

Act LXXXVIII of 2005
on voluntary activities in the public interest

Voluntary activities on the part of individuals or communities which are based on the solidarity of members of society and which are carried out for the benefit of others as an expression of the independent actions of citizens and without recompense are recognised by Parliament. In order that this significant resource of society may be mobilised as effectively as possible for the achievement of public objectives, Parliament has formulated this law so as to determine the fundamental rules for voluntary activities in the public interest and, by providing benefits and guarantees, hopes to encourage the participation of citizens and their organisations in solving the tasks which confront society and in achieving public objectives. In order that the objectives set may be achieved and the legal conditions for social participation in voluntary activities in the public interest may be created, Parliament hereby enacts the following law:

Section 1(1) The scope of the law covers voluntary activities in the common good

a) carried out in Hungary at the home or premises of a natural person, as defined in Section 3(1), a legal person, or a business association which has no legal personality (hereinafter: the host organisation);

b) carried out by a Hungarian citizen outside the territory of the Republic of Hungary (hereinafter: abroad) at the premises of a host organisation as defined in Section 3(1)*a-e*).

(2) The scope of the law does not cover

a) voluntary blood donation,

b) activities carried out as a volunteer firefighter or one employed by an institution,

c) activities carried out as a civil environment guard

(3) This law does not affect voluntary activities carried out at the home or premises of persons or organisations or within spheres of activity other than those in Section 3(1) for the benefit of others and without recompense.

Section 2(1) Voluntary activities in the public interest comprise work which is carried out at host organisations within the sphere of activities determined in Section 3 and without recompense, unless

a) the person carries out the activity for the benefit of him-/herself or a close relative of his/hers [Section 685*b*) of Act IV of 1959 on the Civil Code (hereinafter: Ptk.)],

b) the activity is based on a statutory order, a final decision of a court, or an order issued by an authority,

c) the parties agree that the activity will be carried out under another legal relationship, in particular one of a civil law nature, as a member of a civil organisation, non-profit company or the church, a member of a foundation or an organisation managing a public foundation, or as a member of the clergy.

(2) Recompense is defined as any material benefit which is received by a volunteer or the volunteer's close relative in connection with the voluntary activity in the public interest.

(3) The following do not classify as recompense:

a) working clothes and protective equipment and materials given to the volunteer by the host organisation which are necessary for the voluntary activity in the public interest to be carried out,

b) trips, accommodation and meals provided for the volunteer by the host organisation which are necessary for the voluntary activity in the public interest to be carried out, or reimbursement of costs which are incurred by the volunteer which are evidenced by vouchers, and – by suitable application of the regulations pertaining to assignment orders in Act CXVII of 1995 on personal income tax (hereinafter: Szja. tv.) – any amount paid to the volunteer, based on assignment orders, for the use of that

volunteer's own car for the benefit of the host organisation which does not exceed the amount payable to cover his/her expenses as regards use of his/her own car for the benefit of the employer and which can be accounted for without vouchers [Point 6 of the chapter of Appendix number 3(II) of the Szja. tv.: Costs accountable without vouchers],

c) inoculations, screening examinations and other disease prevention services provided to the volunteer in order to safeguard the safe completion of voluntary activities in the public interest,

d) the costs of training – based outside the school system - which is provided for the volunteer and is necessary in order for the voluntary activities in the public interest to be carried out,

e) ensuring the feeding, looking after and training of any animals belonging to the volunteer which are necessary for the voluntary activities in the public interest to be carried out, or reimbursement to the volunteer of the cost of these as evidenced by vouchers,

f) ensuring the conditions necessary for the operation of any instruments which belong to the volunteer or are in his/her use in order that the voluntary activities in the public interest may be carried out, or reimbursement of the cost of these as evidenced by vouchers,

g) life-, health- and accident-insurance taken out in the event of death, physical injury or damage to health suffered by the volunteer in the course of carrying out the voluntary activities in the public interest, or the fee for this, and liability insurance taken out to cover damage caused by the volunteer, or the fee for this,

