the first meeting of the senate following the expiry of the thirty-day time limit, as appropriate.

### **37. The National Conference of Students' Unions**

#### **Article 62**

(1) With the exception provided for in Article 63, students shall be represented at national level by the National Conference of Students' Unions.

(2) The National Conference of Students' Unions shall be a legal person with statutes adopted by a body comprising the representatives of the students' unions, having its seat in Budapest and represented by its president. The National Conference of Students' Unions shall be entitled to use the coat of arms of Hungary.

(2a) The officers of the National Conference of Students' Unions

*a)* shall hold office for a total period of not more than four years, taking into account the terms of all offices held as an officer of the National Conference of Students' Unions,

*b)* shall not perform tasks as a senior executive officer, a member of the supervisory board or an auditor of a company which was established by the higher education institution or in which the higher education institution holds a participation.

(3) The National Conference of Students' Unions shall be registered by the educational authority. The legality of the activities of the National Conference of Students' Unions shall be overseen by the Public Prosecutor's Office. The reporting and accounting obligations of the National Conference of Students' Unions shall be governed by the rules applicable to other organisations as laid down in the act on accounting.

### **38. Doctoral students' unions, the Association of Hungarian PhD and DLA Students, the National Council of Student Research Societies**

#### **Article 63**

(1) At the institutional level, students participating in doctoral programmes shall be represented by the doctoral students' union working as part of the higher education institution. All doctoral students shall be members of the doctoral students' union and shall have the right to vote and to stand as a candidate in elections. Otherwise, the provisions of Article 60 (1) to (6) shall apply, as appropriate, to the operation of the doctoral students' union. The rights of consent, consultation and proposal set out in Article 61 shall be exercised by the doctoral students' union in respect of doctoral students.

(2) At national level, students participating in doctoral programmes at higher education institutions shall be represented by the Association of Hungarian PhD and DLA Students. The Association of Hungarian PhD and DLA Students shall be a legal person with statutes adopted by a body comprising the representatives of the doctoral students' unions, having its seat in Budapest and represented by its president. The Association of Hungarian PhD and DLA Students shall be entitled to use the coat of arms of Hungary. The Association of Hungarian PhD and DLA Students shall be registered by the educational authority.

(3) The National Conference of Students' Unions and the Association of Hungarian PhD and DLA Students shall invite to their meetings the representative of the Hungarian Rectors' Conference, who may attend in an advisory capacity.

(4) Students engaged in the work of student research societies and the lecturers and professors supporting them shall be brought together by the professional organisation called National Council of Student Research Societies. The National Council of Student Research Societies shall be responsible for representing and coordinating at national level the student research society movement, involving academic and artistic activities performed by students at higher education institutions, and for organising national academic and artistic fora for students. The operation of the National Council of Student Research Societies shall be subject to the organisational and operational rules adopted by it.

## ***PART FIVE***

### ***ORGANISATION AND GOVERNANCE OF HIGHER EDUCATION***

#### **Chapter XVII**

#### **CERTAIN STATE POWERS RELATING TO HIGHER EDUCATION**

### **39. Sectoral governance**

#### **Article 64**

(1) The Minister shall be responsible for the governance of the higher education sector, as provided for in this Act.

(2) The Minister shall have the following tasks in relation to the organisation of higher education:

*a)* ensuring the operation of

*aa)* the body responsible for the operation of the higher education information system, the educational authority, and the body responsible for the recognition of foreign certificates and diplomas,

*ab)* the office of the Commissioner for Educational Rights,

*b)* defining guidelines for teacher training,

*c)* forwarding the proposals for the appointment and dismissal of college rectors and college professors to the Prime Minister and the proposals for the appointment and dismissal of university rectors and university professors to the President of the Republic,

*d)* making proposals for statistical reporting,

*e)* ordering student competence assessments ,

*f)* launching higher education cooperation programmes aimed to support Hungarian-medium higher education in foreign countries.

(3) The Minister shall have the following tasks in relation to the development of higher education:

*a)* ensuring the preparation of plans for the development of the higher education system, including the medium-term development plan,

*b)* examining the problems arising in higher education in relation to education and training, ensuring the development of solutions, and creating the professional conditions for national student competence assessments ,

*c)* ensuring the organisational and financial conditions necessary for research in higher education,

*d)* supporting new education and training methods, solutions, forms of organisation, and institutional network developments,

*e)* reviewing the structure of tertiary vocational, bachelor and master programmes,

*f)* evaluating the relationship between higher education and the economy at least once every three years.

(4) The Minister shall consult the National Minority Council before taking decisions on minority programmes. If a national minority self-government initiates the creation of conditions for tertiary education in the mother tongue or tertiary mother-tongue education pursuant to the act on the rights of minorities, the Minister shall ensure the conditions, following the consideration of needs, by initiating the conclusion of an international agreement, drawing up a work plan or publishing a call for applications for tertiary studies in the country of origin or a call for proposals for ensuring the necessary conditions at Hungarian higher education institutions.

(5) At the initiative of the senate, the Minister shall grant national higher education scholarships to students with outstanding performance.

(6)

(7) Where the appointment of a college or university professor is proposed at the initiative of the Hungarian Academy of Sciences or, in the field of arts and sports, the Hungarian Academy of Arts and the Hungarian Olympic Committee, respectively, the Minister shall take action pursuant to point *c)* of paragraph (2) when the personal conditions set in Article 28(3) to (5) have been fulfilled.

## **Article 65**

(1) The Minister shall oversee the legality of the activities of maintainers of non-public higher education institutions.

(2) This power shall include the Minister's right to call on for the fulfilment of maintainer's obligations, allowing an appropriate time limit for compliance. If the maintainer fails to take action within the specified time limit, the Minister may initiate judicial proceedings for the establishment of the maintainer's failure to fulfil obligations.

(3) Judicial proceedings shall be initiated within thirty days from the expiry of the specified time limit. If the court confirms the existence of an infringement and the maintainer fails to put an end to it within the time limit set by the court, the court shall, at the initiative of the Minister, establish that the conditions exist for the dissolution of the higher education institution.

(4) As a result of a legality check, the Minister may suspend the higher education institution's right to organise examinations if the request provided for in paragraph (2) fails to bring a result. Simultaneously with the suspension, the Minister shall initiate judicial proceedings, requesting the establishment of the maintainer's failure to act by the court. The Minister's decision shall address the questions of how the students concerned can continue their studies and take their examinations.

(5) The Act on Administrative Procedure shall apply to the procedures defined in this Article, as appropriate. The educational authority shall be involved in the procedures. The court proceedings referred to in paragraphs (3) and (4) shall be governed by Chapter XX of Act III of

1952 on the Code of Civil Procedure. The court may overturn the contested decision, which shall be assessed under the urgent procedure.

### **Article 66**

(1) The Minister shall oversee the legality of activities which belong to the educational core activities of higher education institutions and are performed by natural persons, legal persons and organisations without legal personality in the territory of Hungary, in order to ensure that such activities are not performed in the absence of the conditions (for authorisation, operation) set out in this Act. Upon the decision of the Minister, the educational authority shall participate in inspections.

(2) Those performing higher education activities without authorisation shall be disqualified from the pursuit of such activities, by way of a ministerial decision to be made public, and shall be required to pay a fine the amount of which shall range from five times the mandatory lowest remuneration for full-time work (minimum wage) to two hundred and fifty times the minimum wage.

(3) When adopting the above decision and determining the amount of fine, the Minister shall consider in particular the following:

*a)* in respect of the activity referred to in paragraph (1):

*aa)* the duration of the activity,

*ab)* the territory covered by the activity,

*ac)* whether the offence has been repeated despite disqualification from the pursuit of the activity,

*b)* the number of persons involved in the activity referred to in paragraph (1).

(4) The Act on Administrative Procedure shall apply to the procedures defined in this Article. The decision of the Minister shall be subject to judicial review in accordance with Chapter XX of Act III of 1952 on the Code of Civil Procedure. The court may overturn the contested decision, which shall be assessed under the urgent procedure.

## **40. Registration tasks and procedures relating to the operation of higher education institutions**

### **Article 67**

(1) The educational authority shall

*a)* maintain a public register containing personal data subject to disclosure due to overriding public interest, as well as other data which do not constitute personal data specified by the law, included in the founding charters of higher education institutions or specified in Part II/A of Annex 3,

*b)* decide on the registration of public benefit status for higher education institutions that are not budgetary units, and

*c)* register the Higher Education Planning Board, the Hungarian Rectors' Conference, the Hungarian Accreditation Committee (hereinafter referred to as "HAC"), the National Conference of Students' Unions, the Association of Hungarian PhD and DLA Students, the Hungarian Doctoral Council, and the maintaining bodies provided for in Article 95/A,

*d)* maintain, in accordance with Annex 7, the register of language examination records, which shall constitute an official public register in respect of the data specified in subpoints *b)* and *c)* of point 1 of Annex 7.

(2) The educational authority shall perform the official tasks relating to the registration of higher education institutions and community based higher education centres, the commencement and amendment of their activities, recording changes in their registered data, and their deletion from the register.

(3) The educational authority shall proceed in matters relating to

*a)* the authorisation of the operation of higher education institutions and community based higher education centres, as well as the five-yearly review of their operating authorisations,

*b)* changes in the data included in the founding charter,

*c)* the launch of programmes,

*d)* the determination and modification of the maximum number of students to be admitted,

*e)* the establishment of doctoral schools,

*f)* the dissolution of doctoral schools,

*g)* the registration of student residences,

*h)* the registration of colleges for advanced studies in higher education.

(4) In the procedures set out in points *a)* and *e)* of paragraph (3) and, in cases involving the launch of a bachelor, master or tertiary vocational programme, the procedure carried out under point *c)* of paragraph (3), the educational authority shall consult the HAC. The expert opinions given by the HAC in the procedure carried out under point *c)* of paragraph (3) in relation to the launch of a master programme and in the procedure under point *e)* of paragraph (3) shall be binding upon the educational authority. The Minister shall be responsible for deciding on appeals against the decisions of the educational authority.

(4a) In the procedure provided for in point *a)* of paragraph (3) and Article 8(2), the HAC shall deliver expert opinions by taking into account the Standards and Guidelines in the European Higher Education Area (hereinafter referred to as “ESG”). The decision of the educational authority shall include the expert statement of the HAC on compliance with the ESG.

(4b) In the procedure under point *e)* of paragraph (3) and, in cases involving the launch of a bachelor, master or tertiary vocational programme, the procedure carried out under point *c)* of paragraph (3), the higher education institution may propose an expert other than the one specified in paragraph (4), provided that it is a full member of the European Association for Quality Assurance in Higher Education. In such case, the educational authority shall invite the organisation proposed by the higher education institution, and not the HAC, to provide an expert opinion, in accordance with the requirements set out in paragraph (4), with the stipulation that a person who has already participated in the procedure as an expert shall not be involved in the provision of another expert opinion by the same organisation under the same procedure, in respect of the same person or subject-matter.

(5) In the procedure provided for in point *c)* of paragraph (3), authorisation shall be given to a bachelor or master programme to be offered in Hungary only if it is to be delivered at the places defined in points *a)*, *b)* and *d)* of Article 14(2a).

(6) For adopting a decision, the educational authority or the Minister may obtain an independent expert opinion or arrange for international comparative studies to be conducted.

(7) In the procedures set out in this Article, applicants shall pay an administrative service fee as provided for in specific legislation.

## **Article 67/A**

For the purpose of performing the duties and exercising the powers set out in this Act, the Minister shall have a right of access to the data kept in the higher education information system and by the body responsible for keeping records on the fulfilment of conditions for Hungarian state scholarships, as set out Annexes 3 and 5.

## Article 68

(1) The educational authority shall

*a)* carry out regulatory inspections to examine the legality of the operation of the registered higher education institutions,

*b)* participate in the legality checks carried out by the Minister.

(2) As a result of the regulatory inspections referred to in point *a)* of paragraph (1), the educational authority may

*a)* initiate action by the maintainer,

*b)* propose a legality check by the Minister pursuant to Article 65,

*c)* impose a supervisory fine the amount of which shall range from hundred percent of the mandatory lowest remuneration for full-time work (minimum wage) to fifty times the minimum wage,

*d)* inform the competent authorities of the home country about the results of inspections carried out in respect of foreign higher education institutions.

(3) Higher education institutions shall only use the mandatory forms defined in the decree implementing this Act, as approved by the educational authority in accordance with the applicable government decree. The production and distribution of the approved forms on which the diplomas and diploma supplements are made out shall be subject to authorisation by the educational authority.

(4) The Act on Administrative Procedure shall apply to the procedures and regulatory inspections provided for in Article 67 and paragraphs (1) to (3) of this Article.

(5) The administrative time limit shall be

*a)* four months in the procedure for the issue of an operating authorisation for a higher education institution;

*b)* six months in the procedure for the review of the operating authorisation of a higher education institution;

*c)* seven months in the procedure for the review of the operating authorisation of a foreign higher education institution;

*d)* one hundred and twenty days, including the procedure of the educational authority, in the case of the legality checks carried out under Articles 65 and 66;

*e)* ninety days in the case of the regulatory inspections carried out under point *a)* of Article 68(1);

*f)* two months in the procedure for the registration of a student residence;

*g)* two months in the procedure for the registration of a higher education institution.

(6) In procedure for the review of the operation of a community based higher education centre, the time limit specified in point *b)* of paragraph (5) shall be applicable.

(7) In cases where decision on the merits of the case depends on prior judgement in a matter which gave rise to criminal proceedings, the proceeding authority shall stay the regulatory procedure carried out under in this Act until the criminal proceedings are concluded with a final decision.

## **Article 69**

(1) The rector of the higher education institution shall obtain an expert opinion from the HAC before making a proposal for the award of the title of college or university professor in relation to a position to be occupied.

(2) The rector of the higher education institution shall make a proposal for the appointment of a university professor following consideration of the expert opinion and shall send the proposal together with the expert opinion to the maintainer of the higher education institution. In the case of non-public higher education institutions, the maintainer shall send the rector's proposal together with the expert opinion delivered by the HAC and the maintainer's own position to the Minister.

(3) The Minister shall obtain an additional expert opinion from the HAC in cases where the proposal of the rector of the higher education institution is not in line with the expert opinion of the HAC. If the proposal of the rector of the higher education institution is in line with the expert opinion of the HAC, the Minister shall initiate the appointment of the university professor by the President of the Republic. If the proposal of the rector of the higher education institution is not in line with the expert opinion of the HAC, the Minister may consider whether or not to initiate the appointment of the university professor by the President of the Republic.

(4) In addition to what is set out in the relevant laws, the HAC shall evaluate the teaching, academic, artistic and sport-related performance of the candidate in the procedure carried out under paragraph (1).

## **Chapter XVIII**

### **BODIES INVOLVED IN THE EXERCISE OF STATE POWERS**

#### **41. The Hungarian Accreditation Committee**

##### **Article 70**

(1) The HAC is an independent national expert body established for the purposes of the external evaluation of the quality of educational, academic, research and artistic activities performed in higher education and the internal quality assurance systems operated by higher education institutions, and the provision of expert services in the procedures related to higher education institutions, as provided for in this Act.

(1a) The HAC shall be a legal person. The HAC shall be established upon entry into the official register maintained by the educational authority in the framework of the higher education information system, shall have its seat in Budapest, and its president shall be empowered to represent it. The HAC shall be a public benefit organisation without its public benefit status being registered.

(1b) The HAC shall draw up its rules for organisation and operation, which shall be approved by the Minister. The HAC shall send the rules for organisation and operation for approval to the Minister not later than the fifteenth day following its adoption. The Minister shall not refuse to approve the rules, unless the proposed rules are in violation of law.

(1c) The reporting and accounting obligations of the HAC shall be governed by the rules applicable to other organisations as laid down in the act on accounting.

(2) The HAC shall ensure access to information on the applied professional evaluation criteria, the content of the adopted expert opinions and positions, and the identity of the experts involved, which shall constitute data subject to disclosure due to overriding public interest. The evaluation criteria of the HAC shall apply, irrespective of the maintainer, uniformly across the entire Hungarian higher education sector.

(3)

### **Article 71**

(1) The HAC shall comprise twenty members. Nine members shall be delegated by the Minister, two by the Hungarian Academy of Sciences, one by the Hungarian Academy of Arts, three by the Hungarian Rectors' Conference, two by ecclesiastical legal persons maintaining higher education institutions, and one by the Hungarian Chamber of Commerce and Industry, the National Conference of Students' Unions, and the Association of Hungarian PhD and DLA Students each. With the exception of the members delegated by the Association of Hungarian PhD and DLA Students and the National Conference of Students' Unions, all members shall hold academic qualifications. When delegating members, the delegating parties shall hold consultations with a view to ensuring the proportionate representation of major disciplines. Members of the Higher Education Planning Board, rectors, chancellors, civil servants, government and public officials shall not be members of the HAC.

(2) The president of the HAC shall be elected from its members on the basis of the joint proposal of the Minister and the president of the Hungarian Academy of Sciences. The president shall be appointed by the Prime Minister.

(3) The HAC shall elect officers from among its members and shall determine its rules of operation.

(4) The delegated members shall be appointed by the Prime Minister, based on the proposal of the Minister. Appointments may be renewed once. With the exception of the members delegated by the Association of Hungarian PhD and DLA Students and the National Conference of Students' Unions, members shall be appointed for a term of six years. The Prime Minister shall appoint the members delegated by the Association of Hungarian PhD and DLA Students and the National Conference of Students' Unions for a term of two years.

(5) The HAC shall set up a three-member Review Board within its organisation in order to ensure that the tasks relating to the delivery of an additional opinion concerning the same person or subject-matter in any given procedure, as provided for in Articles 67 and 69, are performed on the basis of unbiased and objective criteria. The members of the Review Board shall be delegated by the Minister, and their appointment and conflicts of interest shall be subject to the same rules as those applicable to the members of the HAC, except that persons who were members of the HAC in the three-year period preceding their appointments shall not be members of the Review Board.

### **Article 71/A**

(1) The legality of the activities of the HAC shall be overseen by the Minister.

(2) Ensuring legality shall include checking compliance with the rules of organisation and operation and the founding charter of the HAC, as well as the legality of such documents and the operation of the HAC.

(3) As a result of the legality checks provided for in paragraph (2), the Minister may call on the head of the HAC to restore the legality of operation, correct an infringing decision or take the necessary action, allowing an appropriate time limit for compliance.

(4) The president of the HAC shall be obliged to restore the legality of operation and to take the necessary action. Measures and decisions objected to by the Minister shall not be implemented.

(5) If the president of the HAC fails to comply with the request within the specified time limit, the Minister may initiate judicial proceedings, or the president of the HAC may seek judicial remedy against the Minister.

(6) The judicial proceedings referred to in paragraph (5) shall, on pain of being time-barred, be initiated within thirty days from the expiry of the time limit without any result or the notification of the request.

(7) The Budapest-Capital Administrative and Labour Court shall have jurisdiction for the proceedings. The court shall give a decision in urgent, non-contentious proceedings.

### **Article 71/B**

(1) Upon the request of the educational authority, the HAC shall provide expert opinions in procedures for

- a)* the authorisation of the operation of higher education institutions,
- b)* the review of the operating authorisations of higher education institutions,
- c)* the launch of tertiary vocational, bachelor and master programmes by higher education institutions,
- d)* the establishment of doctoral schools,
- e)* the authorisation of the operation of foreign higher education institutions in Hungary.

(2) The time limit for delivering the expert opinion shall be ninety days.

(3) In the procedures for the review of the operating authorisations of higher education institutions, the HAC may use its expert opinions delivered previously.

## **42. Professional bodies of higher education institutions**

### **Article 72**

(1) The Hungarian Rectors' Conference is a consultative body with legal personality, entitled to represent higher education institutions and to protect their interests, having its seat in Budapest and represented by its president. The legality of the activities of the Hungarian Rectors' Conference shall be overseen by the Public Prosecutor's Office. The Hungarian Rectors' Conference shall be registered by the educational authority. The reporting and accounting obligations of the Hungarian Rectors' Conference shall be governed by the rules applicable to other organisations as laid down in the act on accounting. The Hungarian Rectors' Conference shall be a public benefit organisation without its public benefit status being registered.

(2) The members of the Hungarian Rectors' Conference shall comprise the rectors of higher education institutions.

(3) The Hungarian Rectors' Conference shall, in its statutes, determine its rules of operation, and elect its officers and the persons empowered to represent it. The Hungarian Rectors' Conference shall be entitled to use the coat of arms of Hungary.

(4) The economic and administrative conditions for the operation of the Hungarian Rectors' Conference shall be ensured by the higher education institutions.

(5) The Hungarian Doctoral Council is a body comprising the chairs of the doctoral councils of higher education institutions, tasked with formulating positions on questions related to doctoral programmes and the award of doctoral degrees and laying down, in consultation with the Association of Hungarian PhD and DLA Students, the principles governing the organisation of the comprehensive examinations. The Hungarian Doctoral Council shall define the principles of a quality and performance based distribution among higher education institutions of doctoral students admitted for programmes funded through full or partial Hungarian state scholarships.

(6) The Hungarian Doctoral Council shall be a legal person. The Hungarian Doctoral Council shall be established upon entry into the official register maintained by the educational authority in the framework of the higher education information system, and its president shall be empowered to represent it. The Hungarian Doctoral Council shall be a public benefit organisation without its public benefit status being registered. The founding charter of the Hungarian Doctoral Council shall be issued by the Minister.

(7) The Hungarian Doctoral Council shall operate in accordance with its rules of procedure, developed and adopted by the Hungarian Doctoral Council on condition that the president of the Hungarian Doctoral Council shall send the rules of procedure for approval to the Minister not later than the fifteenth day following its adoption. Following the approval of the rules of procedure, the educational authority shall enter the Hungarian Doctoral Council into the official register. The legality of the activities of the Hungarian Doctoral Council shall be overseen by the Minister.

(8) The reporting and accounting obligations of the Hungarian Doctoral Council shall be governed by the rules applicable to other organisations as laid down in the act on accounting.

## Chapter XIX

### MAINTAINER CONTROL

#### **43. Exercise of the maintainer's rights**

##### **Article 73**

(1) Maintainer control shall be exercised by the entity ensuring the conditions necessary for the operation of the higher education institution in accordance with this Act. Unless otherwise provided in this Act, the rights and obligations related to maintainer control shall be the same, irrespective of the entity that exercises such rights and fulfils such obligations.

(2) The rights of the maintainer of a higher education institution may be transferred to another entity entitled to exercise such rights by way of an agreement taking effect on the day that the educational authority's decision on registration becomes final. If the transfer does not affect the activities and operation of the higher education institution, the educational authority shall examine whether the new maintainer has in place the conditions necessary for the continuous operation of the higher education institution. Changes in the maintainer's right shall not affect the recognition of the higher education institution by the state or the rights and obligations of students.

