

HUNGARY

I. Legal notice - disclaimer

This sheet aims to provide a general overview of the main substantive rules concerning the terms and conditions of employment to be met by legislation transposing Directive 96/71/EC concerning the posting of workers in the framework of the provision of services (OJ L 18 of 21.1.1997). By its very nature, such a sheet can only summarise and does not necessarily contain all the relevant information in this context. In no way can it replace legislative, regulatory or administrative texts, or applicable collective agreements. The information below has been provided by the authorities of the Member States, which have made every effort to ensure its accuracy. Neither the Commission nor the Member States concerned can, however, guarantee that the information provided is always precise, complete, accurate and up to date. Furthermore, publication on the portal of the European Commission does not imply in any way that the latter or its DGs and Services consider the rules presented in this way to be in conformity with Community law.

II. Instrument transposing Directive 96/71/EC

Official publication: Act XXII of 1992 on the Labour Code (hereinafter: "LC" or "Labour Code").

The directive has been incorporated into the original Labour Code by Act XVI of 2001.
Published: Magyar Közlöny, the Official Gazette of Hungary, No 2001/51 (V.4.)

The Labour Code is available on the following website: www.szmm.gov.hu

III. Information on legislation applicable in accordance with the Directive

Information on legislation applicable to undertakings which, for a limited period of time, post workers to the territory of another Member State can be obtained at the following address:

Országos Munkabiztonsági és Munkaügyi Főfelügyelőség - National Labour Inspectorate (NLI)

Margit krt. 85.

H-1024 Budapest

titkarsag@ommf.gov.hu

tel: +36-1-346-9400

fax:+36-1-346-9415

website of the National Labour Inspectorate: www.ommf.gov.hu

This site contains information on safety at work in Hungary and links to organisations that deal with safety matters.

Information is also available at the following address:

Foglalkoztatási Hivatal - National Employment Office (NEO)

Szeszgyár u. 4.

H-1087 Budapest

Hungary

phone: +36-1-303-0822

website of the Public Employment Service (PES): www.afsz.hu

For the time being, information on the web page is only available in Hungarian. Development of the English version is in process.

EURES office at the National Employment Office

IV. Failure to comply with the prescribed terms and conditions of employment

Cases of failure to comply with the prescribed terms and conditions of employment in Hungary and possible cases of illegal transnational activities can be reported on a green line: 06 80 204 292 or to the following addresses:

Head office

Országos Munkabiztonsági és Munkaügyi Főfelügyelőség - National Labour Inspectorate (NLI)

Margit krt. 85.

H-1024 Budapest

titkarsag@ommf.gov.hu

tel: +36-1-346-9400

fax:+36-1-346-9415

Regional labour safety inspectorates

OMMF Közép-magyarországi Munkabiztonsági Felügyelősége – NLI Central

Hungarian Labour Safety Inspectorate

Territorial scope: Budapest, Pest county

Head office: Budapest, IX. ker. Páva u. 6.

Postal address: 1458 Budapest 97. Pf. 13.

tel.: 06-1-216-2901, 06-1-323-3600

fax: 06-1-323-3602

E-mail: kmmb@ommf.gov.hu kmmb-ig@ommf.gov.hu.

OMMF Nyugat-dunántúli Munkabiztonsági Felügyelőség- NLI Western Transdanubia Labour Safety Inspectorate

Territorial scope: Győr-Moson-Sopron and Vas, Zala counties

Head office: Szombathely, Hargita u. 31.

Postal address: 9701 Szombathely, Pf. 243.

tel.: 06-94-522-610

fax: 06-94-500-795

E-mail: nydmb@ommf.gov.hu nydmb-ig@ommf.gov.hu

Office in Győr

Győr, Gárdonyi Géza u.7.

9001 Győr, Pf. 601.

tel.: 06-96-512-963

fax: 06-96-315-788

Office in Zalaegerszeg

Zalaegerszeg, Kelemen Imre u.17.