h) a per diem allowance given to a volunteer in the case of his/her carrying out voluntary activities in the public interest abroad or in the case of a non-Hungarian citizen who does not have a place of residence in Hungary carrying out voluntary activities in the public interest, on condition that the total of this over one month does not exceed twenty per cent of the current amount of the compulsory minimum wage,

i) bonuses paid to the volunteer for the voluntary activity carried out in the public interest, on condition that the total of these over one year do not exceed twenty per cent of the current amount of the compulsory minimum wage.

(4) A person who is in a legal relationship as volunteer with more than one host organisations may receive a per diem allowance from only one of these for any given period, and the person concerned shall be obliged to inform the other host organisations of this.

(5) In the case of voluntary activities in the public interest carried out abroad or in the case of a non-Hungarian citizen who does not have a place of residence in Hungary carrying out voluntary activities in the public interest, an organisation which does not have its seat in Hungary may assume the provision of allowances as described in Paragraph (3) in a contract concluded with the host organisation. In this case the host organisation and the organisation which does not have its seat in Hungary shall be jointly and severally responsible for the provision of allowances as described in Paragraph (3).

Section 3(1) Any of the following may be a host organisation:

a) a local government, an association of local governments and a multi-purpose regional association of municipalities in settlements in the sphere of the public services which it provides and its disaster prevention responsibilities;

b) minority local governments in the sphere of their public responsibilities as defined in the statutory instruments;

c) budgetary agencies in the sphere of their basic activities;

d) a non-profit or predominantly non-profit organisation with its seat in Hungary in the sphere of its non-profit activities and those connected with its operation;

e) an ecclesiastical legal person with its seat in Hungary in the sphere of its religious, public purpose

activities and those connected with its operation;

f) the following, on condition that their seat is in Hungary and they have operating licences issued by the Hungarian authorities and have legal capacity in the sphere of their public services as determined by the statutory instruments or, with regard to public services, that of the additional services which they offer to those making use of their public services:

fa) providers of social, child welfare or child protection services, or institutes operating in these areas,

fb) providers of medical services,

fc) institutes of public education,

fd) institutes of higher education,

fe) museum institutes,

ff) public libraries,

fg) public archives,

fh) public archives containing private correspondence,

fi) public cultural institutes [*fa*)-*fi*) shall hereinafter be referred to together as: host institute];

g) the operator of a host institute which has no legal capacity in the sphere of its public services as determined in the statutory instruments for host institutes or, with regard to these public services, of the additional services which it offers to those making use of the public services of the host institutes.

(2) Volunteers may be employed for work for which a construction permit is necessary in accordance with Points *a*)-*e*) of Paragraph (1).

(3) The conditions governing size of workforce as prescribed in the statutory instruments and official decisions may not be satisfied by the employment of volunteers in carrying out responsibilities of the host organisation.

(4) Volunteers may be employed by host organisations which are obliged by statutory provisions to conclude contracts for liability insurance for the compensation of damage caused in the course of services which they provide if the contracts for liability insurance also cover reimbursement for damage caused by volunteers.

Section 4(1) The following may be volunteers:

a) persons of legal capacity,

b) persons of limited legal capacity,

c) persons who have turned ten but who have no legal capacity by virtue of their minority.

(2) Volunteers may carry out all activities

a) in respect of which the conditions governing qualifications, health and the keeping of records, and all other conditions, as determined in the statutory instruments, are satisfied, and

b) the carrying out of which is not tied by a judicial, government or ministerial decree (hereinafter together: statutory instrument) to a definite legal relationship, or the carrying out of which by a volunteer is not excluded by a statutory instrument.

(3) A person who undertakes work for recompense within the framework of a different legal relationship which prevails with the host organisation may not carry out tasks falling within his/her scope of duties in a legal relationship as a volunteer with the host organisation.