(3) The maintainer shall

a) have competence to issue and amend the founding charter of the higher education institution, by way of a measure not subject to consent within the meaning of Act CXCV of 2011 on public

finances (hereinafter referred to as “Act on Public Finances”) in the case of public higher education institutions;

*b)* communicate the budget amounts (totals) of the higher education institution and evaluate its annual accounts drawn up in accordance with the applicable accountancy provisions;

*c)* review

*ca)* the rules for organisation and operation of the higher education institution,

*cb)* the institutional development plan of the higher education institution,

*cc)* the budget of the higher education institution;

*d)* monitor

*da)* the management of the higher education institution and the legality and efficiency of its operation,

*db)* the effectiveness of professional work;

*e)* initiate the appointment and dismissal of the rector and exercise the employer’s rights over the rector,

*f)* in the case of non-public higher education institutions, appoint and dismiss the chief financial officer;

*g)* in the case of higher education institutions operating as budgetary units, ensure the audit of the annual accounts to be drawn up by budgetary units;

*h)* give consent to the following, as a necessary condition thereof:

*ha)* the establishment of titles and awards falling within the sphere of the higher education institution’s competence if it entails the disbursement of regular payments; the disbursement of regular payments on the grounds of awards and titles established by the higher education institution,

*hb)* the annual plan of educational activities, in particular the programmes launched by the higher education institution, the modes of study, and the planned student capacity of programmes;

*i)* have a right of access to the academic, management and other registered data of the higher education institution in accordance with Annex 3 for the purpose of checking its operation and management;

*j)* approve the costs of programmes determined by the higher education.

(4) The maintainer shall review the rules for organisation and operation in order to ensure consistency, completeness, legality and compliance with the requirement of effectiveness.

(5) Ensuring legality shall include checking compliance with the institutional documents, as well as the legality of the institutional documents, the operation of the higher education institution and its decision making.

## **Article 74**

(1) As a result of the control activities performed, the maintainer may call on the head of the higher education institution to correct an infringing decision or take the necessary action, allowing an appropriate time limit for compliance.

(2) The maintainer shall evaluate the effectiveness of professional work and the efficiency of operation on the basis of the annual accounts drawn up by the higher education institution in accordance with the applicable accountancy provisions and, where appropriate, shall initiate action, allowing an appropriate time limit for compliance.

(3) The higher education institution shall forward to the maintainer its rules for organisation and operation, institutional development plan, budget, as well as any amendments thereto, within

fifteen days of the related decision of the senate. Decisions leading to any departure from the budget of the higher education institution shall be notified to the maintainer prior to adoption. The maintainer may require notification of other decisions of the senate as well. Public higher education institutions shall send, for information, the institutional development plan, the budget and any amendments thereto to the minister responsible for the supervision of public assets and the minister in charge of public finances as well.

(4) The maintainer may send the higher education institution observations regarding the budget of the higher education institution and its implementation schedule within thirty days, the rules for organisation and operation within sixty days and the institutional development plan within ninety days from the date on which the relevant document was sent. These time limits may be extended once by not more than thirty days. In the event of any disagreement with the budget, the rules for organisation and operation or the institutional development plan of the higher education institution, the maintainer shall send the relevant document back to the higher education institution, initiating its revision within an appropriate time limit.

(4a) In order to ensure compliance with Article 73(5), the maintainer may carry out further checks, require the higher education institution to submit reports or information, or send requests or objections to the higher education institution regarding its operation.

(5) The higher education institution shall be obliged to meet the requests and objections of the maintainer. The higher education institution shall not implement a decision or measure that has been objected to.

## **44. Framework of control exercised by the maintainer**

### **Article 75**

(1) The maintainer shall exercise control without prejudice to the higher education institution's autonomy in matters such as the academic subject and content of education and research. Upon the decision of the senate of the higher education institution, the rector may seek judicial remedy against the maintainer's decision within thirty days of the notification thereof, requesting the court to establish that the autonomy of the higher education institution, which is to be ensured pursuant to this Act, has been prejudiced by the maintainer's decision. The court shall give a decision in urgent, non-contentious proceedings. The judicial proceedings shall, on pain of being time-barred, be initiated within the specified time limit. The court may overturn the decision of the maintainer. The Budapest-Capital Administrative and Labour Court shall have jurisdiction for the proceedings.

(2) In the case of public higher education institutions, the maintainer shall

*a)* determine the emoluments of the rector and the chancellor,  
*b)* approve the job description of the rector, excluding the part concerning academic teaching and research tasks, and the job description of the chancellor.

(2a) In cases where the rector is prevented from performing his or her duties or is involved in the case concerned, and when the office of the rector is temporarily vacant, the vice-rector entitled to replace the rector shall act as head of the higher education institution and chair of the senate.

(3) In the case of public higher education institutions, the decisions of the educational authority adopted on the matters set out in points *b)* and *d)* of Article 67(3) shall not be subject to appeal.

(4) In the case of public higher education institutions,

*a)*

*b)* the right to appoint and dismiss the chief internal auditor shall be exercised by the chancellor with the prior consent of the maintainer.

(5) In the case of public higher education institutions, any decision adopted by the maintainer under point *a)* of Article 73(3) shall be notified in advance to the minister in charge of public finances, who may raise objections against measures related to the founding charter within fifteen days from the receipt of the notification sent by the maintainer. A measure shall not be implemented if it has been objected to. If the time limit expires without any objections raised, the consent of the minister in charge of public finances shall be presumed to have been given.

(6)

## ***PART SIX***

### ***PROVISIONS WITH INTERNATIONAL RELEVANCE***

#### **Chapter XX**

#### **FOREIGN HIGHER EDUCATION INSTITUTIONS IN HUNGARY AND HUNGARIAN HIGHER EDUCATION INSTITUTIONS ABROAD**

#### **45. Operation of foreign higher education institutions in Hungary**

##### **Article 76**

(1) A foreign higher education institution may deliver programmes leading to a diploma in the territory of Hungary if it qualifies as a state-recognised higher education institution in its home country, the programme to be delivered in the territory of Hungary (and the diploma awarded for its completion) is equivalent to a programme leading to a tertiary degree (diploma) recognised by the state, and its operation has been authorised by the educational authority. The educational authority shall revoke its decision on the operating authorisation if the higher education institution or the programme subsequently fails to comply with these conditions.

(2) The issue of the operating authorisation may be refused on the grounds of the expert opinion obtained by the educational authority from a higher education accreditation organisation if it allows the establishment that the operating and study conditions applicable in the home country significantly differ from those applied in Hungary. The expert opinion shall cover the human resources, material conditions and quality of the programme concerned.

(3) The operating authorisation may be refused if the completed studies attested by the foreign diploma cannot be recognised in Hungary. Foreign higher education institutions holding an operating authorisation shall be registered by the educational authority. The Minister shall exercise the powers set out in Article 65 and 66 over the operation of foreign higher education institutions. The educational authority shall review operating authorisations at least every five years in order to confirm compliance with the conditions set out in paragraphs (1) and (2) and this paragraph. In cases where the completed studies attested by the foreign diploma awarded by a foreign-based higher education institution cannot be recognised in Hungary, the institution concerned shall inform applicants thereof clearly and justifiably, and the educational authority shall check compliance with this requirement.

(4) In its procedure, the educational authority may request the foreign higher education institution to submit certified copies or certified translations into Hungarian of the documents which prove compliance with the conditions set out in paragraphs (1) and (2). The educational authority shall publish on its website a list of the languages where non-certified translations into Hungarian are also accepted.

(5) Unless otherwise provided by law, the rules of the home state shall apply to the establishment of foreign higher educations, the educational and research activities performed by them, the supervision of such activities, the operation of foreign higher educations, and the definition of the conditions for admission.

(6) Foreign higher education institutions awarding a foreign diploma, as referred to in paragraph (1), may be established and operate in Hungary under an international agreement. The educational authority shall register such higher education institutions ex officio and, in the absence of provisions to the contrary in the international agreement promulgated in a law, the provisions concerning the supervision of the legality of higher education institutions shall apply.

(7) Unless otherwise provided for by the international agreement promulgated in a law, foreign higher education institutions operating in the territory of Hungary shall not have students funded through full or partial Hungarian state scholarships.

(8) The higher education institutions regulated in this Article shall be required to register in and supply data to the higher education information system. The educational authority shall keep a register of foreign higher education institutions authorised to operate in Hungary, which shall be published annually, in December, in the official journal of Hungary and on the website of the ministry headed by the Minister.

## **Article 77**

(1) Article 76 shall apply to higher education institutions established in EEA states subject to the derogations laid down in paragraphs (2) and (3) of this Article.

(2) The issue of the authorisation necessary for the commencement of the operation of a higher education institution established in another EEA state shall not be refused on the grounds of not meeting the condition of equivalence set in Article 76(3).

(3) Service providers having a right to the free provision of services pursuant to the act on the general rules on the taking up and pursuit of service activities shall notify the educational authority of their intention to perform higher education activities in the framework of a transnational provision of services. The educational authority shall register a service provider having a right to the free provision of services if the service provider complies with the condition set in in Article 76(1).

(4) The educational authority shall register the launch by a Hungarian higher education institution of a state-recognised bachelor or master programme, or an equivalent two-cycle programme, not qualifying as a joint programme, of a higher education institution recognised by a state which is a party to the Agreement on the European Economic Area or the Convention on the Organisation for Economic Cooperation and Development (OECD), if there is an agreement between the foreign and the Hungarian higher education institutions involved in the organisation of the programme in which the foreign higher education institution has agreed to award a foreign diploma for the completion of the programme delivered by the Hungarian higher education institution. The conditions set out in Article 76(5) and (7) shall apply to the programme, the rights and obligations of those participating in it, the educational activity and the supervision thereof, and the definition of the conditions for admission.

## **46. Programmes delivered by Hungarian higher education institutions outside the territory of Hungary and the rules governing joint programmes**

### **Article 78**

(1) Hungarian higher education institutions may deliver off-site programmes outside the territory of Hungary, as set out in the applicable government decree, if the law of the given country allows it. Article 67(4) shall apply to the registration of such programmes.

(2) The Hungarian state may provide contribution to the operation of the higher education institutions referred to in paragraph (1) in the form of funding, as set out in the applicable law, pursuant to an international agreement, in accordance with a work plan, through a call for applications or under an agreement. It shall be the Minister who announces the call for application or concludes the agreement.

(3) A Hungarian higher education institution and a foreign higher education institution may offer a joint programme leading to the award of a Hungarian diploma and a foreign diploma or a joint diploma if all of the following conditions are fulfilled:

*a)* the higher education institutions involved qualify as state-recognised higher education institutions in their respective home states,

*b)* the awarded diploma qualifies as a higher education diploma pursuant to the national laws of the countries concerned,

*c)* both the Hungarian and the foreign higher education institutions are authorised to launch programmes in a field of study or discipline that can be considered as equivalent to the field of study or discipline in which the joint programme covered by the agreement is launched,

*d)*

*e)* students are required to collect at least thirty credits at the Hungarian higher education institution authorised for launching the programme concerned.

(4) In the case of programmes defined in paragraph (3), the authorisation of the operation of the foreign higher education in Hungary shall not be necessary.

(5) The educational authority shall register the agreement and the programme in accordance with the general rules applicable to launching programmes.

## **Chapter XXI**

### **HUNGARIAN NATIONALS STUDYING ABROAD AND FOREIGN NATIONALS STUDYING IN HUNGARY**

## **47. Funding for studies abroad**

### **Article 79**

(1) Hungarian nationals shall not need permission to study at a higher education institution abroad.

(1a) In connection with their studies at a state-recognised foreign higher education institution, Hungarian nationals may during the period of student status with the foreign higher education institution establish an employment relationship with an employer based in Hungary once, for a

period of up to twelve weeks, under the conditions set out in point *a*) of Article 44(1), Article 44(2), point *a*) of Article 44(3) and Article 44(3a), in order to gain professional experience.

(2) The ministry headed by the Minister may provide assistance to studies pursued at a state-recognised foreign higher education institution by granting a scholarship.

(3) For Hungarian nationals who belong to a minority, the ministry headed by the Minister shall facilitate participation in tertiary education in the mother tongue by granting a scholarship through an application procedure.

(4) Hungarian nationals who participate in a programme leading to a diploma at a state-recognised higher education institution in an EEA state may borrow a student loan.

(5) Those pursuing studies abroad in accordance with this Article may be entitled to a student identity card.

(6) The Government shall lay down the rules governing the call for and assessment of applications under the procedure referred to in paragraph (3), the application for a student loan and the disbursement and clearance thereof, as well as the application for a student identity card and the issue thereof, with the stipulation that the consent of the national minority self-government shall be necessary for the call for and assessment of applications under the procedure referred to in paragraph (3).

## **48. Rules governing the acquisition of student status and the pursuit of studies**

### **Article 80**

(1) The recognition of diplomas and certificates of secondary education awarded by foreign educational institutions authorised to operate in foreign countries or in Hungary shall be governed by the provisions of Act C of 2001 on the recognition of foreign certificates and diplomas (hereinafter referred to as “Act on Recognition”).

(2) The provisions of this Act shall apply to studies pursued by non-nationals in Hungary subject to the following derogations:

*a*) those who are not domiciled in the territory of the country shall obtain a permit for entry and residence, as specified in a separate law, before the acquisition of student status,

*b*) with the exception of those referred to in points *b*) and *c*) of Article 39(1), students listed in Article 39(1) and participating in a programme funded through a full or partial Hungarian state scholarship shall be eligible for any grant based on social needs or any other scholarship, social aid, textbook or course book allowance or housing assistance only under an international agreement, law, work plan or the principle of reciprocity,

*c*) assistance to the pursuit of studies may be granted from the budget, in the form of a scholarship awarded through an application procedure,

*d*) non-nationals may participate in preparatory courses, and hold student status, for up to two semesters before the commencement of studies in higher education,

*e*) pursuant to an international agreement, students receiving a scholarship under a scholarship programme run by the Minister shall not be required to fulfil the special conditions laid down in this Act in relation to full and partial Hungarian state scholarships during the period of such scholarship funding.

(3) The Minister shall determine the number of those persons referred to in *f*) of Article 39(1) who may participate in programmes funded through full or partial Hungarian state scholarships granted through an application procedure announced by the Minister.

(4) Persons covered by the Act on Preferential Treatment, and holding student status with a foreign higher education institution, may participate in courses at a Hungarian higher education institution in the framework of a programme funded through a full or partial Hungarian state scholarship for up to two semesters on any single occasion.

(5) Foreign nationals claiming to be Hungarians, but not domiciled in Hungary, may participate in preparatory courses in Hungarian, and hold student status, for up to two semesters before the commencement of studies in higher education, irrespective of having Hungarian nationality.

(6) Students covered by the Act on Preferential Treatment and participating in a programme funded through a full or partial Hungarian state scholarship, or a self-funded programme, may apply for a full or partial reimbursement of the costs of their stay and study in Hungary through an application procedure provided for in a specific law.

(7) The Government shall lay down the rules of funding the studies of foreign nationals in Hungary and the studies of Hungarian nationals abroad, which may provide for an extension of the period of funding specified in this Act by not more than two semesters in the case of persons participating in preparatory courses.

## ***PART SEVEN***

### ***FUNDING FOR AND ASSET MANAGEMENT IN HIGHER EDUCATION***

#### **Chapter XXII**

#### **SERVICES AVAILABLE FREE OF CHARGE AND AGAINST PAYMENT OF FEES**

#### **49. Services available free of charge in the framework of programmes funded through full or partial Hungarian state scholarships**

##### **Article 81**

(1) Students may use the following services in the framework of programmes funded through full or partial Hungarian state scholarships:

*a)* lectures, seminars, consultations, practical courses and field studies, if taken for the first time, assessments and examinations, including the first repetition of unsuccessful assessments and examinations, the completion of the final examination or the procedure for obtaining a doctoral degree during the period of student status, as required for the fulfilment of the educational and academic requirements defined in the educational programme, or for obtaining a diploma, or the final certificate in a doctoral programme,

*b)* courses and sessions offered by colleges for advanced studies,

*c)* access to the higher education institution's facilities, such as libraries, core library services, laboratories and IT, sports and leisure facilities, and its equipment, used in relation to services available free of charge,

*d)* working clothes, personal protective equipment (protective clothing) and sanitary products provided for the practical training included in tertiary vocational programmes, or protective equipment (protective clothing) and sanitary products in the case of other programmes,

*e)* student counselling,

f) initial issue of all documents awarded for the completion of the programme or the procedure for obtaining a doctoral degree, unless more favourable conditions are laid down in the government decree applying to the student.

(2) Unless otherwise provided by law, higher education institutions shall not require students participating in programmes funded through full or partial Hungarian state scholarships to pay administrative service fees (e.g. enrolment fee).

(3) Students participating in programmes funded through full or partial Hungarian state scholarships may receive scholarship, in accordance with paragraph (4), from their home institution, for the period of courses taken at another higher education institution in an EEA state, if such courses may count toward the programme pursued at the Hungarian higher education institution.

(4) Students shall be eligible for the scholarship referred to in paragraph (3) only if the studies abroad are commenced with the consent of the home institution.

(5) The scholarship referred to in paragraph (3) shall be provided from the funding for programmes. Decisions on granting such scholarship shall be made on the basis of an open application procedure.

## **50. Services available against the payment of a fee in the framework of programmes funded through full or partial Hungarian state scholarships**

### **Article 82**

(1) The following services shall be available to students against the payment of a fee in the framework of programmes funded through full or partial Hungarian state scholarships:

a) delivery of courses in languages other than Hungarian, on the request of students, if such courses are defined in the curriculum of a bachelor or master programme in Hungarian, and are normally delivered in Hungarian,

b) anything produced by using the assets of the higher education institutions and provided to students by the higher education institution if it subsequently becomes the property of the student (e.g. reproduced documents),

c) access to the higher education institution's facilities (libraries, laboratories and IT, sports and leisure facilities) and equipment, used outside the context of services available free of charge,

d) courses resulting in available credits beyond the credit value required or to be provided by the higher education institution on a mandatory basis.

(2) The higher education institution may impose payment obligations in its study and examination rules on those who retake an examination in the same subject three or more times or take the same lecture, seminar, consultation, practical course or field study twice, and in its rules on fees and allowances on those who fail to meet their obligations set out in the study and examination rules, or fulfil those obligations with a delay. The amount to be paid shall in no case exceed five percent of the mandatory lowest remuneration for full-time work (minimum wage).

(3) The rules for the determination of the fees charged pursuant to paragraphs (1) and (2) shall be laid down in the rules on fees and allowances, with the stipulation that the total amount of fees payable, excluding the fee for the services referred to in point a) of paragraph (1), shall not exceed half of the costs to be covered by a self-funding student.

(4) Article 81 and paragraphs (1) to (3) shall apply to students funded through full or partial Hungarian state scholarships even when studying as a guest student.

## Chapter XXIII

### OBLIGATION TO PAY COSTS

#### **51. Services available to self-funding students against the payment of costs or fees**

##### **Article 83**

(1) Self-funding students shall pay the costs of the services set out in Article 81 (1) and (2) and pay fees for the services listed in Article 82 (1) and (2).

(2) The determination of the fees charged shall be governed by the rules on fees and allowances, on the basis of which the student and the higher education institution shall lay down the amount payable in an agreement.

(3) As set out in the rules for organisation and operation, a proportionate amount of the costs paid shall be reimbursed to students who give notice of the termination or suspension of student status before the date specified in the rules for organisation and operation.

(4) The rules for organisation and operation shall contain the rules which form the basis of the rector's decision, in the case of students participating in self-funded programmes, on the benefits due on the basis of academic results, or available on the basis of social needs, and the permission for payment in instalments.

(5) The higher education institutions may enter into agreements on granting student status with the persons identified by a contracting party. Under such agreement, student status may only be granted to those who otherwise comply with the conditions laid down in this Act. The agreement shall stipulate that the contracting party is to cover all costs related to the studies of the student concerned.

## Chapter XXIV

### THE PRINCIPLES OF FINANCING HIGHER EDUCATION

#### **52. The purpose of funding for higher education**

##### **Article 84**

(1) Funding for the operation of higher education institutions shall be ensured by their maintainers. The funding provided by the state for higher education shall be determined by the act on the annual budget. The system of state funding provided to support the operation of higher education institutions shall be defined by the Government. Funding may also be provided to higher education institutions through an application procedure or under an agreement.

(2) The purpose of funding provided by the state is to ensure

- a) the payment of student allowances,
- b) the performance of educational activities,
- c) scientific development,
- d) the performance of maintainer's tasks,
- e) sports activities for students,

- f)* the performance of certain specific higher education tasks,
- g)* the provision of support for higher education institutions classified pursuant to Article 10,
- h)* the provision of funding for cultural and development purposes.

(3) With the exception of state funding for the purpose defined in point *d)* of paragraph (2), state funding shall be provided to all public higher education institutions on equal terms, and to ecclesiastical and private higher education institutions under agreements made with the Government, unless otherwise provided by law.

(4) Higher education institutions may receive funding in particular for:

- a)* offering Hungarian-medium programmes beyond the borders of Hungary,
- b)* launching and maintaining programmes with a small number of students,
- c)* performing the tasks related to the provision of library services by higher education institutions,
- d)* offering colleges for advanced studies and promoting the activities of colleges for advanced studies as centres of excellence,
- e)* performing research and development and exploiting research results,
- f)* operating organisations providing accommodation for students,
- g)* developing and organising sports activities for students,
- h)* developing and operating sports facilities at higher education institutions,
- i)* promoting equal opportunities and providing support under the Bursa Hungarica Municipal Higher Education Grants Programme.

(5) The calls for applications addressed to Hungarian higher education institutions shall be open to non-Hungarian higher education institutions offering Hungarian-medium programmes beyond the borders of Hungary.

(6) The conditions and rules of the types of funding provided for in paragraph (4) shall be laid down by the Government, with the stipulation that the total number of students participating in programmes with a small number of students shall not exceed five percent of the total number of students enrolled at the higher education institution.

(7) Cover for the contributions and grants set out in paragraph (4) shall be budgeted in the chapter of the ministry headed by the Minister.

(8) The purposes of funding set out in paragraph (2), with the exception of those referred to in points *a)* and *f)*, shall not be understood as restrictions on use.

#### **Article 84/A**

(1) As a contribution to the organisation of programmes by higher education institutions, programme funding shall be provided from the budget.

(2) The programme funding provided in respect of students participating in programmes funded through full or partial Hungarian state scholarships pursuant to this Act shall be phased in progressively, and shall first apply to students admitted to the first year of bachelor, master and single-cycle long programmes commencing in September 2012, and its amount shall be equal to the amount of the (partial) Hungarian state scholarships received by such students.

