

The preparation of the Hungarian **Open Government Partnership**
Country Action Plan

COUNTRY COMMITMENTS

**Commitment development
and implementation planning**

Inputs and feasibility assessment

Hungary's open government commitments have been shaped through a multiple-round consultation process. The first step on way to develop the action plan was to process the recommendations of civil society organisations committed to open government. On basis of these recommendations the following main areas for improvement were identified:

1. Disclosure of central and municipal budgets
2. Openness of public procurement information
3. Openness of contracts on use of public assets
4. Judicial review of classified information
5. Integration of national asset regulations
6. Improving data provision quality
7. Access to information on environmental issues
8. Public participation in planning EU development funds spending
9. Integrity management system in the public sector
10. Training for data providers

In the framework of the Open Government Expert Working Group, the experts of the Ministry of Public Administration and Justice and civil experts have jointly elaborated a set of proposals comprising specific measures. The relevance and viability of the professional proposals drafted through a two-round consultation process were assessed by the Working Group on Corruption Prevention Co-ordination composed of government agency representatives. In the course of the further two-round internal consultation process, the Coordination Working Group made the following comments on the particular elements of the proposal:

Disclosure of central and municipal budgets

Working Group members deemed it necessary to handle the proposals on disclosure of municipal budgets separately from the issue of central budget. Moreover, they underlined that – due to the on-going restructuring of municipality financing – the proposal's original goal of enabling a year-over-year comparison became impossible to achieve. Owing to the overly detailed nature of the data, it is not advisable to disclose information at COFOG 3 level, since that would place a disproportionate burden on the data provider.

Openness of public procurement information

Upon expert level elaboration of measures aiming to improve the openness of public procurement information, it occurred that proposals on the activity of Public Procurement Authority (being an autonomous body, subordinated to the Parliament) entailed amendment of the existing laws that may render ensuring viability of this proposal more difficult. Moreover, the Co-ordination Working Group voiced its concern over the requirement of electronic processing of contracts and made critical remarks on the applied terminology. In its views, Excel format disclosure is also problematic on one hand for its financial implications and on the other, for its divergence from the requirements of publishing EU communications. The Working Group also rejected the idea of bidder registration for the administrative burden it may entail and also because bidders' names are already available within the system. It considered the establishment of the complete electronic public procurement system as irrelevant, since it is primarily aimed at reducing administrative burdens and not at strengthening open government. Its introduction would also imply amending the effective laws; therefore it is reasonable to initiate it separately from the action plan.

Openness of contracts on use of public assets

As to the measures improving the openness of contracts, all working group members were basically in agreement. However, they suggested reconsidering the requirement of imposing sanctions as it would imply amending the Civil Code, and including a reference to the protection of municipality business interests in the proposal.

Judicial review of classified information

In the Working Group's opinion, the objective set may be achieved even within the existing legal framework. The idea of the classification to be subject to judicial review on its merits was unanimously rejected. It poses a great risk and courts cannot be expected to judge the justifiability of a given decision on professional grounds.

Integration of national asset regulations

The Working Group considered the proposal inaccurate and there was no consensus as to who may be in charge of implementation.

Access to information on environmental issues

The Working Group deemed a significant part of the measures unjustified. Public participation is quite broad already, so the objective set is already achieved. On professional grounds, the Working Group did not support the proposed right to inspect draft decisions.

Public participation in planning EU development funds spending

The proposed regulation is covered, in large part, by existing legal requirements; participants therefore did not see the need to enlist them as commitments. There was no agreement on the deadline for the fulfilment of commitments, nor was consensus as to who may be in charge of implementation.

Integrity management system in the public sector

The Working Group proposed further elaboration on this particular section of the action plan. Specific measures need to be included, naming the agency responsible and setting appropriate deadlines.

Revision and internal consultations

In order to accommodate concerns raised at Co-ordination Working Group meetings, the revision of action plan commitments seemed inevitable. The section on the introduction of an integrity management system was thus expanded, and additional commitments, suggested also by civil organisations and formerly enlisted as separate commitments, were incorporated. As a new element, a section was included on raising awareness on corruption prevention and integrity; at a later stage of consultations with civil experts another commitment was added – to develop an information freedom related training.

As Co-ordination Working Group consultations demonstrated, settling the following issues to the satisfaction of all stakeholders proved to be the most challenging: the modification of judicial revision of classified information, integration and actualisation of data provision regulations, improvement of public partnership and the integration of national asset regulations.

As a result of the consultations with the agencies engaged in the implementation some recommendations could be preserved. Certain recommendations – that would have posed a disproportionate administrative or financial burden on the organisations or implied a major amendment to existing laws or the realisation of which did not seem realistic for some reason – were however excluded.

Throughout the elaboration of Hungary's first open government action plan, our primary objective was to create a broadly accepted and supported document, and to turn the words of the country commitments into deeds.

Given the unprecedented nature of the initiative, the Ministry of Public Administration and Justice – co-ordinating action plan development and implementation – incurred enormous responsibility: it has to ensure that the Open Government Partnership is an overall positive experience for all stakeholders both in the course of consultations and implementation, and allow the action plan to be a document the civil society as well as government agencies could identify with and endorse.

Fulfillment

The availability of necessary human and financial resources is an indispensable precondition to the implementation of the action plan. Accordingly, the Ministry of Public Administration and Justice began resource planning as early as the summer of 2012, at the early stage of action plan planning in the framework of the Corruption Prevention Programme. Due to that providence, in addition to the expert capacity, some EUR 50,000 has been earmarked from project funds signed on 17 December 2012, coming to fruition in 2012-2014 and co-financed by the European Union.

The Ministry of Public Administration and Justice provides regular updates for civil organisations and citizens on the progress of the action plan implementation via the following websites: <http://korrupciomegelozes.kormany.hu> (in Hungarian) and <http://corruptionprevention.gov.hu> (in English).