(4) A person who is carrying out tasks at a host organisation on the basis of an obligation governed by a statutory instrument or by an official authority may not carry these out in a legal relationship as volunteer.

(5) A trainee may not establish a legal relationship as volunteer with the educational establishment with which he/she has a legal relationship as trainee or a relationship as collegiate member. This restriction does not apply to summer camp activities and other community programmes organised by

the educational institute and which do not affect the obligation regarding the legal relationship as trainee or the relationship as collegiate member.

(6) Voluntary activities in the public interest may be carried out by citizens of states which are not signatories to the Agreement on the European Economic Area - not including persons who are recognised as refugees or asylum-seekers, immigrants or persons who have settled in Hungary, or direct relatives and common-law partners of citizens of states which are signatories to the Agreement on the European Economic Area - if

a) the host organisation has concluded a liability insurance contract to indemnify for damage caused by the volunteer,

b) the accommodation, board and return journey of the volunteer are provided,

c) the volunteer has the right to medical provision or has insurance covering the costs of medical provision.

Section 5(1) Persons who have not yet turned eighteen and persons who have reached majority who are of limited legal capacity may carry out voluntary activities in the public interest which are suitable for their age, their physical, intellectual and moral development, and their abilities, and which do not endanger their health, development and the completion of their study obligations.

(2) Volunteers who have not yet turned sixteen and volunteers who have reached majority who are of limited legal capacity may not carry out voluntary activities in the public interest abroad.

(3) Volunteers who have not yet turned eighteen may not carry out voluntary activities in the public interest between 8 p.m. and 6 a.m.

(4) The time spent on voluntary activities in the public interest by volunteers who have not yet turned sixteen may not exceed

a) three hours a day and twelve hours a week during school holidays,

b) six hours a week during the school year,

ba) two hours a day on school days,

bb) three hours a day on non-school days.

(5) The time spent on voluntary activities in the public interest by volunteers who have turned sixteen but have not yet turned eighteen may not exceed four and a half hours a day and eighteen hours a week.

(6) A minimum of fourteen hours of rest time must be allowed between the completion of voluntary activities in the public interest by volunteers who have not yet turned eighteen and their recommencement the following day.

Section 6(1) Voluntary activities in the public interest shall be carried out in the framework of legal relationships as volunteers which have been established by means of volunteer contracts concluded between the host organisation and the volunteer. The volunteer contract must specify the following:

a) the content of the voluntary activities in the public interest,

b) the place where the voluntary activities in the public interest will be carried out,

c) the time to be spent on the voluntary activities in the public interest and the amount of rest time,

d) the allowances as detailed in Points *a)-b)* of Section 2(3) which the volunteer receives and which must be provided for in the event of the volunteer contract being terminated.

(2) In the event of voluntary activities in the public interest being carried out at the host institute or its operator, the other obligatory content elements of the volunteer contract may be stipulated by a statutory instrument.

(3) Persons of limited legal capacity may only conclude volunteer contracts with the consent of their legal representatives.

(4) In the case of volunteers who have no legal capacity on account of their being minors, the legal statement regarding the legal relationship as volunteer is made by the legal representative, but the consent of the volunteer is needed for the volunteer contract to be concluded and amended.

(5) Volunteer contracts must be concluded in writing if:

- a)* the volunteer contract is to be concluded for an indefinite period or at least for ten days - in the case of volunteers who have not yet turned eighteen or volunteers who have reached majority who are of limited legal capacity, at least for two days,
- b)* the volunteer is to receive allowances in accordance with Points *b)-h)* of Section 2(3),
- c)* the volunteer is to be employed for work for which a construction permit is necessary,
- d)* the voluntary activity in the public interest is to be carried out abroad,
- e)* the volunteer is a citizen of a state which is not a signatory to the Agreement on the European Economic Area, not including persons who are recognised as refugees or asylum-seekers, immigrants or persons who have settled in Hungary, or direct relatives and common-law partners of citizens of states which are signatories to the Agreement on the European Economic Area,
- f)* the right of either party to withdraw with immediate effect is restricted,
- g)* the volunteer so requests,
- h)* this is prescribed by a statutory instrument.

