

THE GOVERNMENT OF HUNGARY

Draft bill no. T/3618

On the amendment of Act CCVI of 2011 on the right to freedom of conscience and religion and the legal status of churches, denominations and religious communities of Hungary

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Act ... of 2018
on the amendment of Act CCVI of 2011 on the right to freedom of conscience and religion and the legal status of churches, denominations and religious communities of Hungary

Section 1

Section 1 paragraph (1) of Act CCVI of 2011 on the right to freedom of conscience and religion and the legal status of churches, denominations and religious communities of Hungary (hereinafter: Ehtv.) shall be replaced with the following:

“(1) The right to freedom of conscience and religion is a fundamental right that everyone is entitled to, and it cannot be tied to any specific legal form.”

Section 2

Section 3 paragraph (2) of the Ehtv. shall be replaced with the following:

“(2) The right to freedom of conscience and religion shall be freely exercised by those serving in the context of a legal relationship as set forth in the act on the legal relationship of the professional staff of organizations that perform law enforcement tasks, and by those who have a legal relationship pursuant to the act on the legal status of military staff, during the course of their service, in accordance with the organization’s operating policy and with meeting the obligation of national defense.”

Section 3

Chapters II-V of the Ehtv. shall be replaced with the following provisions:

“CHAPTER II

THE LEGAL STATUS OF RELIGIOUS COMMUNITIES

1. General rules of religious activities and the legal status of religious communities

Section 6

A religious community is any community of natural persons, regardless of organizational form, legal personality or name, that was created for the purpose of practicing religion and performs primarily religious activities.

Section 7

(1) A religious community may operate as an organization with or without legal personality.

(2) Religious communities that have a legal personality are:

- a) religious associations,
- b) listed churches (*nyilvántartásba vett egyház*),
- c) registered churches (*bejegyzett egyház*), and
- d) recognized churches (*bevett egyház*).

(3) Recognized churches, registered churches, listed churches and religious associations are self-governing, autonomous organizations consisting of natural persons professing identical religious beliefs.

Section 7/A

(1) Religious communities with legal personality may freely determine, in accordance with the religious beliefs of their members, the framework, rules, organizational structure and name of their religious activities and of other public interest activities based on such religious activities.

(2) Religious communities are engaged in activities that are linked to a worldview which is directed towards the transcendental, has a system of faith-based principles, has teachings that are directed towards existence as a whole, and embraces the entire human personality through specific codes of conduct (hereinafter: religious activity).

(3) The following shall not be considered religious activities per se:

- a) political and lobbying activities;
- b) psychic or parapsychic activities;
- c) medical activities;
- d) business and entrepreneurial activities;
- e) instructive activities;
- f) educational activities;
- g) higher educational activities;
- h) healthcare activities;
- i) charity activities;
- j) family, child or youth protection activities;
- k) cultural activities;
- l) sports activities;
- m) animal protection, environmental protection or nature conservation activities;
- n) data control activities which go beyond data processing necessary for religious activities;
- o) social work activities.

(4) A religious community may only conduct religious activities that do not go against the Fundamental Law, do not conflict with rules of law, and do not violate the rights and freedoms of other communities.

Section 7/B

Religious communities may designate themselves as churches in their name and in any reference to their activities for the purpose of self-definition, with a content that is based on their own religious beliefs.

Section 7/C

The name of the religious association does not contain any reference to it being an association as a specific organizational form.

Section 8

(1) The State may neither operate nor establish any organ for controlling or monitoring religious communities.

(2) No state power may be used to enforce decisions based on the principles of faith, the internal laws, bylaws, or the rules of organization and operation of a religious community, or other rules equivalent to them (together hereinafter referred to as “internal rules”), and it may not examine such decisions. State organs may not modify or override decisions made by a religious community based on internal rules, and they shall have no competence to adjudicate disputes arising from internal legal relationships not regulated by rules of law.

Section 9

(1) The State and religious communities with legal personality may cooperate in promoting the public good. The State may enter into agreements with religious communities with legal personality to preserve historical and cultural values and perform pedagogical, educational, higher educational, healthcare, charitable, social, family, child or youth protection, cultural or sports activities as well as other public interest activities by taking into account their historical and social role, social acceptance and embeddedness, level of organization, their experience obtained in the course of the public interest activities they traditionally perform and – in line with the characteristics of the public service activities performed in cooperation with the State – their ability to perform such tasks.

(2) The State may enter into a comprehensive cooperation agreement for an indefinite term with religious communities with legal personality, upon their request, that are ready and capable of performing public interest activities of key importance, as set forth in paragraph (1), in the long term, based on their level of organization, social acceptance, historical and social role and their experience obtained in the course of performing such activities, which may also include providing support for faith-based activities (hereinafter: comprehensive agreement).

2. Religious associations

Section 9/A

(1) Natural persons who share the same faith-based beliefs may establish religious organizations for the purpose of practicing their religion and performing religious activities.

(2) The rules applicable to associations shall be applicable to religious associations with the differences specified by law.

Section 9/B

The bylaws of religious associations may determine, in departure from the laws pertaining to associations,

a) the manner of establishing membership and practicing membership rights, and

b) the scope, tasks and competence of persons who have a legal relationship with the religious association and are entitled to

ba) make and monitor internal decisions related to operation, and

bb) administer the affairs of and represent the association.

Section 9/C

(1) The state may enter into an agreement with religious associations for a definite period of no more than five years for the performance of specific public interest activities and for the support of faith-based

activities. The agreement may be extended on a case-by-case basis for a period not to exceed the original term.

(2) Religious associations are entitled to a portion of the personal income tax paid by private persons, which is offered and specified pursuant to a separate law, for the purpose of supporting faith-based activities.

3. Listed churches (*nyilvántartásba vett egyház*)

Section 9/D

(1) A religious association, upon its request, must be registered as a listed church if

a) in the 3-year period prior to the request for registration at least one thousand private individuals per year on average have offered it a portion, specified in a separate act, of their paid personal income tax, and

b) it has been operating

ba) as a religious association for at least 5 years, or

bb) has been operating for at least 100 years in an organized and independent international framework.