8901 Zalaegerszeg, Pf. 291.

tel.: 06-92-549-374
fax: 06-92-549-278

**OMMF Közép-dunántúli Munkabiztonsági Felügyelősége – NLI Central Transdanubia
Labour Safety Inspectorate**

Territorial scope: Fejér, Komárom-Esztergom and Veszprém counties
Head office: Veszprém, Batsányi u.5.
Postal address: 8201 Veszprém, Pf. 20.
tel: 06-88-566-700, 06-88-566-800
fax: 06-88-566-900, 06-88-566-901
E-mail: kdmb@ommf.gov.hu; kdmb-ig@ommf.gov.hu

Office in Tatabánya
Tatabánya II. Dózsakert u. 55.
2801 Tatabánya. Pf. 128.
tel.: 06-34-512-470
fax: 06-34-512-477

Office in Székesfehérvár
Székesfehérvár, Mátyás király krt. 6.
8002 Székesfehérvár, Pf. 913.
tel.: 06-22-510-960
fax: 06-22-510-964

**OMMF Dél-dunántúli Munkabiztonsági Felügyelősége – NLI Southern Transdanubia
Labour Safety Inspectorate**

Territorial scope: Baranya, Somogy and Tolna counties
Head office: 7621 Pécs, Mátyás kir. u. 3.
Postal address: 7601 Pécs, Pf. 390.
tel.: 06-72-513-420
fax: 06-72-517-440
E-mail: ddmb@ommf.gov.hu ddmb-ig@ommf.gov.hu

Office in Kaposvár
Kaposvár, Fő u.45.
7400 Kaposvár, Pf. 172.
tel.: 06-82-529-697
fax: 06-82-529-691

Office in Szekszárd
7100 Szekszárd, Augusz Imre u. 9-11.
7101 Szekszárd, Pf. 129.
tel: 06-74-529-780
fax: 06-74-528-127

**OMMF Észak-magyarországi Munkabiztonsági Felügyelősége – NLI Northern
Hungarian Labour Safety Inspectorate**

Territorial scope: Borsod-Abaúj-Zemplén, Heves and Nógrád counties
Head office: Miskolc, Szentgyörgy u. 40-44.
Postal address: 3523 Miskolc Pf. 82.
tel.: 06-46-560-010
fax: 06-46-562-071
E-mail: emmb@ommf.gov.hu emmb-ig@ommf.gov.

Office in Eger
Eger, Trinitárius út 1.
3301 Eger, Pf. 66.
tel.: 06-36-512-080
fax: 06-36-512-091

Office in Salgótarján
Salgótarján, Múzeum tér 1.
3101 Salgótarján, Pf. 10.
tel.: 06-32-520-440, 06-32-520-454
fax: 06-32-520-453

OMMF Észak-alföldi Munkabiztonsági Felügyelősége – NLI Northern Plain Labour Safety Inspectorate

Territorial scope: Hajdú-Bihar, Jász-Nagykun-Szolnok and Szabolcs-Szatmár-Bereg counties
Head office: Debrecen, Hajnal u. 15.
Postal address: 4029 Debrecen, Hajnal u. 15.
tel.: 06-52-522-390
fax: 06-52-417-340, 06-52-412-270, 06-52-413-784
E-mail: eamb@ommf.gov.hu eamb-ig@ommf.gov.hu

Office in Szolnok
Szolnok, Hősök tere 6.
5001 Szolnok, Pf. 249.
tel.: 06-56-510-840
fax: 06-56-510-848

Office in Nyíregyháza
Nyíregyháza, Hősök tere 9.
4401 Nyíregyháza, Pf. 2.
tel.: 06-42-407-511
fax: 06-42-407-484

OMMF Dél-alföldi Munkabiztonsági Felügyelősége - NLI Southern Great Plain Labour Safety Inspectorate

Territorial scope Bács-Kiskun, Békés and Csongrád counties
Head office: Kecskemét, Klapka u. 34.
Postal address: Kecskemét, Klapka u. 34.
tel.: 06-76-500-794, 06-76-500-790
fax: 06-76-500-797
E-mail: damb@ommf.gov.hu damb-ig@ommf.gov.hu

Office in Szeged
Szeged, Alsókikötősor 6/a
Szeged, Alsókikötősor 6/a
tel.: 06-62-554-080
fax: 06-62-554-089

