

# Act C of 2001.

## on the recognition of foreign certificates and degrees

### PART ONE GENERAL PROVISIONS

#### Chapter I.

#### The common rules of recognition and naturalisation

##### *Scope of the Act*

**Section 1.1.** The scope of this act shall cover all authorities under Section 4 and all natural persons, regardless of citizenship who has obtained a certificate or degree issued by any foreign institution of public or higher education or any other institution providing education working either in Hungary or abroad (hereinafter referred to as "foreign educational institution").

**Section 1.2.** This Act shall be applicable to any certificate or degree issued under the jurisdiction of a foreign state for the purpose of naturalisation or recognition thereof as equivalent to a counterpart certificate or degree obtainable in Hungary as well as for the purpose of the inclusion of unfinished studies abroad.

**Section 1.3.** A certificate or degree is a document certifying the possession of a primary, secondary or tertiary qualification, degree or academic degree. Any document with the same effect is regarded as a certificate or degree.

**Section 1.4.** This Act shall be applicable in all cases where no international agreement provides otherwise. During the recognition and naturalisation procedure the provisions of Act IV. of 1957 on the general rules of the administrative procedure must be applied together with the exceptions contained herein.

##### *The principles of recognition and naturalisation*

**Section 2.1.** As a result of the recognition or naturalisation of a certificate or degree issued by a foreign educational institution the bearer may not obtain more rights than the rights that particular certificate or degree normally entitles the bearer to in the state where such certificate or degree was issued.

**Section 2.1.** With the exception of the cases this Act provides for otherwise, the recognition or the naturalisation must be based on the legal status of the issuing foreign educational institution, the legal effect of the certificate or degree, the study period or the academic and examination requirements.

**Section 2.3.** The person applying for the recognition or the naturalisation of his or her certificate or degree (hereinafter referred to as "the Applicant" is responsible for supplying all documents and data necessary for the recognition or naturalisation.

**Section 2.4.** The Applicant has the right to specify the purpose of the recognition or naturalisation as well as the level of education, qualification or professional degree certified

by the Hungarian certificate or degree to be regarded as equivalent during the recognition or naturalisation procedure.

**Section 2.5.** The costs of recognition must be covered by the Applicant.

### *The definition of recognition and naturalisation*

**Section 3.1.** During the recognition procedure the authority carrying out the procedure declares the legal effect of a foreign certificate or degree equivalent to the legal effect of a certificate or degree obtainable in Hungary according to the method provided here (Recognition Procedure). During the naturalisation procedure the authority carrying out the procedure declares the legal effect of a foreign degree equivalent to the legal effect of the degree issued by such authority according to the method provided here (Naturalisation). However the recognition of a certificate or degree for the purpose of continuing education entitles the bearer to apply for admission solely to a type of educational institution compatible with the objective of continuing the education.

**Section 3.2.** The recognition of a certificate or degree shall not exempt from compliance with any further requirements specified by the law with respect to the pursuit of a particular profession.

### *Rules pertaining to authority*

**Section 4.1.** The performance of the duties connected to the recognition of foreign certificates and degrees as specified herein shall be the responsibility of the Ministry of Education, unless this Act provides otherwise.

**Section 4.2.** The recognition of the level of qualification certified by a foreign certificate or degree carried out in accordance with the provisions of Chapter II of this Act for the purpose of continuing education shall fall within the authority of that particular educational institution where the Applicant desires to continue his or her studies.

**Section 4.3.** The naturalisation of academic degrees certified by foreign degrees carried out in accordance with the provisions of Chapter III of this Act shall fall within the authority of such domestic university or universities that are entitled to organise PhD training and to grant PhD degrees pursuant to Act LXXX of 1993 (hereinafter referred to as the "Higher Education Act") in the field of science, or discipline within that, the foreign degree in question refers to. Universities that used to offer accredited PhD or DLA course in a given field or discipline, but failed to obtain the right of operating a postgraduate school or carrying out PhD or DLA training and issuing the related degrees before June 30 2002., shall not be entitled to naturalise an academic decree obtained abroad after said deadline.

**Section 4.4.** The recognition of qualifications certified by foreign certificates in accordance with Chapter IV of this Act shall fall within the authority of the Ministry managed by the minister authorised to develop the vocational and examination requirements.

**Section 4.5.** The recognition of qualifications and professional degrees certified by foreign certificates and degrees in accordance with Part Three of this Act shall fall within the authority of the Ministry responsible for the regulation of the pursuit of the trade, profession,

occupation or job (hereinafter referred to as "Profession") subject to the possession of the qualification or professional degree certified by the certificate or degree certifying to be recognised.

**Section 4.6.** The recognition of religious education certified by foreign degrees shall fall within the authority of the Hungarian institution of religious higher education having the right to issue a counterpart domestic degree.

**Section 4.7.** The inclusion of unfinished studies abroad shall fall within the authority of the institution where the Applicant intends to continue his or her studies.

**Section 4.8.** For the purpose of the application of this Act the authority carrying out the procedure shall be the Ministry or institution of higher education specified in paragraphs 4.1. through 4.7.

**Section 4.9.** The domestic recognition of degrees issued by foreign institutions of higher education working in Hungary is subject to a permit issued pursuant to the Higher Education Act.

**Section 5. 1.** The authority carrying out the procedure may form an expert committee or committees to perform any expert's task in connection with recognition and naturalisation.

**Section 5.2.** In the cases of the recognition of a certain level of qualification for the purpose of continuing education and the inclusion of unfinished studies abroad the educational institution may seek an expert's opinion from the Ministry of Education.

**Section 5.3.** During the procedure aimed at the recognition of a qualification or professional degree the authority carrying out the procedure may seek the expert's opinion of any domestic educational institution.

**Section 5.4.** The co-ordination of duties arising from recognition pursuant to Part Three of this Act is the responsibility of the Ministry of Education.

**Section 5.5.** The co-ordination of duties arising from the recognition of nurse's and maternity nurse's certificates and dentist's, pharmacist's and doctor's degrees provided for in Part Three of this Act is the responsibility of the Ministry of Health.

**Section 5.6.** The co-ordination of duties arising from the recognition of veterinary surgeon's and architect's degrees provided for in Part Three of this Act is the responsibility of the Ministry of Agriculture and Rural Development.

### *The common procedural rules of recognition and naturalisation*

**Section 6.1.** The recognition of any level of education, qualification, professional degree or academic degree is carried out during a recognition or naturalisation procedure.

**Section 6.2.** Only those are entitled to have their certificates or degrees recognised or naturalised who Hungary at the time of filing the application prove their citizenship and

personal particulars and residence in Hungary with an official certificate of citizenship and personal particulars and an official certificate of address, respectively.

**Section 6.3.** In the case of any citizen of Hungary or any Member State (Section 25.2) and in the case of immigrants an official certificate of personal particulars is any official certificate (identification card), passport or driver's licence, or in other cases residence permit containing personal identification data.

**Section 6.4.** The Applicant does not need to satisfy the condition in Section 4.2., if

- (a) the objective of applying for recognition is the continuation of studies;
- (b) the application is within the scope of Part Three;
- (c) the application is for the inclusion of unfinished studies abroad.

**Section 7.1.** The Applicant must attach the following to the application initiating the procedure to be submitted to the authority carrying out the procedure:

(a) an authentic copy of the original certificate or degree, or - in exceptional cases - an authentic copy of a document identical with the degree (duplicate);

(b) an authentic copy of the document issued by the foreign educational institution (e.g. grade book, student's record) which is an authoritative evidence of the length of studies and the successful performance of academic duties required for the obtaining of a certificate or degree (including courses, examinations, papers and final exams etc.);

(c) an authentic Hungarian language translation of the documents specified in points (a) and (b);

(d) a receipt justifying that the Applicant has paid the required fees for the procedure, if there are any.

**Section 7.2.** The authority carrying out the procedure may require the Applicant to present the original of the documents specified in points (a) and (b) of Section 7.1. The authority carrying out the procedure may stipulate that in certain language a non-authentic translation of the above mentioned documents may be submitted.

**Section 7.3.** The authority carrying out the procedure may in exceptional fairness exempt the Applicant from the obligation of submitting the documents specified in Section 7.1., if the Applicant is a refugee, has been granted asylum or admitted into the country, and applies for recognition with the objective of continuing education, and is able to prove or reasonably assure that his/her documents are not available for reasons beyond his or her influence.

**Section 7.4.** A translation is an authentic translation if it bears the authentication clause of the Hungarian Translation and Translation Authentication Office, the Hungarian foreign representation and a Hungarian notary.

**Section 7.5.** Pursuant to Part Three of this Act an authentic translation is a translation into Hungarian which is qualified as authentic in the jurisdiction of the country of origin or of the sender European Union member state.

**Section 7.6.** An authentic copy is a copy qualified as such by the law, and the copy of the original taken by the authority carrying out the procedure.

**Section 8.1.** In the course of the recognition or naturalisation procedure the Applicant may be required to present or file the following in addition to the documents specified in Section 7.

(a) a copy of the certificates or degrees proving the Applicant's previous studies leading to the obtaining of the certificate or degree in the application, or

(b) a copy of a document issued by the relevant foreign educational institution, which helps to make a picture of the academic system and programme of the relevant institution or department in case the submitted documents do not provide sufficient information for the judgement thereof.

**Section 8.2.** The authority carrying out the procedure may order that the Applicant must submit an authentic translation of the documents referred to in Section 8.1.

**Section 8.3.** If any doubt may arise in connection with the authenticity of the documents submitted by the Applicant, or the Applicant is not in possession of the documents required for the recognition or naturalisation of the degree in question, and the authority carrying out the procedure deems such documents to be impossible or difficult to obtain by the Applicant, the authority carrying out the procedure may suspend the procedure and contact the competent foreign institution, organisation or authority.

**Section 8.4.** The authority carrying out the procedure must act upon the application. If the verification procedure shows that the conditions to the recognition or naturalisation as per application are not satisfied, however recognition or naturalisation is possible in another manner, the authority carrying out the procedure shall inform the Applicant on the opportunity of changing the application.