(2) In departure from paragraph (1), a religious association, upon request, must also be registered as a listed church if

a) if it has at least one thousand registered members who live or reside in Hungary,

b) it has been operating as a religious association for at least 5 years, and

c) it declares that it will not accept aid, based on a special decision, from budgetary sub-systems, EU funds or programs financed on the basis of international agreements, whether in the context of a tender or not, for the purposes of its faith-based activities or public interest activities, after the submission of the application.

(3) International operation as set forth in paragraph (1) point b) sub-point bb) must be determined on the basis of

a) a certificate issued by churches that have church status in at least two countries outside of Hungary and profess the same faith-based principles as the applicant religious association and/or listed church,

b) a certificate of membership in a confederation issued by a confederation of churches or member churches that operate in at least two countries outside of Hungary and profess the same faith-based principles, or

c) a certificate membership as a particular church issued by a world church organization of particular churches that operate in at least two countries outside of Hungary.

(4) Listed churches are entitled to a portion of the personal income tax paid by private persons, which is offered and specified pursuant to a separate law, for the purpose of supporting faith-based activities.

(5) The state may enter into an agreement with listed churches for a definite period of no more than ten years for the performance of public interest activities and for the support of faith-based activities. The agreement may be extended on a case-by-case basis for a period not to exceed the original term. Pursuant to the agreement, listed churches may receive tax and other, similar, benefits as set forth in a separate law.

(6) Continuous operation as a church pursuant to Act IV of 1990 on the freedom of conscience and religion and on churches (hereinafter Act IV of 1990), as an association conducting religious activities as a primary purpose or as an organization conducting religious activities pursuant to Act IV of 1990 counts towards the length of period of operating as a religious association if on the day preceding the going into effect of Act ... of 2018 on the amendment of Act CCVI of 2011 on the right to freedom of conscience and religion and the legal status of churches, denominations and religious communities (hereinafter: Amending Act) the religious community was listed in the registry of organizations that conduct religious activities, or before the going into effect of the Amending Act it initiated a procedure requesting acknowledgment as a church and the procedure has not yet been completed in a legally binding manner.

3/A Registered churches (*bejegyzett egyház*)

Section 9/E

(1) A religious association, upon its request, must be registered as a registered church if

- a) in the 5-year period prior to the request for registration at least four thousand private individuals per year on average have offered it a portion, specified in a separate act, of their paid personal income tax, and
- b) it has been operating
 - ba) as a religious association for at least 20 years, or
 - bb) has been operating for 100 years in an organized and independent international framework.

(2) A listed church, upon its request, must be registered as a registered church if

- a) in the 5-year period prior to the request for registration four thousand private individuals per year on average have offered it a portion, specified in a separate act, of their paid personal income tax, and
- b) it has been operating
 - ba) as a listed church for at least 15 years, or
 - bb) has been operating for at least 100 years in an organized and independent international framework.

(3) In departure from paragraph (1), a religious association, upon request, must also be registered as a registered church if

a) it has at least ten thousand registered members who live or reside in Hungary,

b) it has been operating as a religious association for at least 20 years, and

c) it declares that it will not accept aid, based on a special decision, from budgetary sub-systems, EU funds or programs financed on the basis of international agreements, whether in the context of a tender or not, for the purposes of its faith-based activities or public interest activities, after the submission of the application.

(4) In departure from paragraph (2), a listed church, upon request, must also be registered as a registered church if

a) it has at least ten thousand registered members who live or reside in Hungary,

b) it has been operating as a listed church for at least 15 years, and

c) it declares that it will not accept aid, based on a special decision, from budgetary sub-systems, EU funds or programs financed on the basis of international agreements, whether in the context of a tender or not, for the purposes of its faith-based activities or public interest activities, after the submission of the application.

(5) International operation as set forth in paragraph (1) point b) sub-point bb) must be determined on the basis of

a) a certificate issued by churches that have church status in at least two countries outside of Hungary and profess the same faith-based principles as the applicant religious association and/or listed church,

b) a certificate of membership in a confederation issued by a confederation of churches or member churches that operate in at least two countries outside of Hungary and profess the same faith-based principles, or

c) a certificate membership as a particular church issued by a world church organization of particular churches that operate in at least two countries outside of Hungary.

(6) Continuous operation as a church pursuant to Act IV of 1990 or as an association conducting religious activities as a primary purpose or as an organization conducting religious activities pursuant to Act IV of 1990 counts towards the length of period of operating as a religious association or listed church if on the day preceding the going into effect of the Amending Act the religious community was listed in the registry of organizations that conduct religious activities, or before the going into effect of the Amending Act it initiated a procedure requesting acknowledgment as a church and the procedure has not yet been completed in a legally binding manner.

Section 9/F

(1) The state may enter into an agreement with registered churches for a definite period of no more than 15 years for the performance of public interest activities and for the support of faith-based activities. The agreement may be extended on a case-by-case basis for a period not to exceed the original term. Pursuant

to the agreement, registered churches may receive tax and other, similar, benefits as set forth in a separate law.

(2) Registered churches are entitled to a portion of the personal income tax paid by private persons, which is offered and specified pursuant to a separate law, as well as the supplementation thereof, provided by the state, or an allowance replacing it, for the purpose of supporting faith-based activities.

3/B Recognized churches (*bevett egyház*)

Section 9/G

(1) A recognized church is a registered church with which the state concluded a comprehensive cooperation agreement for the purpose of community goals. With respect to the conclusion and amendment of the comprehensive agreement, the state is represented by the minister responsible for coordinating contact with the churches (hereinafter: minister).

(2) Registered churches or recognized churches not possessing such an agreement may submit a request to the minister to conclude a comprehensive agreement. Recognized churches that do not possess such an agreement may also submit such a request. If a comprehensive agreement is concluded with a church that was a recognized church at the time of the going into effect of the Amending Act, it does not have to be promulgated by law as set forth in paragraph (3). If no comprehensive agreement is concluded, this shall not impact the legal status of the recognized church.