Office in Békéscsaba
Békéscsaba, Haán Lajos u. 3.
5600 Békéscsaba, Haán L. u. 3.
tel.: 06-66-529-440
fax: 06-66-529-449, 06-66-529-465

Regional Labour Inspectorates

OMMF Közép-magyarországi Munkaügyi Felügyelősége – NLI Central Hungarian Labour Inspectorate

Territorial scope: Budapest, Pest county

Head office: Budapest, VIII. ker. Kisfaludy u. 9.
Postal address: 1438 Budapest, Pf. 520.
tel.: 06-1-323-2800
fax: 06-1-210-7374
E-mail: kmmu@ommf.gov.hu kmmu-ig@ommf.gov.hu

OMMF Nyugat-dunántúli Munkaügyi Felügyelősége – NLI Western Transdanubia Labour Inspectorate

Territorial scope: Győr-Moson-Sopron, Vas and Zala county
Head office: 9700 Szombathely, Vízöntő u. 7.
Postal address: 9701 Szombathely, Pf. 69.
tel.: 06-94-513-720, 06-94-513-721
fax: 06-94-513-735

E-mail: nydmu@ommf.gov.hu nydmu-ig@ommf.gov.hu

OMMF Közép-dunántúli Munkaügyi Felügyelősége – NLI Central Transdanubia Labour Inspectorate

Territorial scope: Fejér, Komárom-Esztergom and Veszprém counties
Head office: 8000 Székesfehérvár, Mátyás kir. krt. 6.
Postal address: 8050 Székesfehérvár, Pf. 373.
tel.: 06-22-511-000, 06-22-316-208
fax: 06-22-316-577
E-mail: kdmu@ommf.gov.hu kdmu-ig@ommf.gov.hu

OMMF Dél-dunántúli Munkaügyi Felügyelősége – NLI Southern Transdanubia Labour Inspectorate

Territorial scope: Baranya, Somogy and Tolna counties
Head office: Pécs, Mátyás kir. u. 3.
Postal address: 7601 Pécs, Pf. 283.
tel.: 06-72-517-448, 06-72-518-841
fax: 06-72-518-848

E-mail: ddmu@ommf.gov.hu ddmu-ig@ommf.gov.hu

OMMF Észak-magyarországi Munkaügyi Felügyelősége – NLI Northern Hungarian Labour Inspectorate

Territorial scope: Borsod-Abaúj-Zemplén, Heves and Nógrád counties

Head office: Eger, Trinitárius út 1.

Postal address: 3301 Eger, Pf. 133.

tel.: 06-36-512-094, 06-36-512-090

fax: 06-36-512-091

E-mail: emmu@ommf.gov.hu emmu-ig@ommf.gov.hu

OMMF Észak-alföldi Munkaügyi Felügyelősége – NLI Northern Great Plain Labour Inspectorate

Territorial scope: Hajdú-Bihar, Jász-Nagykun-Szolnok and

Szabolcs-Szatmár-Bereg counties

OMMF Dél-alföldi Munkaügyi Felügyelősége – NLI Southern Great Plain Labour Inspectorate

Territorial scope: Bács-Kiskun, Békés and Csongrád counties

Head office: Kecskemét, Klapka u. 34.

Postal address: 6001. Kecskemét, Pf. 266.

tel.: 06-76-328-216

fax: 06-76-486-740

E-mail: damu@ommf.gov.hu damu-ig@ommf.gov.hu

V. Situations constituting a posting [Article 1 of the Directive]

The related provisions of the Labour Code apply to undertakings which take [one of] [the following] transnational measure[s]:

- For economic reasons the employer may oblige an employee to work temporarily at places other than the normal place of work (posting) on condition that the posted employee continues to work under the employer's direction and instructions. An employee who performs work at a place other than the normal place of work due to the nature of the work in question is not considered posted (see Art. 105. LC).
- An employee may be ordered to perform work on a temporary basis at another employer by virtue of an agreement between the employers concerned (temporary assignment) on condition that there is no consideration of any kind involved and that
 - a) the owner of the other employer is also the owner - in part or in full - of the employer, or
 - b) at least one of the two employers holds some percentage of ownership in the other employer, or
 - c) the two employers are connected through their ownership in a third organisation (see Art. 106. LC).
- An employee is hired out by a temporary work agency or a placement agency to a user undertaking for work, provided there is an employment relationship between the worker and the temporary work agency or the placement agency (Hiring-out of worker.) (see Art. 193/C(a)).

