

NEWS REPORT

Date: 25 June 2009
Expert: András Kádár
Title: Amendment of laws setting criteria for receiving state support and participating in public procurement proceedings
Country: Hungary

Context

Issue at stake: Powers of Equal Treatment Authority reduced through legislative amendment
Ground of discrimination: all grounds
Source: legislation
Field: all fields

Legislative provisions: Article 15 of Act XXXVIII of 1992 on the State Budget and Article 60 of Act CXXIX of 2003 on Public Procurement

Content

Case/law/political development: As of 1 June 2009, Act XXXVIII of 2009 amended a number of laws, including Article 15 of Act XXXVIII of 1992 on the State Budget. Before the amendment, the provision stipulated – among others – that support from the state budget and state funds may only be provided to those entities that have not been sanctioned, within two years preceding the application for support, by a final and legally binding decision with a fine for violating Act CXXV of 2003 of Equal Treatment and the Promotion of Equal Opportunities (ETA). Under the new legislation, such entities are only excluded from the possibility of applying for state support if within two years from the final and binding decision imposing the fine, it is established again that they committed a violation of the same kind.

The other amendment concerned Article 60 of Act CXXIX of 2003 on Public Procurement. Before the amendment the provision prescribed that entities that have been sanctioned in a final and legally binding decision with a fine for violating the ETA may not participate in public procurement proceedings as bidders or subcontractors. This provision has been removed from the law, so violations of the ETA do not any more exclude entities from taking part in procurement procedures.



Internet link source and additional information:

http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A0300129.TV and

http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=99200038.TV