(3) The comprehensive agreement set forth in paragraph (1), or the amendment thereof, must be promulgated by law. The Government shall submit to the National Assembly the draft bill initiating the promulgation, and the supplementation of the appendix, within 30 days after the effective date of the agreement. A registered church is considered a recognized church from the day when the comprehensive agreement is promulgated by law and the appendix is supplemented. However, the rights and obligations under the comprehensive agreement shall entitle and bind the recognized church starting from the date on which the comprehensive agreement is concluded.

(4) Recognized churches receive tax and other, similar, benefits as well as a budgetary subsidy for the purpose of their faith-based activities. The detailed rules related to such subsidies are set forth by law.

(5) Recognized churches are entitled to a portion of the personal income tax paid by private persons, which is offered and specified pursuant to a separate law, as well as a supplementation thereof by the state or allowances replacing them, for the purpose of supporting faith-based activities.

(6) Recognized churches are listed in the appendix.

3/C Ecclesiastical legal persons

Section 10

Recognized, registered and listed churches, as well as the internal ecclesiastical legal persons, are considered ecclesiastical legal persons.

Section 11

(1) Units, organizations or institutions of a church that have legal personality according to the internal rules of recognized, registered or listed churches shall qualify as legal persons.

(2) The internal ecclesiastical legal person shall operate in accordance with the internal rules of recognized, registered or listed churches, and the internal ecclesiastical legal person of recognized, registered or listed churches shall represent the recognized, registered or listed church in the relationships determined by internal rules. The same rules are applicable, as appropriate, to the internal ecclesiastical legal person as to the recognized, registered or listed church.

(3) An institution of a recognized, registered or listed church performing public interest tasks may be considered an internal ecclesiastical legal person pursuant to the internal rules of the recognized, registered or listed church. Corporations, foundations and associations established by a recognized, registered or listed church shall not be considered internal ecclesiastical legal persons.

Section 11/A

The internal rules of a recognized, registered and listed church may define, in departure from the general rules set forth by law with respect to legal persons, the rules applicable to

- a) recognized, registered or listed churches and internal ecclesiastical legal persons, in terms of their
 - aa) organization and representation,
 - ab) guarantees of lawful operation,
 - ac) transformation, merger, demerger and dissolution without a legal successor, and
- b) the establishment of an internal ecclesiastical legal person.

CHAPTER II/A

PERSONS IN THE SERVICE OF RELIGIOUS COMMUNITIES WITH LEGAL PERSONALITY

Section 12

(1) Church personnel are natural persons specified in the internal rules of a recognized, registered or listed church who are in the service of the ecclesiastical legal person and perform church services in the framework of a special church service relationship, an employment relationship or any other legal relationship.

(2) Church personnel shall not be obliged to disclose the information affecting personality rights to public authorities which they become aware of in the course of their faith-related service.

(3) Church personnel shall be given enhanced protection by the law on minor offences and by criminal law.

Section 12/A

(1) Members of a religious association that perform religious rituals professionally are natural persons that serve the religious association in the framework of an employment relationship or other legal relationship.

(2) Section 12, paragraphs (2) and (3) shall be applicable to members of a religious association that perform religious rituals professionally.

CHAPTER III
REGISTRATION OF RELIGIOUS COMMUNITIES WITH LEGAL PERSONALITY AND
OF INTERNAL ECCLESIASTICAL LEGAL PERSONS

4. Registering religious communities with legal personality

Section 13

(1) The Budapest-Capital Regional Court (hereinafter “court”) shall register religious communities with legal personality, with the exception of recognized churches. The court shall have exclusive competence in this respect.

(2) The court shall keep the records of registered and listed churches as well as religious associations (hereinafter: registry) separately.

(3) In matters not regulated by this act, the rules applicable to the judicial records of civil associations shall apply to the registry.

Section 13/A

(1) Based on the request for registration as a religious association, the court only examines whether

- a) the representatives of the organization have declared that the organization was founded for the purpose of conducting religious activities and this is apparent from the bylaws,
- b) the activities that the organization wishes to perform are not in conflict with section 7/A, paragraphs (2)-(4), and this is apparent from the bylaws,
- c) the name of the organization is in compliance with sections 7/B and 7/C, also with regard to the provisions of Section 20/A, paragraph (2),
- d) at least ten members declared that the organization shall be established for religious purposes and accepted its bylaws, and
- e) the organization has at least ten natural person members who live or reside in Hungary, and the bylaws prohibit membership to non-natural persons, and
- f) the applicant attached the documents that certify points a)-e).

(2) The court may only reject the request for registration as specified in this section if the organization does not meet any of the conditions set forth in paragraph (1), points a)-f).

Section 14

(1) The court shall register the religious community with legal personality (hereinafter for the purposes of this section: applicant) upon its request as a registered or listed church if

- a) the applicant performs primarily religious activities and has faith-based principles and rituals that comprise the essence of its teachings, and this can be ascertained from the bylaws,
- b) the conditions set forth in section 9/D paragraphs (1)-(3) and in Section 9/E paragraphs (1)-(3) are satisfied,
- c) the applicant declares that its activities and bylaws are not in conflict with section 7/A paragraphs (2)-(4), and this can be ascertained from the bylaws,
- d) the applicant declares that in the 5-year period before the submission of the application the applicant did not sustain any legal prejudice on the grounds of the repeated violation of accounting and management rules, and no such procedure is pending against it,
- e) the applicant declares that in the 5-year period before the submission of the application no criminal measures were taken against the applicant in a binding judgment, and no such procedure is pending against it, and
- f) the applicant attached the documents that certify points a)-e).

(2) In the event that the criteria set forth in Section 9/E, paragraph (1), point b), sub-point bb) or section 9/E, paragraph (2), point b), sub-point bb) are applicable, the court shall register the applicant as a registered or listed church if the applicant poses no national security risks. To examine these criteria, the court shall initiate a procedure aimed at examining national security risks pursuant to the act on national security services.

(3) When examining the criteria set forth in Section 9/E, paragraph (1), point b), sub-point bb) or section 9/E, paragraph (2), point b), sub-point bb), the court may seek assistance from church law, church history, ecclesiastical or sociology experts who possess academic degrees and may consult the national security service as an expert. Church personnel cannot serve as experts.