**Section 8.5.** If the conditions of the recognition or naturalisation are not satisfied, the authority carrying out the procedure may refuse the recognition or naturalisation in a decision..

**Section 8.6.** The authority carrying out the procedure shall refuse to carry out the recognition or naturalisation procedure, if the authority carrying out the procedure or any other authority made a final decision with respect to the recognition or naturalisation of the certificate or degree prior to the current procedure.

**Section 9.1.** If the application was submitted not in compliance with the applicable law, the authority carrying out the procedure shall require the Applicant to supply the missing documents within thirty days of the receipt of the application.

**Section 9.2.** In the course of procedures carried out pursuant to Chapters II. and III. of this Act the authority carrying out the procedure shall make a decision within 60 days of the receipt of the filing of the application, whereas in the course of procedures carried out pursuant to Chapters IV. and V. within 90 days of the receipt of the application.

**Section 9.3.** The deadlines of the procedure may be extended once by the maximum of 30 days.

**Section 9.4.** The day of filing is the day when the Applicant has submitted all documents specified in Sections 7 and 8.

**Section 10.1.** If the authority carrying out the procedure establishes that any of its decisions not judged by a superior authority or court is in conflict with the law, such decision may be amended or withdrawn within one year of the date of delivery.

**Section 10.2.** If the Applicant commits a **crime** during the administrative procedure defined by this Act which may influence the decision, the authority carrying out the procedure may amend or withdraw the decision without respect to the deadline.

**Section 10.3.** For the benefit of the Applicant the authority carrying out the decision may amend or withdraw its decision not judged by a superior authority or court without respect to the deadline, if the decision proves to be in conflict with the law, or any fact or evidence arises which is crucial to the judgement of the application but the Applicant was not in the position to assert for reasons beyond his or her influence.

**Section 11.1.** If the authority carrying out the procedure is an educational institution, an appeal against the decision of first instance may be lodged with the Minister of Education, if applicable, or with the minister managing the authority carrying out the procedure in any other case.

**Section 11.2.** In the case of the inclusion of unfinished studies abroad, if the authority carrying out the procedure is a public education institution, an appeal against the decision of first instance may be lodged with the sponsor of the institution.

**Section 11.3.** In the case of decisions of second instance defined in Section 11.1. no further remedy is available before any organisation of public administration, however the court may be requested to reconsider the decision within thirty days of delivery.

## **PART TWO THE SPECIFIC RULES OF RECOGNITION AND NATURALISATION**

### Chapter II.

The recognition of primary school, secondary school and higher education

#### *The recognition of primary school level education*

**Section 12.1.** A foreign certificate may be recognised as equivalent to a primary school certificate, if

- (a) such certificate is an evidence to at least eight years in a public educational institution, and
- (b) on the basis of which it can be established, that considering the legal status of the given foreign educational institution, the legal effect of the certificate and the academic

requirements the certificate in question certifies a level of education identical with that of provided by the domestic primary schools.

**Section 12.2.** If the objective of the recognition is continuing education, any other certificate not complying with the provisions of point (b) of Section 12.1. may be recognised as a certificate of primary school education, provided that it ensures that the Applicant has the necessary grounding to continue his or her studies.

**Section 12.3.** The authority carrying out the procedure informs the Ministry of Education on the recognition.

### *The recognition of secondary school level education*

**Section 13.1.** A foreign certificate may be recognised as equivalent to a general certificate of secondary education, if on the basis of such certificate it can be established, that considering the legal status of the given foreign educational institution, the legal effect of the certificate and the academic requirements the certificate in question certifies a level of education identical with that of a general certificate of secondary education, and which certificate

(a) entitles the Applicant to apply for admission to an institution of higher education in the given country;

(b) is an evidence to at least twelve years of education in a public educational institution, and

(c) certifies that the Applicant has passed a separate examination of at least four subjects at the time of completing his or her studies.

Section 13.2. If the objective of the recognition is continuing education, any other certificate not complying with the provisions of point (b) of Section 13.1. may be recognised as a general certificate of secondary education, provided that

(a) it is an evidence to at least twelve years of education in a public educational institution, or eleven years of education, if public education comprises eleven years in that particular foreign country;

(b) entitles the Applicant to apply for admission to an institution of higher education in the given country;

(a) it ensures that the Applicant has the necessary grounding to continue his or her studies.

**Section 13.3.** The authority carrying out the procedure informs the Ministry of Education on the recognition.

### *The recognition of higher education*

**Section 14.1.** A foreign degree may be recognised as equivalent to a four-year degree obtainable in a domestic institution of higher education, if such foreign degree

(a) is an evidence to the completion of at least three years of study in the framework of a basic higher education programme;

(b) is an evidence to a first stage university degree, if the higher education of the given country has several stages;

(c) is a good basis for the establishment of the identical nature of the relevant educational levels.

**Section 14.2.** A foreign degree may be recognised as equivalent to a five-year university degree obtainable in a domestic institution of higher education,

(a) if such foreign degree

- is an evidence to the completion of a basic higher education programme;

- is an evidence to the completion of additional (graduate) courses in the framework of a basic higher education programme after obtaining a degree equivalent to the four-year level one, or

- is an evidence to obtaining a second stage university degree, if the higher education of the given foreign country has several stages.

(b) it is possible to establish the identity of the relevant educational levels;

(c) the degree is or the degrees are in the aggregate an evidence to the completion of an at least four year programme; and

(d) the foreign degree in question entitles the bearer to obtain a postgraduate (PhD) degree.

**Section 14.3.** A foreign degree may be recognised as equivalent to a postgraduate degree following a four-year or five-year university degree obtainable in a domestic institution of higher education, if

(a) it is possible to establish the identity of the relevant educational levels; and

(b) such degree is an evidence to the completion of at least one year of postgraduate level study building on the level of education equivalent to a four-year or five-year (university) degree.

**Section 14.4.** The decision must provide for what form the Applicant may use the title granted by the foreign institution of higher education. If the Applicants title can be easily mixed up with any of the domestic titles, the authority carrying out the procedure may stipulate that the foreign title may only be used together with the name of the foreign institution or authority issuing the degree.

**Section 14.5.** If a foreign institution of higher education provides basic, specialised or postgraduate programmes in Hungary on a regular basis (independently, in the frame of or in co-operation with another organisation, in the framework of an open university or in any other form), the degree issued by such institution may only be recognised if the Minister of Education has authorised the operation of the institution in Hungary.



**Section 14.6.** If a foreign institution of higher education provides basic, specialised or postgraduate programmes on a regular basis in a state other than its residence (independently, in the frame of or in co-operation with another organisation, in the framework of an open university or in any other form), the degree issued by such institution may only be recognised if the provided education is recognised in both states.

### Chapter III.

#### The naturalisation of academic degrees

**Section 15.1.** The authority carrying out the procedure shall naturalise an academic degree obtained abroad as a PhD or DLA (hereinafter referred to together as "PhD") degree, if

(a) the degree was issued by a foreign educational institution which is authorised to issue an academic degree under the jurisdiction of a foreign country, and

(b) the requirements of earning such academic degree comply with the requirements of earning a postgraduate degree (PhD) as specified by the applicable law and the PhD regulations of the authority carrying out the procedure, or compliance may be achieved by imposing additional requirements.

**Section 15.2.** The authority carrying out the procedure may make stipulations to the naturalisation of a foreign academic degree (PhD examination, defending a PhD paper etc.).

**Section 15.3.** The authority carrying out the procedure may issue a decision on the naturalisation of the academic degree to entitle the bearer for the use of the PhD title.

### Chapter IV.

#### The recognition of qualifications

##### *The recognition of primary, secondary and tertiary qualifications, the certification*

**Section 16.1.** A foreign certificate may be recognised as equivalent to a certificate of primary, secondary or tertiary qualification obtainable in Hungary, if considering the legal status of the issuing foreign educational institution, the legal effect of the certificate and comparing the length and content of the education and the vocational and examination requirements, the foreign certificate is an evidence of a qualification currently obtainable or was in the past obtainable in Hungary.

**Section 16.2.** The authority carrying out the procedure may stipulate that the recognition of the certificate is subject to a successful vocational examination.

**Section 16.3.** A vocational examination may be required to check whether the Applicant is in possession of the knowledge provided by the domestic training. If a vocational examination is a requirement, the decision must provide for the examination requirements, the examiner organisation and the deadline for passing the examination. The examination requirements may only contain questions related to the knowledge specified by the qualification requirements as

specified by the Hungarian law, or which is included in the Hungarian training but the Applicant has not acquired during his or her studies abroad or it cannot be established whether such knowledge was acquired. In the specification of the vocational examination requirements consideration must be given to the Applicant's professional experience and any training the Applicant took part in after earning the certificate or degree.

**Section 16.4.** The provisions of Section 16.1 through 3 shall be applicable to the recognition of a master's examination as appropriate.

**Section 17.** If the equivalence of a certificate obtained in a foreign educational institution with the Hungarian certificate of primary education, qualification or general certificate of secondary education is established by an international agreement or an applicable law, the Ministry of Education shall issue an official certificate thereof.

## Chapter V.

### The recognition of professional degrees connected to higher education

**Section 18.1.** A professional degree certified by a foreign degree may be recognised as equivalent to a professional degree obtainable in domestic higher education, if

(a) such professional degree is connected to a level of education equivalent with a degree from a four-year or five-year higher education

(b) it can be established that the Applicant's education satisfies the professional requirements provided by the applicable law and the system of domestic education.

**Section 18.2.** The authority carrying out the procedure may make stipulations to the recognition of a professional degree. The authority carrying out the procedure may require the Applicant

(a) to prove that he or she has practised the profession in question abroad for a specific time period of time;

(b) to complete a professional practice.

(c) to pass a professional examination (see Section 16.3)

(d) to satisfy any other additional requirement, if the foreign system of education is different from the Hungarian one, but it can be overcome by passing additional examinations and completing additional courses.

**Section 18.3.** The completion of a professional practice may be required, if it is part of the domestic academic requirements leading to the degree. The decision must provide for the period of the professional practice, the institution organising the training and the deadline for applications to the institution.