Section 7(1) The voluntary contract shall terminate

- a)* on the death of the volunteer or their losing their legal capacity,
- b)* in the event of the host organisation being terminated without a legal successor or, in the event of this being a natural person, on their death,
- c)* on completion of the voluntary activity in the public interest,
- d)* on the expiry of the period stipulated in the contract or the fulfilment of all its conditions,
- e)* if a joint decision is reached that it shall be terminated,
- f)* in the case of withdrawal,
- g)* if a resolution providing for the prohibition of the activities of the volunteers - in accordance with Section 13(3) - becomes final.

(2) A volunteer contract may, unless otherwise prescribed by statutory instruments or otherwise by the volunteer contract, be terminated by either party with immediate effect.

(3) A volunteer who is of limited legal capacity may also withdraw from a volunteer contract without the consent of his legal representative.

(4) The right of volunteers to cancelling with immediate effect who have not yet turned sixteen and that of volunteers who have reached majority but who are of limited legal capacity, or their legal representatives, may not be restricted in volunteer contracts.

Section 8(1) The following must be provided by the host organisation:

- a)* safe working conditions which are not hazardous to health,
- b)* the requisite amount of rest time,
- c)* the requisite information and direction for the completion of the voluntary activity in the public interest and the acquisition of factual knowledge,
- d)* in the case of volunteers who have not yet turned eighteen and volunteers who have reached majority who are of limited legal capacity, continuous and appropriate supervision of the voluntary activity in the public interest.

(2) Unless this is otherwise prescribed by the volunteer contract, the host organisation shall arrange the following:

- a)* all travelling, accommodation and food which is necessary for the voluntary activity in the public

interest to be carried out, if the voluntary activity in the public interest is to be carried out abroad or if the volunteer is a non-Hungarian citizen who does not have a place of residence in Hungary,

b) the conclusion of an insurance contract, in accordance with Section 4(6)c), and the payment of the insurance premium.

Section 9(1) Volunteers must

a) carry out the voluntary activity in the public interest in person and in accordance with the relevant statutory instruments, professional and ethical prescriptions, and the instructions of the host organisation,

b) safeguard all personal information and all business and other secrets which comes to their knowledge in the course of the voluntary activity in the public interest.

(2) Volunteers must refuse to carry out their instructions if by doing so they would cause the lives, physical integrity or health of other people to be directly endangered.

(3) A volunteer shall not be obliged to carry out the instructions given by the host organisation if by doing so:

a) the life, physical integrity or health of the volunteer would be directly endangered,

b) the volunteer would be violating a statutory instrument or the provisions of the volunteer contract.

(4) If damage might be caused by carrying out an instruction, the volunteer must bring this to the attention of the issuer of the instruction. The volunteer shall not be responsible for the damage he/she causes if he/she has fulfilled this obligation.

Section 10(1) Responsibility for damage caused to third parties by a volunteer in connection with the legal relationship as volunteer shall be borne by the host organisation. If the cause of the damage can be attributed to the conduct of the volunteer - in the absence of provisions which differ from those of the volunteer contract - the host organisation may demand that the volunteer reimburse it for the damage.

(2) If the volunteer proves that

a) damage he/she has suffered as a result of physical injury or deterioration in health, or

b) damage suffered by an object necessary for carrying out the voluntary activity in the public interest which is owned or used by the volunteer in the place of completion of the voluntary activity in the public interest

has resulted in connection with the legal relationship as volunteer, the host organisation shall be exempt from responsibility if it proves that the damage was caused by an unavoidable reason falling outside its scope of activity or exclusively through the unavoidable conduct of the volunteer. The host organisation shall not be obliged to reimburse that part of the damages arising from conduct attributable to the volunteer.