VI. Posted workers [Article 2 of the Directive]

Directive 96/71/EC applies to workers who, for a limited period of time, carry out their work on the territory of a Member State other than the State in which they normally work.

In Hungary, there is no straightforward definition of worker in the legislation. The common interpretation is derived indirectly from whether the person concerned possesses the general rights and obligations that are attributed by Sections 103 and 104 of the Labour Code to the worker. If a worker is in an employment relationship, he is accorded all the general rights and obligations.

These sections (103 and 104) are often interpreted by legal practice as a sort of definition of a worker and this applies to a posted worker irrespective of that person's title in the country of origin.

According to the case law of the Court of Justice of the European Communities, the temporary nature of an activity carried out on the territory of a Member State in the context of free provision of services cannot be determined abstractly but should be judged on a case-by-case basis, depending on the duration, frequency and periodicity or continuity.

It should be noted that if an occupational activity in Hungary can no longer be considered as being exercised temporarily, taking account of the above-mentioned criteria, but is stable and continuous, all the binding rules and regulations in force in Hungary apply.

VII. Work periods and rest periods [Article 3(1)(a) of the Directive]

Under Section 119 of the Labour Code, the daily and weekly working time of workers may not exceed twelve and forty-eight hours, respectively. The daily and weekly working time of workers with stand-by jobs may not exceed twenty-four and seventy-two hours, respectively. Any period of overtime is included in the daily and weekly working time. Where working time is determined in cycles, the average working time cycle is taken into account for the purposes of the weekly working time.

Section 123 of the Labour Code applies to rest periods. Workers must be afforded at least eleven hours of resting time after the conclusion of daily work and before the beginning of the next day's work. With the exception of certain workers, at least eight hours of resting time may be prescribed by collective agreement for workers working on stand-by duty, workers working continuous shifts, workers working alternating shifts and seasonal workers.

For more information, see Labour Code (Act XXII of 1992 on the Labour Code) on the following website:

www.szmm.gov.hu

www.magyarorszag.hu/ugyintezo/jogszabalyok

VIII. Paid annual holidays [Article 3 (1)(b) of the Directive]

Sections 131 and 132 of the Labour Code provide for paid annual holidays.

The amount of basic paid annual holidays is twenty working days. This is increased to

a) twenty-one days for workers over twenty-five;

b) twenty-two days for workers over twenty-eight;

- c) twenty-three days for workers over thirty-one;
- d) twenty-four days for workers over thirty-three;
- e) twenty-five days for workers over thirty-five;
- f) twenty-six days for workers over thirty-seven;
- g) twenty-seven days for workers over thirty-nine;
- h) twenty-eight days for workers over forty-one;
- i) twenty-nine days for workers over forty-three;
- j) thirty days for workers over forty-five years of age.

Workers are first entitled to extended holidays in the year when reaching the age specified above.

Workers under the legal age are entitled to five extra days of paid holidays each year. The last time this applies will be the year when young persons reach eighteen years of age.

The worker assuming the greater role in raising a child according to the parents' decision, and single parents, will be entitled to extra holiday amounting to two days a year for one child, four days a year for two children, and a total of seven days a year for more than two children under sixteen years of age. In respect of extra holiday, a child is first be taken into consideration in the year of his birth and for the last time in the year in which he/she reaches the age of sixteen.

Blind workers are entitled to five extra days of holiday each year.

Workers permanently working underground or spending at least three hours a day on a job subject to ionising radiation will be entitled to five extra days of holiday each year.