(4) The court may only reject a request for registration as specified in this section if the applicant does not comply with any condition set forth in paragraph (1), points a)-f) or in paragraph (2). If a procedure is pending against the applicant as specified in paragraph (1) points d)-e), the court shall suspend the registration procedure until a legally binding ruling is obtained in the relevant procedure.

(5) In the registration procedures set forth in section 9/D, paragraph (2) and section 9/E paragraphs (3)-(4) the provisions of section 14 shall be applicable as appropriate, with the proviso that instead of certifying that the conditions set forth in section 9/D paragraph (1) point a), section 9/E paragraph (1) point a) and section 9/E paragraph (2) point a), the declaration set forth in section 9/D paragraph (2) point c), section 9/E paragraph (3) point c) and section 9/E paragraph (4) point c) must be attached.

Section 14/A

(1) If pursuant to section 9/D paragraph (2) a listed church that has been entered into the registry accepts aid, based on a special decision, from budgetary sub-systems, EU funds or programs financed on the basis of international agreements, whether in the context of a tender or not, for the purpose of its faith-based activities or public interest activities, it must report this to the court within 15 days of the disbursement

of the aid. Based on the report, the court shall demand within 8 days of the receipt of the report that the listed church declare within 15 days that

a) it has returned the aid to the authority that disbursed it, or

b) if the listed church does not return the aid

ba) it shall request its cancellation from the registry of listed churches and simultaneously be registered as a religious association, or

bb) it agrees to comply with the condition set forth in section 9/D paragraph (1) point a).

(2) The court shall cancel the listed church from the registry of listed churches and shall register it as a religious association if the listed church

a) fails to satisfy the condition specified in in section 9/D paragraph (1) point a), or

b) fails to make a declaration.

(3) If pursuant to section 9/E paragraph (3) a registered church that has been entered into the registry accepts aid, based on a special decision, from budgetary sub-systems, EU funds or programs financed on the basis of international agreements, whether in the context of a tender or not, for the purpose of its faith-based activities or public interest activities, it must report this to the court within 15 days after the decision on awarding the aid comes to its attention. Based on the report, the court shall demand within 8 days of the receipt of the report that the registered church that has been entered into the registry declare within 15 days that

a) it has returned the aid to the authority that disbursed it, or

b) if the registered church does not return the aid

ba) it shall request its cancellation from the registry of registered churches and simultaneously be registered as a religious association, or

bb) it agrees to comply with the condition set forth in section 9/E paragraph (1) point a).

(4) The court shall cancel the registered church from the registry of registered churches and shall register it as a religious association if the registered church

a) fails to satisfy the condition specified in section 9/E paragraph (1) point a), or

b) fails to make a declaration.

(5) If pursuant to section 9/E paragraph (4) a registered church that has been entered into the registry accepts aid, based on a special decision, from budgetary sub-systems, EU funds or programs financed on the basis of international agreements, whether in the context of a tender or not, for the purpose of its

faith-based activities or public interest activities, it must report this to the court within 15 days after the decision on awarding the aid comes to its attention. Based on the report, the court shall demand within 8 days of the receipt of the report that the registered church that has been entered into the registry declare within 15 days that

a) it has returned the aid to the authority that disbursed the aid, or

b) if the registered church does not return the aid

ba) it shall request that it be cancelled from the registry of registered churches and simultaneously be registered as a religious association, or

bb) it accepts to comply with the condition set forth in section 9/E paragraph (1) point a).

(6) The court shall cancel the registered church from the registry of registered churches and shall register it as a listed church if the registered church

a) fails to satisfy the condition specified in in section 9/E paragraph (2) point a), or

b) fails to make a declaration.

(7) The religious association is the general legal successor of the listed church or the registered church.

(8) If the prosecutor, acting within its competence specified by law, notices that a registered church or a listed church that has been entered into the registry pursuant to section 9/E, paragraphs (3)-(4) or section 9/D paragraph (2) failed to satisfy its reporting obligation, he/she shall file a claim pursuant to section 26 paragraph (1). The court, based on the prosecutor's claim, shall apply the legal consequences set forth in paragraphs (1)-(3).

Section 14/B

(1) The court shall decide, no later than within sixty days after the receipt request set forth in section 13/A paragraph (1) and section 14 paragraph (1) and/or of the statement of claim set forth in section 26 paragraph (1), to enter the church in the registry or delete it from the registry or reject the request or the claim.

(2) The court shall ensure that the ruling that orders or rejects the registration or orders the deletion from the registry shall be delivered to the applicant religious community, the prosecutor and the minister by the deadline specified in paragraph (1).

(3) Any change in the registered data must be reported within fifteen days of the change.

(4) Only the documents that certify the data affected by the change must be attached to the report specified in paragraph (3).

Section 14/C

(1) The ruling that orders or rejects the registration of the applicant religious community or the ruling that orders deletion from the registry may be appealed by

- a) the representative of the applicant religious community,
- b) the representative of the religious community with legal personality that has already been entered into the registry, with reference to section 20/A, and
- c) the prosecutor.

(2) The court, within 15 days after the ruling becomes legally binding, shall ensure that the ruling that orders or rejects the registration or orders the deletion from the registry shall be delivered to the applicant religious community, the prosecutor and the minister.

(3) The provisions set forth in paragraph (2) must also be applied as appropriate in the judicial remedy procedure.

Section 15

The registry contains the following data of a religious community with legal personality:

- a) name, abbreviated name and popular name,
- b) registered seat,
- c) name and residence of its representative,
- d) the scope and manner of representation,
- e) the description of the content of its coat of arms and logo if the religious community with legal personality has one.

Section 15/A

(1) The minister, based on the information received from the court pursuant to section 14/C paragraph (2) shall manage an electronic database of religious communities with legal personality that is accessible to anyone free of charge.

(2) The database is not considered an official public register.

Section 16

The minister shall register a recognized church within 30 days of the going into effect of the amendment of this law pertaining to adding the given recognized church to the appendix.

Section 16/A

(1) The registry shall contain the following data of the recognized church:

- a) name, abbreviated name and popular name,
- b) registered seat,
- c) name and residence of its representative, the scope and manner of representation,
- d) the description of the content of its coat of arms and logo if the recognized church has one.