(3) Close relatives of the volunteer may enforce damages arising from the death of the volunteer in accordance with the provisions of Paragraph (2).

Section 11(1) The host organisation must state in advance the following on the Registration Sheet (see *Appendix*) to be submitted to the ministry responsible for the development of governmental social and civil relations:

a) the employment of the volunteers,

b) any changes in the information given on the Registration Sheet.

(2) If it is not possible to register in advance the casual employment of a volunteer because of an emergency, the registration obligation must be fulfilled within fifteen days of the start of the voluntary activity in the public interest. Any changes in the information given in Point 1 of the appendix must be reported within fifteen days after this.

(3) The following must be included with the registration:

- a)* in the case of an association of local governments, a copy of the association agreement;
- b)* in the case of a non-profit or predominantly non-profit organisation
 - ba)* a copy of the valid certificate of foundation, and
 - bb)* a certificate, issued not more than thirty days previously, from the competent court for the registration of the organisation providing information on the organisation (official certificate, extract from the company register);
- c)* in the case of an ecclesiastical legal person, a certificate, issued not more than thirty days previously, from the competent court for the registration providing information on the ecclesiastical legal person.

(4) In the case of a host institute or its operator, the registration must be accompanied by a certificate indicating that the host institute is operating lawfully and also, if the host institute or its operator

- a)* is a civic organisation, foundation, public foundation, ecclesiastical legal person, non-profit company or business association, a certificate, issued not more than thirty days previously, from the competent court for the registration of the organisation providing information on the organisation,
- b)* is self-employed, a copy of the relevant operating licence.

(5) If the host organisation is an ecclesiastical legal person - and has been declared a legal person in its charter but has not been judicially registered - or an organisational unit, a declaration to this effect from the representative of the ecclesiastical legal person must be included with the application.

(6) In the case of a non-profit organisation, when reporting changes of information a copy of the certificate of foundation need only be included if the aim or scope of activities indicated on it has changed.

Section 12(1) In the interests of publicity for the host organisations and the protection of volunteers, the information registered as described in Section 11 shall be kept on record by the Ministry.

(2) The Ministry shall decide on the registration purely on the basis of the documents. The Ministry shall refuse to enter into the records the applicant or the sphere of activities given in the application, or shall erase the host organisation or the sphere of activities from the records if

- a)* the applicant is not the host organisation as given in Section 3(1),
- b)* it can be established beyond any doubt that volunteers may not be employed for the sphere of activities indicated in the application.

(3) The information contained in the records shall be placed by the Ministry on its home page on the internet.

(4) The Ministry shall give the information contained in the records to the organisations monitoring work safety and labour issues so that the lawful employment of volunteers may be monitored.

Section 13(1) If the body responsible for monitoring work safety and labour issues, the tax authority, or the body providing the monitoring or supervision of the professional or lawful nature of the host organisation should discover that the host organisation has not fulfilled its registration obligations, it shall report this to the Ministry with an indication of the name, seat and tax number of the host organisation.

(2) If the Ministry becomes aware that a host organisation has not fulfilled its registration obligations, it shall demand that the host organisation fulfil its obligations.

(3) If a host organisation does not fulfil its registration obligations within thirty days of receiving the demand, the Ministry shall pass a resolution - taking into account the seriousness of the breach of the law - prohibiting the host organisation from employing volunteers for no more than a year and shall enter the following into its records:

- a)* the name, seat and tax number of the host organisation,

b) the start and finish dates of the prohibition.

