

Act CXX of 2018
on the Hungary Helps Program

Thanks to the work of the Hungarian people, Hungary is growing stronger. Among other things, this can be seen in the improvement in Hungary's economic performance, the growing number of people in work, and an increase in the effectiveness of its defence capabilities and ability to protect its interests.

Hungary is now able to play a more significant role in terms of humanitarian support and international development policy than previously in crisis regions and countries experiencing high levels of emigration, as well as in the interests of the stabilisation of developing countries. The international humanitarian policy adopted by Hungary must reflect the general priorities and principles of the Hungarian Government. In terms of international activity, this means that, in addition to the universal protection of human dignity and human rights, the Hungarian Government must also serve Christian culture. This entails the protection of Hungary's fundamental values and the provision of aid to threatened communities belonging to the Christian culture.

In order to safeguard the security of the Hungarian people, Hungary must contribute to the reduction of the growing migratory pressure on Europe by providing aid in the local area in order to help mitigate migration flows. All of the goodwill principles in this area of humanitarian aid are encompassed in Hungary's most significant humanitarian aid program, the Hungary Helps Program, which expresses the solidarity of the Hungarian people.

The purpose of this law is to ensure the practical implementation of the broader fundamental principles of the Hungary Helps Program, which are as follows: the identification and designation of the existence, causes and nature of humanitarian crises, and a model of direct and local assistance in preserving communities threatened by humanitarian crises through prevention. The law ensures that aid is provided quickly and efficiently to people suffering from persecution and victims of humanitarian disasters and that, by providing immediate on-site assistance, Hungary will also make a significant contribution on an international level by helping eliminate some of the processes that trigger migration flows.

In order to ensure that international humanitarian aid efforts by Hungary, as a committed member of the international community, can be effectively enforced by Act XC of 2014 on International Development Cooperation and International Humanitarian Assistance, the National Assembly has created a law that complements the objectives of the Act:

1. General provisions

§ 1.

(1) The provisions of this law shall apply to the Hungary Helps Program (hereinafter referred to as "the Program"), Hungary Helps Agency Nonprofit Ltd. (hereinafter referred to as "the Agency") and the humanitarian assistance provided by the Agency to assist persecuted Christians.

(2) The Agency functions as a public service, non-profit organisation through the operation of the Hungary Helps Program and the disbursement of donations or grants.

(3) The international humanitarian aid shall be provided by the Agency in accordance with the provisions of Act XC of 2014 on International Development Cooperation and International Humanitarian Assistance (hereinafter: the NEFE Act).

(4) The provisions of the NEFE Act shall apply to matters not governed by this law.

(5) The provision of assistance to the persecuted Christians and other religious minorities from the central budget on the basis of this act and without any obligation to account for or reimburse financial and property allowances in connection with the objectives of the Program.

2. Purpose of the program, beneficiaries

§ 2.

(1) The Program aims, through the Agency, to support people and communities living in need, and those suffering from persecution or from humanitarian disasters, and help them remain in their place of origin, supporting projects promoting the protection of freedom of religion, in particular the persecution of Christian and other religious minorities, as well as safeguarding the values of endangered communities and helping them to remain in their place of origin, as well as provision of donations for humanitarian aid for these purposes in the following forms:

- a) obtaining and delivering medical care and medical supplies, reconstructing buildings and infrastructure destroyed by armed conflicts and natural disasters
- b) organising, coordinating and conducting voluntary, charitable, fundraising and other social programs, international conferences and events
- c) the promotion of freedom of religion, the preservation of persecuted Christian and other religious minorities
- d) the delivery of material donations

(2) Within the framework of its participation in Hungary's international development policy activities, the Program provides support to:

- a) support and build training and educational institutions
- b) design, support and conduct training for local job creation training and scholarship programs

(3) In the context of the granting of donations, particular attention should be paid to institutions established and operated by persecuted Christians or other religious minorities, and the humanitarian activities they carry out.

(4) The beneficiaries of the purposes set out in paragraph 1 may be primarily activities carried out in a country or region suffering from armed conflict, civil war, natural disaster or other disasters through:

- a) Christian, and other ecclesiastical, religious, educational, child welfare, cultural or social activities or communities; or
 - b) NGOs, non-profit business associations, foundations, aid organisations and the institution they establish or maintain, or other local cooperations.
- (5) In connection with the achievement of the objectives set out in paragraph 1, the beneficiary of the aid granted may be the Agency or foreign governmental bodies.
- (6) The beneficiary of a grant or donation from the Agency may not be a person, group or other entity linked to terrorism, crimes of war and against humanity, human trafficking, money laundering or the illicit support of migration by means of its contacts, activities or communications for which the economic, commercial or financial prohibition of the blocking of funds or economic resources promulgated under Hungary's international law obligations or in regulations adopted by the European Union applies.
- (7) The Agency-sponsored organisation shall declare that the grant and the donation do not serve any of the purposes prohibited in paragraph 6.
- (8) It is not authorised for the Agency to provide financial or material assets to a political party or organisation that carries out direct political activity.
- (9) In order to achieve the goals set in paragraph 1 the Agency coordinates the resources to be provided for international humanitarian aid, in this function submits tenders for the following development organizations and funds:

- a) Directorate-General for European Civil Protection and Humanitarian Aid Operations (DG ECHO)
- b) Directorate-General for International Cooperation and Development (DG DEVCO)
- c) European Union Emergency Trust Fund
- d) European Union External Action Financing Instruments

3. Possible goals of grants, donations from the Program, eligible expenditures

§ 3.