(3) For the purposes of the system phased out, programme funding shall be determined on the basis of the calculated number of students participating in state-funded programmes within the meaning of Act CXXXIX of 2005 on higher education. Having regard to the professional nature of programmes, the amount of programme funding shall be determined for cycles. Programmes of study shall be classified into financing categories based on eligibility for programme funding.

(4) In cases where a doctoral student fails to obtain a doctoral degree, the amount of programme funding provided for the period of the procedure for obtaining a doctoral degree may be reduced by half of the programme funding provided to the higher education institution for the student who participated in the given doctoral programme.

(5) The system of programme funding referred to in paragraphs (1) to (3) shall be defined by the Government in a decree.

#### **Article 84/B**

Funding for academic, cultural, maintenance and development purposes is provided in support of research related to the programmes offered by higher education institutions and as a contribution to the costs related to the maintenance, development and special tasks of public higher education institutions.

#### **Article 84/C**

Pursuant to Article 10, flagship higher education institutions, research universities, research faculties and colleges of applied sciences may receive funding under the conditions set out in the applicable government decree.

#### **Article 84/D**

In the budget of a public higher education institution, up to 85% of the funding provided from the central budget for the purposes of public education tasks may be allocated to wages and salaries, and at least 15% of such funding shall be allocated to operation (in particular utility costs, operating and maintenance expenses, and professional documents).

#### **Article 84/E**

The funding for the HAC, which shall ensure the legality and appropriate quality of operation, taking into account the expected other annual revenues of the committee, shall be budgeted as an appropriation in the budget chapter of the ministry headed by the Minister.

### **53. Specific provisions on funding provided in support of the operation of higher education**

#### **Article 85**

(1) With a view to raising the quality of educational and research activities, the Government may establish scholarships to support students, lecturers, professors and research fellows. Scholarships established by the Government shall be exempt from dues and taxes, as set out in a specific law.

(2) The rules of granting such scholarships and the conditions thereof shall be laid down by the Government.

(3) Programmes which include a practice period of at least six weeks according to their programme and outcome requirements shall be classified as programmes including extensive practice.

### **Article 85/A**

(1) The annual amount of student allowances referred to in point *a*) of Article 84(2) shall be determined on the basis of the following:

- a*) normative funding for students,
- b*) per capita funding for doctoral students,
- c*) normative funding for students receiving national higher education scholarships,
- d*) normative funding for dormitory/student residence places,
- e*) normative funding for housing assistance,
- f*) normative funding for textbook and course book allowances and for sports and cultural activities.

(2) The funding provided for student allowances shall be determined on the basis of the number of state-funded students and students funded through full or partial Hungarian state scholarships that may be taken into account in terms of eligibility for student allowances.

(3) For the determination of the number of eligible students, students funded through partial Hungarian state scholarships shall be taken into account with the same weight as those funded through full Hungarian state scholarships, using a multiplier of 1.0.

### **Article 85/B**

(1) Students may receive funding based on

- a*) performance and
- b*) social needs,

which shall be paid from the funds provided to the higher education institutions from the central budget in accordance with Article 85/A and the funds generated by the higher education institutions, such as own revenues, external donations and contributions.

### **Article 85/C**

Higher education institutions may use the funds available for student allowances for the following purposes:

- a*) payment of performance-based scholarships, including
  - aa*) study scholarships,
  - ab*) national higher education scholarships,
  - ac*) institutional scholarships for professional, academic and public life purposes;
- b*) payment of grants based on social needs, including
  - ba*) regular grants based on social needs,
  - bb*) exceptional grants based on social needs,
  - bc*) the portion of the Bursa Hungarica Municipal Higher Education Grants paid by the higher education institution,
  - bd*) grants awarded to foreign students by the Minister,
  - be*) initial aid,
  - bf*) support for the completion of a practice period;
- c*) payment of doctoral scholarships,
- d*) payment of other scholarships defined in the rules on fees and allowances, as well as additional grants provided to cover the academic expenses of students participating in

programmes funded through full or partial Hungarian state scholarships, including in particular disadvantaged students and athletes,

- e)* financing the operating costs of the higher education institution, including
  - ea)* supporting the production of course books, the acquisition of digital textbooks, learning materials and electronic devices necessary for the completion of studies, as well as learning aids for students with disabilities,
  - eb)* supporting cultural and sports activities,
  - ec)* maintaining and operating dormitories,
  - ed)* renting dormitory places, renovating dormitories,
  - ee)* supporting the operation of students' unions and doctoral students' unions,
  - ef)* supporting the operation of student counselling organisations.

#### **Article 85/D**

Students who are members of a college for advanced studies referred to in Article 8(6) and Article 54 may receive scholarships in recognition of their outstanding work in the college for advanced studies. Scholarships for members of a given college for advanced studies shall be disbursed by the higher education institution or the student residence where the college for advanced studies works.

#### **Article 85/E**

(1) Within the same higher education institution, study scholarships and regular grants provided on the basis of social needs shall be determined in the same proportions for students funded through full Hungarian state scholarships and for students funded through partial Hungarian state scholarships.

(2) During the period of funding, state-funded students shall be eligible for the student allowances provided for under this subheading to the same extent, in the same manner and under the same conditions as students funded through Hungarian state scholarships.

(3) Students who are eligible, pursuant to the applicable government decree, for the performance-based scholarships set out in point *a)* of Article 85/C or the grants based on social needs set out in point *b)* of the same Article, excluding the scholarships specified in subpoint *ac)* of point *a)* of Article 85/C and the grants specified in subpoint *bd)* of point *b)* of the same Article, shall not receive such allowances for a period that is longer than the period of funding defined Article 47.

### **Chapter XXV**

## **MANAGEMENT OF HIGHER EDUCATION INSTITUTIONS**

### **54. General rules of management**

#### **Article 86**

(1) Within the scope of their economic activities, higher education institutions may take any decision or measure that contributes to the accomplishment of their tasks defined in their founding charters, provided that such decisions and measures do not jeopardise the performance of core tasks and the effective use of public funds and assets, including in particular the

conclusion of contracts and association agreements, the establishment of business organisations, the use of the assets placed at their disposal (hereinafter referred to as “assets placed at the disposal of the higher education institution”) and the exploitation of such assets in accordance with their asset management contracts.

(2) Higher education institutions shall be obliged to use the resources available to them properly and economically, and to protect their intellectual and other assets.

(3) The asset management activities of public higher education institutions shall be governed by the legislation laying down the principles and conditions of the management of national assets.

(4) In cases where a public higher education institution acquires assets in any manner, the state shall be the owner of such assets, except for institutional companies, but shall conclude a contract of indefinite duration for the management of such assets by the higher education institution.

### **Article 87**

(1) Public higher education institutions shall be asset managers of the assets placed at their disposal by the maintainer for the purpose of the performance of their tasks, while non-public higher education institution shall be the users of such assets, unless the maintainer assigns to them the right of ownership of the assets.

(2) Higher education institutions shall use their assets and the immovable and movable property, including intellectual property and other rights representing assets, placed at their disposal for the performance of the tasks defined in the founding charter.

(3) Subject to the derogations laid down in this Act, public higher education institutions shall dispose of the assets placed at their disposal in accordance with the rules applying to budgetary units supervised by central government.

(4) Public higher education institutions shall fulfil their accounting and reporting obligations relating to the assets in accordance with the legislation on public accounting, with the stipulation that their own assets and the public assets placed at their disposal must be shown separately in the records related to the assets.

### **Article 88**

(1) In the case of public higher education institutions,

*a)* the head of the higher education institution shall have competence to reallocate key appropriations during the year, to the extent necessary for the performance of tasks, by simultaneously informing thereof the treasury and the maintainer;

*b)* at the end of the budgetary year, following the recognition of entitlements, residual appropriations shall be considered as committed residual appropriations which may be used for the performance of institutional tasks over the next years;

*c)* additional revenues, excluding the revenues of research and development performed as a business activity referred to in Article 100(3), may be used with the permission of the body managing the budget chapter concerned, following the amendment of appropriations falling within the sphere of competence of the managing body.

(2) Public higher education institutions may use the balance on their separate payment accounts held with the treasury and the residues referred to in point *b)* of paragraph (1) or the dividends received from the companies specified in this Act to establish private limited companies or limited liability companies (hereinafter referred to jointly as “institutional company”), or acquire

shares in such companies, by way of a decision not subject to the permission or approval of the organisation exercising the owner's rights.

(3) The establishment of institutional companies, the acquisition of shares in such companies, the operation and management of such companies and the liability of their executive officers shall be subject to the rules applicable to state-owned companies, with the stipulation that one member of the supervisory board of the institutional company shall be delegated by the minister responsible for the supervision of public assets.

(4) A higher education institutions shall not establish an institutional company or acquire shares in an existing institutional company if it jeopardises the interests of the higher education institution.

(5) Institutional companies shall not be established for the performance of the core activities of higher education institutions, as defined in Article 2(1), excluding the activities related to operation and organisation and the activities referred to in paragraph (6). Institutional companies shall not engage in research, development and innovation activities, except for those referred to in Articles 30 to 35 of Act LXXVI of 2014 on scientific research, development and innovation (hereinafter referred to as "Act on Scientific Research, Development and Innovation").

(6) By way of derogation from paragraph (5) and Article 117/C, higher education institutions may establish and maintain institutional companies for the performance of the educational, academic research and artistic creative activities that belong to the core activities defined in Article 2(1), and may acquire shares in such companies, with the consent of the Government, in order to comply with the conditions of international selection procedures or to meet other international cooperation or contractual obligations.

(7) Higher education institutions holding intellectual property rights may transfer such rights to an institutional company as a non-monetary contribution and may establish undertakings for the exploitation of intellectual property for business purposes. Otherwise, the Act on Scientific Research, Development and Innovation shall apply to institutional companies established and operated for the purpose of the exploitation of intellectual property.

(8) Persons appointed as executive officers or higher executive officers of a higher education institution and the relatives of such persons shall not be executive officers, auditors and supervisory board members of institutional companies established by the higher education institution.

## **55. Specific rules for renovation and investment**

### **Article 89**

(1) Public higher education institutions shall perform development tasks within the framework of an institutional development plan.

(2) Public higher education institutions shall have competence to transfer ownership of the public assets managed by them as follows:

*a)* by acting on behalf of the Hungarian State,

*aa)* in compliance with the rules on the sale of public assets,

*ab)* for a consideration that reflects the fair market value of the assets,

*ac)* with the prior consent of the minister responsible for the supervision of public assets,

*ad)* notifying the Minister in advance,

*ae)* in the case of immovable property, granting a right of first refusal to the municipality where the immovable property is located or, if the immovable property is located in Budapest, to the

municipality of the district in which the immovable property is located or, if the property is located in an area under the direct administration of the Municipality of Budapest, to the Municipality of Budapest, or

b) by using an electronic auction system in the cases specified in law.

(3) Higher education institutions shall set out in detail the grounds of requests for the transfer of assets as provided for in paragraph (2). The minister responsible for the supervision of public assets shall decide on the consent within sixty days from the receipt of the request. The consent shall remain valid for the period specified by the minister responsible for the supervision of public assets, which shall be not shorter than ninety days and not longer than one year.

(4) In cases where the procedure set out in paragraph (3) involves the sale of a public asset, the minister responsible for the supervision of public assets shall ask the Hungarian National Asset Management Inc. (hereinafter referred to as “HNAM Inc.”) if the immovable property concerned is needed for accommodating a budgetary unit supervised by central government. If the immovable property is needed for such purpose, the higher education institution shall, according to the decision of the minister responsible for the supervision of public assets, terminate its asset management contract for the immovable property and hand over the immovable property to HNAM Inc.

(5) Within thirty days from the end of the transfer procedure, the higher education institution shall send the contract and the documents generated during the procedure to the minister responsible for the supervision of public assets, for the purpose of registration and settlement, and to the Minister, for information. Contracts made in violation of the provisions of paragraph (2) and (3) shall be null and void.

## **Article 90**

(1) Higher education institutions may use the portion of the revenue remaining after covering the costs of the transfer of a public asset managed by it for the purposes set out in its institutional development plan, subject to the approval referred to in Article 89(3).

(2) If the purpose specified in the institutional development plan is not achieved until the date indicated in the approval of the minister responsible for the supervision of public assets, the maintainer shall deprive the higher education institution of the consideration received in the sales transaction or, if it faces obstacles, take the necessary measures to ensure that the amount of the revenue is paid to the state within thirty days.

(3)

(4) The provisions governing the transfer of intellectual property created in the framework of employment relationships, or other similar legal relationships, to the employer shall apply to intellectual property created in the framework of the employment relationship of lecturers, professors and research fellows.

(5)

## ***PART EIGHT***

### ***SPECIFIC PROVISIONS ON OPERATION***

#### **Chapter XXVI**

## SPECIFIC PROVISIONS ON THE OPERATION OF NON-PUBLIC HIGHER EDUCATION INSTITUTIONS

### **56. Ecclesiastical higher education institutions**

#### **Article 91**

(1) Programmes in religious studies and programmes in theology and religious studies (hereinafter referred to jointly as “programmes in religious studies”) shall be delivered by ecclesiastical higher education institutions.

(2) Pursuant to the general provisions of this Act, ecclesiastical higher education institutions may also offer programmes other than religious studies.

(3) In the case of ecclesiastical higher education institutions,

*a)* the establishment of an employment relationship may be made subject to the fulfilment of conditions specified within the limits set in Article 22 of the Act on Equal Treatment,

*b)* applicants may be selected on grounds of religious or philosophical beliefs, provided that it is based on proportionate and real requirements which directly arise from the spirit that determines the organisational features of the higher education institution and are justified by the content or nature of the given educational activities,

*c)* the maintainer may derogate from Article 13(2) and (3) when exercising the employer’s rights and performing tasks related to assets and management,

*d)* Article 38(2) shall not apply.

(4) By way of derogation from Article 6(2) and Article 9(3), higher education institutions delivering programmes in religious studies may use the name “university” even if they are authorised to deliver master programmes in one field of study and deliver doctoral programmes and award doctoral degrees in at least one discipline or artistic field.

(5) By way of derogation from Article 6(2), higher education institutions delivering programmes in religious studies may receive state recognition and use the name “college” even if they are authorised to deliver one bachelor programme in one field of study.

(6) Ecclesiastical higher education institutions shall have the right to define the content of programmes in religious studies and the requirements applying to lecturers, professors and teachers participating in the delivery of such programmes.

(7) In the case of programmes in religious studies, the procedure provided for in point *a)* of Article 6(5) shall only examine if the material conditions for the delivery of such programmes are ensured. The rules of the admission procedure and the admission requirements, except for the successful completion of the secondary school leaving examination, shall also be defined by the higher education institution.

#### **Article 92**

(1) Pursuant to the agreement between the Republic of Hungary and the Holy See, the Hungarian Catholic Church and all ecclesiastical higher education institutions, dormitories and student residences entering into an agreement with the Government on the performance of higher education tasks shall be entitled to state funding for the purpose of maintenance tasks, as set out in point *d)* of Article 84(2), in proportion to the number of students participating in programmes

funded through full or partial Hungarian state scholarships, as well as to funding provided on a case-by-case basis and to individual funding.

(2) Ecclesiastical higher education institutions, dormitories and student residences may also become entitled to the funding defined in paragraph (1) under an agreement for the performance of higher education tasks made between the Minister and their maintainer.

(3) The number of students who may be admitted to programmes other than religious studies offered by ecclesiastical higher education institutions shall be determined by the Minister on the basis of the agreement made with the ecclesiastical maintainer concerned, with the stipulation that the ratio of the annual number of state-funded students admissible to the total number of students funded through state scholarships admissible shall not be less than the ratio of the number of state-funded students admitted to all ecclesiastical higher education institutions of the ecclesiastical maintainer concerned to the total number of state-funded students in the academic year 1997/1998.

(4) The number of students who may be admitted to programmes in religious studies funded through Hungarian state scholarships shall be determined pursuant to the agreement set out in paragraph (1) by ensuring that the number of students admitted to master programmes equals the number of those admitted to bachelor programmes.

(5) Even if not covered by Article 39(1), applicants of Hungarian nationality living outside the borders of Hungary may be admitted to programmes in religious studies as students funded through Hungarian state scholarships.

(6) In the case of programmes in religious studies,

*a)* the prerequisites for the acceptance of applications may include the acceptance of certain religious or philosophical beliefs and the certification thereof,

*b)* the provisions laid down in the ecclesiastical higher education institution's rules for organisation and operation may derogate from

*ba)* point *a)* of Article 11(1), concerning the content of the employment requirements,

*bb)* point *f)* of Article 11(1), with the exception of political opinions,

*bc)* Article 12 and Article 13(2) to (6),

*c)* the maintainer may take over the creation of new positions, the exercise of the employer's rights and the award of titles related to academic positions and other titles, except for the title of college or university professor,

*d)* Article 26(3), Article 65(4) and the provisions concerning the institutional development plan shall not apply, but the rules on state recognition shall be complied with,

*e)* obtaining the title of university professor in relation to a position shall not be subject to the preliminary expert opinion of the HAC,

*f)*

*g)* the establishment of a teacher training centre shall not be mandatory.

### **Article 93**

(1) Higher education institutions delivering programmes exclusively in religious studies may suspend their operation. Operation may be suspended only if the higher education institution concerned has no students. Operation shall be suspended and resumed upon notification by the maintainer, from the date of registration by the educational authority. If operation is suspended for a period of more than five years, the educational authority shall carry out a regulatory inspection before the resumption of activities, in order to examine whether the conditions laid down in the operating authorisation are satisfied.

(2) The funding provided in support of programmes in religious studies delivered by ecclesiastical higher education institutions shall equal the programme funding provided for teacher training, as set out in Article 84/A(3), or the average of the programme funding determined in Article 84/A(2). The appropriation for funding students participating in programmes in religious studies delivered by ecclesiastical higher education institutions shall be budgeted as a separate appropriation.

(3) Wherever this Act refers to an employment relationship, it shall include the status of ecclesiastical person in the case of ecclesiastical higher education institutions.

(4) When adopting programme and outcome requirements for bachelor, master and tertiary vocational programmes, the Minister shall adopt programme and outcome requirements for programmes in religious studies at the initiative of the ecclesiastical maintainers. Degree programmes and tertiary vocational programmes in religious studies shall be specified in the legislation on the programme and outcome requirements.

(5) At the initiative of ecclesiastical maintainers, a committee dealing with theological matters shall be set up within the HAC.

(6) The operation of ecclesiastical higher education institutions shall be subject to the act on the right to freedom of conscience and religion and the legal status of churches, denominations and religious communities, the act on the financial conditions of the religious and public activities of churches, and Article 94(2), (3) and (6) and Article 95(2), (3) and (6) of this Act.

### **Article 93/A**

Ecclesiastical legal persons may organise religious education at higher education institutions maintained by the state or national minority self-governments, in a manner suited to the operation of the higher education institution and by taking into account the needs of students, the material conditions of which, in particular premises to be used for their intended purposes and the conditions necessary for application and operation, shall be ensured by the higher education institution using the means at its disposal.

## **57. Private higher education institutions**

### **Article 94**

(1) Higher education institution maintained by the persons and organisations referred to in points *c*) and *d*) of Article 4(1) may operate as institutions committed to religious or philosophical beliefs and incorporate in their educational programmes philosophical, ethical and cultural aspects in line with their religious or philosophical commitments.

(1a) Private higher education institutions maintained by organisations engaged in religious activities may deliver programmes in religious studies pursuant to Article 91(6) and (7), Article 92(6) and Article 93(1) and (4). When in this Act reference is made to employment relationship, it shall include, in the case of persons employed in the programmes in religious studies delivered by private higher education institutions, the employment of those members of organisations engaged in religious activities who provide religious services on a professional basis.

(2) In their rules for organisation and operation, private higher education institutions may derogate from the provisions of Article 12(7) and (8), Article 29(1), point *e*) of Article 37(1), Article 37(3) to (6) and Article 83(1) and (5), as well as the obligation to prove with a certificate of foreign language proficiency or an equivalent instrument the fulfilment of the language

proficiency requirement of Article 13(5), by employing a chief financial officer in addition to the senior executive officers listed in Article 37(1). Articles 13/A to 13/D and Article 37(4a) are not applicable to private higher education institutions.

(3) Private higher education institutions shall be entitled to funding for the purposes set out in points *a*) to *c*), *e*) and *g*) of Article 84(2) under the terms and conditions of the agreement in which the Government made a funding commitment, provided that such agreement exists. This paragraph shall also apply to higher education institutions maintained by national minority self-governments.

(4) Private higher education institutions may perform the activities defined in Article 2(1) and (3) and shall be managed, as set out in this Act and by the Government, with a view to ensuring that this is achieved (hereinafter referred to as “rules of managing private higher education institutions”).

(5) The founding charters of private higher education institutions shall indicate whether they operate as public benefit organisations or as business organisations.

(6) By way of derogation from Article 12(3) and Article 73(3), the founding charter of a private higher education institution may provide that the maintainer shall approve the higher education institution’s budget, annual accounts drawn up in accordance with the applicable accountancy provisions, rules for organisation and operation and institutional development plan.

(7) Higher education institutions shall be entitled to initiate judicial proceedings in accordance with Article 75(1).

(8)

## **Article 95**

(1) Private higher education institutions not operating as public benefit organisations shall perform their tasks defined in Article 2(1) and (3) as business activities.

(2) The maintainer may determine in the founding charter how to distribute the profit generated by the higher education institution and how the maintainer is to take a share of the profit.

(3) Private higher education institutions shall manage the assets placed at their disposal autonomously within the limits of their own budget, as set out in their founding charters or, if public assets are at their disposal, in compliance with the requirements applying to public finances.

(4) The revenues of private higher education institutions may include:

- a*) funds provided by the maintainer,
- b*) state funding,
- c*) other revenue.

(5) The costs and expenditures of private higher education institutions may include:

- a*) direct and indirect costs related to the tasks defined in Article 2(1) and (3),
- b*) direct and indirect costs of business activities,
- c*) other expenditure.

(6) Private higher education institutions shall record their revenues and expenditures in accordance with the applicable accountancy provisions. If the assets of a higher education institution are not sufficient to cover its liabilities, the maintainer shall act as a guarantor. If a private higher education institution is dissolved without a legal successor, its rights and obligations shall be transferred to the maintainer.

(7) Private higher education institutions shall be required to publish annually their balance sheets and annual accounts.

## **Article 95/A**

(1) If the operation of a private higher education institution is supported with international funding provided on a regular basis, the rights of the founder or the maintainer may be exercised by a maintaining body. The maintainer of an existing private higher education institution may initiate the transfer of the maintainer's rights to a maintaining body if the operation of the private higher education institution concerned complies with the conditions laid down in this paragraph.