(2) If the deed of foundation of the recognized church that has been entered into the registry is modified, the date of the modification of the deed of foundation must be recorded, together with the number of the ruling that orders the recording of the amendment, as well as the date on which it became legally binding.

(3) The records are kept by the minister. The representative of the recognized church as a whole or of its supreme body may request a judicial review of the decision of the minister pertaining to record-keeping, pursuant to the rules of reviewing administrative decisions.

(4) The records are not considered an official public register.

Section 17

(1) Any change in the recorded data as well as the data required for entry into the records as set forth in section 16 must be reported to the minister within fifteen days of the change or the amendment of the deed of foundation by the representative of the recognized church as a whole, or of its supreme body, or the representative of the ecclesiastical body that directly supervises the internal ecclesiastical legal person.

(2) The registered data of recognized churches are public.

5. Registration of the internal ecclesiastical legal person

Section 18

(1) The court – the minister in the case of recognized churches – enters internal ecclesiastical legal persons into the registry upon the request of the representative of the listed church, registered church or recognized church as a whole, or of its supreme body, without a separate substantive review, but by taking into account section 11 paragraph (3).

(2) The following rules apply to registering internal ecclesiastical legal persons and to changes in the registered data:

a) the request to enter an internal ecclesiastical legal person into the registry may be submitted by the representative of the listed church, registered church or recognized church as a whole, or of its supreme body or the representative of the ecclesiastical body that directly supervises the internal ecclesiastical legal person, and the request shall contain the data pertaining to the internal ecclesiastical legal person as set forth in section 15 and section 16/A paragraph (1).

b) the court – the minister in the case of the internal ecclesiastical legal person of recognized churches – reviews the request for entry into the registry of the internal ecclesiastical legal person only to determine if it satisfies the provisions in point a).

(3) The legal personality of internal ecclesiastical legal persons that are not entered into the registry is certified by the representative, as reported to the court, of the listed church, registered church or recognized church as a whole, or of its supreme body or the representative of the ecclesiastical body that directly supervises the given internal ecclesiastical legal person, or an officer of the registered or listed church authorized to do so pursuant to the internal regulations of the registered or listed church.

(4) The data of internal ecclesiastical persons that are entered into the registry are public.

CHAPTER IV
OPERATION OF RELIGIOUS COMMUNITIES WITH LEGAL PERSONALITY

6. Support provided to religious communities with legal personality

Section 19

(1) The state provides budgetary aid to religious communities with legal personality for the performance of public interest activities.

(2) Recognized churches and their internal ecclesiastical legal persons are entitled to the same amount of budgetary aid with respect to the public interest activities performed by them or their institutions as state or self-government institutions that conduct similar activities. Registered and listed churches and their internal ecclesiastical legal persons are entitled to budgetary aid with respect to the public interest activities performed by them or by their institutions – in accordance with the relevant agreement – of an amount not to exceed the budgetary aid received by state and self-government institutions that perform similar activities. The criteria set forth in section 9 paragraph (1) must be taken into account with respect to the conclusion of the agreement.

(3) If the ecclesiastical legal person performs public interest activities itself or through one of its institutions, the organization that actually performs the public interest activities is obliged to disclose its public interest data, as well as data that is public due to public interest considerations, in relation to the performance of the public interest activities. If the institution that performs the public interest activities is not separate from its controlling body in terms of structure, even then only those institutional data must be disclosed that are actually related to the performance of public interest activities and are to be kept on record separately. The disclosure obligation does not include in either case the data pertaining to the internal structure, faith-based activities and decision-making mechanism of the given church.

Section 19/A

(1) Internal ecclesiastical legal persons may provide faith-based instruction in an instructional-educational institution maintained by the state, the local self-government or an institution of higher education that is maintained by the state or by the national minority self-government, in the manner specified by law.

(2) The material conditions required for faith-based instruction are provided, and the time of such instruction is determined, in a way that prevents conflict with other school programs, in accordance with the law, by the instructional-educational institution or the institution of higher education, while the person offering faith-based instruction is provided by the ecclesiastical legal person.

(3) The costs of faith-based education – including the costs of faith-based education that is provided in addition to the education specified in paragraph (1) – shall be provided by the state pursuant to the agreement concluded with the given recognized, registered or listed church.

Section 19/B

(1) The revenues of religious communities with legal personality come primarily from the donations and other contributions of natural persons, legal persons and organizations without a legal personality, and the profits generated by such revenues.

(2) Religious communities with legal personality may collect donations in respect of which they are entitled to issue receipts in accordance with statutory regulations on corporate income tax, dividend tax and personal income tax.

(3) Religious communities with legal personality may receive aid from budgetary sub-systems, EU and other funds or from programs that are financed on the basis of international agreements, whether in the context of a tender or not, based on a special decision, as specified by law.

Section 19/C

(1) Religious associations keep a record of their revenues from aid that is provided for purposes other than faith-based activities, as well as the utilization thereof, pursuant to the accounting act and other statutory regulations related to bookkeeping.

(2) The State Audit Office checks, in terms of lawfulness, the utilization of aid that is provided to religious associations for purposes other than faith-based activities.

(3) The revenues for the purpose of faith-based activities of religious associations and ecclesiastical legal persons and the utilization thereof cannot be checked by public bodies. Revenues for the purpose of faith-based activities include, especially, the offering of a specific portion of the personal income tax to a religious association, recognized church, registered church or listed church, the supplementation thereof from the budget pursuant to section 9/F paragraph (2) and section 9/G paragraph (5), the allowance replacing it, as well as income from real estate and the supplementation thereof.

(4) Ecclesiastical legal persons keep a record of their revenues from budgetary aid that is provided for purposes other than faith-based activities, as well as the utilization thereof, pursuant to the accounting act and other statutory regulations related to bookkeeping.

(5) The State Audit Office checks, in terms of lawfulness, the utilization of budgetary aid that is provided to ecclesiastical legal persons for purposes other than faith-based activities.

7. Rules of operation of religious communities with legal personality

Article 20

(1) Religious communities with legal personality operate in accordance with their own internal rules, faith-based principles and rituals.

(2) Religious communities with legal personality may participate in value-creating work for society; to this end they themselves, or an institution thereof created for this purpose, may perform public interest activities that are not reserved exclusively by law for the State or an institution thereof.