**Section 19.1.** In its decision on the recognition of the degree the authority carrying out the procedure may entitle the Applicant to use the appropriate Hungarian title.

**Section 19.2.** If the authority carrying out the procedure recognises the professional degree of an applicant veterinary surgeon, general practitioner, dentist or lawyer, the applicant may also be entitled to the use of the title proving university education.

**Section 19.3.** Professional education as defined in Section 18 covers all types of professional degrees earned in the framework of a postgraduate course building on a basic four-year or five-year higher educational programme pursuant to Section 85.5 of the Higher Education Act.

**Section 20.** If the applicable law providing for the conditions of the pursuit of the profession provides for recognised or naturalised certificates or degrees, it should be interpreted as the document naturalised (Chapter III) or recognised (Chapter IV and V) by the authority carrying out the procedure as equivalent to the certificate or degree related to a particular professional degree. If the applicable law provides for recognition or naturalisation in any other case, that should be interpreted as the procedure defined in Chapter II.

### **PART THREE**

## **THE RECOGNITION OF DOCUMENTS CERTIFYING EDUCATION OBTAINED BY A CITIZEN OF THE EUROPEAN UNION OR IN A MEMBER STATE OF THE EUROPEAN UNION**

### Chapter VI.

The common rules of recognition under the *acquis communautaire*

**Section 21.1.** The provisions of this part shall be applicable if a citizen of a member state wishes to practice a profession under the regulations of Hungary, and is entitled to practice the same profession in the sender state or the country of origin.

**Section 21.2.** The provisions of Part Two shall apply, if

- (a) the Applicant is not a citizen of a member state (Section 25.2)
- (b) the Applicant obtained the document certifying his or her education in a state other than a member state, or
- (c) the Applicant applies for recognition with an objective other than practising the profession.

**Section 21.3.** With respect to the pursuit of a profession in Hungary by the citizens defined in Section 21.1. in addition to the provisions of Part Three the provisions of the act proclaiming the international agreement on Hungary's accession to the European Union must also be applied.

### *The principles of recognition under the *acquis communautaire**

**Section 22.1.** If a profession regulated in Hungary may be pursued only on the condition of possessing a qualification record, certificate, final certificate or degree, the Applicant's qualification or professional degree shall be qualified as equivalent with the qualification or

professional degree specified by the authoritative law, if the Applicant is authorised to practice the profession in the sender state or the country of origin.

**Section 22.2.** If a certificate or degree has been recognised, the Applicant shall satisfy any further conditions regarding qualification or professional degree specified by the law as necessary in addition to the possession of a certificate or degree. unless the applicable law provides otherwise.

**Section 22.3.** In the course of the procedure carried out by the authority shall take into account the fact that the Applicant is a qualified person authorised to practice the profession under regulation in the sender state or country of origin.

**Section 22.4.** Unless the applicable law provides otherwise, the Applicant is entitled to choose between an adaptation period and an aptitude test.

### *The use of documents issued in a member state, the oath and the pledge*

**Section 23.1.** If the prerequisite to the practice of a particular profession is the certification of a certain circumstance, such as good reputation, no criminal record or not prohibited to practise the profession, the authority carrying out the procedure shall make it compulsory for the Applicant to supply such certifications. The authority carrying out the procedure shall accept as an adequate evidence of the required circumstance any certification issued by the competent authority of the sender state or the country of origin which is equivalent to the domestic certification.

**Section 23.2.** If the competent authority of the sender state or the country of origin does not issue a certificate as specified in Section 23.1., the Applicant must take an oath or - if such legal institution does not exist - make a statement before the competent authority of the sender state or country of origin. The competent authority must issue a certificate of the authenticity of the oath or statement.

**Section 23.3.** If the authority carrying out the procedure requires a health certificate of the Applicant's mental or physical condition, the provision of similar documents required by the sender state or country of origin shall be accepted.

**Section 23.4.** If the sender state or country of origin does not require the person intending to practice the profession to perform the obligations specified in Section 23.3., the authority carrying out the procedure shall accept a certificate similar to those required in Hungary issued by the competent authority of a member state.

**Section 23.5.** The authority carrying out the procedure shall accept a certificate of the Applicant's financial standing issued by a financial institution of the sender state or country of origin.

**Section 23.6.** If a profession under regulation in Hungary may only be practised in the possession of the appropriate liability insurance, the authority carrying out the procedure shall accept a certificate issued by an insurance company of the sender state or the country of

origin, if the insurance policy complies with the requirements of the Hungarian law in terms of conditions and insurance premium.

**Section 23.7.** The authority carrying out the procedure must accept the Applicant's certifications, if the Applicant submits an authentic copy and an authentic translation of the original documents within three months following the issuance thereof.

**Section 23.8.** In the case of those member state citizens who intend to start practising a profession under regulation where the applicable law requires an oath or a ceremonial pledge to be made, and due to the content only Hungarian citizens may be expected to take such oath or make such pledge, the authority carrying out the procedure shall ensure that the Applicant may take the oath or make the pledge in an appropriate format.

### *The use of domestic and foreign titles*

**Section 24.1.** If the Applicant satisfies the conditions of the pursuit of a profession under regulation, the authority carrying out the procedure shall provide the Applicant with the right of using the appropriate Hungarian name or title related to the profession in Hungary.

**Section 24.2.** If the authority carrying out the procedure has recognised the professional degree of an applying veterinary surgeon, general practitioner or lawyer, the Applicant shall be authorised to use the title "Dr".

**Section 24.3.** If the Applicant satisfies the conditions of the pursuit of a profession under regulation, the authority carrying out the procedure shall authorise the Applicant to use the academic or professional title, or the abbreviation thereof, obtained in the higher education of a foreign country in the appropriate foreign language.

**Section 24.4.** The authority carrying out the procedure may stipulate, that the title specified in Section 24.3. must be followed by the institution or examination authority which granted the title.

### *Definitions*

**Section 25.1.** For the purposes of the application of this Part, the interpretations provided below must be applied concerning the following terms.

**Section 25.2.** A "member state" is a member state of the European Union as well as a state which, pursuant to an international agreement or the applicable law, is judged the same as the European Union member states with respect to the mutual recognition of degrees and certificates.

**Section 25.3.** A "professional activity under regulation" is an activity the pursuit of which is in any member state subject to the possession of a document directly or indirectly certifying education pursuant to the law. Professional activities under regulation are in particular

(a) activities pursued with an occupational or professional title, where the legal use of the title is subject to the possession of a document certifying qualification;

(b) activities related to health care according to the conditions of the qualification specified in the laws on social safety and health, or

(c) activities pursued by a member of an association, chamber or other organisation on the condition of membership, if

- the fundamental aim of the organisation is to improve and maintain the standards of a certain professional field,
- the organisation is recognised - in the form defined by a member state - with respect to achieving such aim,
- issues a degree or final certificate for the members of the organisation,
- ensures that the members keep the professional rules the organisation prescribes, and
- authorises the members to use an occupational or professional title in order to provide them with benefits related to the possession of the certificate or final degree.

**Section 25.4.** A profession is a profession under regulation if the pursuit of the profession requires the pursuit of a professional activity or activities under regulation in any of the member states.

**Section 26.1.** A "degree" is a document certifying education, or a document having the same effect, or these documents in the aggregate which

(a) was issued legally by the competent authority of a member state,

(b) certifies that the Applicant has completed a programme of at least three years as a regular student or the corresponding programme for non regular students, in an institution of higher education or an institution on the same level, and completed the required subsequent professional practice successfully, if the given member state has such requirements;

(c) certifies that the Applicant has the necessary qualification required by the given member state for the practice of the profession under regulation;

(d) certifies that the education primarily happened in a member state.

**Section 26.2.** A degree is furthermore a document certifying education, or a document having the same effect, or these documents in the aggregate issued by the competent authority of a member state subsequent to the successful completion of education recognised in that particular member state or in any other member state, and which was recognised by the competent authority of that particular member state as a degree as equivalent with the degree defined in Section 26.1. with respect to the pursuit of a profession under regulation.

**Section 26.3.** An Applicant is deemed to have a degree, if the Applicant has three years professional experience in a member state which has recognised the degree the Applicant earned in a non member state.

**Section 27.1.** A "final certificate" is a document certifying education or any other document with the same effect or such documents in the aggregate which

(a) was issued legally by the competent authority of a member state,

(b) certifies that the Applicant has successfully completed

- a programme shorter than three years but not shorter than one year as a regular student or the corresponding programme for non regular students, where the prerequisite to admission is the successful completion of secondary education required for participation in the higher education of that particular country, and completed the professional practice required for education subsequent to secondary education, or

- the education required by a separate law;

(c) certifies that the Applicant has the necessary qualification required by the given member state for the practice of the profession under regulation;

(d) certifies that the education primarily happened in a member state, or at an educational institution of a non member state providing education in accordance with the law of a member state.

**Section 27.2** A final certificate is furthermore a document certifying education, or a document having the same effect, or these documents in the aggregate issued by the competent authority of a member state subsequent to the successful completion of education recognised in that particular member state or in any other member state, and which was recognised by the competent authority of that particular member state as a degree as equivalent with the final certificate defined in Section 27.1. with respect to the pursuit of a profession under regulation.

**Section 27.3.** An Applicant is deemed to have a final certificate, if the Applicant has three years' professional experience in a member state which has recognised the final certificate the Applicant earned in a non member state.

**Section 28. 1.** A "certificate" is a document certifying education or any other document with the same effect or such documents in the aggregate which

(a) was issued legally by the competent authority of a member state,

(b) certifies that

1. following the successful completion of secondary education the Applicant

- has participated in a training outside the scope of Section 27.1 and provided by an educational institution and/or the Applicant's employer, and completed the required trainee period or professional practice, if it is a requirement in the given member state, or

- completed the trainee period or professional practice connected to secondary education, or

2. following the secondary education leading to a qualification the Applicant

- has participated in a training outside the scope of Section 27.1 and provided by an educational institution and/or the Applicant's employer, and completed the required trainee period or professional practice, if it is a requirement in the given member state, or

- completed the trainee period or professional practice connected to secondary education;

(c) certifies that the Applicant has the necessary qualification required by the given member state for the practice of the profession under regulation;

(d) certifies that the education primarily happened in a member state, or at an educational institution of a non member state providing education in accordance with the law of a member state.