The Program may, in particular, provide support or donations for the following purposes:

- a) buildings in disrepair as a result of a crisis situation, particularly schools, hospitals, churches and residential buildings
- b) the construction and operation of crisis centres and refugee camps
- c) medical expenses, mainly for medical and nursing staff, as well as the provision of medicine, medical devices and psychological treatments for victims of trauma
- d) to establish, operate, and operate programs for the return of displaced families
- e) the provision of education, teaching, training, further training, scholarships, textbooks and teaching aids
- f) for the purchase of tangible assets that can be used in connection with the elimination of a crisis situation and the mitigation of its consequences

4. The Agency

§ 4.

(1) The Agency is a 100% state-owned non-profit enterprise, which coordinates the distribution of budgetary subsidies and grants within the scope of the Program and awarded in accordance with Act CXCV of 2011 on Public Finances (hereinafter referred to as "PF").

(2) Each beneficiary shall be required to report to the Agency within 60 days of the use of the donation. If the beneficiary fails to comply with this obligation, he/she is required to repay the full amount of the donation.

(3) Ownership rights over the Agency shall be exercised by the Prime Minister's Office (hereinafter referred to as "the Trustee").

§ 5.

The Director General of the Agency or any individual employed by the Agency or bound by any other legal agreement to perform work may not be:

- a) a representative of a political party or an officer of a direct political activity
- b) a person to whom any of the conditions set out in PF 48/b apply

§ 6.

The Agency carries out individual tasks related to the distribution of donations.

5. The financial resources of the Agency

§ 7.

(1) All grants and support issued by the Agency are under the control of the Trustee.

(2) The decision on the granting of support and donations may be transferred to the State Secretary responsible for the implementation of the Hungary Helps Program (hereinafter referred to as "the Secretary of State"). The person entitled to the decision will consider the requests made by international humanitarian organisations before the decision to grant the donation to the persons and organisations they wish to support.

(3) The Agency's revenues:

- a) Voluntary contributions, donations made by domestic or foreign natural persons, legal persons and organisations without legal personality
- b) central budget subsidies
- c) grants, donations from international organisations, institutions
- d) benefits provided by other States, foreign governments on a separate agreement, and
- e) other income

(4) In accordance with the voluntary contributions of legal persons, non-legal entities and natural persons to the Agency, the provisions of the act on corporation tax and dividend tax and the act on personal income tax for public benefit organisations and available donations apply.

(5) If any data, fact or circumstance should emerge with respect to the donors and donations related to money laundering or the financing of terrorism as referred to in paragraph 3 (a), (c) and (d) above, the Minister or the Secretary of State shall not accept the donation.

(6) The Minister is responsible for deciding whether to accept donations or donations made for a specified purpose, and may delegate this power to the Secretary of State.

(7) Central budget support

- a) a regular subsidy from the central budget equivalent to the sum of payments and donations referred to in paragraph 3 (a) from the previous calendar year, equal to the amount necessary to supplement the Agency's revenue to HUF 1 billion
- b) any subsidy not covered by point (a) as defined in the Central Budget Act shall be governed by the Agency

(8) The operational expenditure incurred in the maintenance of the Agency, in particular those costs associated with the preparation, evaluation, awarding of donations, the preparation of proposals, the granting of donations, and the recording and verification of personal and material conditions thereof, shall be financed by the Agency.

(9) The expenditure referred to in paragraph 8 may not exceed 10 per cent of the proceeds of the Agency as defined in paragraph 7 for a given financial year.

6. The operation of the Agency

§ 8.

The Agency's transparency and the public nature of its operations are ensured by the Agency's website (hereinafter referred to as "the website"). The following must be published on the website:

- a) all laws, internal regulatory instruments and other provisions relating to the operation of the Agency
- b) the annual total of donations and grants received by the Agency

§ 9.

(1) When donations and grants are made, the needs that have arisen must be taken into account. The Director General must take into account the theoretical guidance provided by the Trustee in the course of management of the Agency.

(2) In order to achieve the objectives of the Agency as set out in paragraphs 1 and 2 of Section 2, and to coordinate and ensure the correct operation of the system of donations as a whole, the Agency shall provide information on donors, donations and individual applications, as well as records of the decisions made by the Trustee.