(3) Ecclesiastical legal persons and religious associations perform public interest activities directly or through their institutions, in line with their religious beliefs, and for this purpose they may specify terms and conditions in respect of hiring, as well as the establishment, maintenance and termination of employment-related legal relationships that are justified with respect to the nature or content of a commitment to a given worldview, are necessary to preserve and practice such worldview and are proportionate thereto.

(4) Public interest activities that are performed by an organization established pursuant to Article VIII (2) or Article XII (1) of the Fundamental Law cannot be taken over, in the capacity of the joint and several legal successor of such an institution, by an already existing internal ecclesiastical legal person or one established for this purpose.

(5) Religious communities with legal personality may participate in civil law relationships without any restrictions, and in this context they are entitled to establish and participate in businesses and civil organizations.

Section 20/A

(1) The name, symbols, rituals and popular name of religious communities with legal personality are under enhanced legal protection.

(2) The name or symbol of another organization cannot create an impression that the organization or its activities are related to the operation of a previously registered religious community.

(3) No one can use the name, symbols, rituals and popular name of religious communities with legal personality without the express written consent of the given religious community. Such use in the absence of an express written consent shall be considered unauthorized use.

Section 20/B

If church personnel or a member of a religious association who performs religious activities professionally performs or provides services for someone other than a member of the religious community with legal personality, and his/her activities are associated, either directly or indirectly, with the religious community with legal personality, he/she shall visibly display or make apparent the name of the given religious community with legal personality before performing or providing the service.

Section 20/C

A religious community with legal personality – to ensure, especially, that its rituals and its operation in accordance with its internal rules are undisturbed – shall receive enhanced protection in terms of offences and violations under criminal law for its church, any other place dedicated to religious practices and its cemetery.

Section 20/D

A religious community with legal personality shall be permitted to participate in the course of the legislative process in commenting – in the manner specified by law – on draft legislation and legislative concepts.

7/A. Special rules of operation of the ecclesiastical legal person

Section 21

With respect to the wages, working time and time off of employees who perform public interest activities at an ecclesiastical legal person that performs such activities, the provisions of the act on the legal status of public employees shall be applicable, with the proviso that a departure from such provisions to the benefit of the employee is permitted. Such employees shall be subject to the same central wage policy provisions as the employees of state or local government institutions, under the same terms and conditions.

Section 22

Ecclesiastical legal persons may perform pastoral services in the army, in prisons and hospitals, or other special ministries as laid down in rules of law.

Section 23

Ecclesiastical legal persons shall control personal data related to the religious activities they perform in accordance with the internal rules of registered or listed churches, and may only transfer or disclose them with the consent of the data subject, or, in the case of his/her death, with the consent of his/her descendent.

Section 23/A

(1) The subsidies and allowances applicable to religious associations as organizations specified in section 9/A paragraph (2) shall be applicable as appropriate to ecclesiastical legal persons.

(2) Ecclesiastical legal persons, to reach their objectives, are entitled to conduct activities that do not qualify as business or entrepreneurial activities and to carry on business or entrepreneurial activities in addition to their primary religious activities even outside the framework set forth in section 20 paragraph (5).

(3) The following shall not qualify as business or entrepreneurial activities in respect of ecclesiastical legal persons:

- a) operation of an institution that serves for the purpose of religious activities and the activities set forth in section 9 paragraph (1);
- b) production and sale of publications or objects of piety which are necessary for religious life;
- c) sale of immaterial goods, objects or stock serving exclusively for the purpose of religious activities, including the reimbursement of the cost of liturgical clothes;
- d) provision of services complementary to religious activities, or the non-profit oriented utilization of tools serving these activities;

- e) operation of pension institutions or pension funds set up for the purpose of self-support of church personnel; and
- f) consent to the use by others of the name, abbreviated name, popular name, coat of arms and logo of the ecclesiastical legal person.

(4) Revenues generated from activities listed in paragraph (3), with special regard to the following:

- a) consideration, fees, reimbursement paid for services;
- b) compensation, damages, penalties, fines, earnest money and tax refunds connected to the activity;
- c) financially settled non-repayable funding, grants received in connection with the activity; and
- d) the portion of interest, dividend and yield paid by financial institutions and issuers on deposits and securities, made or acquired by means of unengaged funds, in proportion to the revenues within total revenues, generated by activities which do not qualify as business or entrepreneurial activities.

(5) The following shall not qualify as business or entrepreneurial activities in respect of recognized churches and their internal ecclesiastical legal persons:

- a) operation of a sports institution, as well as undertaking environmental protection activities;
- b) use of holiday homes by providing services to church personnel;
- c) partial exploitation of real estate used for church purposes;
- d) maintenance of cemeteries;
- e) sale of immaterial goods, tangible assets or stock serving environmental protection activities or the activities specified in section 9 paragraph (1);
- f) provision of services complementary to environmental protection activities, or the activities specified in section 9 paragraph (1), and the non-profit oriented use of tools serving these activities;
- g) production or sale of products, notes, textbooks, publications or studies undertaken in the course of performing public duties taken over from the State or the local government.

CHAPTER V
TRANSFORMATION AND DISSOLUTION OF
RELIGIOUS COMMUNITIES WITH LEGAL PERSONALITY

Section 24

(1) Religious communities with legal personality shall be dissolved through cancellation from the records, when the relevant resolution becomes final.

(2) If the court enters a religious association into the registry as a listed or registered church, it shall simultaneously cancel the religious association from the registry of religious associations.

(3) If the court enters a listed church into the registry as a registered church, it shall simultaneously cancel the listed church from the registry of listed churches.

(4) If the minister enters a registered church into the registry as a recognized church, he/she shall notify the court thereof within 15 days. The court shall cancel the registered church from the registry of registered churches based on the minister's request, retroactively on the date of registration by the minister.

Section 25

(1) A religious community with legal personality shall be dissolved through legal succession upon the request of the representative of the religious community with legal personality in the event of its merger or fusion with another religious community with legal personality (hereinafter together: integration) or in the event of the demerger of two or more religious communities with legal personality.

