

# GRECO: Fifth Round Evaluation Report on Hungary

**András Csúri**

## News

On 9 June 2023, GRECO published its [5th Round Evaluation Report](#) on Hungary. The country joined GRECO in 1999 and had already been evaluated within the framework of GRECO's First (March 2003), Second (March 2006), Third (June 2010), and Fourth (March 2015) Evaluation Rounds. There is a declining track record in implementing GRECO's recommendations: 90% of them were fully implemented in the 1st round, 58% in the second round, and 53% in the third round. As far as the fourth round is concerned, the country has been the subject of a non-compliance procedure since June 2017 due to the low number of implementations. For the fourth round, GRECO also published its [4th Interim Compliance Report](#) on 9 June 2023. This round focused on corruption prevention in respect of members of parliament, judges, and prosecutors. The 4th interim compliance report assesses the implementation of the 12 outstanding recommendations and provides an overall assessment of Hungary's level of compliance with these recommendations.

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The report on the 5th evaluation round highlights the following:

- Hungary has dropped from 50th (2015) to 73rd place (2021) on Transparency International's Corruption Perception Index;
- Since 2010, the country has fallen from 23rd to 92nd place in the World Press Freedom Index.

According to the report, which was based on the public information available and interviews carried out onsite, legislation was used by the governing party during the last decade to centralise power and resources and to foster a clientelist system. In April 2022 – for the first time – the European Commission applied Regulation 2020/2092 on a general system of conditionality for the protection of the Union budget against Hungary (→ [eucrim 2/2022, 106](#)). The concerns were as follows:

- Public procurement;
- Functioning of the authorities implementing the EU budget;
- Audits;
- Transparency;
- Fraud prevention;
- Corruption.

The focus of the fifth evaluation round is on the effectiveness of the frameworks currently in place to prevent corruption among persons with top executive functions (PTEFs), e.g. the Prime Minister, ministers, commissioners, political state secretaries, political advisers, and the Prime Minister's agents; in addition, members of the Hungarian National Police and the National Protective Service (NPS) were evaluated.

As a common and general feature of the framework, GRECO notes that integrity tests carried out by the NPS have proven successful in curbing petty corruption, as most of them target low-level and mid-level officials working in public administration and law enforcement. The integrity framework applicable to PTEFs, however, is very weak, and the conditions for the appointment of senior managers in the police force and the NPS carry risks of politicisation. The national Anti-Corruption Strategy and Action Plan focus on public administration and do not cover PTEFs as such. There is no applicable code of conduct for PTEFs, no awareness-raising, and no confidential counseling on integrity. The rules on lobbying do not apply to PTEFs, and dedicated rules are lacking on the acceptance of gifts and invitations, on misuse of public resources, and on post-employment restrictions.

GRECO also has misgivings about the asset declaration system. Only declarations by senior political leaders are public. As PTEFs do not have to file such declarations electronically, the verification of declarations is clearly insufficient.

The report also stresses the lack of transparency surrounding the composition of ministerial cabinets and the function and remuneration of their members, the agendas and meetings of ministers and political advisers, the employment of the Prime Minister's agents, and the PTEFs' salary system. There are also increasing difficulties in accessing public information and establishing public participation in the legislative process. The report notes that the constitutional amendments in Hungary relating to the delegation of legislative powers to the executive in situations of emergency also require caution.

GRECO therefore makes the following recommendations:

- Publishing the names/duties of all political and personal advisers to the Prime Minister, ministers, and state secretaries on the government's and ministries' internet sites and keeping this information up to date;
- Reviewing the salary system for PTEFs in order to provide for equal treatment of all persons exercising similar functions;
- Adopting a (published) code of conduct for PTEFs, complemented by clear guidance on conflicts of interest and other integrity-related matters and coupled with a credible and effective mechanism of supervision and sanctions;
- Broadening the scope of information falling under freedom-of-information legislation, avoiding exceptions or derogations, and shortening the response time for access requests;
- Ensuring an appropriate level of consultation on government draft legislation, with only specific and limited exceptions;
- Introducing rules on how PTEFs are to engage in contacts with lobbyists and other third parties and disclosing sufficient information about the purpose of these contacts;
- Developing and applying rules on post-employment restrictions in respect of PTEFs;
- Filing asset declarations electronically and making political advisers and the Prime Minister's agents subject to the same disclosure requirements as senior political leaders.

As regards the law enforcement authorities, GRECO recommends increasing transparency by providing a formal, merit-based, competitive, and transparent procedure for the selection and appointment of the National Police Commissioner and the Director General of the NPS and by providing sufficient operational independence of the police in law and practice. To strengthen integrity, the code of ethics for Law Enforcement needs to be further elaborated and complemented by a confidential counseling mechanism. The corruption risk analyses covering the police and the NPS should be broadened to cover better also the senior and top managerial levels and remedial measures should be adopted accordingly.

Further a clear requirement for police staff to report integrity-related misconduct must be established, the disciplinary regime of the Police and the NPS needs review and the protection of whistleblowers within these institutions must be strengthened.

Lastly, GRECO recommends that measures be taken to increase the representation of women at all levels of the Police and the NPS.

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