(2) The maintaining body shall

*a)* be a legal person, established upon registration in the official register maintained by the educational authority in the framework of the higher education information system,

*b)* have the same seat as that of the higher education institution maintained by it,

*c)* operate in accordance with its rules of procedure, developed and adopted by the maintaining body, on condition that the president of the maintaining body shall send the rules of procedure for approval to the educational authority not later than the fifteenth day following its adoption,

*d)* be entered in the official register by the educational authority following the approval of its rules of procedure,

*e)* be represented by its president,

*f)* have members and a president invited by the Minister, in agreement with the international donors.

## **Chapter XXVII**

### **SPECIFIC PROVISIONS FOR HIGHER EDUCATION INSTITUTIONS OPERATING AS PUBLIC BENEFIT ORGANISATIONS**

#### **58. Rules of operation as public benefit organisation**

##### **Article 96**

(1) Non-public higher education institutions may operate as public benefit organisations if their founding charters and internal rules allow it and their public benefit status is registered by the educational authority by way of a final decision. Applications for public benefit status or deregistration shall be submitted to the educational authority by the maintainer of the higher education institution. Public benefit status may also be applied for and granted under the procedure for establishment carried out in compliance with the rules applicable to the higher education institution.

(2) For the purpose of the application for the registration of public benefit status, higher education institutions may identify one or more of the activities referred to in Article 2(1) and (3) as their public benefit (purpose) activities.

(3) In the case of higher education institutions operating as public benefit organisations, the core activities to be indicated on a mandatory basis in the founding charter shall be the same as the public benefit (purpose) activities. Higher education institutions operating as public benefit organisations may engage in business activities as well. In respect of their public benefit purpose activities and their business activities, higher education institutions operating as public benefit organisations shall be entitled to all of the preferences defined in Article 36(2) of the act on the

freedom of association, public benefit status and the organisation and support of civil society organisations (hereinafter referred to as “Act on Civil Society”).

(4) Points *f*) to *i*) of Article 12(7) of this Act shall not apply to higher education institutions operating as public benefit organisations.

(5) In the case of higher education institutions operating as public benefit organisations, the operation of the higher education institution and the meetings of the senate shall be accessible to the public, unless otherwise provided by law. Public access may be limited in accordance with the rules of the higher education institution where it would jeopardise or violate any personal right, business secret relating to the (non-public benefit purpose) business activities of the higher education institution or legitimate interest relating to intellectual property.

(6) The provisions of the Act on Civil Society concerning public benefit organisations shall apply to higher education institutions operating as public benefit organisations subject to the following derogations:

*a*) the provisions laid down in points *a*), *b*) and *d*) of Article 37(2) and points *a*) to *d*) of Article 37(3) of the Act on Civil Society shall be included in the higher education institution’s rules for organisation and operation, with the stipulation that the senate shall meet at least twice a year,

*b*) the rules governing the operation and powers of the supervisory body referred to in point *c*) of Article 37(2) of the Act on Civil Society shall be defined by the maintainer in the founding charter of the higher education institution, which shall also provide for the mandatory establishment of a supervisory body.

(7) Following the acquisition of public benefit status, the rector shall transmit to the educational authority all amendments made to the rules for organisation and operation in relation to point *a*) of paragraph (6). The amendments made to the founding charter in relation to point *b*) of paragraph (6) shall take effect upon the final decision of the educational authority on their registration.

## Chapter XXVIII

### SPECIFIC PROVISIONS FOR HIGHER EDUCATION INSTITUTIONS DELIVERING PROGRAMMES IN MEDICINE AND HEALTH SCIENCE, AND FOR RESEARCH AND DEVELOPMENT ACTIVITIES PERFORMED BY PUBLIC HIGHER EDUCATION INSTITUTIONS AS BUSINESS ACTIVITIES

#### **59. Operation of medical higher education institutions**

##### **Article 97**

(1) Universities delivering programmes in medicine and health science (hereinafter referred to as “medical higher education institution”) may

*a*) operate health service providers (clinics) as part of the higher education institution, or

*b*) establish and maintain clinics that are organisationally separate from the higher education institution.

(2)

(3) In the case referred to in point *b*) of paragraph (1), medical higher education institutions may establish a health service provider with an independent founding charter or other instrument of constitution.

(4) For the purpose of practical training, medical higher education institutions may enter into an agreement with the health service provider for the performance of hospital, specialist consultation and pharmaceutical activities.

(5) Medical higher education institutions shall perform forensic activities, as set out in the applicable law. In the case of higher education institutions which are not medical higher education institutions but participate in the provision of training in health science, this paragraph shall apply in respect of the organisation of practical training.

#### **Article 97/A**

(1) The health service providers of medical higher education institutions shall participate in

- a*) the provision of health services in the given geographical area and progressive patient care in accordance with Act CXXXII of 2006 on the development of the healthcare system,

- b*) the performance of the educational and research tasks of the higher education institution.

(2) The health insurance body shall conclude a financing contract with the health service provider of the medical higher education institution for the performance of the tasks defined in point *a*) of paragraph (1). The amount paid by the health insurance body as consideration for the health services provided shall not be used for purposes other than those defined in the contract.

(3) Medical higher education institutions shall hold a separate treasury account for the tasks funded by the health insurance body.

(4)

(5) The rules laid down in this Act shall apply to the exercise of the maintainer's rights in respect of the health service provider of a medical higher education institution subject to the derogations laid down in Act CLIV of 1997 on health.

#### **Article 98**

(1) Where a health service provider operates as part of a budgetary unit supervised by central government, the central investment, renovation and development funds allocated to the health service of the medical higher education institution shall be budgeted in the chapter of the ministry headed by the minister responsible for health. The ministry headed by the minister responsible for health shall be entitled to check the management of the budget appropriations disbursed by it. It may request preliminary information or reports, or initiate the discussion of issues related to the health service in academic fora.

(2) Under the professional direction and coordination of the minister responsible for health, medical higher education institutions shall organise and participate in the delivery of programmes leading to degrees such as specialist doctor, specialist dentist, specialist pharmacist, specialist clinical psychologist and public health professional, as well as vocational and further training programmes in health for those holding other tertiary degrees. The minister responsible for health shall direct and coordinate the curative care and prevention activities performed by medical higher education institutions for teaching purposes, as well as the sectoral research and development activities.

(3) For employees who, as part of the performance of their duties, participate in the educational as well as the health service activities of the medical higher education institution, it shall be determined how much of the total working time should be allocated to each type of task. Such employment shall be subject to the rules of employment and remuneration, adjusted to the division of working hours, as applicable to each activity.

## **Article 99**

(1) In accordance with point *a*) of Article 97(1), medical higher education institutions may establish centres of medical and health science for the coordination of tasks related to patient care. The centre of medical and health science shall comprise the health service provider (clinic) of the medical higher education institution and its research institutes and other organisational units related to the health service. Approval from the body designated by the minister responsible for health shall be obtained for the sale and exploitation of any asset the purchase or operation of which has been financed by the Health Insurance Fund.

(2)

(3) The senior executive officer responsible for the management of the health service within the medical higher education institution shall be identified in the rules for organisation and operation (hereinafter referred to as “executive officer responsible for the health service”). The executive officer responsible for the health service shall manage the organisation of the health service autonomously and shall exercise the employer’s rights in respect of these tasks. Where the executive officer responsible for the health service is not the chancellor, the duties, obligations and right to undertake commitments of the executive officer responsible for the health service shall be laid down in the rules for organisation and operation.

(4) In accordance with the conditions laid down in the relevant law, the minister responsible for health shall provide funding from the central budget for the health services provided by higher education institutions. The medical activities performed by medical higher education institutions and health research, health developments and vocational and further training programmes in health shall be subject to the provisions on the professional governance and organisation of the health sector and the powers of the minister responsible for health related to professional governance, as well as all legislation providing for the organisation of health services, the professional qualification of those involved in the performance of such tasks and the financing of health services.

(5)

## **60. Research and development performed as a business activity by public higher education institutions**

### **Article 100**

(1) Public higher education institutions shall not use revenue from the subsystems of public finances for the purpose of research and development performed as a business activity.

(2) In the framework of research and development performed as a business activity, public higher education institutions may enter into multiannual research and other contracts and cooperation agreements, and may, in order to ensure the performance thereof, undertake commitments for a period of more than one year in accordance with the Act on Public Finances.

(3) Public higher education institutions shall autonomously manage the revenues of research and development performed as a business activity, using a separate payment account for that purpose.

(4) For their treasury budget, detailed budget and annual accounts drawn up in accordance with the rules applicable to budgetary units, public higher education institutions shall use a supplementary form prescribed at its own discretion by the body managing the budget chapter, in

order to show separately the costs, expenditures and revenues, recorded under an accruals accounting system, associated with research and development performed as a business activity, as well as the related estimates and actual amounts of expenditures and revenues.

(5) Public higher education institutions may finance the development of their educational, academic research and artistic creative core activities defined in Article 2(1) from the portion of their residual appropriations associated with research and development performed as a business activity, as determined in accordance with point *b*) of Article 88(1), remaining after expenses incurred in the interest of such activities.

## Chapter XXIX

### SPECIFIC PROVISIONS FOR HIGHER EDUCATION IN ARTS AND TEACHER TRAINING

#### **61. Artistic higher education institutions**

##### **Article 101**

(1) This Act shall apply to higher education institutions delivering programmes exclusively in the study field of arts (hereinafter referred to as “artistic higher education institution”) with the following derogations.

(2) Artistic higher education institutions may establish and maintain places for practising artistic activities.

(3) Tertiary programmes in dance may be commenced before the completion of secondary school studies and the secondary school leaving examination, in which case the higher education institution concerned shall grant student status while the existing secondary school student status shall also be retained. Such students shall not be required to fulfil the language proficiency requirement prescribed under Article 40(2) for admission. The skills necessary for meeting the requirements of the secondary school leaving examination and the requirements of the artistic training shall be acquired simultaneously. The specific provisions of the Labour Code concerning the break times and rest periods of young employees shall apply to students covered by this paragraph.

(4) Artistic higher education institutions may use the name “university” or “college” even if they are authorised to deliver bachelor or master programmes in one field of study and deliver doctoral programmes and award doctoral degrees in one discipline. In accordance with their founding charters, artistic higher education institutions may derogate from the conditions laid down in Article 13(5).

(5) In those fields of study where programmes leading to a master degree have been offered for less than ten years, persons holding bachelor diplomas and qualifications may be employed as lecturers and teachers, provided that the prerequisites for occupying the position concerned do not include the possession of an academic qualification.

(6) In addition to the components referred to in Article 50(4), the final examination of bachelor and master programmes in arts shall comprise the creation, presentation and defence of a work of art or performance.

(7) Artistic higher education institutions may establish public education institutions for the performance of tasks related to primary level artistic education and vocational education and

training in arts. Artistic higher education institutions may prepare secondary school students for entry into their programmes. Such students shall be registered by the higher education institution, without granting them student status (hereinafter referred to as „preparatory status”). Higher education institutions having preparatory students shall be entitled to a contribution, the amount of which shall equal that of the contribution calculated for students participating in primary artistic education. Preparatory status shall entitle students to at least four contact hours per week, which may be delivered by lecturers, professors or teachers as part of the performance of their duties. The rights and obligations of those participating in these programmes shall be laid down in the higher education institution’s rules for organisation and operation.

(8) Paragraphs (2) and (3) and (5) to (7) shall apply to the operation of higher education institutions delivering programmes in arts without qualifying as artistic higher education institutions.

(9) In artistic higher education, besides the degrees referred to in Article 105(5), prizes awarded pursuant to a law shall be considered, in respect of the holder, as equivalent to a doctoral degree in terms of the fulfilment of the employment and qualification conditions prescribed in this Act, provided that the holder is in possession of a bachelor or higher-level diploma.

## **62. Organisation of teacher training programmes**

### **Article 102**

(1) The types of teacher training programmes are as follows:

- a)* infant and toddler teacher training programmes,
- b)* nursery school teacher, lower primary school teacher, conductive education teacher and special educational needs teacher training programmes,
- c)* upper primary school teacher training programmes,
- d)* secondary school teacher training programmes.

(2) The duration and level of programmes are the following:

- a)* infant and toddler teacher training programmes and nursery school teacher training programmes shall be organised at bachelor level, and the duration of programmes leading to a bachelor degree shall be six semesters;
- b)* lower primary school teacher training programmes and conductive education teacher training programmes shall be organised at bachelor level, and the duration of programmes leading to a bachelor degree shall be eight semesters;
- c)* special educational needs teacher training programmes shall be organised at bachelor level, and the duration of programmes leading to a bachelor degree shall be eight semesters, followed by a three-semester master programme;
- d)* upper primary school teacher training programmes shall be organised in the form of single-cycle long programmes with a duration of eight semesters, followed by a two-semester practice period to be completed at a school, while retaining student status; upper primary school teacher training programmes shall lead to a master degree;
- e)* secondary school teacher training programmes shall be organised in the form of single-cycle long programmes or, in the cases specified by the Government, as two-cycle programmes, with a duration of ten semesters, followed by a two-semester practice period to be completed at a school, while retaining student status; secondary school teacher training programmes shall lead to a master degree.

(3) In addition to the state scholarships, the Government shall support students participating in these programmes by granting through an application procedure Klebelsberg Training Scholarships. The Government shall lay down the rules and conditions of the award of this scholarship in a decree.

(4) Applicants for teacher training programmes shall participate in an aptitude assessment in the framework of the admission procedure.

(5) The Government shall define the degree programmes organised in the form of bachelor, master or single-cycle long programmes and the specialisations available therein, the available double-degree programmes, as well as the general rules for the specialisation system of master programmes. The Minister shall lay down the programme and outcome requirements of each programme leading to a teacher's degree in a decree.

### **Article 103**

(1) Higher education institutions delivering primary or secondary school teacher training programmes shall ensure the coordination of professional, content-related, organisational and academic tasks related to teacher training and the organisation of theoretical and practical training through a teacher training centre headed by a director general. One higher education institution shall establish one teacher training centre.

(2) The teacher training centre shall coordinate in particular the interviewing, selection, admission and transfer of students, the process of credit recognition, pedagogical training and the completion of the final examination, and shall organise, supervise and evaluate school practice. It shall monitor students' progress and perform graduate tracking.

(3) Higher education institutions delivering teacher training programmes shall participate, through the teacher training centre, in the in-service training of teachers, pedagogical research and the system of teacher appraisal and career advancement.

(4) Higher education institutions delivering teacher training programmes may maintain public education institutions (practice schools) which participate in the practical training of students. Public education institutions (practice schools) maintained by higher education institutions delivering special educational needs teacher training programmes may also perform activities other than public education activities in relation to their educational and teaching work.

(5) Higher education institutions that may deliver minority teacher training programmes pursuant to their founding charters shall be required to organise such programmes if there are applicants who comply with the admission requirements.

(6) Membership of a minority shall be proven by the fact that the minority language concerned is included in the subjects in which the secondary school leaving examination was taken.

(7) The minority language concerned shall be taught during the whole duration of minority teacher training programmes.

(8) Minority teacher training programmes shall qualify as programmes with a small number of students.

(9) Under agreements between higher education institutions, teacher training programmes may also be launched as joint programmes. In the case of programmes organised in such form, the higher education institution holding an authorisation for launching the programme concerned shall be the one that offers the programme and awards the diploma. Joint programmes shall lead to a joint diploma. Where a joint programme is launched by an ecclesiastical higher education institution, students shall be enrolled in the ecclesiastical higher education institution, provided that the programme has a religious education teacher training component.

## Chapter XXX

### MISCELLANEOUS PROVISIONS

#### **63. Specific rules for higher education in political sciences and public administration, law enforcement and military science and certain institutions**

##### **Article 104**

(1) The provisions of this Act shall apply to the National University of Public Service, its tertiary programmes in political sciences and public administration, law enforcement, military science, national security and international and European public service studies and its employees and students subject to the derogations laid down in the Act on the National University of Public Service. In the case of the National University of Public Service:

*a)* Article 13/A and Article 37(4a) shall not apply, and the senior executive officers that may be appointed at this higher education institution shall be defined in the Act on the National University of Public Service;

*b)* the Maintaining Body of the higher education institution shall publish the call for applications for the position of rector and shall decide on the candidate after receiving an opinion from the senate;

*c)* the higher education institution shall be headed and represented by the rector, who shall have competence to act and take decisions in respect of all matters that do not fall under the competence of any other person or body pursuant to the Act on the National University of Public Service, the rules for organisation and operation, or the collective bargaining agreement.

*d)* the director general for economic affairs shall be responsible for the preparation of the necessary management measures and proposals, and the higher education institution shall not have a consistorium.

(1a) This Act shall apply to the status of officer candidates subject to the derogations laid down in the act on the legal status of members of the defence forces.

(2) Issues to be regulated by the employment requirements pursuant to this Act may also be regulated by the collective bargaining agreement of the higher education institution.

(3) The higher education institution's premises used for the performance of its core tasks, its building facades and circular stamp, as well as the diplomas and diploma supplements issued by it may bear the coat of arms of Hungary.

(4) András Pető College is a higher education institution operating as a college which may, in accordance with its founding charter, derogate from the conditions prescribed for higher education institutions in Article 6(2), but shall adhere to the system of programmes defined in Articles 15 and 16.

(5) András Gyula German Speaking University Budapest is a higher education institution operating as a university which may, in accordance with its founding charter, derogate from the conditions prescribed for higher education institutions in Article 6(2) and Article 9(3), but shall adhere to the system of programmes defined in Articles 15 and 16.

(6) Point *c)* of Article 1(2) of Act LXV of 2006 amending Act XXXVIII of 1992 on public finances and certain related acts shall not apply to the Public Foundation for the German Language University of Budapest.

(7) If operating as a university on 31 December 2011, higher education institutions the operation of which is ensured by the maintainers referred to in points *c)* and *d)* of Article 7(1) of Act CXXXIX of 2005 on higher education

*a)* may, in accordance with their founding charters, derogate from

*aa)* the conditions prescribed for higher education institutions in Article 6(2) and Article 9(3), but shall adhere to the system of programmes defined in Articles 15 and 16,

*ab)* the general conditions relating to the personal qualification requirements for appointment as rector,

*b)* may:

*ba)* allow third-country nationals, as defined in Act II of 2007 on the entry and residence of third-country nationals, to perform educational, academic research and artistic creative activities at the higher education institution without a work permit,

*bb)* adopt rules for organisation and operation which provide that, in addition to the degrees referred to in Article 105(5), doctoral degrees obtained in states which are parties to the Agreement on the European Economic Area or the Convention on the Organisation for Economic Cooperation and Development (OECD), doctor of science(s) degrees and candidate of science(s) degrees shall be considered as equivalent to an academic qualification in terms of the fulfilment of the employment and qualification conditions prescribed in this Act.

#### **Article 104/A**

(1) Article 48/K shall apply to the National University of Public Service with the exception that the tasks related to recording the diplomas obtained and the periods of employment in Hungary, as well as imposing obligations to repay state scholarships retrospectively and granting exemptions from payment obligations shall be performed by the Maintaining Body of the National University of Public Service at second instance, by applying the provisions of the Act on Administrative Procedure.

(2) For the students of the National University of Public Service, cover for the institutional portion of the grants paid on the basis of social needs under subpoint *bc)* of point *b)* of Article 85/C shall be provided by the minister or body ensuring the budget of the National University of Public Service.

#### **Article 104/B**

(1) The University of Physical Education is a higher education institution operating as a university which may, in accordance with its founding charter, derogate from the conditions prescribed for higher education institutions in Article 6(2), Article 9(3) and Article 13(5), but shall adhere to the system of programmes defined in Articles 15 and 16.

(2) In higher education in sport science, besides the degrees referred to in Article 105(5), prizes awarded pursuant to a law and gold, silver and bronze medals won at Olympic Games organised by the International Olympic Committee or, from 1984, at Paralympic or Deaflympic Games, shall be considered, in respect of the holder or medal winner, as equivalent to a doctoral degree in terms of the fulfilment of the employment and qualification conditions prescribed in this Act, provided that the person concerned is in possession of a bachelor or higher-level diploma.

#### **Article 104/C**

The University of Veterinary Medicine is a higher education institution operating as a university which may, in accordance with its founding charter, derogate from the conditions prescribed for higher education institutions in Article 6(2) and Article 9(3), but shall adhere to the system of programmes defined in Articles 15 and 16.

## **64. Provisions for formerly awarded and other foreign titles**

### **Article 105**

(1) Holders of the title “doctor universitatis” awarded by universities under doctoral procedures before 1 September 1984 or thereafter, under doctoral procedures authorised prior to that date, may continue to use their titles.

(2) Persons who obtained the academic qualification “doctor universitatis” after 1 September 1984 may continue to use the designation “dr. univ.”

(3) Holders of the title “doctor of theology” awarded by universities of theology before 1 September 1993 may continue to use their titles.

(4) Doctoral degrees awarded by universities before 31 December 1997 and equivalents to a doctoral degree recognised before the same date shall remain valid.

(5) Where reference is made in legislation to academic qualifications in the context of employment requirements, it shall be construed as reference to doctoral degrees, candidate of science(s) degrees, doctor of science(s) degrees and nostrified or recognised academic qualifications obtained abroad.

(6) Holders of candidate of science(s) degrees may use the designation “doctoral degree”.

### **Article 106**

(1) A Doctor of Liberal Arts (DLA) degree awarded pursuant to Act LXXX of 1993 on higher education shall be equivalent to an artistic doctorate (DLA) awarded pursuant to this Act.

(2) Persons who are

*a)* holders of diplomas awarded by Hungarian universities and colleges before the entry into force of this Act shall be entitled to use the following titles:

*aa)* medical doctors, dentists, veterinarians and lawyers shall be entitled to use the doctoral titles which attest to the completion of university studies (in abbreviated form, these are the following: dr. med., dr. med. dent., dr. vet., dr. jur.),

*ab)* those having completed university studies but not covered by point *a)* shall be entitled to use the following titles: qualified engineer, qualified economist, qualified teacher, or any other title specific to the completed degree programme, as indicated in the qualification requirements,

*ac)* those having completed college studies shall be entitled to use the following titles, depending on the programme completed: engineer, economist, secondary or upper primary school teacher, lower primary school teacher, nursery school teacher, special educational needs teacher, vocational instructor, or any other title specified in the qualification requirements,

*b)* holders of diplomas as a pharmacist awarded by Hungarian higher education institutions before the entry into force of Act CVI of 2008 amending certain acts on health shall be entitled to use the doctoral title which attests to the completion of university studies (in abbreviated form: dr. pharm.).

(3) The higher education institution which awarded the diploma (or its legal successor) shall issue a certificate on the right referred to in paragraph (2).