**Section 28.2.** A certificate is furthermore a document certifying education, or a document having the same effect, or these documents in the aggregate issued by the competent authority of a member state subsequent to the successful completion of education recognised in that particular member state or in any other member state, and which was recognised by the competent authority of that particular member state as a degree as equivalent with the certificate defined in Section 28.1. with respect to the pursuit of a profession under regulation.

**Section 28.3.** An Applicant is deemed to have a certificate, if the Applicant has two years' professional experience in a member state which has recognised the certificate the Applicant earned in a non member state.

**Section 29.1.** A "qualification record" is a document certifying education or any other document with the same effect or such documents in the aggregate which

(a) certifies the successful completion of a training, but is not qualified as a degree, final certificate or certificate, or

(b) were issued by the competent authority of a member state on the basis of testing the personal qualifications, aptitude or knowledge the authority considers necessary for the pursuit of a certain profession, but without making it subject to the certification of any previous education.

**Section 30.1.** "Training under regulation" is any training which is supplemented with practical training, trainee period or professional practice, if it is a requirement in a given member state, where

(a) the requirements are defined with the objective of preparation for the pursuit of a profession, or

(b) the rules are specified by the law or the administrative regulations of a member state, or where the training is supervised or approved by a competent authority formed for this specific purpose.



**Section 30.2.** "Higher educational programme under regulation" is a training under regulation, which takes place at an institution of higher education or an institution on the same level within the framework of a minimum of three year academic programme for regular students or of the corresponding programme for non regular students.

**Section 30.3.** The legal practice of a profession in a member state shall be qualified as professional training.

**Section 30.4.** An "adaptation period" is the practice of a certain profession under regulation in Hungary under the supervision of a professional having the required qualification. The detailed rules pertaining to the adaptation period are established by the authority carrying out the procedure, however the knowledge the Applicant gathered during his or her professional training must be taken into account. The authority carrying out the procedure may stipulate that the Applicant must participate in a training while practising the profession. The adaptation period must be appraised according to the method defined by the authority carrying out the procedure.

**Section 30.5.** An "aptitude test" is a Hungarian language examination of the Applicant's professional knowledge in theory and practice, which is organised by the authority carrying out the procedure with the objective of assessing the Applicant's aptitude for the practice of the profession under regulation in Hungary. The authority carrying out the procedure defines the examination requirements on the basis of the content of domestic training and the training the Applicant has completed taking into consideration the knowledge the Applicant has acquired during the professional training. Considering that the Applicant is a professional qualified in a member state, the examination requirements may only relate to knowledge which is indispensable for the Hungarian practice.

**Section 30.6.** The head of a "business organisation" is

- (a) the senior executive of a business organisation, the manager of a unit with its own premises;
- (b) the owner of the business organisation and the deputy of the person defined in point (a), if their rights and obligations are otherwise identical for the represented person, and
- (c) a person managing one or more organisational units of the business organisation and occupies a commercial / technical type of position.

**Section 31.** For the purpose of the application of this Part a veterinary surgeon's, dentist's general practitioner's, architect's or pharmacist's degree is any degree and a nurse's or maternity nurse's certificate is any certificate which is qualified as such by a separate applicable law.

## Chapter VII.

### The general system of recognising professional degrees

**Section 32.1.** The provisions of this Chapter must be applied, when the Applicant intends to practise a profession in Hungary either as a self-employed entrepreneur or as an employee, which is a profession under regulation and subject to the possession of a degree.

**Section 32.2.** The provisions of this Chapter may not be applied to degrees the recognition of which is provided for by Chapter X. of this Act.

*The recognition of a degree issued in a member state as equivalent to a domestic degree*

**Section 33.1.** If the pursuit of a profession under regulation in Hungary is subject to the possession of a degree, the Applicant's professional degree may be qualified as equivalent to the degree specified by the applicable law with respect to the authorisation of the profession under regulation, if the Applicant

(a) has a degree which authorises the bearer to pursue such profession in the member state where the degree was earned, or

(b) practised his or her profession as a full time occupation for two years, or for a corresponding period of time if the profession was pursued as a part time occupation, within the ten year period preceding the filing of the application, and in the member state where the profession was practised such profession is not under regulation, and the Applicant has a document certifying education which would otherwise correspond to the term degree, however it does not authorise the Applicant to practise a profession under regulation, furthermore it certifies that the Applicant has the knowledge required for practising the profession.

**Section 33.2.** A document certifying education is deemed to comply with Section 33.1.(b), if it was issued by the competent authority of a member state subsequent to the successful completion of a training recognised in any of the member states, and if it has been recognised by a member state as being equivalent with the document certifying education defined in Section 33.1., provided that the other member states and the European Commission has been notified of the recognition.

**Section 32.3.** The authority carrying out the procedure may not require the Applicant to certify the two year professional practice defined in Section 33.1. (b), if the Applicant obtained the document certifying education in the framework of a higher educational programme.

*Compensation*

**Section 34.1.** If the length of the Applicant's education to be considered pursuant to Section 26.1. is at least one year shorter than the period required in Hungary, the authority carrying out the procedure may stipulate that the recognition of the equivalency of the degree is subject to the certification of professional practice.

**Section 34.2.** The professional practice period stipulated by the authority carrying out the procedure

(a) may not exceed the double of the gap between the training completed by the Applicant and the period required in Hungary, if the reason of the gap is the difference between the length of the higher educational programme or the trainee period leading to the examination; or

(b) may not exceed the gap between the training completed by the Applicant and the period required in Hungary, if the gap is related to a professional practice the Applicant completed under the supervision of a qualified professional practising the profession.

**Section 34.3.** In the case of degrees defined in Section 26.2. the length of the training is deemed to be identical with the length of the training required for obtaining a degree defined in Section 26.1 and certifying rights which are identical with such degree, however the professional practice as specified in Section 33.1. (b) must be also taken into account.

**Section 34.4.** The authority carrying out the procedure may require of four years' professional practice as a maximum.

**Section 35.1.** The authority carrying out the procedure may require an adaptation period no longer than three years or an aptitude test, if

(a) either the theoretical or the practical component of the Applicant's training is materially different from the training required in Hungary for obtaining the degree necessary for practising the profession, or

(b) in the case defined in Section 33.1. (a), when the profession under regulation, as it exists in Hungary, includes the pursuit of one or several professions under regulation which are not part of the profession under regulation in the member state where the degree was issued, provided that the acquisition of the theoretical and practical knowledge expressly required for the pursuit of the given profession is part of the training in Hungary whereas not part of the Applicant's training, or

(c) in the case defined in Section 33.1. (b), when the profession under regulation, as it exists in Hungary, includes the pursuit of one or several professions under regulation which are not part of the profession under regulation in the member state where the document certifying education was issued, provided that the acquisition of the theoretical and practical knowledge expressly required for the pursuit of the given profession is part of the training in Hungary whereas not part of the Applicant's training

**Section 35.2.** The authority carrying out the procedure must provide the Applicant with an opportunity to choose between an adaptation period and an aptitude test.

**Section 35.3.** The authority carrying out the procedure may depart from the provisions contained in Section 35.2, if the pursuit of the profession in question requires the profound knowledge of the Hungarian law, and where legal consultation based on the Hungarian law is a permanent and essential part of practising the profession. In this case the authority carrying out the procedure shall decide on its own discretion whether the Applicant is required to complete an adaptation period or pass an aptitude test.

**Section 35.4.** The authority carrying out the procedure may not apply the requirement of professional practice as defined in Section 34.1. and the provisions of Section 35.1. at the same time.

## Chapter VIII.

### The complementary system of recognising professional degrees and qualifications

**Section 36.1.** The provisions of this Chapter must be applied, when the Applicant intends to practise a profession in Hungary either as self-employed entrepreneur or as an employee, which is a profession under regulation and subject to the possession of a degree, final certificate, certificate or qualification record..

**Section 36.2.** The provisions of this Chapter may not be applied to degrees, final certificates, certificates and qualification records the recognition of which is provided for by Chapter X. of this Act, and in the case of activities defined in Chapter IX.

#### *The recognition of a degree or final certificate issued in a member state as equivalent to a domestic degree or final certificate*

**Section 37.1.** With the exception of the case defined in Section 33, if the pursuit of a profession under regulation in Hungary is subject to the possession of a degree or final certificate, the Applicant's professional degree or qualification shall be qualified as equivalent to the professional degree or qualification specified by the applicable law with respect to the authorisation of the profession under regulation, if the Applicant

(a) has a degree or final certificate which authorises the bearer to pursue such profession in the member state where the degree or final certificate was earned, or

(b) practised his or her profession as a full time occupation for two years, or for a corresponding period of time if the profession was pursued as a part time occupation, within the ten year period preceding the filing of the application, and in the member state where the profession was practised such profession is not under regulation, and the Applicant has a document certifying education which attests that the Applicant has the knowledge required for practising the profession, and.

- the document would otherwise correspond to the term degree or final certificate , however it does not authorise the Applicant to practise a profession under regulation, or
- the document certifies training under the provisions of a separate law.

**Section 37.2.** With the exception of the case contained in Section 38.1., authority carrying out the procedure may not require the Applicant to certify the two year professional practice defined in Section 37.1. (b), if the Applicant obtained the document certifying education in the framework of a higher educational programme.

**Section 37.3.** A document certifying education is deemed to comply with Section 37.1.(b), if it was issued by the competent authority of a member state subsequent to the successful completion of a training recognised in any of the member states, and if it has been recognised

by a member state as being equivalent with the document certifying education defined in Section 37.1., provided that the other member states and the European Commission has been notified of the recognition.

**Section 37.4.** The authority carrying out the procedure may reject the recognition defined in Section 37.1, if the prerequisite to the pursuit of the profession under regulation in Hungary is a degree certifying professional education where the academic requirements specified by the law stipulate a training period longer than four years.