(2) Registered or listed churches are the general legal successors of religious associations or listed churches that are cancelled from the registry pursuant to section 24 paragraphs (2) and (3).

(3) Recognized churches are the legal successors of registered churches that are cancelled from the registry pursuant to section 24 paragraph (4).

(4) If the members of a religious community with legal personality leave it, but the registered religious community with legal personality continues to exist, the members that left shall not be entitled to any part of the assets of the religious community with legal personality. If the internal regulations of recognized churches, registered churches and listed churches permit the demerger of their internal ecclesiastical legal person – with regard to their internal organizational structure – the new religious community resulting from the demerger may request judicial registration pursuant to the provisions of Chapter III, subheading 4 within 30 days of the demerger.

(5) The religious community with legal personality – with the exception of recognized churches – is dissolved without a legal successor if

- a) its supreme body decides on its dissolution;
- b) the court dissolves it;
- c) the court determines that it has been dissolved.

Section 26

(1) The court shall dissolve upon the prosecutor's request a religious community with legal personality – with the exception of recognized churches – and shall order its cancellation from the registry if

- a) its activities are in conflict with the provisions of the Fundamental Law in the opinion, in terms of principle, of the Constitutional Court, or
- b) its registration should have been denied.

(2) The court may declare, upon the prosecutor's request, the dissolution of the religious community with legal personality – with the exception of recognized churches – and shall order its cancellation from the registry if its activities constitute grave, willful and multiple infringements of the law.

(3) The court shall declare, upon the prosecutor's request, the dissolution of the religious community with legal personality – with the exception of recognized churches – and shall order its cancellation from the registry if it terminates its activities and has no provisions as to its assets.

Section 26/A

The National Assembly shall dissolve without a legal successor any recognized church that, based on the opinion of the Constitutional Court, in terms of principle, operates in violation of the Fundamental Law.

Section 27

(1) A recognized church is dissolved without a legal successor if

- a) its supreme body decides on its dissolution;
- b) it terminates its activities and has no provisions as to its assets; or
- c) the National Assembly dissolves it pursuant to section 26/A.

(2) A recognized church shall be dissolved through legal succession upon the request of its representative

- a) in the event of its merger with another recognized church, or
- b) in the event of a demerger into two or more recognized churches.

Section 28

The Government, upon the minister's proposal, shall ask the National Assembly, in the case specified in section 26/A and section 27, to cancel the given recognized church from the appendix and, in the event of a merger or a demerger, to amend the appendix.

Section 29

(1) In the event of the dissolution without a legal successor of a recognized, registered or listed church, a settlement procedure shall be initiated to which the rules pertaining to the final settlement of a business that is dissolved without a legal successor shall apply, with the proviso that the court shall have exclusive competence in the matter.

(2) If a religious community with legal personality is dissolved without a legal successor, after the claims of its creditors have been satisfied, its assets shall become the property of the Hungarian State and shall be used for public interest activities.

(3) A religious association may only merge with another religious association or dissolve into another religious association.

Section 30

(1) If a recognized, registered or listed church is dissolved without a legal successor, its internal ecclesiastical legal person shall also cease to exist without a legal successor.

(2) If an internal ecclesiastical legal person ceases to exist, issues related to its assets shall be regulated by the internal rules of the recognized, registered or listed church.”

Section 4

Section 31 of the Ehtv. shall be replaced with the following provision:

“Section 31

The Government shall be authorized to determine in a decree

- a) the content and the rules of submitting the request specified in section 13/A paragraph (1) and section 14 paragraph (1);
- b) the content and the rules of submitting the documents that certify the conditions set forth in section 13/A paragraph (1) points a)-e) and section 14 paragraph (1) points a)-e);
- c) the rules to be applied to pastoral services in the army;
- d) the detailed rules of the registry specified in section 13 paragraph (2), sections 16/A-17 and section 18 paragraph (1);
- e) the rules of designating the body that is entitled to conclude the agreement specified in section 9/C, section 9/D paragraph (3) and section 9/F paragraph (1) as well as its rules of procedure.”

Section 5

Sections 33-34 of the Ehtv. shall be replaced with the following provisions:

“Section 33

The legal status of churches that are recognized when the provisions of this act, as amended by the Amending Act, go into effect shall not change.

Section 34

The National Assembly acknowledges and respects the agreements that were concluded with recognized churches prior to the going into effect of the Amending Act.”

Section 6

The following section 33/A shall be added to the Ehtv.:

“Section 33/A

(1) Religious communities that were established as churches pursuant to Act IV of 1990, have been continuously operating as a church, as a religious association with a primary objective of performing religious activities or as an organization carrying out religious activities pursuant to Act IV of 1990, and religious communities that at the time of the going into effect of the Amending Act were registered as organizations carrying out religious activities shall be considered religious associations when the Amending Act goes into effect.

(2) Upon the going into effect of the Amending Act, religious communities that were established as churches pursuant to Act IV of 1990 and fell within the scope of section 34, paragraphs (1), (2) and (4) of this act that was in effect between January 1, 2012 and August 31, 2012 and initiated legal remedy procedures

- a) pursuant to section 33 paragraph (3) point b) or c) of this effect that was in effect on September 1, 2013;
- b) pursuant to Article 34 of the Treaty of Rome of November 4, 1950 on the protection of human rights and fundamental freedoms that was promulgated in Act XXXI of 1993; or
- c) any other legal remedy procedure in respect of the enforcement of a claim regarding their church status, within the legal deadline specified in a separate law

shall also be considered religious associations after the going into effect of the Amending Act.

(3) Religious communities that were registered after the going into effect of this act as associations conducting religious activities as their primary objective and were registered at the time of the going into effect of the Amending Act as organizations conducting religious activities shall be considered religious associations after the going into effect of the Amending Act.

Section 7

Sections 35-37 of the Ehtv. shall be replaced with the following provisions, and the following section 38 shall be added to subheading 10:

“Section 35

(1) Religious communities specified in section 33 paragraphs (3) and (4) may request their registration by the court as listed churches within 45 days of the going into effect of the Amending Act unless they initiated a procedure specified in section 33 paragraph (4).

(2) If a religious community specified in section 33 paragraphs (3) and (4) requests to be registered as a listed church by the deadline specified in paragraph (1), the court shall decide on the matter with high priority but no later than within 30 days after the submission of the request.