(4) Paragraphs (1) and (2) shall apply to nostrified (recognised) diplomas with the exception that the certificate shall be issued by the Minister in cases where the procedure of recognition or nostrification was carried out by a former ministry in charge.

(5) Holders of the following titles obtained before the entry into force of this Act may continue to use their titles and the related abbreviated forms:

*a)* titles:

*aa)* *Promotio sub auspiciis praesidentis Rei Publicae*,

*ab)* *doctor honoris causa*,

*ac)* doctor with habilitation;

*b)* abbreviated forms:

*ba)* “PhD” or “Dr.” in the case of PhD degree holders, and “DLA” or “Dr.” in the case of DLA degree holders;

*bb)* “Dr. h. c.” in the case of the title referred to in *ab)*,

*bc)* “dr. habil.” in the case of the title referred to in *ac)*.

(6) In terms of access to a position or an occupation (activity), the qualifications attested by diplomas awarded for the completion of specialised further training programmes launched by higher education institutions before 1 September 1996 shall be equivalent to the qualifications awarded for the completion of postgraduate specialisation programmes, as defined in this Act.

(7) College professors who are entitled to use the title of professor when this Act enters into force may continue to use their titles after the entry into force of this Act.

(8) Upon the senate’s decision, higher education institutions may award a foreign title not covered by this Act after issuing a diploma, provided that the law of the foreign country concerned allows it, and the higher education institution has been duly and specifically authorised to award the foreign title for the completion of a programme delivered by it in the given country or subject to the subsequent fulfilment of additional conditions. The conditions and procedures of the award shall be contained in the higher education institution’s rules for organisation and operation.

## **65. Language examinations, scholarships**

### **Article 107**

(1) Where the completion of a language examination for general purposes is a prerequisite for the award of a diploma or certificate, exemption from this requirement shall be granted to students who are at least forty years old in the year of commencing their studies in the first year of a programme. This provision shall not apply to those who take a final examination after the academic year of 2015/2016.

(2) If the rules for organisation and operation of a higher education institution provide for the above, exemption from the completion of a language examination for general purposes, as required for the award of a diploma or certificate, shall be granted, in addition to those defined in paragraph (1), to students who fail to present to the higher education institution a certificate attesting to the completion of a language examination for general purposes within three years from the day of the successful final examination and choose to pass a language examination organised by the higher education institution rather than the language examination for general purposes required for the award of a diploma or certificate. This provision shall not apply to those who take a final examination after the academic year of 2012/2013.

(3) The Government shall lay down the rules of relating the state-recognised elementary, intermediate and advanced level language examinations, or their equivalents, to the six levels of language proficiency proposed by the Council of Europe in its Common European Framework of Reference for Languages, as well as the rules of state-recognised language examinations for a certificate of foreign language proficiency.

(4) The list of the personal and sensitive data processed under the Bursa Hungarica Municipal Higher Education Grants Programme operated jointly by the Government and municipalities, as well as the rules of data processing are laid down in Annex 4.

(5) The Government shall define the rules of awarding higher education scholarships, the scholarship amounts, the scopes of eligibility and further transitional rules related to the introduction of this Act.

### **Article 107/A**

(1) If it is established that the conditions of award were not satisfied, the state-recognised language certificate referred to in Article 107(3) shall be revoked by the examination centre awarding it, pursuant to the procedure set out in the applicable government decree, by way of a decision adopted within five years from the issue of the language certificate. The revoked language certificate shall be sent to the educational authority, which shall arrange for its annulment. Otherwise, the provisions of the Act on Administrative Proceedings shall apply *mutatis mutandis* to revocation.

(2) Notwithstanding paragraph (1), if the award of a language certificate was influenced by a criminal act, and the commission of the criminal act has been confirmed by a final court or prosecutorial decision, the awarding examination centre shall annul the language certificate without any time limitation, provided that the annulment does not affect any right acquired and exercised in good faith. In cases where the awarding examination centre has been dissolved without a legal successor, the language certificate shall be annulled by the educational authority. Otherwise, the provisions of the Act on Administrative Proceedings shall apply *mutatis mutandis* to annulment.

(3) Decisions adopted pursuant to paragraphs (1) and (2) shall be subject to appeal.

(4) Final decisions concerning language certificates shall be published, without any reasons stated, in the official gazette of the ministry headed by the Minister and on the website of the educational authority.

(5) If the examination centre awarding the language certificate has been dissolved without a legal successor, the procedures defined in paragraphs (1) and (2) shall be carried out by the educational authority.

(6) The body adopting the final decision referred to in paragraph (2) shall immediately notify the issuer of the language certificate and the educational authority of the decision.

(7) In procedures for the accreditation of an examination centre or an examination system, the educational authority shall adopt a decision within thirty days from the receipt of the application for accreditation.

(8) In procedures for the renewal of the accreditation of an examination centre or an examination system, the time limit specified in paragraph (7) shall be applicable.

## **66. Definitions**

### **Article 108**

For the purposes of this Act, the following definitions apply:

1. *doctoral student*: a student participating in a doctoral programme;
  - 1a. *doctoral dissertation*: a paper, creation or work prepared by a doctoral student in order to demonstrate the ability to solve independently an academic task adapted to the requirements of the degree;
  - 1b. *dual study programme*: a bachelor programme including extensive practice launched in fields of study such as technology, information technology, agriculture, science and economics, or a bachelor programme in social work, or a master programme pertaining to the aforementioned fields of study, where practical training is delivered, according to the curriculum of the programme (developed in line with the programme and outcome requirements, for full-time studies, containing specific provisions for the academic term, the methods of training, contact hours and the assessment of the acquired knowledge and skills), within the framework set by the Council for Dual Education, at qualified organisations;
2. *examination of medical fitness*: a medical examination the purpose of which is to confirm that the physical endowments and health condition of a person enable preparation for the performance of the chosen activity without the person's health being jeopardised;
3. *evening delivery mode*: a programme delivery mode where students have contact hours after 4 p.m. on working days or at weekends during the study period;
4. *phasing-in system*: a principle of organising programmes of study whereby new or amended academic and examination requirements apply to students who commence their studies after the introduction of the new or amended requirements and to students who commenced their studies prior to that date but choose to comply with the new or amended academic and examination requirements;
  - 4a. *academic research and development performed as a business activity*: the innovation activities defined in Article 3(6) of the Act on Scientific Research, Development and Innovation and the research and development activities defined in Article 3(11) of the same act, as well as the related subactivities, performed as core activities by public higher education institutions, either on order or in the framework of cooperation, using revenues from sources other than public finances;
5. *semester*: a period comprising five months, defined for the purposes of organising education;
6. *student (applicant) with disability*: a student with motor, sensory or speech disability, or multiple disabilities, autism spectrum disorder or any other disorder of psychological development (serious learning, attention-deficit or behavioural disorder);
7. *habilitation*: an assessment of teaching and lecturing skills and academic performance by the higher education institution;
8. *student contract*: a contract made pursuant to Article 39(3) between a higher education institution and a student admitted for a self-funded programme;
9. *multiply disadvantaged*: a person who is less than twenty-five years old at the time of enrolment (application) and qualifies as multiply disadvantaged pursuant to the act on child protection and child welfare administration;
10. *disadvantaged*: a person who is less than twenty-five years old at the time of enrolment (application) and qualifies as disadvantaged pursuant to the act on child protection and child welfare administration;
11. *institute*: an organisational unit integrating or performing the activities of several departments;

12. *institutional document*: the founding charter and the rules, programmes and plans required under this Act, including the rules for organisation and operation, the educational programme, the institutional development plan, the statutes of the students' union and the internal regulation referred to in the Act on Accounting and its implementing decree;

13.

14. *qualifications framework*: the general features of each level of qualification in the multi-cycle system, applicable to all fields of study;

15.

16. *programme and outcome requirements*: the set of knowledge, proficiency, skills and competences, or learning outcomes, to be acquired for the award of a diploma for the completion of a given programme;

17. *programme duration*: the time period specified in law as necessary for collecting the prescribed number of credits and obtaining the degree and the professional qualification offered for the completion of a programme;

18. *academic term*: a unit comprising a study period and a related examination into which the duration of a programme is divided;

19. *educational programme*: a complex educational document in which the higher education institution lays down

a) the detailed requirements of delivering and completing bachelor, master and single-cycle long programmes, tertiary vocational programmes and postgraduate specialisation programmes, and

b) the doctoral programme plan, together with the detailed rules of programme delivery, applying in particular to the curriculum, or the programme of instruction and the course unit syllabi, and the methods, procedures and rules of assessment and verification;

20. *field of study*: a set of programmes with similar or partly identical educational content, as specified in the applicable government decree;

21. *programme with a small number of students*: a programme launched on the basis of international commitments or cultural and educational policy interests to which not more than twenty students funded through full or partial Hungarian state scholarships may be admitted across the country in any year, or a minority programme;

22. *clinic*: a health service provider which operates as an organisational unit of a higher education institution and participates in the performance of educational and research tasks related to programmes in medicine;

23. *consultation*: an opportunity for students to participate in one-to-one discussion with a lecturer or professor of the higher education institution;

23a. *community based higher education centre*: an organisation not qualifying as a higher education institution which, within the field of study and maximum number of students specified in its operating authorisation, under an agreement with a higher education institution having the operating authorisation and academic teaching staff necessary for a programme, ensures for the higher education institution and its students the conditions of the educational core activities of higher education, as well as the material, property access and, as set out in the agreement with the higher education institution, financial conditions of the programme concerned, while operating away from the seat of the higher education institution;

24. *credit*: a unit for measuring students' academic work which expresses in respect of a course or curriculum unit the time estimated to be necessary for acquiring the defined learning outcomes and meeting the requirements; one credit represents thirty academic hours on average, and the

value of a credit does not depend on the assessment of the learning outcome acquired by the student, provided that the student's performance was accepted;

25. *correspondence delivery mode*: a programme delivery mode where, unless otherwise agreed with the students concerned, students have contact hours in blocks, every two weeks or less frequently, on working days or at weekends, and distance education delivery methods are used in the rest of the programme;

26. *student funded through a full or partial Hungarian state scholarship*: a student funded through a full Hungarian state scholarship or a partial Hungarian state scholarship;

27. *programme funded through a full or partial Hungarian state scholarship*: a tertiary programme funded through a full Hungarian state scholarship or a partial Hungarian state scholarship;

28. *mentoring scheme*: a special form of study where disadvantaged students receive support for their studies from a student or a member of the academic teaching staff of the higher education institution;

29. *career aptitude assessment*: an assessment of abilities to establish if an applicant is in possession of the individual abilities and qualities necessary for participation in the selected programme or the pursuit of the activity corresponding to the qualification to be obtained;

30. *courses taken at another higher education institution*: acquisition of credit by a guest student at a higher education institution other than the home institution;

31. *subspecialisation*: a set of courses within a given programme the completion of which enables the acquisition of special knowledge and skills but does not lead to a separate qualification;

32. *programme*: a programme of study delivering the common set of learning outcomes (knowledge, skills, competences) necessary for obtaining a certain qualification;

33. *specialisation*: a set of courses within a given programme the completion of which enables the acquisition of special knowledge and skills and leads to a separate qualification;

34. *professional qualification*: evidence of professional competence giving access to a profession, determined by the content of the completed programme, specialisation or subspecialisation, and awarded together with a bachelor or master degree, or for the completion of a postgraduate specialisation programme or a tertiary vocational programme, attested by a diploma or tertiary vocational diploma;

35. *assessment of occupational fitness*: a form of assessment defined by the higher education institution which focuses on the abilities necessary for the selected professional qualification and the individual abilities the optimal development of which will ensure the successful completion of studies (preparation for the pursuit of an occupation);

36. *practice period*: a student activity to be performed partly independently at a workplace outside or within the higher education institution during the completion of a tertiary vocational, bachelor, master or single-cycle long programme;

37. *off-site programme*: a tertiary programme delivered, either in part or in full, away from the higher education institution's place of operation (seat, sites);

38. *place of off-site programme*: a settlement defined in the founding charter and used as a place of an off-site programme [excluding the places of programmes referred to in points *b*), *d*) and *e*) of Article 14(2a)];

39. *unit of study*: a curriculum unit or course for which credit is awarded and represents one semester of study;

40. *academic year*: a period comprising ten months, defined for the purposes of organising education;

41. *contact hour*: a session (lecture, seminar, practice session, consultation) with a duration of not less than forty-five and not more than sixty minutes, where the personal contribution of a lecturer or professor is needed for the fulfilment of the academic requirements laid down in the curriculum;

42. *curriculum*: the plan according to which a programme is delivered, developed in accordance with the programme and outcome requirements and comprising the following components: broken down by programme of study, a course and examination plan developed on the basis of the course and curriculum units, a system of assessing and verifying the fulfilment of requirements, and the syllabi of course and curriculum units;

43. *department*: an organisational unit performing educational, academic research and organisational tasks in relation to at least one course unit;

44. *distance education*: a form of education involving the use of ICT based teaching materials, special teaching and learning methods and digital learning materials, based on an interactive teacher-student relationship and independent student work, where the number of contact hours is less than thirty percent of that of a full-time programme;

45. *site*: a settlement defined in the founding charter and used as a place of an organisational unit operating away from the seat;

46. *disciplines*: humanities, theology, agricultural sciences, technology, medical and health sciences, social sciences, natural sciences and liberal arts, which can be further divided into branches;

47. *final certificate (absolutorium)*: evidence of the successful completion of all examinations prescribed in the curriculum, except for passing a language examination and delivering a (bachelor or master) thesis, the fulfilment of other academic requirements and the acquisition of the credit points specified in the programme and outcome requirements, attesting without any qualification or assessment that the student fulfilled the academic and examination requirements set in the curriculum in every respect;

48. *examination*: a form of combined verification and assessment of the knowledge, skills and competences acquired or obtained.

## ***PART NINE***

### ***FINAL PROVISIONS***

#### **Chapter XXXI**

#### **PROVISIONS ON ENTRY INTO FORCE AND EMPOWERMENTS**

### **67. Entry into force**

#### **Article 109**

(1) With the exceptions set out in paragraph (2) and (3), this Act shall enter into force on 1 January 2012.

(2) Articles 1 to 9, 11 to 48, 49 to 53, 55 to 69, 72 to 107, Article 108 points 1 to 7, 8 to 23 and 24 to 44, Article 110(1) points 2 to 11, 13 to 18, 20, 22 and 24 to 27 and Articles 110(2) to (4), 111(1) to (5), 112 to 114, 115(1) to (4) and (6) and (7), 117(1) to (4) and (6), 118 and 119, 120(1), as well as Annexes 1 to 4 shall enter into force on 1 September 2012.

(3) Articles 10 and 54 and points 1, 12 and 21 of Article 110(1) shall enter into force on 31 July 2012.

## **68. Empowerments**

### **Article 110**

(1) The Government shall be empowered to regulate by decree

1. the conditions and rules for classification as flagship higher education institution, research university, research faculty and college of applied sciences, as well as the conditions for using the amount of funding determined with regard to such classification,

2. the structure of single-cycle long programmes and programmes organised according to the bachelor-master model,

3. the minimum conditions for the establishment and operation of higher education institutions, community based higher education centres and student residences, the rules of the procedure for establishment, the conditions for the establishment of public higher education institutions for practical training purposes and off-site programmes delivered outside the territory of Hungary, as well as the rules for making proposals as to the members of the consistorium,

4. the qualifications framework and the rules of doctoral programmes,

a) the fields of study and the degree programmes offered at bachelor and master levels, as well as the rules of procedure for the establishment and launch of such programmes,

b) the rules of procedure and conditions for the establishment of doctoral schools, the general rules governing the organisation and membership of doctoral schools, the powers of the doctoral council, public access to doctoral dissertations and the accompanying theses and the procedure for obtaining a doctoral degree, as well as the conditions for the award of doctoral degrees,

5. the system of state-recognised language examinations, including the rules of relating the state-recognised elementary, intermediate and advanced level language examinations, or their equivalents, to the six levels of language proficiency proposed by the Council of Europe in its Common European Framework of Reference for Languages, as well as the rules of state-recognised language examinations for a certificate of foreign language proficiency,

6. the rules of procedure related to the operation of the higher education information system, the transmission of data, student identity cards and teacher and student identification numbers, the requirements as to the form and content of forms to be used on a mandatory basis by higher education institutions and the rules for the approval of such forms, as well as the rules for recording the period of funding, the reclassification of students funded through full or partial Hungarian state scholarships and self-funding students, student competence assessments, transfer students and transfer to a programme leading to a different degree,

7. the rules governing tertiary vocational programmes, the fields of study and the specific programmes, the rules of procedure for the establishment and launch of such programmes, the conditions of practical training and the related services provided to students free of charge, the rules applicable to agreements made with students participating in practical training delivered outside the higher education institution, and the rules governing student employment contracts,

8. the requirements related to the completion of the secondary school leaving examination, which is necessary for admission, the subjects in which the secondary school leaving examination should be taken, the language requirements, the comparison of the applicants' results with the requirements, the rules governing the assessment of applications, the recognition of overachievements, the principles and methods of the ranking and classification of applicants, the

method of providing information on admission to higher education institution, including the rules of publishing the conditions for admission and the aptitude requirements not later than two years prior to admission, the amount of fees charged for the administrative services of admission procedures and the method of payment and the conditions for the reimbursement of such fees, the bachelor programmes admission to which involves a practical examination or an examination of medical fitness, as well as the conditions under which higher education institutions may organise oral entrance examinations,

9. the conditions of the admission procedure ensuring equal opportunities for

*a)* disadvantaged students (applicants),

*b)* those who are on unpaid leave for childcare purposes or receive maternity benefit, childcare assistance, child-raising allowance or childcare benefit,

*c)* applicants with disabilities,

*d)* minority applicants,

10. the requirements of preferential treatment to promote equal opportunities for students; the rules of organising mentoring schemes,

11. the rules governing the establishment and certification of disability, the principles relating to studies pursued by students with disabilities, the criteria and rules of procedure of preferential treatment,

12. the rules of talent promotion, in particular

*a)* the national system of student research society activities,

*b)* the principles of organising colleges for advanced studies,

*c)* an incentive scheme encouraging talent promotion activities,

*d)* the principles of talent promotion systems at higher education institutions,

13. the detailed rules of student allowances, funding and other benefits,

14. the rules and institutional conditions related to the provision of housing and welfare services to students, and the higher education institution's decisions concerning students which shall be communicated in writing,

15. the general rules on the academic credit system, including in particular

*a)* the manner of providing academic information,

*b)* the framework of academic progress, the mandatory minimum number of credits to be acquired,

*c)* the rules of documenting and recording credits and academic results,

*d)* academic periods and their schedules,

*e)* the principles and methods of student performance assessment,

*f)* the principles and forms of support to be provided to disabled students, the means of ensuring equal opportunities and equal access,

*g)* the rules of organisation and evaluation principles of final examinations,

16. the rules of the award of doctoral titles with distinction,

17. the rules relating to employment, benefits, the calls for applications relating to employment, the appointment of executive officers and conflict of interest, the conditions for creating and filling academic research positions, the rules on classification and salaries in case of employment as teacher,

18. the procedures and the rules of operation and supervision of the body or bodies maintaining the register of higher education institutions,

19. the rules for the determination of the honoraria paid to the president, members and officers of the HAC, the issues relating to the establishment, operation and powers of the HAC, the Higher Education Planning Board and the Council for Dual Education,

20. the issues relating to the funding and management of higher education institutions and the issues relating to the management of private higher education institutions,

21. the establishment of higher education scholarships and the conditions and rules of awarding higher education scholarships, in particular national higher education scholarships, equal opportunities scholarships and Bursa Hungarica Municipal Higher Education Grants,

22. the conditions of receiving a teacher training scholarship, the teacher training programmes organised in the form of bachelor, master or single-cycle long programmes, the available double-degree programmes, as well as the general rules for the specialisation system of master programmes,

23. the rules governing the fulfilment of obligations arising from participation in a programme funded through a Hungarian state scholarship, the rules of procedure relating to the registration and management of student contracts and the terms and conditions of student contracts,

24. the rules for the classification of degrees and professional qualifications attested by diplomas within the Hungarian Qualifications Framework,

25. the rules of habilitation procedures,

26. the titles that may be awarded to former and external lecturers and professors of higher education institutions, as well as the conditions of award,

27. the conditions and rules of procedure of borrowing a student loan, the detailed rules of concluding the loan contract, the determination of the interest rate of the student loan, loan applications, and the disbursement, repayment, early repayment, support, clearance, expiry and termination of student loans, the specific rules for the annual accounts of the Student Loan Organisation and for keeping its accounts, and the detailed rules for the operation of a student loan system.

(2) The Government shall be empowered to designate by means of a decree

*a)* the body maintaining the register of higher education institutions,

*b)* the body responsible for the operation of the higher education information system,

*c)* body responsible for keeping records on the fulfilment of conditions for Hungarian state scholarships.

(3) The Minister shall be empowered to regulate by decree

*a)* the tasks of the office of the Commissioner for Educational Rights, the rules governing its organisation and operation, the emoluments of the head of the office, and the management of its activities,

*b)* the programme and outcome requirements of tertiary vocational, bachelor and master programmes,

*c)* the general conditions of organising postgraduate specialisation programmes,

*d)* the administrative service fees related to state-recognised language examinations and the operation of the higher education information system, and the levels of such fees, as well as the fees for higher education regulatory procedures, and the levels of such fees.

(4) The Minister shall exercise the regulatory powers assigned by point *d)* of paragraph (3) with the consent of the minister responsible for tax policy.

## Chapter XXXII

### TRANSITIONAL PROVISIONS

#### **69. Transitional provisions on the conditions of educational activities**

## **Article 111**

(1) The admission system set out in this Act shall first apply to the general admission procedure relating to the applications for the academic year 2013/2014. The Government may in its decree prescribe the language requirement under Article 40(2) as a prerequisite for admission for those who apply for admission to the first year of bachelor and single-cycle long programmes commencing in September 2016 and in subsequent years.

(2)

(3)-(4)

(6)

(7) The requirement of Article 49(2) of the Act on National Higher Education, whereby students shall be given an opportunity to take courses with a total credit value that exceeds the total number of credits required by at least ten percent, shall first apply to students commencing their studies on 1 September 2013 and shall be phased in progressively thereafter.

(8) The provisions of Articles 39(3), 46(3) and 48/A to 48/S of this Act, as enacted by Act LXX of 2013 on the amendment of Act CCIV of 2011 on higher education in connection with the fourth amendment of the Fundamental Law (hereinafter referred to as “Amending Act”), shall apply to students admitted to and enrolled in the first year of bachelor programmes, single-cycle long programmes, master programmes and tertiary vocational programmes funded through full or partial Hungarian state scholarships and commencing in September 2013 and in subsequent years, and also to students having a student contract concluded before the entry into force of the Amending Act, with the stipulation that the declaration made at the time of the conclusion of the student contract shall be deemed to have been made in accordance with Article 48/D(2), as enacted by the Amending Act, and the student contract shall be replaced by the rights and obligations set out under subheading 28/A, as enacted by the Amending Act.