### *Compensation*

**Section 38.1.** If the length of the Applicant's education to be considered pursuant to Section 37.1. is at least one year shorter than the period required in Hungary, the authority carrying out the procedure may stipulate that the recognition of the equivalency of the degree or final certificate is subject to the certification of professional practice.

**Section 38.2.** The professional practice period stipulated by the authority carrying out the procedure

(a) may not exceed the double of the gap between the training completed by the Applicant and the period required in Hungary, if the reason of the gap is the difference between the length of the higher educational programme or the trainee period leading an the examination; or

(b) may not exceed the gap between the training completed by the Applicant and the period required in Hungary, if the gap is related to a professional practice the Applicant completed under the supervision of a qualified professional practising the profession.

**Section 38.3.** In the case of final certificates defined in Section 27.2. the length of the training is deemed to be identical with the length of the training required for obtaining a final certificate defined in Section 27.1 and certifying rights which are identical with such degree, however the professional practice as specified in Section 37.1. (b) must be also taken into account.

**Section 38.4.** The authority carrying out the procedure may require of four years' professional practice as a maximum.

**Section 38.5.** The authority carrying out the procedure may not require the Applicant to certify professional practice, if the Applicant has a final certificate or degree which certifies a training defined under a separate law.

**Section 38.6.** The authority carrying out the procedure may require an adaptation period no longer than three years or an aptitude test, if

(a) either the theoretical or the practical component of the Applicant's training is materially different from the training required in Hungary for obtaining the degree necessary for practising the profession,

(b) in the case defined in Section 37.1. (a), when the profession under regulation, as it exists

in Hungary, includes the pursuit of one or several professions under regulation which are not part of the profession under regulation in the member state where the final certificate was issued, provided that the acquisition of the theoretical and practical knowledge expressly required for the pursuit of the given profession is part of the training in Hungary whereas not part of the Applicant's training, or

(c) in the case defined in Section 37.1. (b), when the profession under regulation, as it exists in Hungary, includes the pursuit of one or several professions under regulation which are not part of the profession under regulation in the member state where the document certifying education was issued, provided that the acquisition of the theoretical and practical knowledge expressly required for the pursuit of the given profession is part of the training in Hungary whereas not part of the Applicant's training

**Section 38.7.** The authority carrying out the procedure must provide the Applicant with an opportunity to choose between an adaptation period and an aptitude test.

**Section 38.8.** The authority carrying out the procedure may depart from the provisions contained in Section 38.7., if the pursuit of the profession in question requires the profound knowledge of the Hungarian law, and where legal consultation based on the Hungarian law is a permanent and essential part of practising the profession. In this case the authority carrying out the procedure shall decide on its own discretion whether the Applicant is required to complete an adaptation period or pass an aptitude test.

**Section 38.9.** The authority carrying out the procedure may not apply the requirement of professional practice as defined in Section 38.1. and the provisions of Section 38.6. at the same time.

*The recognition of a certificate issued in a member state as equivalent to a domestic final certificate*

**Section 39.1.** If the pursuit of a profession under regulation in Hungary is subject to the possession of a final certificate, the Applicant's qualification shall be qualified as equivalent to the professional degree specified by the applicable law with respect to the authorisation of the profession under regulation, if the Applicant

(a) has a certificate which authorises the bearer to pursue such profession in the member state where the certificate was earned, or

(b) practised his or her profession as a full time occupation for two years, or for a corresponding period of time if the profession was pursued as a part time occupation, within the ten year period preceding the filing of the application, and in the member state where the profession was practised such profession is not under regulation, and the Applicant has a document certifying education which would otherwise correspond to the term certificate but does not authorise the Applicant to practice the profession, and attests that the Applicant has the knowledge required for practising the profession.

**Section 39.2.** The authority carrying out the procedure may not require the Applicant to certify the two year professional practice defined in Section 39.1. (b), if the Applicant

obtained the document certifying education in the framework of a higher educational programme.

### *Compensation*

**Section 40.1.** The authority carrying out the procedure may require an adaptation period no longer than three years or an aptitude test.

**Section 40.2.** The authority carrying out the procedure must provide the Applicant with an opportunity to choose between an adaptation period and an aptitude test.

### *The recognition of a degree, final certificate or certificate issued in a member state as equivalent to a domestic certificate*

**Section 41.1.** If the pursuit of a profession under regulation in Hungary is subject to the possession of a certificate, the Applicant's qualification shall be qualified as equivalent to the professional education specified by the applicable law with respect to the authorisation of the profession under regulation, if the Applicant

(a) has a degree, certificate or final certificate which authorises the bearer to pursue such profession in the member state where it was earned, or

(b) practised his or her profession as a full time occupation for two years, or for a corresponding period of time if the profession was pursued as a part time occupation, within the ten year period preceding the filing of the application, and in the member state where the profession was practised such profession is not under regulation, and the Applicant has a document certifying education

which would otherwise correspond to the term degree, final certificate or certificate but does not authorise the Applicant to practice the profession, and attests the Applicant has the knowledge required for practising the profession, or

(c) practised his or her profession as a full time occupation in three consecutive years, or for a corresponding period of time if the profession was pursued as a part time occupation, within the ten year period preceding the filing of the application, and in the member state where the profession was practised such profession is not under regulation.

**Section 41.2.** The authority carrying out the procedure may not require the Applicant to certify the two year professional practice defined in Section 41.1. (b), if the Applicant obtained the document certifying education in the framework of a higher educational programme.

**Section 41.3.** A document certifying education is deemed to comply with Section 41.1.(b), if it was issued by the competent authority of a member state subsequent to the successful completion of a training recognised in any of the member states, and if it has been recognised by a member state as being equivalent, provided that the other member states and the European Commission has been notified of the recognition.

### *Compensation*

**Section 42.1.** In the cases defined in Section 41.1. (a) and (b) the authority carrying out the procedure may require an adaptation period no longer than two years or an aptitude test, if

(a) either the theoretical or the practical component of the Applicant's training is materially different from the training required in Hungary for obtaining the certificate necessary for practising the profession,

(b) the profession under regulation, as it exists in Hungary, includes the pursuit of one or several professions under regulation which are not part of the profession under regulation in the member state where the final certificate was issued, provided that the acquisition of the theoretical and practical knowledge required for the pursuit of the given profession is part of the training in Hungary whereas not part of the Applicant's training.

**Section 42.2.** The authority carrying out the procedure must provide the Applicant with an opportunity to choose between an adaptation period and an aptitude test.

**Section 42.3.** If the Applicant's professional knowledge has been recognised pursuant to Section 41.1. (c) and the Applicant has not got a degree, final certificate, certificate or any document certifying education which complies with the requirements of Section 41.1. (b), the authority carrying out the procedure require an adaptation period no longer than two years or an aptitude test.

**Section 42.4.** In the case contained in Section 42.3. the authority carrying out the procedure may decide whether to require the Applicant to complete an adaptation period or to pass an aptitude test.

*The recognition of a document issued in a member state as equivalent to a domestic qualification record*

**Section 43.1.** If the pursuit of a profession under regulation in Hungary is subject to the possession of a qualification record, the Applicant's qualification shall be qualified as equivalent to the professional education specified by the applicable law with respect to the authorisation of the profession under regulation, if the Applicant

(a) has a qualification record which is required for the pursuit of the profession in any of the member states, and the qualification record was issued in that particular member state, provided that the Applicant also proves that he or she is capable of practising the profession in compliance with the public health, public security, environmental, customer protection and other regulations specified by the Hungarian law, or

(b) has a document certifying education or professional knowledge earned in a member state which proves that that the Applicant is prepared for the practice of the profession, provided that the Applicant also proves that he or she is capable of practising the profession in compliance with the public health, public security, environmental, customer protection and other regulations specified by the Hungarian law.

**Section 43.2.** If the Applicant is not in possession of any of the documents defined in Section 43.1, or fails to prove the requirements specified therein, in such Applicant's case those



regulations must be applied which are normally applicable to the authorisation of the start of the activity.

### *The recognition of the level of education*

**Section 44.** If the prerequisite to the pursuit of a profession under regulation in Hungary is that the Applicant must have a certificate of primary education or a general certificate of secondary education, the Applicant's level of education shall be qualified as equivalent with the level of education required by the applicable law with respect to the authorisation of the pursuit of the profession under regulation, if the Applicant has a certificate issued in a member state attesting the appropriate level of education.

## Chapter IX.

### Recognition based on professional practice

**Section 45.1.** The provisions of this Chapter must be applied, if the Applicant intends to practise a profession in Hungary, either as self-employed entrepreneur or as an employee, which is under the regulation of a specific law.

**Section 46.1.** If the activity defined by a specific law is qualified as a professional activity under regulation in Hungary, the authority carrying out the procedure shall compare the requirements of the pursuit of the professional activity specified in Hungary and the professional knowledge certified by the Applicant's document certifying education.

**Section 46.2.** If the Applicant's document certifying education is adequate with the required education and knowledge specified by the applicable law with respect to the authorisation of the pursuit of the professional activity under regulation, the authority carrying out the procedure shall authorise the Applicant to practise the professional activity.

**Section 46.3.** If there is a material difference between the Applicant's professional knowledge certified by the document proving education and the requirements specified by the applicable law on the authorisation of the pursuit of the professional activity under regulation, the authority carrying out the procedure may require an adaptation period not longer than three years or an aptitude test for the authorisation of the pursuit of the professional activity under regulation.

**Section 46.4.** The authority carrying out the procedure must provide the Applicant with an opportunity to choose between an adaptation period and an aptitude test.

**Section 46.5.** The authority carrying out the procedure may depart from the provisions contained in Section 46.4, if the Applicant intends to practice the given professional activity as a self-employed entrepreneur or as a senior executive of another business organisation. In this case the authority carrying out the procedure shall decide on its own discretion whether the Applicant is required to complete an adaptation period or pass an aptitude test.