(3) In relation to the donors and donations indicated in clauses 3 a), c) and e) of Section 7 – and in order to check payments and transfers and to reimburse them – the Agency shall record the following data that has come into its possession or been provided by the donor:

- (a) the name of the donor
- (b) home address or registered office
- c) the donor's phone number, e-mail address
- d) tax number
- e) bank details of payment and transfer, in particular the name of the financial institution managing the account, the name of the payer or account holder, the total of the donation
- f) donor instructions on the use of donations
- g) any further information deemed necessary by the Agency which does not constitute personal data

(4) The personal data specified in paragraph 3 shall be handled by the Agency for 5 years.

(5) As required, but at least once a year by 31 May, a person responsible for assisting persecuted Christians and implementing the Hungary Helps Program (hereinafter referred to as "the Minister") will inform the Government of the activities and operations of the Agency.

(6) The Government shall report annually to the National Assembly on the activities and operation of the Agency in the previous year and on the experience of applying this Act. The report must be made public on the website.

7. Closing provisions

§ 10.

(1) The Government is hereby authorised to issue a decree specifying the uniform design requirements of the Hungary Helps Program, uniform branding elements and the use of the Hungary Helps trademark of the Hungary Helps Program.

(2) The Minister shall be authorised to declare the content of the manual related to the Regulation under paragraph 1 in a decree.

§ 11.

This Act shall enter into force on 1 January 2019.

§ 12.

The following paragraph (2a) shall be inserted into Section 9. of the NEFE Act:

"(2a) The minister responsible for assisting persecuted Christians and the implementation of the Hungary Helps Program on its activities in the field of government co-ordination of international humanitarian aid will keep the minister responsible for foreign affairs continuously updated."

§ 13.

Paragraph 11. (2) of the NEFE Act is replaced by the following:

“(2) The minister responsible for foreign affairs operates an agency promoting the provision of project-based activities in order to increase the effectiveness of international humanitarian aid activities in order to help international development cooperation, assist persecuted Christians and the implementation of the Hungary Helps Program”

§ 14.

Section 12. of the NEFE Act is replaced by the following:

“§ 12.

The Minister for Foreign Affairs will cooperate with the minister responsible for international development cooperation, assisting persecuted Christians and implementing the Hungary Helps Program with regards to increasing support for these activities within Hungarian society, part of which is shaping the perception of the younger generations, reinforcing the role of volunteering and encourage education to promote taking responsibility globally.”

§ 15.

Section 13. of the NEFE Act is replaced by the following:

“§ 13.

The cost requirements for the international development cooperation are released by the minister responsible for foreign affairs, the cost requirements for international humanitarian aid activities are released by the minister responsible for assisting persecuted Christians and the implementation of the Hungary Helps Program, taking into account Hungary's international and EU commitments.”

§ 16.

Section 14. of the NEFE Act is replaced by the following:

“§ 14.

The international development cooperation activities with budget support are provided by the Minister for Foreign Affairs, international humanitarian aid activities for the assistance of persecuted Christians and the implementation of the Hungary Helps Program are made available in a publicly accessible database.”

§ 17.

Section 15. of the NEFE Act is replaced by the following:

“§ 15.

The Minister responsible for foreign affairs will report to the Government on the activities of the previous year for the report on international humanitarian aid in the areas of international development cooperation, aid for persecuted Christians and the implementation of the Hungary Helps Program. Following the approval of the report by the Government, it will be published on the website of the Ministry of Foreign Affairs and Trade and the website operated by the Minister of Prime Minister's Office responsible for provision of aid to persecuted Christians and the implementation of the Hungarian Helps Program.”

§ 18.

Article 16 (3) of the NEFE Act shall be replaced by the following provision:

“(3) The minister responsible for persecuted Christians and for the implementation of the Hungary Helps Program is authorised to define the following in a decree as part of his/her remit:

- (a) the forms of international humanitarian aid activities
- b) detailed rules for the management of the database pursuant to Section 14, as well as for the content of this database
- (c) the pre-qualification of NGOs involved in the implementation of international humanitarian aid and the rules for the participation of pre-qualified NGOs in the provision of international humanitarian aid.”

§ 19.

NEFE Act

- a) In paragraphs 1 and 2 of Section 9. and paragraphs 1,2 and 4 of Section 15/ C., the words "minister responsible for foreign affairs" shall be replaced by "responsible for aiding persecuted Christians and the implementation of the Hungary Helps Program"
- b) in paragraph 2 of Section 10, the words "minister responsible for foreign affairs" shall be replaced by "minister responsible for aiding persecuted Christians and the implementation of the Hungary Helps Program"
- c) 15/C. the words "minister responsible for foreign policy" shall be replaced by "minister responsible for aiding persecuted Christians and the implementation of the Hungary Helps Program".

§ 20.

Paragraph 1 (b) of Section 16 of the NEFE Act, the section of text "and international humanitarian aid" in clause a) of paragraph 16 (2), and clause c) of paragraph 16. (2) are no longer applicable.