For more information, see Labour Code (Act XXII of 1992 on the Labour Code) on the following website:

www.szmm.gov.hu

www.magyarorszag.hu/ugyintezo/jogszabalyok

IX. Pay [Article 3 (1)(c) of the Directive]

Hungary has a mandatory national minimum wage based on personal base wage, which is negotiated within the framework of the tripartite National Interest Reconciliation Council. The agreed national minimum wage is formally issued by Government Decree in order to make it mandatory in the entire economy.

The minimum wage for the year 2006 is laid down by Government Decree No 316/2005. (XII.25.) on Mandatory Minimum Wage. The Decree applies to all employers and employees.

The mandatory minimum personal base wage payable to full-time employees who have worked the entire work period is as follows if paid on a monthly basis:

- 62 500 HUF per month as of 1 January 2006;
- 65 500 HUF per month as of 1 January 2007;
- 69 000 HUF per month as of 1 January 2008.

The personal base wage is as follows if paid on a weekly basis:

- 14 400 HUF as of 1 January 2006;
- 15 080 HUF as of 1 January 2007;

- 15 880 HUF as of 1 January 2008.

The personal base wage is as follows if paid on a daily basis:

- 2 880 HUF as of 1 January 2006;
- 3 020 HUF as of 1 January 2007;
- 3 180 HUF as of 1 January 2008.

The personal base wage is as follows if paid on an hourly basis:

- 360 HUF as of 1 January 2006;
- 377 HUF as of 1 January 2007;
- 397 HUF as of 1 January 2008.

In respect of payment by results, the mandatory minimum monthly wage for full-time employees (the total of a net wage or guaranteed wage and a variable wage that depends on output) is as follows if the employee satisfies one hundred per cent of the output requirements and works the entire work period:

- 62 500 HUF as of 1 January 2006;
- 65 500 HUF as of 1 January 2007;
- 69 000 HUF as of 1 January 2008.

The guaranteed minimum monthly personal base wage for workers employed in positions requiring a secondary school diploma or vocational training is as follows: between 1 July 2006 and 31 December 2006:

- 105 percent of the mandatory minimum wage specified above for workers with less than two years of experience in the job for which vocational training or professional skills are required, if obtained in the current or previous employment;
- 110 percent for workers with more than two years of experience;

between 1 January 2007 and 31 December 2007:

- 110 percent of the mandatory minimum wage specified above;
- 115 percent of the mandatory minimum wage specified above;

between 1 January 2008 and 31 December 2008:

- 120 percent of the mandatory minimum wage specified above;
- 125 per cent of the mandatory minimum wage specified above.

For more information on Government Decree No 316/2005 (XII.25.) on Mandatory Minimum Wage, see www.szmm.gov.hu or www.magyarorszag.hu/ugyintezo/jogszabalyok

The rules on the remuneration of overtime are included in Section 147 of the Labour Code. In addition to regular wages, workers are entitled to extra remuneration.

Workers are entitled to a fifty percent wage supplement for work performed in excess of the daily working time cycle or over and above the weekly or monthly working time. Employment-related provisions or an agreement between the parties may stipulate the provision of time off in lieu of a wage supplement; the time off may not be less than the duration of the work performed.

The rate of wage supplement for work on a resting day (resting period) is one hundred percent; the rate of wage supplement is fifty percent if another resting day (resting period) is provided.

For more detailed information, see Labour Code (Act XXII of 1992 on the Labour Code) on the following website:

www.szmum.gov.hu

www.magyarorszag.hu/ugyintezo/jogszabalyok

X. Rules on hiring-out of workers and the terms and conditions applying to temporary workers [Article 3(1)(d) and 3(9) of the Directive]

The agreement between the temporary work agency and the user undertaking may not contain any clause that restricts or excludes rights to which the employee is entitled.

The user undertaking does not have the right to order a hired-out worker to work at another employer.

In the course of the employment of a hired-out worker the employer's rights and obligations will be exercised jointly by the temporary work agency and the user undertaking as agreed. Employment may only be terminated by the temporary work agency. The employee is required to communicate his/her intention to terminate the employment relationship to the temporary work agency in writing.

If an employment relationship is for a purpose other than hiring out, it may not be amended to allow the employer to employ the worker in the framework of hiring out.