**Section 47.1.** If the activity under the regulation of a specific law is a professional activity under regulation in Hungary, the Applicant is entitled to practice the professional activity under regulation, if the Applicant

(a) practised the activity as a self-employed entrepreneur or a senior executive of a business organisation in a member state for six consecutive years;

(b) practised the activity as a self-employed entrepreneur or a senior executive of a business organisation in a member state for three consecutive years, and proves that prior to starting the activity the Applicant received a training of at least three years to prepare for the pursuit of the activity, and the training is recognised by a member state or approved by a professional organisation;

(c) practised the activity as a self-employed entrepreneur for three consecutive years in a member state, and proves that he or she practised the activity for another five years as an employee, or

(d) practised the activity as a senior executive of a business organisation for five consecutive years in a member state, and occupied a technical position as the manager of one or more organisational units for at least three years of the five year period, and proves that prior to starting the activity the Applicant received a training of at least three years to prepare for the pursuit of the activity, and the training is recognised by a member state or approved by a professional organisation.

**Section 47.2.** The authority carrying out the procedure shall not authorise the practice of the professional activity in the cases defined in Section 47.1. (a) and (c), if the Applicant has not been practising the activity in the ten year period preceding the filing of the application.

**Section 48.1.** If the activity under the regulation of a specific law is a professional activity under regulation in Hungary, the Applicant is entitled to practice the professional activity under regulation, if the Applicant

(a) practised the activity as a self-employed entrepreneur or a senior executive of a business organisation in a member state for six consecutive years;

(b) practised the activity as a self-employed entrepreneur or a senior executive of a business organisation in a member state for three consecutive years, and proves that prior to starting the activity the Applicant received a training of at least three years to prepare for the pursuit of the activity, and the training is recognised by a member state;

(c) practised the activity as a self-employed entrepreneur or a senior executive of a business organisation in a member state for four consecutive years, and proves that prior to starting the activity the Applicant received a training of at least two years to prepare for the pursuit of the activity, and the training is recognised by a member state or approved by a professional organisation;

(d) practised the activity as a self-employed entrepreneur for three consecutive years in a member state, and proves that he or she practised the activity for another five years as an employee, or

(e) practised the activity as a senior executive of a business organisation for five consecutive years in a member state, and proves that prior to starting the activity the Applicant received a training of at least three years to prepare for the pursuit of the activity, and the training is recognised by a member state or approved by a professional organisation;

(f) practised the activity as a senior executive of a business organisation for six consecutive years in a member state, and proves that prior to starting the activity the Applicant received a training of at least two years to prepare for the pursuit of the activity, and the training is recognised by a member state or approved by a professional organisation.

**Section 48.2.** The authority carrying out the procedure shall not authorise the practice of the professional activity in the cases defined in Section 48.1. (a), (c) and (d), if the Applicant has not been practising the activity in the ten year period preceding the filing of the application.

**Section 49.1** If the activity under the regulation of a specific law is a professional activity under regulation in Hungary, the Applicant is entitled to practice the professional activity under regulation, if the Applicant

(a) practised the activity as a self-employed entrepreneur or a senior executive of a business organisation in a member state for six consecutive years;

(b) practised the activity as a self-employed entrepreneur or a senior executive of a business organisation in a member state for three consecutive years, and proves that prior to starting the activity the Applicant received a training of at least three years to prepare for the pursuit of the activity, and the training is recognised by a member state or approved by a professional organisation;

(c) practised the activity as a self-employed entrepreneur for three consecutive years in a member state, and proves that he or she practised the activity for another five years as an employee.

**Section 49.2.** The authority carrying out the procedure shall not authorise the practice of the professional activity in the cases defined in Section 49.1. (a) and (c), if the Applicant has not been practising the activity in the ten year period preceding the filing of the application.

**Section 50.1.** If the activity under the regulation of a specific law is a professional activity under regulation in Hungary, the Applicant is entitled to practice the professional activity under regulation, if the Applicant

(a) practised the activity as a self-employed entrepreneur or a senior executive of a business organisation in a member state for five consecutive years;

(b) practised the activity as a self-employed entrepreneur or a senior executive of a business organisation in a member state for two consecutive years, and proves that prior to starting the activity the Applicant received a training of at least three years to prepare for the pursuit of the activity, and the training is recognised by a member state or approved by a professional organisation;

(c) practised the activity as a self-employed entrepreneur or a senior executive of a business organisation in a member state for three consecutive years, and proves that prior to starting the activity the Applicant received a training of at least two years to prepare for the pursuit of the activity, and the training is recognised by a member state or approved by a professional organisation;

(d) practised the activity as a self-employed entrepreneur or a senior executive of a business organisation for two consecutive years in a member state, and proves that he or she practised the activity for another three years as an employee;

(e) practised the activity as an employee for three consecutive years in a member state, and proves that prior to starting the activity the Applicant received a training of at least two years to prepare for the pursuit of the activity, and the training is recognised by a member state or approved by a professional organisation.

**Section 51.1.** If the activity under the regulation of a specific law is a professional activity under regulation in Hungary, the Applicant is entitled to practice the professional activity under regulation, if the Applicant practised the activity as a self-employed entrepreneur or a senior executive of a business organisation for three consecutive years in a member state, and the practice was not interrupted within the two year period preceding the filing of the application.

**Section 51.2.** If the activity under the regulation of a specific law is a professional activity under regulation in Hungary, the Applicant is entitled to practice the professional activity under regulation, if

(a) the Applicant practised the activity as a self-employed entrepreneur or a senior executive of a business organisation for three consecutive years in a member state, and

(b) the practice was not interrupted within the two year period preceding the filing of the application, provided that pursuant to the provisions of the Hungarian law the activity may not be continued if the practice was interrupted for two years.

**Section 52.1.** If the activity under the regulation of a specific law is a professional activity under regulation in Hungary, the Applicant is entitled to practice the professional activity under regulation, if the Applicant

(a) practised the activity as a self-employed entrepreneur or a senior executive of a business organisation in a member state for three consecutive years;

(b) practised the activity as a self-employed entrepreneur or a senior executive of a business organisation in a member state for two consecutive years, and proves that prior to starting the activity the Applicant received a training of at least three years to prepare for the pursuit of the activity, and the training is recognised by a member state or approved by a professional organisation;

(c) practised the activity as a self-employed entrepreneur or a senior executive of a business organisation in a member state for two consecutive years, and proves that prior to starting the activity the Applicant received a training of at least three years to prepare for the pursuit of the activity, and the training is recognised by a member state or approved by a professional organisation;

(d) practised the activity as an employee for three consecutive years in a member state, and proves that prior to starting the activity the Applicant received a training to prepare for the

pursuit of the activity, and the training is recognised by a member state or approved by a professional organisation.

**Section 52.2.** The authority carrying out the procedure shall not authorise the practice of the professional activity in the cases defined in Section 52.1. (a) and (c), if the Applicant has not been practising the activity in the ten year period preceding the filing of the application.

**Section 53.1.** If the Applicant has a document certifying a training not shorter than two years but not as long as three years, and the training is recognised in any of the member states, the Applicant must be regarded as one having a training which is of equal length with the required period specified in this Chapter, notwithstanding that the Applicant's training period is shorter than the one specified in this Chapter, provided that the Applicant has a professional practice longer than required, and the professional practice period is not shorter than the ratio of the required period and the Applicant's training multiplied by the required professional practice.

**Section 53.2.** If a business organisation established under the jurisdiction of a member state intends to pursue a professional activity which is under regulation in Hungary and is defined by a specific law, the provisions of this Chapter must be applied to the case in the appropriate manner.

## Chapter X.

### The unconditional recognition of qualifications and professional degrees

#### *The general rules of the unconditional recognition of qualifications and professional degrees*

**Section 54.** The provisions of this Chapter shall be applied, if the Applicant intends to practice a profession in Hungary which is subject to the possession of a veterinary surgeon's, dentist's, pharmacist's, architect's, general practitioner's, nurse's or maternity nurse's degree or certificate.

#### *General rules applicable in the case of Applicants seeking residence in Hungary with a business purpose*

**Section 55.1.** The Applicant must attach the following to the application:

- (a) an authentic copy and an authentic translation of the documents which certify that the Applicant is entitled to practice the profession in the sender state or country of origin;
- (b) an authentic copy and an authentic translation of the Applicant's degree or certificate;
- (c) a certificate of having paid the required fee for the procedure.

**Section 55.2.** The authority carrying out the procedure may request further information from the Applicant or the competent authority of the sender state or country of origin pursuant to the provisions of Section 23, if such information is necessary for the recognition.

**Section 55.3.** The Applicant does not need to attach the documents specified in Section 55.7 and Section 55.8. to the application.

**Section 55.4.** Unless the law provides otherwise, the authority carrying out the procedure may require the Applicant

- (a) to take part in a training introducing the Hungarian law and ethical regulations necessary for practising the profession; or
- (b) to acquire the language proficiency necessary for practising the profession.

*General rules applicable in the case of Applicants not seeking residence in Hungary with a business purpose*

**Section 56.1.** If a person authorised to practice a certain profession does not intend to seek residence in Hungary with a business purpose, however intends to practise the profession in Hungary, the intended activity and a description thereof must be filed with the authority carrying out the procedure prior to starting practising the profession, if the pursuit of the profession involves stay in Hungary. Upon such filing the Applicant shall become authorised to practise the profession, unless the law provides otherwise.. The recognition of the right to practise a profession does not exempt a foreigner from compliance with the conditions provided in the applicable law on foreigner's employment and residence.

**Section 56.2.** A person entitled to practise a profession must file a report on his or her activity in Hungary and the description of the activity even if it does not involve stay in Hungary. If it is impossible to make the filing before starting practising the activity owing to the peculiarities of the case, the filing must be made as soon as possible.

**Section 56.3.** In addition to the report the person entitled to practise the profession must file the following with the authority carrying out the procedure

- (a) an authentic copy and an authentic translation of the documents which prove that the Applicant is legally practising the profession in the state of residence;
- (b) an authentic copy and an authentic translation of the Applicant's degree or certificate;
- (c) if a person entitled to practise a dentist's, general practitioner's, nurse's or maternity nurse's activity, an authoritative certificate that the Applicant is not under a sentence or criminal action prohibiting or limiting the performance of a health care activity under the jurisdiction where the Applicant last performed a health care activity on a regular basis under the jurisdiction or if it is not possible, under the jurisdiction of the state where the Applicant is a citizen, and
- (d) a certificate of compliance with the aptitude conditions necessary for the performance of the activity, if that is required by a specific law.