Section 14(1) Host organisations shall - in the interest of practising the rights and obligations connected with legal relationships as volunteers and of official monitoring of legal relationships - keep records of the volunteers whom they are employing, including

a) the name, place and date of birth, and mother's maiden name of the volunteer (hereinafter: personal identification information) and, if the volunteer is not a Hungarian citizen, his/her nationality,

b) the place of residence of the volunteer or, in the absence of this, his/her place of stay or the location of his/her accommodation,

c) in the case of volunteers of limited legal capacity and volunteers who have no legal capacity by virtue of their minority, the personal identification information and place of residence of their legal representative, or, in the absence of this, their place of stay,

d) the information as stipulated in Points *a)*-*c)* of Section 2,

e) the start date of the voluntary activity in the public interest,

f) in the case of a volunteer contract concluded for a limited period, the date when the contract will cease to be effective,

g) in the case of volunteers who have not yet turned eighteen, information concerning the time spent on the voluntary activity in the public interest,

h) allowances received by the volunteer, as described in Section 2(3).

(2) Host organisations must keep their records for five years following the termination of a volunteer's legal relationship. In the event of the termination of a host organisation, the records must be kept by its legal successor; in the event of death, by the deceased's heir; and in the event of termination without a legal successor, the person obliged to keep them on the basis of a statutory instrument or resolution.

(3) Host organisations may only disclose facts, information and opinions regarding a volunteer to third persons in cases as stipulated by law or with the consent of the volunteer. Information regarding a volunteer may be used for statistical purposes and may be provided - in such a way that personal identification is not possible - for use for statistical purposes.

Section 15(1) Unless this law prescribes otherwise, the provisions of the Ptk. must be applied for the following in connection with volunteer contracts: conclusion, invalidation, amendment, fulfilment, termination, contractual breaches, cooperation of legal representatives, exercise of rights pertaining to the legal relationship as volunteer and fulfilment of obligations; the same applies to liability for damages and compensation.

(2) The provisions of this law regarding the legal relationship as volunteer may not, unless an exception is made by this law or by an international agreement, validly be deviated from.

Section 16

Section 17

Section 18

Section 19

Section 20

Section 21

Section 22

Section 23

Section 24

Section 25(1)

(2)

(3)

Section 26(1) This law shall enter into force on the first day of the third month following its promulgation.

(2) This law shall stand as the equivalent of the provisions of Council Directive 2004/114/EC of 13th December 2004 on the conditions of entry into Hungary of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service.

(3) The following will become invalid upon this law coming into force:

a) Section 6(2) of Act CLVI of 1997 on non-profit organisations,

b) Section 17(6) of Act LXXXIV of 2003.

(4)*a)*

b)

c)

d)

e)

f)

g)

ha)

hb)

i)

ja)

jb)

REGISTRATION SHEET

for registration of voluntary activity in the public interest

1. Data of the host organisation:

a) name:

b) seat:

c) tax number:

d) number of budgetary unit in the register:

e) type:

local government, association thereof

minority local government

budgetary unit

non-profit organisation

ecclesiastical legal person

provider of social, child welfare or child protection services, or institute operating in these areas

medical service provider

institute of public education

institute of higher education,

museum institute

public library

public archive

public archive containing private correspondence

public cultural institute

2. Spheres of activity intended to be carried out with the participation of volunteers:

3. Do you intend to employ a volunteer for work for which a construction permit is necessary?

yes - no

Location of the construction work:

4. Do you intend to employ a volunteer who has not yet turned eighteen or one of limited legal capacity who has reached majority?

yes - no

5. Do you intend to employ a volunteer who is a citizen of a state which is not a signatory to the Agreement on the European Economic Area - not including persons who are recognised as refugees or asylum-seekers, immigrants or persons who have settled in Hungary, or direct relatives and common-law partners of citizens of states which are signatories to the Agreement on the European Economic Area?

yes - no

6. Do you intend to employ a volunteer for a voluntary activity in the public interest which will take place abroad?

yes - no

I declare that the spheres of activity stated in Point 2 are in conformity with the provisions of Section 3 of the Act on voluntary activities in the public interest.

Dated:

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signature of representative of host organisation