Hired-out employees are subject to the rules of the user undertaking in terms of work schedule, working time and resting time.

In the employment contract the parties must stipulate that the employment contract is concluded for the purpose of hiring out. Additionally, it must contain the employee's personal basic wage and a brief description of the work. It is also compulsory to involve in the employment contract the names of the parties, the temporary work agency's registration number, and the relevant data of the employee and the agency.

If the employment contract does not contain the necessary 'minimum' information the employer must provide such information to the employee within two weeks of the date of signing the employment contract:

- the place of work,
- the normal course of work at the user undertaking,
- other components of the remuneration,
- the date of payment of wages,
- the date when employment is to commence,
- the amount of paid leave and the procedures for allocating and determining such leave, and
- the provisions on the termination of employment,

- the rules by which to determine the period of notice to be observed by the temporary work agency and the employee,
- the rules of communication of the statement for the termination of employment relationship, and
- whether the temporary agency is subject to any collective agreement.

The temporary work agency must inform the employee in writing before the commencement of employment of the following:

- the name, registered address, place of business and corporate registration number of the user undertaking, or, if any other form of registration is prescribed by law, this number;
- the name of the department or person of the user undertaking designated to exercise employer's rights;
- aspects of commuting, accommodation and meals;
- the rules concerning the normal course of work, working time and resting time;
- the employment conditions pertaining to the work in question.

If for the duration of employment the temporary work agency is unable to arrange continuous work for the employee, the employee - unless otherwise agreed - must be informed of the following at least forty-eight hours prior to the commencement of the next work:

- the place of next employment,
- the date of commencement and its projected duration, and
- the employee's obligations in terms of reporting to work.

It is forbidden to hire out employees for unlawful work or at any place of business of the user undertaking where there is a strike in progress from the time when pre-strike negotiations are initiated until the strike is called off. Hiring out of workers is also prohibited if the user undertaking has terminated the employment relationship of the employee within six months by way of ordinary dismissal or during the trial period with immediate effect for reasons in connection with the employer's operations.

For more information, see Labour Code (Act XXII of 1992 on the Labour Code) on the following website:

www.szmm.gov.hu

www.magyarorszag.hu/ugyintezo/jogszabalyok

XI. Health, safety and hygiene at work [Article 3(1)(e) of the Directive]

Hungary has a rather sophisticated and detailed set of regulations on health, safety and hygiene at work. The most important piece of law is Act XCIII of 1993 on Labour Safety, which is available on the following website:

<http://www.ommf.hu/jogszab2.htm>

www.szmm.gov.hu

www.magyarorszag.hu/ugyintezo/jogszabalyok

XII. Rules concerning the terms and conditions of employment of pregnant women and women who have recently given birth [Article 3(1)(f) of the Directive]

The most relevant conditions are laid down by the Labour Code (see Sections 85, 121 and 127)

A mother-to-be, from the time her pregnancy is established until her child reaches one year of age, must be temporarily placed in a position suitable for her condition from a medical standpoint, or the working conditions in her existing position must be modified as appropriate, on the basis of a medical report pertaining to employment. The new position must be designated upon the worker's approval. The wages of a woman temporarily transferred to a different position or employed under modified work conditions may not be less than her previous average earnings. If the employer is unable to provide a position as appropriate for her medical condition, the woman will be relieved from work and will receive the wages payable for idle time for that period. Neither a mother-to-be between the time of her pregnancy up to the time when her child reaches one year of age nor a man caring for his child as a single parent up to the time when his child reaches one year of age can be employed for night work.

For more information, see Labour Code (Act XXII of 1992 on the Labour Code) on the following website:

www.szmm.gov.hu

www.magyarorszag.hu/ugyintezo/jogszabalyok

XIII. Rules concerning the terms and conditions of employment of children and young people [Article 3(1)(f) of the Directive]

The most relevant conditions are laid down by the Labour Code (see Sections 72 and 129/A)

In general, all persons entering into an employment relationship as workers must be at least sixteen years of age. However, an employment relationship may be entered into by a person of at least fifteen years of age pursuing elementary school, vocational school or secondary school full-time studies during the school vacation period.