**Section 56.4.** The authority carrying out the procedure must accept the document defined in Section 56.3 (a), Section 56.3. (c) and Section 56.3. (d), only if the person entitled to practise the profession submits the document within twelve months of the issuance of the original.

**Section 56.5.** If the person entitled to practise the profession intends to practise the profession on a regular basis in Hungary, a statement hereof must be included in the filing. Following that the description of the actual activity related to the practice of the profession must be sent to the competent authority, however the documents defined in Section 56.3. do not need to be submitted again as long as they comply with the provisions of Section 56.4.

**Section 56.6.** The person entitled to practise the profession may use the appropriate Hungarian title (Section 24.)

**Section 56.7.** The person entitled to practise the profession is bound to practise the profession in compliance with the Hungarian law and the Hungarian ethical rules.

**Section 56.8.** The authority carrying out the procedure may prohibit the continuation of the activity in Hungary, if the given person does not comply with the conditions provided in this Act.

**Section 56.9.** If a person entitled to practise a profession intends to perform a dentist's, general practitioner's, nurse's or maternity nurse's activity, the activity within the scope of this Section must be reported to the National Medical Office.

#### *The specific rules of practising as a veterinary surgeon*

**Section 57.1.** If the Applicant intends to settle down in Hungary, the authority carrying out the procedure shall notify the regional organisation of the Hungarian Chamber of veterinary Surgeons of the recognition of the Applicant's degree, and the Chamber registers the Applicant as a member provided that the conditions provided by the applicable law are satisfied.

**Section 57.2.** If the Applicant does not intend to settle down in Hungary, but intends to practise the profession in Hungary alone or as well as in other countries, the description thereof must be also sent to the Hungarian Chamber of Veterinary Surgeons.

**Section 57.3.** If the authority carrying out the procedure prohibits the continuation of the activity in Hungary, the Hungarian Chamber of Veterinary Surgeons must be notified of the decision.

#### *The specific rules of practising as a general practitioner or dentist*

**Section 58.1.** If the Applicant intends to settle down in Hungary, the authority carrying out the procedure shall notify the local organ of the Hungarian Medical Chamber of the recognition of the Applicant's degree. The Hungarian Medical Chamber registers the Applicant as a member provided that the conditions provided by the applicable law are satisfied.

**Section 58.2.** If the Applicant does not intend to settle down in Hungary, but intends to practise the profession in Hungary as well as elsewhere, the authority carrying out the procedure shall send a copy of the description thereof to the Hungarian Medical Chamber.

**Section 58.3.** If the authority specified under a separate law prohibits the continuation of the activity in Hungary, the Hungarian Medical Chamber must be notified of the decision.

*The specific rules of practising as a pharmacist*

**Section 59.1.** In case recognising the degree the authority carrying out the procedure shall notify the regional organisation of the Hungarian Pharmaceutical Chamber, and the Chamber carries out the procedure necessary for registering the Applicant as a member.

**Section 59.2.** In the case of a pharmaceutical activity the rules applicable pursuant to this Act may not be applied to Applicants not intending to settle down in Hungary.

*The specific rules pertaining to the recognition of an architect's degree and the pursuit of the profession*

**Section 60.1.** In the case of recognising the degree the authority carrying out the procedure shall establish the length of the Applicant's professional practice, and notifies the Chamber of Architecture of the recognition. The regional Chamber of Architecture registers the Applicant as a member according to the Applicant's professional practice, provided that the conditions provided in a separate law are satisfied.

**Section 60.2.** If the Applicant does not intend to settle down in Hungary, but intends to practise the profession in Hungary alone or as well as in other countries, the description thereof must be also sent to the Chamber of Architecture in order to obtain an expert's opinion, and the Chamber shall send the expert's opinion to the authority carrying out the procedure within eight days.

**Section 60.3.** The authority carrying out the procedure shall judge the Applicant's filings and issue a decision within fifteen days of the receipt thereof. The Applicant may start pursuing the activity in the possession of the authorisation issued by the authority carrying out the procedure.

**Section 60.4.** If the authority carrying out the procedure prohibits the continuation of the activity in Hungary, the Regional Chamber of Architecture must be notified of the decision.

## **PART FOUR**

### **ENQUIRIES, THE INCLUSION OF UNFINISHED STUDIES, THE COST OF THE PROCEDURE AND THE CLOSING PROVISIONS**

#### **Chapter XI. Enquiries**

**Section 61.1.** The Applicant or, with the Applicant's consent, any other person may enquire about the content of the Applicant's certificate or degree obtained abroad at the Ministry of Education.

**Section 61.2.** The information provided upon enquiry has no legal effect, neither the owner of the certificate or degree nor any other person shall be bound by the information provided.



## Chapter XII. The inclusion of unfinished studies

**Section 62.1.** The inclusion of primary and secondary studies or higher education started abroad but not finished (unfinished studies) is possible after the consideration of the legal status of the foreign educational institution, the hours and the academic requirements and on the basis of the comparison of the Hungarian and foreign academic requirements.

**Section 62.2.** The documents specified in Section 7.1. (b) and the authentic translation of the documents must be attached to the application for the inclusion of unfinished studies. The educational institution may accept a translation which is not authentic.

**Section 62.3.** The educational institution may prescribe an examination to close the gap as a condition of the inclusion of unfinished studies.

**Section 62.4.** The educational institution may include the Applicant's unfinished studies abroad, if the Applicant pursued his or her studies in an educational institution recognised abroad..

**Section 62.5.** The educational institution shall notify the Ministry of Education of the inclusion of unfinished studies.

**Section 63.** An international agreement or an inter-institutional agreement made on the basis of an international agreement may also stipulate that the inclusion of unfinished studies is recommended or obligatory.

## Chapter XIII. The cost of the procedure

**Section 64.1.** For the procedure carried out pursuant to the provisions of Chapters I, II and XI of this Act the Applicant must transfer to the account of the authority carrying out the procedure an amount equal with the one-fifth of the minimum wage determined by the law and in effect at the time of filing the application (hereinafter referred to as "the cost of the procedure").

**Section 64.2.** With respect to the procedure carried out pursuant to the provisions of Chapter II of this Act, if the purpose of the procedure is continuing education, the authority carrying out the procedure may determine the fee to be paid by the Applicant which fee may not exceed the cost of the procedure.

**Section 64.3.** For the procedure carried out pursuant to the provisions of Chapters III, IV and V and Part Three of this Act an amount equal with the triple of the cost of the procedure is payable.

**Section 64.4.** For carrying out the professional examination and the aptitude test the educational institution may determine a fee payable which may not exceed the amount equal with the cost of the procedure multiplied by ten.

**Section 64.5.** The half of the cost of the procedure must be paid to the account of the authority carrying out the procedure for issuing a certificate of equivalency with respect to a certificate which was earned in a foreign educational institution and is recognised in the Republic of Hungary pursuant to an international agreement or the law as equivalent with a Hungarian primary school certificate, vocational qualification or general certificate of secondary education.

**Section 64.6.** The fee provided for in this section must be refunded to the Applicant, if the Applicant withdraws the application before the decision is made or the certificate is issued.

**Section 64.7.** If the Applicant makes changes in the application, and as a result the payable fee becomes different for the amount which was payable for carrying out the procedure on the basis of the Applicant's original application, the Applicant must increase the payment to the cost of the procedure corresponding to the modified application or the gap must be refunded to the Applicant.

**Section 64.8.** In the case of applying for the inclusion of unfinished studies or if the Applicant does not intend to settle down in Hungary as defined in Chapter IX, no fee is payable for the procedure.

## Chapter XIV. Closing provisions

**Section 65.1.** With the exception of the provisions contained in Section 65.2 and Section 65.3, this Act shall take effect on January 1, 2002.

**Section 65.2.** Part Three (Sections 21 through 60), Section 71 and Section 72 of this Act shall take effect on the day the act proclaiming the international agreement on the accession to the European Union takes effect.

**Section 65.3.** Section 70.1 of this Act shall take effect on January 1, 2003.

**Section 66.1.** The provisions of this Act shall be first applicable to the applications submitted subsequent to the date this Act takes effect.

**Section 66.2.** The authority carrying out the procedure may not require the Applicant to take a professional test, if the Applicant has earned his or her degree abroad on a scholarship granted by the competent Hungarian authorities, provided that

(a) the degree was issued before May 1, 1995.,or

(b) the studies were started before May 1, 1995. and were completed before May 1, 2000.

**Section 67.1.** The Government shall be authorised to issue a decree publishing the names of the professions under regulation together with the names of the Ministries responsible for the preparations for the legislation related to the professions.

**Section 67.2.** The Minister of Education shall be authorised to issue a decree publishing  
(a) the names of the professions under regulation where the authority carrying out the procedure may decide on its own discretion whether the Applicant is required to complete an adaptation period or take an aptitude test;

(b) the text of Appendix A of the Council of the European Communities' Directive 92/51/EEC

(c) the text of Appendix C and Appendix D of the Council of the European Communities' Directive 92/51/EEC pursuant to Section 27.1. (b), Section 37.1.(b) and Section 38.5;

(d) the text of Appendix "A" of the Council of the European Communities' Directive 1999/42/EC pursuant to Chapter IX (Sections 45 through 53) of this Act.

**Section 67.3.** Pursuant to Section 31.1. of this Act the Minister of Health shall be authorised to issue a decree publishing the names of certificates and degrees which fall within the scope of the following EU directives:

(a) Council Directive 77/42/EEC,

(b) Council Directive 93/16/EEC,

(c) Council Directive 78/686/EEC,

(d) Council Directive 84/433/EEC,

(e) Council Directive 80/154/EEC.