## **Article 112**

(1) Before 1 September 2016, programmes commenced under Act LXXX of 1993 on Higher Education (hereinafter referred to as “1993 Act on Higher Education”) may be completed, in a continuous manner, without any change in the applicable professional requirements, examination rules or the diploma awarded. The student status of those who fail to obtain a final certificate by this deadline shall be terminated as from this date. Former students who obtained a final certificate before 1 September 2016 may take a final examination before 1 September 2018. The rules laid down in this paragraph shall apply to former students falling under the scope of Article 112(5a) of this Act, as enacted by Act CXXXI of 2015 amending certain acts regulating higher education, and decisions taken by higher education institutions under Article 112(5a) shall be amended for the benefit of former students by 15 February 2016 subject to this paragraph.

(2) Programmes commenced under Act CXXXIX of 2005 on Higher Education (hereinafter referred to as “2005 Act on Higher Education”) shall be completed, in a continuous manner, without any change in the applicable professional requirements, examination rules or the diploma or certificate awarded. Unless otherwise provided in this Act, the body responsible for the operation of the higher education information system shall be entitled to process the personal data recorded in the higher education information system under the 2005 Act on Higher Education until the deadline specified in Article 35(4) of the 2005 Act on Higher Education.

(3)

(4)-(5)

(5a)

(6) Where reference is made in legislation to college degrees and professional qualifications, it shall be construed as reference to bachelor degrees and professional qualifications. Where reference is made in legislation to bachelor degrees and professional qualifications it shall be construed as reference to college degrees and professional qualifications.

(7) Where reference is made in legislation to university degrees and professional qualifications, it shall be construed as reference to master degrees and professional qualifications. Where reference is made in legislation to master degrees and professional qualifications it shall be construed as reference to university degrees and professional qualifications.

(8) Participation in master programmes launched pursuant to this Act shall also be open to holders of college degrees and professional qualifications. Participation in postgraduate specialisation programmes launched pursuant to this Act shall also be open to holders of college or university degrees and professional qualifications.

(9) As from 1 September 2016, student allowances shall be determined pursuant to this Act for eligible students who commenced their studies before 1 September 2008 under the 2005 Act on Higher Education and hold student status after 1 September 2016.

(10) Student allowances shall be determined pursuant to this Act

a) as from 1 September 2017, for eligible students who commenced their studies after 31 August 2008 under the 2005 Act on Higher Education and hold student status after 1 September 2017,

b) as from 1 September 2018, for eligible students who commenced their studies after 31 August 2009 under the 2005 Act on Higher Education and hold student status after 1 September 2018.

### **Article 113**

(1) Possession of a language certificate shall be required, pursuant to the 1993 Act on Higher Education, as a prerequisite for the award of a diploma, if such requirement existed when the programme was launched.

(2) After the entry into force of this Act, those who provide evidence of obtaining a diploma at a higher education institution as a student paying for the programme or as a self-funding student shall be entitled to participate in programmes funded through full or partial Hungarian state scholarships. In the case of those who hold a higher education diploma or certificate and commence additional tertiary studies after 1 January 2006, but are unable to provide evidence of paying for the previous programme or of self-funding, it shall be presumed that the period of state-funded studies pursued in any cycle of higher education was seven semesters. Before enrolment, the student or the higher education institution concerned or the educational authority may submit a certificate to rebut this presumption.

(3) The conditions of the validation of certificates and diplomas awarded under the 1993 Act on Higher Education for the purpose of programmes launched under this Act, and the number of credits to be awarded for such diplomas and certificates, shall be determined by the credit transfer committee of the higher education institution pursuant to Article 49(5) and (6). A comparison of learning outcomes shall be carried out irrespective of whether the programme leading to the diploma awarded previously was completed before or after the introduction of the credit system.

(4) In the case of the validation of a certificate awarded for the completion of a higher vocational education and training programme under the 2005 Act on Higher Education, the number of credits which may count toward a bachelor programme in the same field of study shall

be not less than thirty and not more than sixty. Otherwise, the conditions of the validation of such certificates for the purpose of programmes commenced under this Act and the number of credits to be awarded for such certificates shall be determined by the credit transfer committee of the higher education institution pursuant to Article 49(5) and (6).

(5) Article 15(2) shall apply to programmes commencing in September 2013 and thereafter.

#### **Article 114**

(1) Doctoral students who commenced a doctoral programme under the 2015 Act on Higher Education may complete such programmes in accordance with the prescribed requirements. Procedural issues related to doctoral programmes and the award of doctoral degrees shall be governed by the provisions of this Act. The degrees defined in this Act shall be awarded for the completion of doctoral programmes. The doctoral degrees awarded under the 1993 and 2005 Acts on Higher Education shall be equivalent to the doctoral degrees awarded under this Act.

(2) Articles 16(1), 47(2), 48(2a), 53(1) to (4a) and (5) points *a*) and *b*), 53/A(3), 59(1) points *j*) to *l*), 72(5), 84/A(4), 108 points 1 and 1a. and 114/D(1) point *b*) of this Act, as enacted by Act CCVI of 2015 amending certain acts regulating education, shall first apply to doctoral students acquiring student status in the first semester of the academic year 2016/2017.

#### **Article 114/A**

(1) The number of students funded through full or partial Hungarian state scholarships who may be admitted to postgraduate specialisation programmes and doctoral programmes in September 2013 and thereafter pursuant to Article 39(5) and (6) of this Act, as enacted by Act CCVIII of 2012 on the amendment of certain acts in relation to underpinning the act on the central budget and for other purposes, shall equal the number determined by the government for 2012; the number of students funded through full or partial Hungarian state scholarships who may be admitted to master programmes shall be thirty-five percent of the number of those admitted to higher vocational education and training programmes or, in the absence thereof, tertiary vocational, bachelor and single-cycle long programmes funded by the state or funded through full or partial Hungarian state scholarships in the third year preceding the given year.

(2) Article 44(3a) of this Act, as enacted by the 2012 act on the amendment of certain acts in relation to underpinning the act on the central budget and for other purposes (hereinafter referred to as “Act CCVIII of 2012”), shall apply to students admitted to the first year of bachelor programmes, single-cycle long programmes, master programmes, tertiary vocational programmes and postgraduate specialisation programmes commencing in September 2012 and in subsequent years, provided that they complete a practice period after 1 January 2013.

(3) Articles 46(3) and 48/C(2) of this Act, as enacted by Act CCVIII of 2012, shall apply to students admitted to the first year of bachelor programmes, single-cycle long programmes, master programmes, tertiary vocational programmes and postgraduate specialisation programmes commencing in September 2013 and in subsequent years.

#### **Article 114/B**

(1)

(2)

### **Article 114/C**

The programme funding referred to in Article 84/A shall be determined pursuant to the decree of the Government referred to in Article 84/A(5), with the stipulation that the level of funding shall not be reduced by more than twenty percent with regard to the available budgetary resources.

### **Article 114/D**

- (1) Pursuant to Article 85/A(1) of this Act, as enacted by Act CCVIII of 2012,
- a)* the amount of per student normative funding shall be HUF 119,000 per year,
  - b)* the amount of per capita funding for doctoral students shall be
    - ba)* HUF 1,680,000 per year in the study and research stage,
    - bb)* HUF 2,160,000 per year in the research and dissertation stage,
    - bc)* HUF 400,000 provided once during the doctoral programme, subject to the award of a doctoral degree,
  - c)* the amount of normative funding for students receiving national higher education scholarships shall be HUF 400,000 per year,
  - d)* the amount of normative funding for dormitory/student residence places shall be HUF 116,500 per year,
  - e)* the amount of normative funding for housing assistance shall be HUF 60,000 per year,
  - f)* the amount of textbook and course book allowances and for sports and cultural activities shall be HUF 11,900 per year.
- (2) For the purposes of Chapter XXIV, 'state-funded student' shall mean a student participating in a state-funded programme and, from September 2012, a student admitted to a programme funded through a full or partial Hungarian state scholarship.
- (3) For the purposes of Chapter XXIV, 'student participating in a state-funded programme' shall mean a student admitted to a state-funded programme, and
- a)-b)*
  - c)* a student transferring from any paid programme and replacing, upon the decision of the higher education institution, a state-funded student who has permanently withdrawn from a programme, for the remaining duration of that programme.

### **Article 114/E**

### **Article 114/F**

Points 9 and 10 of Article 108 of this Act, as enacted by Act XXXVI of 2014 amending certain acts on education, shall first apply to the general admission procedure relating to the applications for the academic year 2015/2016 and to students commencing their studies in higher education thereafter, with the stipulation that, until the end of the general admission procedure relating to the applications for the academic year 2015/2016, an applicant, or a student commencing the first year of studies in September 2015 following a successful entrance examination or already holding student status on 31 August 2015, may qualify as disadvantaged or multiply disadvantaged pursuant to the provisions in force on 30 June 2014, up to the end of the programme duration specified in the programme and outcome requirements of the given programme.

## Article 114/G

(1) Article 47(1a) of this Act, as enacted by Act LXXX of 2016 amending acts regulating education and certain related acts, shall first apply to students commencing their studies in the first semester of the academic year 2013/2014 and shall be phased in progressively thereafter.

(2) Article 51(1) of this Act, as enacted by Act LXXX of 2016 amending acts regulating education and certain related acts, shall first apply to students commencing their studies in the first semester of the academic year 2016/2017 and shall be phased in progressively thereafter.

(3) Articles 12(3) point *h*) subpoint *he*), 64(5), 85/A(1) point *c*), 85/C point *a*) subpoint *ab*), 110(1) point 21 and 114/D(1) point *c*) of this Act, as enacted by Act LXXX of 2016 amending acts regulating education and certain related acts, shall apply from the second semester of the academic year 2016/2017.

## 70. Provisions on organisation and employment

### Article 115

(1) The procedural rules of this Act relating to the operation of higher education institutions shall apply to cases opened and procedures repeated after 1 September 2012.

(2) The educational authority shall

*a*)

*b*) after a period of five years from the date of registration, but not later than 1 September 2017, deregister a higher education institution registered between 2 January 2010 and the date of the entry into force of this Act if it has not received an operating authorisation,

*c*)

(3) If the composition of the senate of a higher education institution already in existence at the date of the entry into force of this Act does not comply with the requirements of this Act, it shall be adapted to this Act by 31 December 2012.

(4) The employment and career progress conditions for lecturers and professors shall also apply to those whose employment relationship with a higher education institution started before 1 September 2012. The period before 1 September 2012 shall be taken into account for the purpose of the fulfilment of employment conditions.

(4a) The entry into force of this Act shall not affect the employment of lecturers, professors and research fellows, the employment contracts made with them, the public service appointment letters issued and the titles awarded to them in connection with their employment by colleges and universities. The employment of a lecturer, professor or research fellow may remain subject to the 1993 Act on Higher Education after 1 September 2012. In such case, the time limit set in Article 31(2) shall not apply.

(4b) The classification and employment of lecturers, professors and research fellows employed under the old requirements referred to in paragraph (4a) before 31 August 2008 pursuant to the 1993 Act on Higher Education or Article 157(2) of the 2005 Act on Higher Education may only be changed if they comply with the new requirements.

(4c) From 1 September 2012, lecturer, professor and research fellow positions may only be created pursuant to this Act.

(4d) Lecturers, professors and research fellows who were employed pursuant to the 1993 Act on Higher Education but have in the meantime fulfilled the new requirements shall be classified

in accordance with the rules applicable to “university” positions, irrespective of whether they are employed by a university or a college. In such case, the provisions of this Act shall apply to employment, with the exception that the time spent in the given lecturer or professor position shall be taken into account for the calculation of the time limits set in Article 31. Where the time limit for the fulfilment of the prescribed conditions is shorter than five years, lecturers and professors shall be required to fulfil the prescribed conditions within five years from the date of signing the new employment contract or public service appointment. Lecturers and professors shall be classified in the “university” salary grades which correspond to the “college” salary grades they were previously classified in, and the time spent in the given salary grade shall restart.

(4e)

(5)-(6)

(7) By 1 September 2017, the educational authority shall review and amend the operating authorisations of higher education institutions having international status pursuant to the 2005 Act on Higher Education and it shall initiate through the Minister the revocation of state recognition if the operating conditions do not comply with this Act.

(8)

(9)-(16)

(17) The Faculty of Veterinary Medicine separating from Szent István University shall be University of Veterinary Medicine from 1 July 2016.

(18) Pallasz Athéné University shall be created through the merger of the College of Kecskemét and the College of Szolnok on 1 July 2016.

(19) Eszterházy Károly University shall be created through the merger of Károly Róbert College and Eszterházy Károly College on 1 July 2016.

(20) King Sigismund College shall be King Sigismund University from 1 August 2016.

## **Article 116**

(1) The conditions laid down in Article 9(3) of this Act, as enacted by Act CXXXI of 2015 amending certain acts regulating higher education, shall be fulfilled by the universities listed in Annex 1 by 1 September 2017.

(2) Having regard to Article 9(3a) of this Act, as enacted by Act CXXXI of 2015 amending certain acts regulating higher education, the educational authority shall by 1 September 2017 produce a report to the minister responsible for education on those colleges listed in Annex 1 that comply with the conditions prescribed for universities of applied sciences.

(3)

(4) Articles 15(4) and 52(6) of this Act, as enacted by Act CXXXI of 2015 amending certain acts regulating higher education, shall apply as follows: after 31 August 2016, no student shall be admitted to master programmes building on master programmes leading to the title “Legum Magister” or “Master of Laws” (in abbreviated form: LL.M.), but the holders of diplomas awarded previously for the completion of such master programmes building on master programmes may continue to use their degrees and professional qualifications attested by such diplomas, as well as the title LL.M. Master programmes building on master programmes leading to the title LL.M. commenced before 31 August 2016 may be completed under the provisions in force on 31 August 2015 by 31 August 2017 at the latest.

(5) Pursuant to Articles 15(4) and 52(6) of this Act, as enacted by Act CXXXI of 2015 amending certain acts regulating higher education, specialist lawyers holding a diploma awarded

for the completion of a postgraduate specialisation programme building on a master programme in legal studies shall be entitled to use the title “Legum Magister” or “Master of Laws” (in abbreviated form: LL. M.), irrespective of the date of issue of the diploma, also where the diploma was issued or the programme was commenced before 1 September 2015.

(6) Point *b*) of Article 28(1) and Article 31(2) and (3) of this Act, as enacted by Act CXXXI of 2015 amending certain acts regulating higher education, shall apply to those employed as senior lecturers on 31 August 2015 from 1 September 2018.

(7) Employers shall carry out the reviews and verifications referred to in point *a*) of Article 31(5) of this Act, as enacted by Act CXXXI of 2015 amending certain acts regulating higher education, for the first time in 2016.

(8) The conditions laid down in Article 48(2) of this Act, as enacted by Act CXXXI of 2015 amending certain acts regulating higher education, shall apply to students commencing their studies in the first semester of the academic year 2016/2017 and shall be phased in progressively thereafter. In each academic year, higher education institutions shall reclassify students commencing programmes funded through Hungarian state scholarships in the academic year 2015/2016 as self-funding students in cases where a student failed to collect at least fifty percent of the credits prescribed in the recommended curriculum, or to achieve the average academic performance level recommended in the rules for organisation and operation of the higher education institution, in the last two semesters that student status was not terminated, and in cases where a student has withdrawn the declaration referred to in Article 48/D(2).

(9) Article 48/E(4) of this Act, as enacted by Act CXXXI of 2015 amending certain acts regulating higher education, shall apply from 1 August 2017 in cases where eligibility for a full or partial Hungarian state scholarship, or an obligation arising therefrom, is based on a student declaration, or its equivalent pursuant to Article 111(8), made before 31 August 2015.

(10) Articles 60(2a) and 62(2a) of this Act, as enacted by Act CXXXI of 2015 amending certain acts regulating higher education, shall apply to elections held and officers appointed after 1 September 2015.

(11)

(12) The executive salary supplements determined pursuant to Article 24(6) of this Act, as enacted by Act CCVI of 2015 amending certain acts regulating education, shall result from appraisals pertaining to periods following 1 January 2016.

## **Article 117**

(1)

(2)

(3)

(4) The educational authority shall delete from its register the programmes registered pursuant to Article 106(7) of the 2005 Act on Higher Education, as well as the related data processed by the information system, when such programmes have been phased out, but not later than 1 September 2017, and shall initiate the deletion of the same from the higher education information system.

(5) Higher education institutions maintained by organisations engaged in religious activities at the time of the entry into force of the act amending acts related to the legal status and operation of religious communities in connection with the fourth amendment of the Fundamental Law may continue their operation under the rules applicable to private higher education institutions from the first day of the academic year 2013/2014. Students admitted to programmes in religious

studies delivered by such higher education institutions under the 2013 general admission procedure or earlier may complete their programmes without any change in the conditions and funding thereof.

(6) Personal data recorded pursuant to Annex 2, Part II/C, point 1. *ah*) and *ai*) of the 2005 Act on Higher Education may be retained for a period of five years after the termination of student status, following the entry into force of this Act.

(7)-(8)

#### **Article 117/A**

(1)-(3)

(4) Article 37(3) of this Act, as enacted by Act XXXVI of 2014 amending certain acts on education, shall apply to senior executive officers appointed after the entry into force of Act XXXVI of 2014 amending certain acts on education.

(5) Pursuant to Article 71(1) and (4) of this Act, as enacted by Act XXXVI of 2014 amending certain acts on education, the members delegated by the Hungarian Chamber of Commerce and Industry and the National Conference of Students' Unions shall be appointed for periods ending on 28 February 2018 and 29 February 2016, respectively. Following these dates, the Hungarian Chamber of Commerce and Industry and the National Conference of Students' Unions shall be entitled to delegate members in accordance with Article 71(4), with the stipulation that the terms of appointment as member of the HAC ending on 28 February 2018 or 29 February 2016 shall be taken into account for the renewal of appointments.

(6)

(7) Article 48/B(8) of this Act, as enacted by Act XXXVI of 2014 amending certain acts on education, shall apply to changes of programme after 1 September 2015.

#### **Article 117/B**

(1) When the functions of a company within the meaning of Article 11/A(1) of the Act on Public Finances and of the higher education institution maintained by it are taken over by a budgetary unit supervised by central government, the provisions under subheading 9/A of the Act on Public Finances shall apply subject to the derogations laid down in this Article.

(2) The maintainer's rights exercised by companies maintaining non-public higher education institutions shall cease to exist at the time of the takeover referred to in paragraph (1) by virtue of this Act.

(3) When functions are taken over

*a*) the company referred to in point *a*) of Article 11/A(1) of the Act on Public Finances shall be the maintainer company, while the company referred to in point *b*) shall be the higher education institution maintained by such company,

*b*) in the case of the higher education institution, 'management' shall refer to the rector,

*c*) in the case of the higher education institution, 'commercial court' shall refer to the body responsible for the registration of higher education institutions.

(4) During the takeover of functions, the acquiring budgetary unit shall be the successor public higher education institution referred to in paragraph (5).

(5) In respect of state-owned companies and the higher education institution maintained by them, the acquiring public higher education institution shall be designated by the Government in

a decree. The authorisation of the operation of the successor higher education institution shall be subject to Article 21(5).

(6) During the takeover referred to in paragraph (1), the prohibition under Article 84(3) of the Act on National Public Education and the procedural rules laid down in Articles 83(4) to (6) and 84(7) of the same act shall not apply.

### **Article 117/C**

The research, development and innovation activities referred to in Article 88(5) shall be removed from the scope of activities of institutional companies in which public higher education institutions have shares, or such shares shall be disposed of, by 31 December 2017 or the end of the financial year in which ongoing activities performed under effective contracts of the institutional company end, but not later than 31 December 2020.

## **71. Compliance with European Union law**

### **Article 118**

This Act serves the purpose of partial compliance with the following EU legal acts:

*a)* Articles 11(1)(b) and 21 of Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents;

*b)* Article 24 of Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC;

*c)* Article 14(1)(c) of Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment;

*d)* Article 12(1)(c) of Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State;

*e)* Article 27(2) of Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted.

## **Chapter XXXIII**

### **AMENDING PROVISIONS**

#### **Article 119**

#### **Article 120**

(1)

(2)

(3) Article 36(5) of Act CLXVI of 2011 on the amendment of certain acts underpinning the 2012 budget of Hungary shall not enter into force.