In exceptional cases young persons subject to compulsory full-time schooling may be employed for the purposes of performance in artistic, sports, modelling or advertising activities, subject to prior authorisation by the competent authority.

The working time of young people must not exceed eight hours daily or forty hours weekly. The working time cycle of young persons may not be longer than one week. For the purposes of working time limits, the time of work performed for several workers will be aggregated. Any young person whose working time is over four and half hours daily is entitled to at least thirty minutes of break time. The daily resting period must be at least twelve hours for young persons. Young persons cannot be used to work at night, on special work duty or on emergency or stand-by duty.

For more information, see Labour Code (Act XXII of 1992 on the Labour Code) on the following website:

www.szmm.gov.hu

www.magyarorszag.hu/ugyintezo/jogszabalyok

XIV. Equality and non-discrimination [Article 3(1)(g) of the Directive]

Hungarian law has several provisions that ensure non-discrimination. The most comprehensive piece of legislation in this area is Act CXXV of 2003 on equal treatment and the promotion of equal opportunities.

For more information, see www.szmm.gov.hu
www.magyarorszag.hu/ugyintezo/jogszabalyok

XV. Terms and conditions of employment concerning other matters **[Article 3(10) of the Directive]**

Hungary has not made use of this article.

XVI. Procedural and administrative requirements

In compliance with the Accession Treaty, only German or Austrian posted workers are required to have a work permit when they start to work in Hungary. These posted workers do not need work permits in general; they need them only in the given sectors.

Application for work permits in the given format must be lodged by the employer with the county employment centre responsible for the place where the posted worker will be employed. The work permit is issued within 10 days. It is posted to the employer.

There is no special registration system set-up for posted workers. All workers who carry out gainful employment in Hungary must be registered in the National Labour Registration system at the latest by commencement of the employment relationship.

Further information is available from the National Employment Office (Szeszgyár u. 4., H-1087 Budapest or via phone: +36-1-303-0822)

XVII. Mediation mechanism in case of conflict

The National Council for the Reconciliation of Interests created the Labour Mediation and Arbitration Service (in Hungarian MKDSZ), effective as of 1 July 1996.

The services of the MKDSZ may be sought on a voluntary basis and are built on the concept that, when two parties are in dispute, an independent, neutral outside party may be an effective agent to settle their dispute. The aim of the mediator/arbitrator is to restore a sense of trust and communication between the parties in dispute, to prevent and/or terminate the labour dispute and to safeguard and/or restore peace at the workplace. Clients may select any of 63 experienced professionals qualified to settle labour disputes.

The assistance of the MKDSZ can be sought in the following cases:

- in the event of a collective interest dispute, or when no litigation, demonstration or industrial action has yet been instigated,
- when a dispute concerns a provision of the collective agreement,
- in the consultation phase of a collective workforce reduction,
- during the statutory dispute settlement period prior to a strike,
- where arbitration is asked for or compulsory by law,
- in the event of a dispute concerning the operation of the trade union or the works council.

A request must be forwarded by the parties (both the employer and the trade union or works council) in writing, expressing their uniform intention to that end to the director of the MKDSZ. The parties in dispute select jointly from the register of mediators/arbitrators, or may request the managers of the Service to recommend a mediator/arbitrator. If information on a potential dispute or one already ongoing is brought to the attention of the director of the

Service, he must call on the parties in dispute and offer the services of the MKDSZ to settle that dispute.

Further information is available on the following website: <http://www.szmm.gov.hu/mkdsz>
or via phone: +36-1-472-8297

XVIII. Information on judicial enforcement procedures

Information on possible judicial remedies in Hungary can be obtained from the following address:

Labour Court of Budapest (in Hungarian: Fővárosi Munkaügyi Bíróság),
Budapest, H-1027, Gyorskocsi u. 52.

Customer service - opening hours: Mo-Tue, Thu-Fr: 8.15-11.00, Wed: 8.15-15.30

Lunch time: 12.30-13.00

Phone: +36-1-393-5444

Fax: +36-1-393-5401

<http://www.fovarosi.birosag.hu/munkaugyib.htm>