(3) If the court registers a religious community specified in section 33 paragraphs (3) and (4) as a listed church, the religious community shall be considered a listed church after the Amending Act goes into effect.

(4) With respect to the registration, pursuant to this section, of a religious community specified in section 33 paragraph (4), the condition specified in section 9/D paragraph (1) point a) will be satisfied even if at least one thousand private individuals offered a portion, as specified by a separate law, of their paid personal income tax per year on average during the 3 year period before the going into effect of this act.

(5) With respect to the registration, pursuant to this section, of a religious community specified in section 33 paragraph (4), the condition specified in section 14 paragraph (1) point e) will be satisfied even if it did not sustain any legal prejudice on the grounds of the repeated violation of accounting and management rules during the 5 year period before the going into effect of this act.

(6) In respect of a religious community specified in section 33 paragraph (4), continuous operation as a church pursuant to Act IV of 1990 and as a religious community pursuant to this act shall be counted as operation as a religious association for the purposes of section 9/D.

Section 36

(1) Religious communities specified in section 33 paragraphs (3) and (4) may initiate their registration as registered churches with the court within 45 days of the going into effect of the Amending Act.

(2) If a religious community specified in section 33 paragraphs (3) and (4) initiates its registration as a registered church by the deadline specified in paragraph (1), the court shall decide on the matter with high priority but no later than within 30 days after the submission of the request.

(3) If the court registers a religious community specified in section 33 paragraphs (3) and (4) as a registered church, the religious community shall be considered a registered church after the Amending Act goes into effect.

(4) With respect to the registration, pursuant to this section, of a religious community specified in section 33 paragraph (4), the condition specified in section 9/E paragraph (1) point a) will be satisfied even if at least four thousand private individuals offered a portion, as specified by a separate law, of their paid personal income tax per year on average during the 5 year period before the going into effect of this act.

(5) With respect to the registration, pursuant to this section, of a religious community specified in section 33 paragraph (4), the condition specified in section 14 paragraph (1) point e) will be satisfied even if it did not sustain any legal prejudice on the grounds of the repeated violation of accounting and management rules during the 5 year period before the going into effect of this act.

(6) In respect of a religious community specified in section 33 paragraph (4), continuous operation as a church pursuant to Act IV of 1990 and as a religious community pursuant to this act shall be counted as operation as a religious association for the purposes of section 9/E.

(7) In the case of religious communities whose procedure requesting acknowledgment as a church was pending before the National Assembly but the National Assembly did not make a decision, the court shall not take into account section 9/D paragraph (1) point a) of this act.

Section 37

(1) On the day when the Amending Act goes into effect, the following procedures shall be terminated:

a) procedures pending before the National Assembly, requesting acknowledgment as a church of organizations that conduct religious activities;

b) procedures pending before the court, requesting the registration of organizations that conduct religious activities;

c) pending official administrative procedures pursuant to section 14/B paragraph (2) of this act that was in effect on August 1, 2013;

d) pending procedures requesting registration in the ecclesiastical registry pursuant to resolution 6/2013 (III.1.) of the Constitutional Court; and
e) procedures aimed at the final settlement, as set forth in section 33 paragraph (5) of this act that was effective on September 1, 2013, of the religious communities set forth in section 33 paragraph (3).

(2) The Office of the National Assembly, the court or the minister shall return to the applicant the documentations, submitted by the applicant, in respect of the procedures that are terminated pursuant to paragraph (1) points b)-d) within 30 days of the day specified in section 27 paragraph (1).

(3) In respect of procedures that are terminated pursuant to paragraph (1) point a), the Office of the National Assembly shall send the court the documentation submitted by the applicant or by the minister within 15 days of the going into effect of the Amending Act and shall simultaneously notify the applicant thereof.

Section 38

The court shall transfer the data pertaining to the registry of organizations conducting religious activities, within thirty days of the going into effect of the Amending Act, to the registry of religious associations specified in section 12 paragraph (2). The procedure pertaining to the recording of the change is not subject to any stamp duty or fee. The deed of foundation of organizations conducting religious activities does not have to be modified in relation to the Amending Act if the amendment would be necessary only because the deed of foundation uses terms – especially with respect to terms designating the type of organization – that conform to the usage prevalent before the going into effect of the Amending Act. If, however, the deed of foundation is modified for a different reason, the religious community shall make changes to it in compliance with the Amending Act."

Section 8

The following section 38/A shall be added to subheading 10 of the Ehtv.:

"Section 38/A

With respect to the conclusion of a Cooperation Agreement between the Government of the Republic of Hungary and The Sovereign Military Hospitaller Order of Saint John of Jerusalem, of Rhodes and of Malta (hereinafter: the Sovereign Military Order of Malta), the Sovereign Military Order of Malta and the organizations specified in the Agreement shall be entitled to the subsidies that the internal ecclesiastical legal person of a recognized church is eligible for, and the provisions set forth in section 20/A and 20/C shall apply to them."

Section 9

The following section 38/B shall be added to subheading 10 of the Ehtv.:

"Section 38/B

Religious communities with legal personality that concluded an agreement, based on a separate law, before the going into effect of this act for the performance of public interest tasks are entitled to the subsidies set forth in the agreement.”

Section 10

Section 55 of the Ehtv. shall be replaced with the following provision:

“Section 55

The agreement that was enacted pursuant to sections 6-9, sections 9/D-11/A, section 12, sections 13-15, sections 16-23/A, section 25, sections 26-27, sections 29-30, the appendix and section 9/G paragraphs (1)-(2) shall be considered a cardinal agreement pursuant to Article VII paragraph (5) of the Fundamental Law.”

Section 11

In the preamble to the Ehtv., the words “Article VII paragraph (4) of the Fundamental Law” shall be replaced with “Article VII paragraph (5) of the Fundamental Law.”

Section 12

Section 1 paragraph (4) of the Ehtv. shall lose effect.

Section 13

This act shall go into effect on April 15, 2019.

Section 14

Sections 3-7 and section 9 of this act shall be considered cardinal pursuant to Article VII paragraph (5) of the Fundamental Law.