(4)

Annex 1 to Act CCIV of 2011

***State-recognised higher education institutions in Hungary***

	A	B	C
1.			I. UNIVERSITIES
2.			I/A. Public universities
3.			Állatorvostudományi Egyetem, Budapest <i>University of Veterinary Medicine</i>
4.			Budapesti Corvinus Egyetem, Budapest <i>Corvinus University of Budapest</i>
5.			Budapesti Műszaki és Gazdaságtudományi Egyetem, Budapest <i>Budapest University of Technology and Economics (BME)</i>
6.			Debreceni Egyetem, Debrecen <i>University of Debrecen</i>
7.			Eötvös Loránd Tudományegyetem, Budapest <i>Eötvös Loránd University</i>
8.			Kaposvári Egyetem, Kaposvár <i>Kaposvár University</i>
9.			Liszt Ferenc Zeneművészeti Egyetem, Budapest <i>Liszt Ferenc Academy of Music (University)</i>
10.			Magyar Képzőművészeti Egyetem, Budapest <i>Hungarian University of Fine Arts</i>
11.			Miskolci Egyetem, Miskolc <i>University of Miskolc</i>
12.			Moholy-Nagy Művészeti Egyetem, Budapest <i>Moholy-Nagy University of Art and Design</i>
13.			Nemzeti Közszolgálati Egyetem, Budapest <i>National University of Public Service</i>
14.			Nyugat-magyarországi Egyetem, Sopron <i>University of West Hungary</i>
15.			Óbudai Egyetem, Budapest <i>Óbuda University</i>
16.			Pannon Egyetem, Veszprém <i>University of Pannonia</i>
17.			Pécsi Tudományegyetem, Pécs <i>University of Pécs</i>
18.			Semmelweis Egyetem, Budapest <i>Semmelweis University</i>
19.			Szegedi Tudományegyetem, Szeged <i>University of Szeged</i>
20.			Szent István Egyetem, Gödöllő <i>Szent István University</i>
21.			Széchenyi István Egyetem, Győr <i>Széchenyi István University</i>
22.			Színház- és Filmművészeti Egyetem, Budapest <i>University of Theatre and Film Arts</i>
23.			Testnevelési Egyetem, Budapest <i>University of Physical Education</i>

24.		I/B. Non-public universities
25.		Andrássy Gyula Budapesti Német Nyelvű Egyetem, Budapest <i>Andrássy Gyula German Speaking University Budapest</i>
26.		Debreceni Református Hittudományi Egyetem, Debrecen <i>Debrecen Reformed Theological University</i>
27.		Evangélikus Hittudományi Egyetem, Budapest <i>Lutheran Theological University</i>
28.		Károli Gáspár Református Egyetem, Budapest <i>Károli Gáspár University of the Reformed Church in Hungary</i>
29.		Közép-európai Egyetem, Budapest <i>Central European University (Budapest)</i>
30.		Országos Rabbiképző - Zsidó Egyetem, Budapest <i>Jewish Theological Seminary – University of Jewish Studies Hungary</i>
31.		Pázmány Péter Katolikus Egyetem, Budapest <i>Pázmány Péter Catholic University</i>
32.	II. UNIVERSITIES OF APPLIED SCIENCES	
33.		II/A. Public universities of applied sciences
34.		Budapesti Gazdasági Egyetem, Budapest <i>Budapest Business School</i>
35.		Dunaújvárosi Egyetem, Dunaújváros <i>University of Dunaújváros</i>
36.		Eszterházy Károly Egyetem, Eger <i>Eszterházy Károly University</i>
37.		Nyíregyházi Egyetem, Nyíregyháza <i>University of Nyíregyháza</i>
38.		Pallasz Athéné Egyetem, Kecskemét <i>Pallasz Athéné University</i>
39.		II/B. Non-public universities of applied sciences
40.		Budapesti Metropolitan Egyetem, Budapest <i>Budapest Metropolitan University</i>
41.		Zsigmond Király Egyetem, Budapest <i>King Sigismund University</i>
42.	III. COLLEGES	
43.		III/A. Public colleges
44.		Eötvös József Főiskola, Baja <i>Eötvös József College</i>
45.		Magyar Táncművészeti Főiskola, Budapest <i>Hungarian Dance Academy</i>
46.		Pető András Főiskola, Budapest <i>András Pető College</i>
47.		III/B. Non-public colleges
48.		A Tan Kapuja Buddhista Főiskola, Budapest <i>“The Gate of the Teaching” Buddhist College</i>
49.		Adventista Teológiai Főiskola, Pécel <i>Adventist Theological College</i>
50.		Apor Vilmos Katolikus Főiskola, Vác <i>Apor Vilmos Catholic College</i>
51.		Baptista Teológiai Akadémia, Budapest <i>Baptist Theological Seminary</i>
52.		Bhaktivedanta Hittudományi Főiskola, Budapest <i>Bhaktivedanta College of Theology</i>
53.		Budapest Kortárs Tánc Főiskola, Budapest <i>Budapest Academy of Contemporary Dance</i>
54.		Edutus Főiskola, Tatabánya <i>Edutus College</i>

55.		Egri Hittudományi Főiskola, Eger <i>Theological College of Eger</i>
56.		Esztergomi Hittudományi Főiskola, Esztergom <i>Theological College of Esztergom</i>
57.		Gábor Dénes Főiskola, Budapest <i>Dennis Gábor College</i>
58.		Gál Ferenc Főiskola, Szeged Gál Ferenc College
59.		Golgota Teológiai Főiskola, Vajta <i>Calvary Chapel Bible College Europe</i>
60.		Győri Hittudományi Főiskola, Győr <i>Theological College of Győr</i>
61.		IBS Nemzetközi Üzleti Főiskola, Budapest <i>International Business School</i>
62.		Kodolányi János Főiskola, Székesfehérvár <i>Kodolányi János College</i>
63.		Pápai Református Teológiai Akadémia, Pápa <i>Pápa Reformed Theological Seminary</i>
64.		Pécsi Püspöki Hittudományi Főiskola, Pécs <i>Theological College of Pécs</i>
65.		Pünkösdi Teológiai Főiskola, Budapest <i>Pentecostal Theological College (PTC)</i>
66.		Sapientia Szerzetesi Hittudományi Főiskola, Budapest <i>Sapientia College of Theology of Religious Orders</i>
67.		Sárospataki Református Teológiai Akadémia, Sárospatak <i>Reformed Theological Academy of Sárospatak</i>
68.		Sola Scriptura Teológiai Főiskola, Biatorbágy <i>Sola Scriptura College of Theology</i>
69.		Szent Atanáz Görög Katolikus Hittudományi Főiskola, Nyíregyháza <i>Szent Atanáz Greek-Catholic Theological Institute</i>
70.		Szent Bernát Hittudományi Főiskola, Zirc <i>Szent Bernát Theological College</i>
71.		Szent Pál Akadémia, Budapest <i>Saint Paul Academy</i>
72.		Tomori Pál Főiskola, Kalocsa <i>Tomori Pál College</i>
73.		Veszprémi Érseki Hittudományi Főiskola, Veszprém <i>Theological College of Veszprém</i>
74.		Wekerle Sándor Üzleti Főiskola, Budapest <i>Wekerle Sándor Business School</i>
75.		Wesley János Lelkészképző Főiskola, Budapest <i>John Wesley Theological College</i>

Annex 2 to Act CCIV of 2011

***Information to be included in the operating authorisation and certain institutional documents***

**I. Establishment of higher education institutions**

1. The founding charter shall be required to contain
  - 1.1. the following particulars of the higher education institution:

- a)* official name,
- b)* maintainer's name and address,
- c)* addresses of seat and all sites,
- d)* addresses of off-site programmes,
- e)* faculties and organisational structure (the rules for the appointment of the rector and the chancellor), maintained institutions,
- f)* core activities,
- g)* upper limit set for business activities,
- h)* tasks related to public education, public library services, public culture, health, agriculture and rural development, other tasks,
- i)* maximum number of students,
- j)* immovable property placed at the disposal of the higher education institution, right to dispose of assets,

1.2. the fields of study, disciplines and academic levels where the higher education institution delivers or may deliver programmes.

2. Within the framework set out in point I, the operating authorisation shall include the following information for the higher education institution:

- a)* the fields of study, disciplines and academic levels of the programmes it may deliver,
- b)* maximum student capacity, calculated for all years of study and operation with full utilisation, having regard to the human resources, premises and facilities available for students and for educational activities,
- c)* the programmes it is authorised to launch,
- d)* the disciplines and branches of science in which it may deliver doctoral programmes,
- e)* the classification of the maintained public education institution as a practice school,
- f)* the expert statement of the HAC on compliance with the ESG.

3. The operating authorisation of a foreign higher education institution shall include the following information for the foreign higher education institution:

- a)* the title and number of the foreign decision authorising its operation as a state-recognised higher education institution in the home country,
- b)* the titles of the programmes covered by its operating authorisation,
- c)* the compliance of its institutional quality assurance system to the applicable foreign requirements and the related deadline, if such system exists.

## II. The rules for organisation and operation

### 1. Organisational and operational provisions

The organisational and operational provisions shall provide, in particular, for the following: the organisation, structure and governance of the higher education institution, the rules of procedure for the election of executive officers and senior executive officers, the functions and operation of organisational units, the rules of internal communication and the organisation of student events and services provided for students. Events organised by using the official name of the higher education institution may be held upon the request of the person (organiser) responsible for the content of the activities of the event, with the permit defined by the organisational and operational provisions. The invitation to participate in the event must include the name of the

organiser. The quality management rules of the higher education institution shall form part of the organisational and operational provisions.

## 2. Employment requirements

The employment requirements shall specify in particular the following:

a) the requirements for filling each position, the rules for the assessment of applications received under the open application procedures, the conditions of scholarships and other allowances provided by the institution for its staff, the rules governing the related applications and, within the framework set in the relevant government decree, the requirements and rules for habilitation procedures,

b) the conditions of awarding titles related to academic positions and other titles which may be awarded by the higher education institution,

c) the requirements applicable to the employment and performance of lecturers, professors, research fellows and other employees, the principles of income distribution reflecting differentiation on the basis of quality and performance, the assessment of compliance with the requirements and public access thereto, the consequences of non-compliance,

d) the rules governing the assessment of applications received in response to calls for application for research by lecturers, professors and research fellows,

e) the involvement of lecturers and professors in the decision-making of the higher education institution, the rules governing the examination of appeals lodged by lecturers, professors, research fellows and other employees against the decisions of the higher education institution.

## 3. Student requirements

The student requirement shall specify in particular the following:

a) the rules governing the admission procedure within the framework of this Act,

b) the rules governing the exercise of rights and fulfilment of obligations by students, decision-making on applications submitted in relation to student status and the appeal procedure,

c) the rules governing the study schedules of students and the acquisition and assessment of knowledge, skills and competences (study and examination rules, doctoral rules),

d) the rules for the determination and fulfilment of students' payment obligations, the rules governing the distribution of student allowances (rules on fees and allowances),

e) the rules governing the consideration of disciplinary and damages cases involving students,

f) the requirements relating to the prevention of accidents involving students and the procedures to be followed in the event of such accidents.

## Annex 3 to Act CCIV of 2011

### ***I. Personal and sensitive data recorded and processed by higher education institutions***

#### I/A. Employee data

1. The data recorded pursuant to this Act are the following:

a) name, gender, name at birth, place and date of birth, mother's name, nationality, identification number;

b) place of residence, place of stay, address for service;

c) the data of the employment contract, public service appointment or non-employee engagement contract:

ca) the name of the employer or, if there is more than one, the names of all employers, indicating the employer with whom additional employment relationship has been established,

cb) degrees, professional qualifications, vocational qualifications, foreign language proficiency, academic qualifications,

cc) years of work, periods to be taken into account for the purpose of public service employment, data pertaining to classification,

cd) awards, prizes and other types of recognition, titles,

ce) occupied position, appointment as executive officer, assignments not covered by the job description, additional work-related legal relationships, disciplinary sanctions, orders to pay damages,

cf) hours of work, hours of overtime, wage, salary, as well as any deductibles and the party on whose behalf the deduction is made,

cg) days of leave, days of leave taken,

ch) payments to the employee and the grounds thereof,

ci) benefits provided to the employee and the grounds thereof,

cj) the employee's debts to the employer and the grounds thereof,

ck) research activity, academic work, artistic creative activity, and the results of these, information on participation in doctoral programmes and procedures for the award of doctoral degrees as a member of the academic teaching and research staff,

cl) the statement given under Article 26(3),

cm) in the case of a non-employee engagement contract made between the higher education institution, as a contracting party, and the chair or a member of the economic council, information on evidence of compliance with the condition under Article 25(4);

d) the results of student feedback on the performance of the academic teaching staff;

e) the result of the habilitation procedure;

f) data serving to identify the documents supporting the data.

2. The purpose of data processing: as defined in Article 18(1). Higher education institutions shall process personal and sensitive data only in relation to employment, the determination of allowances, benefits and obligations, and the fulfilment thereof, for national security reasons and for the purpose of managing the registers defined in this Act, to the extent necessary for the purpose of data processing, in compliance with the purpose limitation principle.

3. Duration of data processing: the data may be retained for five years after the termination of employment

4. Conditions for transferring data

With the exception of the data referred to in point 1(cm), the data listed in point 1 may be transferred as follows: all data may be transferred to the maintainer, to the extent necessary for exercising the maintainer's rights; all data necessary for the determination and payment of the salary, wage or other benefit or entitlement, may be transferred to the social security payment office and the office for payment of individual salaries, wages and other benefits; all data that may be processed by the higher education information system pursuant to this Act may be transferred to the body responsible for the operation of the higher education information system; all data necessary for establishing the existence of conditions necessary for the operation of the higher education institution may be transferred to the HAC; the data necessary for taking a decision on a specific matter may be transferred to the court, the police, the public prosecutor's office, the bailiff or the public administration body concerned; data pertaining to employment

may be transferred to those entitled to check compliance with work provisions, and all data necessary for the performance of tasks defined in Act CXXV of 1995 on the national security services (hereinafter referred to as “Act on National Security”) may be transferred to the national security services; the results of student feedback on the performance of the academic teaching staff may be transferred to the students and employees of the higher education institution in accordance with the rules of the higher education institution; and data qualifying as data subject to disclosure due to overriding public interest pursuant to Article 26(3) of Act CXII of 2011 on the right of informational self-determination and the freedom of information (hereinafter referred to as “Act on Privacy”) may be transferred to requestors addressing to the higher education institution a request for access to data pursuant to Article 28 of the Act on Privacy.

5. In the case of members of the economic council, Article 25(5) to (8) shall apply *mutatis mutandis* to the provision of evidence referred to in point *cm*) and the rules of data processing.

## I/B. Student data

1. The data recorded pursuant to this Act are the following:

*a*) data pertaining to admission:

*aa*) the applicant’s name, gender, name at birth, mother’s name, place and date of birth, nationality, place of residence, place of stay, address for service, telephone number and, in the case of non-Hungarian nationals, the purpose of stay in the territory of Hungary and the name and number of the document entitling to stay or, in the case of persons having the right of free movement and residence pursuant to a specific law, the document certifying the right of residence,

*ab*) data on the secondary school leaving examination,

*ac*) secondary school data,

*ad*) data necessary for the assessment of the application for admission,

*ae*) the data of the admission procedure, the application identification number,

*af*) the identification number of the declaration made under Article 48/D(2);

*b*) data pertaining to student status:

*ba*) the student’s name, gender, name at birth, mother’s name, place and date of birth, nationality, place of residence, place of stay, address for service, telephone number, email address and, in the case of non-Hungarian nationals, the purpose of stay in the territory of Hungary and the name and number of the document entitling to stay or, in the case of persons having the right of free movement and residence pursuant to a specific law, the document certifying the right of residence,

*bb*) type of student (guest student) status, when and how student status was acquired and terminated, name of programme pursued, any state funding received for the programme, mode of study, expected date of completion, assessment of student performance, data on examinations, semesters commenced, period of funding used, periods of suspension of student status,

*bc*) places and dates of courses taken at other higher education institutions abroad,

*bd*) credits collected and recognised in the course of the programme, validated studies,

*be*) data on student allowances, data necessary for the assessment of eligibility (social situation, data on parents, data on maintenance),

*bf*) data on student employment,

*bg*) data on disciplinary and damages cases involving the student,

*bh*) data necessary for the assessment of eligibility for special treatment as a disabled student,

*bi*) data on accidents involving the student,

- bj)* serial number of student identity card, identification number of master data sheet,
- bk)* student identification number, social security number,
- bl)* data on the completion of the practice period, the final certificate, the final examination (doctoral defence), the language examination, and the diploma and diploma supplement,
- bm)* data necessary for the exercise of rights and fulfilment of obligations arising from student status;
- c)* graduate tracking data;
- d)* tax identification number;
- e)* data serving to identify the documents supporting the data;
- f)* data on fees and costs paid by the student, and any payment in instalments, deferment or exemption related to payment obligations;
- g)* if the student receives student assistance, childcare assistance, childcare benefit, regular child protection allowance or housing assistance, data on these;
- h)* in the case of scholarships established by the Government by way of a decree pursuant to Article 85(1) an (2), data on the scholarship provided in support of the studies pursued by the student and disbursed on the basis of student status;
- i)* data on student competence assessments and the results thereof.

2. The purpose of data processing: as defined in Article 18(1). Higher education institutions shall process personal and sensitive data only in relation to student status, the determination of allowances, benefits, and obligations, and the fulfilment thereof, for national security reasons and for the purpose of maintaining the registers defined in this Act, to the extent necessary for the purpose of data processing, in compliance with the purpose limitation principle.

3. Duration of data processing: the data may be retained for eighty years from the notification of the termination of student status.

4. Conditions for transferring data: Data may be transferred as follows:

- a)* all data may be transferred to the maintainer, for the purpose of the performance of tasks related to maintainer control;
- b)* the data necessary for taking a decision on a specific matter may be transferred to the court, the police, the public prosecutor's office, the bailiff or the public administration body concerned;
- c)* all data necessary for the performance of tasks defined in the Act on National Security may be transferred to the national security services;
- d)* all data may be transferred to the body responsible for the operation of the higher education information system;
- e)* the following data of persons borrowing a student loan may be transferred to the Student Loan Centre:
  - ea)* the data listed in subpoints *ba)* and *bb)* of point 1(*b*), with the exception of the purpose of stay in the territory of Hungary and the name and number of the document entitling to stay or the document certifying the right of residence in the case of non-Hungarian nationals, and with the exception of the data on the assessment of student performance, examinations and the period of funding used,
  - eb)* of the data listed in point 1(*f*), the actual amount of self-funded costs payable to the higher education institution by the student, for the purpose of the examination of eligibility for a student loan, or the cessation thereof, and the establishment of the existence or suspension of repayment obligations,
  - ec)* the data listed in subpoints *ba)* and *bk)* of point 1(*b*), with the exception of the social security number, for the purpose of keeping contact with customers and the related

administration, in order to enable the exercise of rights and the fulfilment of obligations arising from the loan agreement,

*ed*) the data listed in subpoints *ba*) and *bb*) of point 1(*b*), with the exception of the data on the assessment of student performance, examinations and the period of funding used,

*ee*) of the data listed in subpoint *bl*) of point 1(*b*), the data on the final certificate and the final examination (doctoral defence), for the purpose of a risk analysis related to the projected repayment of outstanding student loans and for risk-measure-based customer management;

*f*) data on the programme and on student status may be transferred to the body responsible for keeping records on the fulfilment of conditions for Hungarian state scholarships.

## ***II. Personal and sensitive data recorded and processed in the higher education information system***

### **II/A. Master data of higher education institutions**

The data recorded pursuant to this Act are the following:

*a*) in the case of higher education institutions:

*aa*) the maintainer's name, address of seat and the name, address for service and contact details (telephone number, email address) of its representative,

*ab*) the names, addresses for service and contact details (telephone number, email address) of executive officers, including the rector, the vice-rector, the chancellor, the chief financial officer, the chief internal auditor, the deans, the chair and the members of the economic council, the members of the senate, the members of the consistorium, the heads of dormitories and the representatives of colleges of advanced studies,

*ac*)

*ad*) the names and teacher identification numbers of persons in charge of tertiary programmes,

*ae*) the names and addresses for service of members of the supervisory board in the case of operation as a public benefit organisation;

*b*) in the case of foreign higher education institutions operating in Hungary:

*ba*) the maintainer's name, address of seat and the name, address for service and contact details (telephone number, email address) of its representative and representative in Hungary,

*bb*) the names, addresses for service and contact details (telephone number, email address) of executive officers,

*bc*) the names and teacher identification numbers of persons in charge of tertiary programmes;

*c*) in the case of the HAC, the Higher Education Planning Board, the Hungarian Rectors' Conference, the National Conference of Students' Unions, the Association of Hungarian PhD and DLA Students and the Hungarian Doctoral Council:

*ca*) the name and seat of the organisation,

*cb*) the names and addresses for service of executive officers, supervisory board members and review board members;

*d*) in the case of student residences referred to in point *g*) of Article 67(3):

*da*) the maintainer's name, seat, address, and the name, address for service and contact details (telephone number, email address) of its representative,

*db*) the head's name, address for service and contact details (telephone number, email address);

*e*) the agreement referred to in Article 8(6) and the information contained therein;

*f*) in the case of private higher education institutions maintained as defined in Article 95/A(1):

*fa)* the maintaining body's name, seat, registration number, and the name and contact details (telephone number, email address) of its president,

*fb)* the name, seat and representative of the foreign sponsor providing funding on a regular basis to the higher education institution and the address for service and contact details (telephone number, email address) of its representative.

## II/B. Personal master data of employees

1. The data recorded pursuant to this Act are the following:

*a)* name, gender, name at birth, place and date of birth, mother's name, nationality, identification number;

*b)* place of residence, place of stay, address for service;

*c)* the data of the employment contract, public service appointment or non-employee engagement contract:

*ca)* the name (institution identification number) of the employer or, if there is more than one, the names (institution identification numbers) of all employers,

*cb)* degrees, professional qualifications, vocational qualifications, foreign language proficiency, academic qualifications,

*cc)* occupied position, appointment as executive officer,

*cd)* hours of work,

*ce)* research activity, academic work, artistic creative activity, and the results of these, awards, prizes and other types of recognition, titles,

*cf)* the statement given under Article 26(3);

*d)* data serving to identify the documents supporting the data;

*e)* doctoral school membership;

*f)* the programme(s) in the framework of which courses are taught.

2. Personal and sensitive data that are not listed in point 1 shall not be recorded without the written consent of the data subjects.

3. The data listed in point 1 may be transferred to the following: the social security payment office and the office for payment of individual salaries, wages and other benefits (all data necessary for the determination and payment of the salary, wage or other benefit or entitlement); the court, the police, the public prosecutor's office, the bailiff or the public administration body concerned (the data necessary for taking a decision on a specific matter); the national security services (all data necessary for the performance of tasks defined in the Act on National Security); the maintainer (all data necessary for the exercise of the maintainer's rights), the Hungarian Accreditation Committee (all data necessary for the performance of expert activities); the higher education institution (all data of its employees); and the public education information system (the data referred to in point 1(a) and (b), in order to ensure that one person has only one identification number).

## II/C. Personal master data of students

1. The data recorded pursuant to this Act are the following:

*a)* data pertaining to student status:

*aa)* the student's name, name at birth, mother's name, place and date of birth, nationality, place of residence, place of stay, address for service, telephone number and email address,

*ab)* in the case of non-Hungarian nationals, the purpose of stay in the territory of Hungary and the name and number of the document entitling to stay or, in the case of persons having the right of free movement and residence pursuant to a specific law, the document certifying the right of residence,

*ac)* type of student status, when and how student status was acquired and terminated,

*ad)* name of programme pursued, form of funding and mode of study, semesters commenced, periods of suspension of student status, expected date of completion of the programme

*ae)* period of funding used before and during the programme,

*af)* places and dates of courses taken at other higher education institutions abroad,

*ag)* data on the fulfilment of requirements for preferential treatment,

*ah)* data necessary for the assessment of eligibility for special treatment as a disabled student,

*ai)* data on student competence assessments and the results thereof,

*aj)* serial number of student identity card,

*ak)* identification number of master data sheet,

*al)* student identification number, tax identification number, social security number, application identification number, identification number of the declaration made under Article 48/D(2),

*am)* data on the completion of the practice period, the final certificate, the final examination (doctoral defence), the language examination, and any previously obtained diploma and diploma supplement,

*an)* data on the content and identification of the documents issued,

*ao)* data on scholarships granted to foreign students by the Minister,

*ap)* the number of credits collected and recognised in the course of the programme,

*aq)* in the case of dormitory placement, the name of the dormitory and the fact that placement is received for a given semester,

*ar)* in the case of student residence placement, the name and “OM” identification of the student residence and the fact that placement is received for a given semester,

*b)* the data of diplomas and certificates awarded,

*ba)* names of professional and vocational qualifications attested by evidence of formal qualifications,

*bb)* the dates of diplomas and certificates, and the names of their signatories,

*bc)* the serial numbers of the forms on which the diplomas and certificates were made out,

*bd)* the student’s registration number,

*be)* other data of diplomas and certificates,

*bj)* the data of diploma supplements;

*c)* student tracking data;

*d)* data serving to identify the documents supporting the data;

*e)* data on the fees and costs paid by the student;

*f)* if the student receives student assistance, childcare assistance, childcare benefit, regular child protection allowance or housing assistance, data on these;

*g)* in the case of scholarships established by the Government by way of a decree pursuant to Article 85(1) an (2), data on the scholarship provided in support of the studies pursued by the student and disbursed on the basis of student status;

*h)* data on allowances paid to the student in cash.