**Section 67.4.** Pursuant to Section 31.1. of this Act the Minister of Agriculture and Rural Development shall be authorised to issue a decree publishing the names of degrees which fall within the scope of the following EU directives:

(a) Council Directive 78/1026/EEC,

(b) Council Directive 85/384/EEC,

**Section 68.1.** Upon this Act coming into effect the following regulations shall become void:

(a) Section 4.1. (c) of Act LXXVI. of 1993 on vocational education;

(b) Section 94.1. (k) and Section 112 of Act LXXIX. of 1993 on public education, furthermore Section 83 of Act LXII. of 1996 on the amendment of the above Act, and the passage "in Section 112.3" in Section 29.3 of Act LXXXVI of 1998;

(c) Section 72 (i), Sections 105 through 109 and Section 110.3 of the Higher Education Act, furthermore Sections 76 through 79 of Act LXI of 1996 on the amendments thereof, and Section 18 of Act XCVII of 2000;

(d) Government Decree 47/1995. (IV.27.) on the recognition and naturalisation of academic titles, degrees and diplomas earned at a foreign institution of higher education, and

Government Decree 276/1997. (XII.22) on the amendments thereof and Government Decree 175/2000 (X.30.);

(e) Section 9.1. (d), Section 5, the passages referring to "nationalisation" from Section 7 and Section 8, Section 11.2. (a), Section 11.2. (b) and Section 11.2. (c), and Section 56 of Government Decree 100/1997. (VI.13.) on the issue of the rules of the examination to obtain a general certificate of secondary education, furthermore the former name of the Ministry of Education (Művelődési és Közoktatási Minisztérium) shall be replaced with the current name (Oktatási Minisztérium) in the appropriate grammatical format in Section 56 from Section 20.3. (a) of Government Decree 16/2000 (II.11.) on the amendments of the above Government Decree ;

(f) Section 37.1 through Section 37.6 and Section 9 of Decree 11/1994 (VI.8.) on the operation of educational institutions issued by the former Ministry of Education, furthermore the passage "in Section 37.4" of Section 30.2 of Decree 8/2000 (V.24.) issued by the Ministry of Education on the amendments of the above Decree, and the former name of the Minister of Education (művelődési és közoktatási miniszter) shall be replaced with the current name (oktatási miniszter) in Section 37.9 of the same Decree.

**Section 68.2.** The provisions of Section 68.1. must continue to be applied to applications submitted prior to the date of this Act coming into effect.

**Section 69.** Pursuant to Section 3 of Act I of 1994 on the proclamation of the European Agreement executed on December 16, 1991 in Brussels on forming an association between the Republic of Hungary and the European Communities and the member states thereof, this Act contains provisions compatible with the following regulations of the Council of the European Communities on the mutual recognition of documents certifying education.

(a) Council Directive 89/48/EEC on the general system of the mutual recognition of degrees earned within the framework of a minimum three year higher educational programme;

(b) Council Directive 92/51/EEC on the secondary system of recognition complementing the general system of Directive 89/48/EEC;

(c) Council Directive 99/42/EC on the rules of the recognition of certificates obtainable in the framework of professional training related to professions under the regulation of liberalised and provisional directives;

(d) Council Directive 77/452/EEC on the mutual recognition of general nurse's certificates, including measures promoting the right for settlement and the freedom of service provision; and Council Directive 77/453/EEC on legal harmonisation in the member states with respect to nurses' activities;

(e) Council Directive 93/16/EEC on the free movement of doctors and the mutual recognition of degrees;

(f) Council Directive 78/686/EEC on the mutual recognition of dentist's degrees, including measures promoting the right for settlement and the freedom of service provision; and Council Directive 78/687/EEC on legal harmonisation in the member states with respect to dentists' activities;

(g) Council Directive 80/154/EEC on the mutual recognition of maternity nurse's certificates, including measures promoting the right for settlement and the freedom of service provision; and Council Directive 80/155/EEC on legal harmonisation in the member states with respect to maternity nurses' activities;

(h) Council Directive 85/432/EEC on legal harmonisation in the member states with respect to pharmaceutical activities defined in the member states; and Council Directive 85/433/EEC on the mutual recognition of pharmacist's degrees, including measures promoting the right for settlement with the aim of practising pharmaceutical activities;

(i) Council Directive 85/384/EEC on the mutual recognition of architect's degrees, including measures promoting the right for settlement and the freedom of service provision;

(j) Council Directive 78/1026/EEC on the mutual recognition of veterinary surgeon's degrees, including measures promoting the right for settlement and the freedom of service provision;

(k) Council Directive 81/1057/EEC on the mutual recognition of doctor's, general nurse's, dentist's and veterinary surgeon's degrees, final certificates and certificates on the amendments to Directives 75/362/EEC, 77/452/EEC, 78/686/EEC and 78/1026/EEC.

**Section 70.1.** The first sentence of Section 108.7 of the Public Education Act shall be replaced with the following provision:

"The sponsor is entitled to receive subsidy as specified in Section 4.6 of this Act for each Hungarian citizen admitted to the educational institution defined in paragraph (1) herein, as well as for foreign citizens as defined in Section 110."

**Section 70.2.** Section 110 of the Public Education Act shall be replaced with the following provision:

"Section 110.1. A foreign citizen shall have an obligation to attend school in Hungary, in the case of being an asylum seeker, a refugee or having been granted asylum (hereinafter referred to as "refugee"), or being an immigrant, having been settled down or having a residence permit together with his or her parent. Compliance with such conditions must be proved upon the student being admitted to an educational institution."

Section 110.2. (a) If the child's stay in the territory of Hungary does not exceed one year, the child shall have the obligation of school attendance upon the parent's request;

(b) if the child's stay in the territory of Hungary exceeds one year, the child shall have the obligation of school attendance pursuant to the law.

The provisions of Section 110.2. (a) shall also apply to those having a residence visa.

Section 110.3. A foreign citizen defined in Section 110.1. may use the public educational services specified herein under the same conditions as Hungarian citizens. A foreign citizen who is over the age of eighteen, has a residence permit and stays in the territory of Hungary for at least one year without his or her parents, may use the public educational services defined in this Act under the same conditions as Hungarian citizens.

Section 110.4. A foreign citizen who has a letter of invitation from the Ministry of Education may receive the provision specified in the letter of invitation under the same conditions as Hungarian citizens.

Section 110.5. The children of the member of a diplomatic or consular representation in Hungary, provided that such children are not within the scope of Sections 110.1. and 110.2., shall be exempted from the obligation of paying the tuition fees and other charges defined in this Act pursuant to the principle of reciprocity.

Section 110.6. A foreign citizen who is not within the scope of Sections 110.1 through 110.4 must pay a fee for the service provided by a nursery school, school, boarding school / student's residence and educational expert's services, unless an international agreement or the law provides otherwise. The head of the public educational institution may reduce or cancel the fee according to the rules specified by the sponsor of the institution.

Section 110.7. From the day of the Act on the proclamation of the international agreement on Hungary's accession to the European Union coming into effect the citizens of the member states of the European Communities may use the services provided pursuant to this Act under the same conditions as Hungarian citizens."

**Section 70.3.** The following second and third sentence shall be added to Section 124.12 of the Public Education Act:

"Those students who started their studies before December 31, 2001 .may use the services defined in this Act pursuant to the provisions which were in effect at the start of their student status for the period of their studies, if such conditions are more favourable for them than the current ones. These provisions must be applied with respect to nursery school education and boarding school education."

**Section 71.1.** The following new paragraph (u) shall be added to Section 3 of Act CLIV of 1997 on health care (hereinafter referred to as Health Care Act):

*[Section 3 for the application of this Act]*

"(u) settlement with a business objective is settlement in accordance with the rules provided in Act LXXII of 1998 on foreigners' settlement as a self-employed entrepreneur with a business objective"

**Section 71.2.** The following new Sections 110.10 through 110.14 shall be added to Section 110 of the Health Care Act:

" Section 110.10. Notwithstanding the provisions of 110.4 in the case of

(a) citizens of the countries of the European Economic Association who has a medical qualification which may be naturalised or recognised as equivalent with a qualification in Hungary, and

(b) citizens of the countries of the European Economic Association who has a document certifying medical qualification which may not be recognised as equivalent with a qualification obtainable in Hungary, however proves, in an authoritative manner, that he or

she practised the medical activity to be reported on a regular basis for at least three years within the five year period prior to the filing,  
who desire to provide medical services within the scope of this Act without the intention of settling down with a business objective, provided that the person is already providing service in a EEA country, the intention to providing medical service must be reported to the National Medical Office . This provision may not be applied, if the service to be provided is a pharmaceutical service.

Section 110.11. The National Medical Office keeps records of

- (a) the licences issued pursuant to Section 110.4, and
- (b) filings registered pursuant to Section 110.10, furthermore
- (c) date related to the foregoing, and
- (d) the names and identification data of persons, who in a previous case made the filing pursuant to Section 110.10 after the start of the pursuit of the activity, and the National Medical Office established that the person was not entitled to provide service.

Section 110.12. The National Medical Office shall reject registration in the course of the procedure carried out pursuant to Section 110.10, if the filing does not comply with conditions specified under a separate law. If the filing can be made legal by making additional filings, the National Medical Office shall suspend the licence for the provision of the service until the additional filings are made. If such additional filings are unsuccessful or the provision of the service may not be continued legally, the National Medical Office shall issue a decision on prohibiting the continuation.

Section 110.13. The National Medical Office may reject registration in the course of the procedure carried out pursuant to Section 110.10, if the filing is made in connection with a person defined in Section 110.11. (d). In the case defined in Section 110.11 (d) the OTH shall notify the authority which is competent according to the service provider's nationality on the illegal provision of service.

Section 110.14. The National Medical Office may reject registration in the course of the procedure carried out pursuant to Section 110.10, if the person making the filing may not be registered or must be deleted from the registry pursuant to Section 113.1 (d) or Section 113.1 (e).”

**Section 72.** Section 20.2. (a) of Act XXVIII of 1991 on the Hungarian Medical Chamber shall be replaced with the following provision:

*[The activity defined in Section 20.1 may be pursued without membership, if]*

”the activity is pursued by a person who has been entitled to pursue an activity subject to the possession of a medical degree in Hungary without being registered in the records of practising doctors as a result of temporary registration or by the issuance of a temporary licence to practice pursuant to the provisions of a separate law.”