2. Personal and sensitive data that are not listed in point 1 shall not be recorded without the written consent of the data subjects.

3. Data may be transferred as follows:

*a)* the data necessary for taking a decision on a specific matter may be transferred to the court, the police, the public prosecutor's office, the bailiff or the public administration body concerned;

*b)* all data necessary for the performance of tasks defined in the Act on National Security may be transferred to the national security services;

*c)* the following data of persons borrowing a student loan may be transferred to the Student Loan Centre:

*ca)* the data listed in subpoints *aa)*, *ab)*, *ac)* and *ad)* of point 1(*a*), with the exception of the purpose of stay in the territory of Hungary and the name and number of the document entitling to stay or the document certifying the right of residence in the case of non-Hungarian nationals,

*cb)* of the data listed in point 1(*e*), the actual amount of self-funded costs payable to the higher education institution by the student, for the purpose of the examination of eligibility for a student loan, or the cessation thereof, and the establishment of the existence or suspension of repayment obligations,

*cc)* the data listed in subpoint *al)* of point 1(*a*), with the exception of the social security number, the tax identification number, the application identification number and the identification number of the declaration made under Article 48/D(2), for the purpose of keeping contact with customers and the related administration, in order to enable the exercise of rights and the fulfilment of obligations arising from the loan agreement,

*cd)* the data listed in subpoints *ba)* and *bb)* of point 1(*b*), with the exception of the names of the signatories of diplomas and certificates,

*ce)* of the data listed in subpoint *am)* of point 1(*a*), the data on the final certificate and the final examination (doctoral defence),

*cf)* the total of the two types of credits referred to in subpoint *ap)* of point 1(*a*), for the purpose of a risk analysis related to the projected repayment of outstanding student loans and for risk-measure-based customer management;

*d)* data on the programme, student status and diplomas, the contact data (telephone number, email address) of students, and the data defined in subpoint *al)* of point 1 may be transferred to the body responsible for keeping records on the fulfilment of conditions for Hungarian state scholarships;

*e)* the data necessary for the determination of entitlement to social security benefits may be transferred to the social security authority;

*f)* all data of the persons applying for admission to or holding student status with a higher education institution may be transferred to that higher education;

*g)* all data of the persons admitted or transferring to a higher education institution may be transferred to that higher education institution;

*h)* all data of the persons holding student status may be transferred to the public education information system;

*i)* all data may be transferred to the ministry headed by the Minister, for the purpose of reporting statistical data.

## II/D. Master data pertaining to admissions

1. The data recorded pursuant to this Act are the following:

*a)* data pertaining to admissions:

*aa)* the applicant's name, name at birth, mother's name, place and date of birth, gender, nationality, place of residence and place of stay, address for service, educational identification number; in the case of non-Hungarian nationals, the purpose of stay in the territory of Hungary

and the name and number of the document entitling to stay or, in the case of persons having the right of free movement and residence pursuant to a specific law, the document certifying the right of residence,

- ab)* data on the secondary school leaving examination,
- ac)* secondary school data,
- ad)* data necessary for the assessment of the application for admission,
- ae)* the data of the admission procedure,
- af)* the applicant's e-government gateway connection code.

2. Personal data pertaining to religious or philosophical beliefs, or the certification thereof, as a condition for admission, shall not be recorded. Any other data shall be recorded only with the consent of the data subject.

3. Data may be transferred as follows: the data necessary for taking a decision on a specific matter may be transferred to the court, the police, the public prosecutor's office, the bailiff or the public administration body concerned; all data necessary for the performance of tasks defined in the Act on National Security may be transferred to the national security services; all data of the persons applying for admission to a higher education institution may be transferred to that higher education institution; all data of the persons admitted by a higher education institution may be transferred to that higher education; data on secondary school leaving examinations may be transferred to the public education information system, for the purpose of verifying the authenticity of documents presented as evidence of the completion of a secondary school leaving examination and for the assessment of applications; the educational identification numbers and e-government gateway connection codes of applicants may be transferred to the body responsible for keeping records on the fulfilment of conditions for Hungarian state scholarships.

### ***III. Certain issues of data processing and transfer relating to the operation of the higher education information system***

1. Unless otherwise provided by law, personal data recorded in the higher education information system may be disclosed only upon the request or with the consent of the data subjects, by simultaneously informing the data subjects of the disclosure. The Minister shall be responsible for ensuring the lawfulness of data processing in the higher education information system. Data subjects shall have a right of access to their own data in the higher education information system. Data subjects shall be entitled to request the correction or deletion of their data kept in the higher education information system, except for those to be processed pursuant to a law, from the higher education institution which supplied the data. Access to the higher education information system and the correction or deletion of data by higher education institutions shall in all cases be free of charge.

2. The body responsible for the operation of the higher education information system may request information from the central body keeping records on personal data and addresses, free of charge, via electronic means or optical media (hereinafter referred to jointly as "via electronic means"), on the natural person identification data, nationality, reason and date of deregistration and addresses of persons registered in the higher education information system, for identification, verification and authentication purposes. The body responsible for the operation of the higher education information system may transmit via electronic means the natural person identification data, personal identity card number and addresses of persons registered in the higher education information system to the central body keeping records on personal data and addresses. Following successful identification, the central body keeping records on personal data and

addresses generates connection codes and transmits them to the operator of the higher education information system for identification purposes. The central body keeping records on personal data and addresses shall use the connection codes for informing the body responsible for the operation of the higher education information system about changes in the identified natural persons' natural person identification data, addresses or nationality kept in the register of personal data and addresses or the reason and date of deregistration from the register of personal data and addresses. If the identification is unsuccessful, the two bodies shall perform further data reconciliations. Where necessary, the body responsible for the operation of the higher education information system may use the connection codes for requesting information on the natural person identification data, nationality, reason and date of deregistration and addresses of registered persons via electronic means. The body responsible for the operation of the higher education information system may store the data obtained under this paragraph for the period specified in this Act and may use them during that period for the purpose of providing information to the data subjects and the higher education institutions which supplied the data.

3. The body responsible for the operation of the higher education information system shall issue a teacher identification number to each person employed as a lecturer, professor, research fellow or teacher. The identification number serves the purpose of monitoring employment as a teacher, lecturer, professor or research fellow. The higher education information system shall contain a register of those holding an identification number, as well as those performing academic teaching tasks under non-employee engagement contracts, as referred to in Article 25(3). Apart from transfer to the data subjects, the personal data contained in this register may only be transferred for the purpose of establishing whether certain employment-related benefits have been received lawfully, to the providers of such benefits or to those in charge of controlling lawfulness. Data may be processed in the information system for a period of five years from the notification of the termination of the data subject's employment, unless the data subject is re-registered during that period.

4. The body responsible for the operation of the higher education information system shall issue a student identification number to each student. The identification number serves the purpose of monitoring the enforcement of the rights and obligations relating to student status. No new identification number shall be issued to students who have already received an identification number in public education. The higher education information system shall contain a student register. Apart from transfer to the data subjects, the personal data contained in this register may only be transferred for the purpose of establishing whether allowances related to student status or student loans have been received lawfully, to the providers of such services or to those in charge of controlling lawfulness. Data may be processed in the student register for a period of eighty years from the notification of the termination of student status.

5. The body responsible for the operation of the higher education information system may use the email addresses referred to in Chapter II/C point 1(a) subpoint *aa*) to carry out research commissioned by the Minister.

6. Applications for a student identity card shall be submitted to the body responsible for the operation of the higher education information system by students or, upon the request of students, higher education institutions. Higher education institutions shall transmit the applications of students to the body responsible for the operation of the higher education information system within eight days of notification of the request, as set out by the body responsible for the

operation of the higher education information system. As a card issuer within the meaning of Act LXXXIII of 2014 on the uniform electronic card issuing framework (hereinafter referred to as “Act on the Uniform Card System”), the body responsible for the operation of the higher education information system shall ensure the preparation of student identity cards. The time limit for the delivery of student identity cards shall be forty-five days from the receipt of the application by the body responsible for the operation of the higher education information system.

The student identity card shall be a card within the meaning of Article 2(3) of Act on the Uniform Card System, which is an authentic instrument. Student identity card holders shall join the electronic card system (hereinafter referred to as “NEC”) as card users. The operator of the NEC and the card personaliser shall process the data referred to in subpoints *a)* and *b)* of Article 16(2) of the Act on the Uniform Card System and the data necessary for the delivery of the card for the purpose of issuing the student identity card. In addition to the data required under Article 16 of the Act on the Uniform Card System, applications for the issue of a student identity card shall include:

- a)* the abbreviated names of not more than two higher education institution with which the student holds student status and the municipalities where the seats or sites of those higher education institutions are,
- b)* the type of address of the student which contains the name of the municipality to be indicated on the student identity card,
- c)* the identification number of the student,
- d)* the mode of study, and
- e)* the type of address indicated by the student or a delivery address, which is necessary for the delivery of the student identity card.

The body responsible for the operation of the higher education information system shall deliver the student identity cards to their holders via the card personaliser.

6.1. In addition to the data referred to in Article 5(1) and (2) point *a)* subpoint *aa)* of the Act on the Uniform Card System, student identity cards shall bear the following information:

- a)* the identification number of the student,
- b)* the abbreviated names of not more than two higher education institution with which the student holds student status and the municipalities where the seats or sites of those higher education institutions are,
- c)* the date of issue and the date of expiry of the student identity card,
- d)* information on validity, and
- e)* the indication of the type of the student identity card.

In the case of students having only foreign addresses, the student identity card shall bear the indication “foreign address”.

In the case of students holding student status with non-Hungarian higher educations, the student identity card shall bear the indication “foreign institution”.

The body responsible for the operation of the higher education information system may retain the personal data obtained in the context of the preparation of a student identity card for a period of five years following the expiry of the period of validity of the student identity card.

It shall be possible to link virtual cards, as defined in Article 2 of the Act on the Uniform Card System, to student identity cards.

6.2. Unless otherwise provided by law, in the procedure for the preparation of a student identity card,

a) the student or the higher education institution shall submit the application for the student identity card and take other procedural steps, as defined by the applicable law, via electronic means,

b) the body responsible for the operation of the higher education information system shall keep contact via electronic means.

6.3. The rules governing applications for student identity cards shall be laid down in a government decree.

6.4. The body responsible for the operation of the higher education information system shall keep records containing the personal data necessary for the applications and for the preparation of student identity cards, the unique identifiers of student identity cards, the serial numbers of the validation stickers issued, and other data not qualifying as personal data and needed for checking and recording eligibility.

7. The body responsible for the operation of the higher education information system may process data pertaining to the admission procedures of higher education institutions. The public education information system may supply secondary school leaving examination data to the body responsible for the operation of the higher education information system, as necessary for the assessment of applications for admission. In connection with this, it shall also transmit student identification numbers. If the admission procedure does not result in the acquisition of student status, the personal and sensitive data pertaining to the procedure may be retained for a period of one year from the date of the submission of the application form.

8. Personal data kept in the higher education information system may be transferred to the body keeping records on personal data and addresses on a regular basis for the purpose of ensuring the accuracy, completeness and timeliness of data, and in the context of applications for teacher and student identity cards.

9. The public education information system may supply to the body responsible for the operation of the higher education information system data necessary for the assessment of applications for admission, as well as student and applicant identification numbers.

#### ***IV. Personal and sensitive data recorded and processed by maintainers of higher education institutions***

1. The data recorded pursuant to this Act are the following:

Personal and sensitive data transmitted on an individual basis or through its IT system or made directly accessible to the maintainer by the higher education institution, pursuant to point 4 of Chapter I/A and point 4 of Chapter I/B, for the purpose of the performance of tasks related to maintainer control and the exercise of the maintainer's right.

2. Duration of data processing: the data may be retained for five years from the date of transmission.

3. The data listed in point 1 may be transferred to: the court, the police, the public prosecutor's office, the bailiff or the public administration body concerned (the data necessary for taking a decision on a specific matter); those entitled to check compliance with work provisions (data pertaining to employment); the national security services (all data necessary for the performance of tasks defined in the Act on National Security); the Student Loan Centre (data pertaining to the lawful provision of student loans and data pertaining to the pursuit of studies); requestors

addressing to the maintainer a request for access to data pursuant to Article 28 of the Act on Privacy (data qualifying as data subject to disclosure due to overriding public interest pursuant to Article 26(3) of the Act on Privacy).

### ***V. Personal and sensitive data recorded and processed by the Minister***

1. The data recorded pursuant to this Act are the following:

Personal and sensitive data transmitted on an individual basis or through its IT system, or made directly accessible in the higher education information system, to the Minister by the body responsible for the operation of the higher education information system, for the purpose of the performance of tasks related to the governance of the sector and the exercise of the regulatory powers of the Minister.

2. Duration of data processing: the data may be retained for five years from the date of transmission.

3. The data listed in point 1 may be transferred to: the court, the police, the public prosecutor's office, the bailiff or the public administration body concerned (the data necessary for taking a decision on a specific matter); those entitled to check compliance with work provisions (data pertaining to employment); the national security services (all data necessary for the performance of tasks defined in the Act on National Security); the Student Loan Centre (data pertaining to the lawful provision of student loans and data pertaining to the pursuit of studies); requestors addressing to maintainers requests for access to data pursuant to Article 28 of the Act on Privacy (data qualifying as data subject to disclosure due to overriding public interest pursuant to Article 26(3) of the Act on Privacy).

### ***Annex 4 to Act CCIV of 2011***

#### ***Personal and sensitive data recorded and processed under the application procedure of the Bursa Hungarica Municipal Higher Education Grants Programme***

1. The following data are recorded, pursuant to this Act, concerning persons applying for grants:

- a) natural person identification data
- b) tax identification number
- c) place of residence
- d) contact details
- e) data on tertiary programme pursued
- f) year of secondary school leaving examination
- g) personal and sensitive data of the applicant, or the applicant's close relatives or household members, proving the applicant's eligibility based on social needs
- h) the result of the application for admission to a higher education institution
- i) data on the applicant's student status

2. The data specified in point 1 may be processed by

- a) the Minister or the organisation designated by the Minister to carry out the application procedure (hereinafter referred to as "the organisation managing the applications"),
- b) the municipalities joining the grants programme,

c) the higher education institutions disbursing the grants.

3. Purpose of data processing:

carrying out the grant application procedure and verifying eligibility for the grant.

4. Duration of data processing:

the data may be retained for 5 years from the expiry of the period of the grant.

5. The personal and sensitive data processed in the context of the grants programme may be transferred by the following data processors, under the following conditions:

a) the data processors specified in point 2 may mutually transfer to each other all applicant data listed in point 1,

b) the body responsible for the operation of the higher education information system may transfer to the organisation managing the applications and the municipalities providing grants the results of applications for admission to higher education institutions,

c) higher education institutions may transfer data on student status to the organisation managing the applications and the municipalities providing grants.

### Annex 5 to Act CCIV of 2011

#### ***Personal and sensitive data recorded and processed by the body responsible for keeping records on the fulfilment of conditions for Hungarian state scholarships***

1. The following data are recorded, pursuant to this Act, concerning (former) students funded through full or partial state scholarships:

a) natural person identification data, tax identification number, social security number,

b) addresses (place of residence and place of stay),

c) date(s) of establishment of employment in Hungary and the period(s) thereof,

d) registration as a job seeker within the meaning of the act on job assistance and unemployment benefits and the time spent as a job seeker,

e) period of receiving maternity benefit,

f) period of receiving childcare assistance,

g) period of receiving childcare benefit,

g) reason and date of deregistration from the register of personal data and addresses,

h) data on disadvantaged worker status and the period thereof,

h) nationality,

i) email address,

j) data on tertiary programme pursued and student status,

k) e-government gateway connection code.

1/A. The following data are recorded, pursuant to this Act, concerning applicants for admission to higher education:

a) natural person identification data,

b) educational identification number,

c) e-government gateway connection code.

2. The data listed in points 1 and 1/A may be processed by the body responsible for keeping records on the fulfilment of conditions for Hungarian state scholarships.

3. Purpose of data processing:

Monitoring and checking the fulfilment of obligations undertaken by students funded through full or partial state scholarships.

4. Duration of data processing:

The data may be processed for a period of 5 years after the fulfilment of the conditions set for the student. In cases where an applicant does not acquire student status, the data listed in point 1/A may be retained for a period of 1 year from the date of application.

5. Data may be transferred as follows:

a) the data necessary for taking a decision on a specific matter may be transferred to the court, the police, the public prosecutor's office, the bailiff or the public administration body concerned;

b) all data necessary for the performance of tasks defined in the Act on National Security may be transferred to the national security services,

c) all data necessary for the performance of tasks related to the governance of the sector and the exercise of the regulatory powers of the Minister may be transferred to the Minister, either on an individual basis or through the provision of direct access in the IT system.

6. For the purpose of the identification of registered persons and monitoring changes, the body responsible for keeping records on the fulfilment of conditions for Hungarian state scholarships may request the data listed in point 1 from the central body keeping records on personal data and addresses, the public employment body, the treasury, the health insurance body, the pension insurance administration body, the body responsible for the operation of the higher education information system or the tax authority, which shall supply the requested data free of charge and via electronic means.

The body responsible for keeping records on the fulfilment of conditions for Hungarian state scholarships may transmit via electronic means the natural person identification data and addresses of (former) students funded through full or partial state scholarship to the central body keeping records on personal data and addresses, for the purpose of identification. Following successful identification, the central body keeping records on personal data and addresses generates connection codes and transmits them to the body responsible for keeping records on the fulfilment of conditions for Hungarian state scholarships. The central body keeping records on personal data and addresses shall use the connection codes for informing the body responsible for keeping records on the fulfilment of conditions for Hungarian state scholarships about changes in the identified natural person's natural person identification data and addresses kept in the register of personal data and addresses.

7. With its data requests made for the purpose of identification and monitoring changes, the body responsible for keeping records on the fulfilment of conditions for Hungarian state scholarships may transmit the natural person identification data, tax identification numbers and social security numbers of registered persons to the central body keeping records on personal data and addresses, the public employment body, the treasury, the health insurance body, the pension insurance administration body, the body responsible for the operation of the higher education information system and the tax authority. Following successful identification, the requested data shall be provided to the body responsible for keeping records on the fulfilment of conditions for Hungarian state scholarships as follows:

a) the name, name at birth, address (place of residence and place of stay) and the reason and date of deregistration of a (former) student funded through state scholarship shall be provided by the central body keeping records on personal data and addresses,

b) information on the registration of a (former) student funded through state scholarship as a job seeker within the meaning of the act on job assistance and unemployment benefits and the time spent as a job seeker shall be provided by the public employment body,

c) information on the period of receiving childcare assistance by a (former) student funded through state scholarship shall be provided by the treasury,

d) information on the period of receiving maternity benefit and the period of receiving childcare benefit by a (former) student funded through state scholarship shall be provided by the health insurance body,

e) the natural person identification data, tax identification number, social security number, email address, tertiary programmes and student status of a (former) student funded through state scholarship and the natural person identification data, tertiary programmes and addresses of an applicant shall be provided by the body responsible for the operation of the higher education information system,

f) information on the date(s) of establishment of employment in Hungary by a (former) student funded through state scholarship and the period(s) thereof shall be provided by the tax authority,

g) information on reaching pensionable age by a (former) student funded through state scholarship shall be provided by the pension insurance administration body.

#### Annex 6 to Act CCIV of 2011

##### ***Personal and sensitive data recorded and processed concerning the organisers of events using the official names of higher education institutions***

1. The following data are recorded, pursuant to this Act, concerning the organisers of events referred to in Annex 2 point II subpoint 1:

- a) natural person identification data,
- b) tax identification number,
- c) place of residence,
- d) contact details.

2. The data listed in point 1 may be processed by the higher education institution concerned.

3. Purpose of data processing: as defined in Article 18(1).

4. Duration of data processing: the data may be retained for 5 years from the start date of the event.

5. The data listed in point 1 may be transferred to: the court, the police, the public prosecutor's office, the bailiff or the public administration body concerned (the data necessary for taking a decision on a specific matter); those entitled to check compliance with work provisions (data pertaining to employment); the national security services (all data necessary for the performance of tasks defined in the Act on National Security); requestors addressing to maintainers requests for access to data pursuant to Article 28 of the Act on Privacy (data qualifying as data subject to disclosure due to overriding public interest pursuant to Article 26(3) of the Act on Privacy).

#### Annex 7 to Act CCIV of 2011

##### ***Personal and sensitive data recorded and processed in the register of language examination records***

1. The data recorded in the register of language examination records are the following:

*a)* the natural person identification data of the person taking the examination;

*b)* the following data on the language examination:

*ba)* name of examination centre,

*bb)* name of examination location,

*bc)* examination period,

*bd)* name, level and type (oral or written) of examination,

*be)* place and date of examination,

*bf)* name of examiner and name of the person scoring the test,

*bg)* examination result (pass or fail),

*bh)* the score for each examination component and

*bi)* the overall score achieved, expressed as a percentage of the maximum score; and

*c)* the data of the certificate:

*ca)* number of certificate,

*cb)* status of certificate: dates of submission, approval, receipt by and from the printer,

*cc)* authenticity of certificate.

2. Purpose of data processing:

Printing and validation of certificates of foreign language proficiency, issuing official attestations in cases where language certificates are lost.

3. Duration of data processing:

The data in the register of language examination records may be retained for a period of eighty years from the date of the completion of the language examination.

4. Data may be transferred as follows:

*a)* the data necessary for taking a decision on a specific matter may be transferred to the court, the police, the public prosecutor's office, the bailiff or the public administration body concerned;

*b)* all data necessary for the performance of tasks defined in the Act on National Security may be transferred to the national security services.

5. As the controller of the register of language examination records, the educational authority may transfer the data listed in subpoint *c)* of point 1 from the register of language examination records to the following, apart from the data subjects, for the purpose of establishing the authenticity of certificates attesting to the successful completion of language examinations: the body responsible for the operation of the higher education information system (in connection with the higher education admission procedure) and, with the consent of the data subjects concerned, to employers (in connection with the establishment or amendment of employment relationships).