

EXPERIENCE WITH THE LEGAL SUPERVISION OF HUNGARIAN LOCAL GOVERNMENTS

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***ABSTRACT:** 2012 brought about major changes in the local government system of Hungary and especially in its relationship with state authorities: the previous, relatively weak system of legal control was replaced by the institution of legal supervision. The differences between supervision and control have been studied extensively in scholarly publications in the field of public administration, thus in this paper I would like to focus only on the fact that besides the option for requesting information within the scope of control, supervision has also granted the Government with more serious authority.*

KEYWORDS: *local government system, legal supervision, legal control, government offices, substitution of decrees*

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1. INTRODUCTION AND BACKGROUND

2012 brought about major changes in the local government system of Hungary and especially in its relationship with state authorities: the previous, relatively weak system of legal control was replaced by the institution of legal supervision. The differences between supervision and control have been studied extensively in scholarly publications in the field of public administration, thus in this paper I would like to focus only on the fact that besides the option for requesting information within the scope of control, supervision has also granted the Government with more serious authority.

Already at the time of the emergence of the local government system such publications appeared in the field of public administration that addressed the problems of local governments. In terms of the relationship between central public bodies and the local governments, the constitution of the time opted for legal control that provided much weaker tools and which until 1994 was performed by commissioners of the republic having regional competence. It was not self evident, however, that Hungary would introduce control instead of supervision that is used generally in Europe, also in consideration of the fact that the European Charter of Local Self-Government also uses the concept of supervision. The historical features of the local government system,

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however, prompted the legislator to apply the tools of control. Thus, for example, according to the original approach within the scope of supervision the body exercising control would have been entitled to report the violation of law at first, however, in case the issue remained unaddressed, it would have been able to exercise cassation rights related to the resolutions and the case could have reached the courts only in case such a decision was attacked by the representative body at court. In the case of decrees, however, the authority would have had no such rights. It is also worth noting that the area of competence of the authority practicing the right of supervision was also disputed as according to the opinion of the time it was politically undesirable to apply these on the county level. It was also brought up in connection with the bodies practicing control that similarly to non-governmental organizations, the rights should be vested in the prosecutor's office but such ideas also came up that would have granted the right to supervision to the courts in line with the principle of division of power, however, it was not stipulated who could have been the initiator (The regulatory concept, 1990, p. 216).

In connection with the tools of control, scholarly publications already proposed an option for the substitution of acts from among the tools of replacement, however, only with regard to decrees and surrounded by guarantees, which was finally not implemented. The option for the dissolution of the representative body with an *ultima ratio* character and at the same time the opportunity for the appointment of the commissioner of the republic until the elections have been implemented. It was also disputed which body could practice the right of dissolution; the Government and Parliament both came up as options and the latter idea (which came to be implemented) was supported by Imre Verebélyi as well, among others (Kaltenbach, 1991, pp. 202-210).

During the establishment of the Hungarian local government system in 1990 local government autonomy received special attention, as a result of which such a form of legal control was created that possessed rather weak tools - in order to reduce the influence of administrative bodies as much as possible. To this was added the already mentioned thoughtless allocation of the task system that only exacerbated the problems. Due to the emphasis on autonomy, it was also noted in publications dealing with local governments that local governments become a quasi independent branch of power practically stretching the classic triad of the ideology based on the separation of powers. Although the idea has appeared in several works in the field of constitutional law and even in some in public administration as (based on the ideas of László Kiss) (Fazekas, 2011) in the case of local governments in many cases we can see that the state within the state principle prevailed. Scholars of public administration, however, clearly discarded this idea in most cases with reference to the unitary character of state organization, as the autonomy of local governments cannot reach such a level that the local governments would receive protection even against the state (Sancho, 2017, pp. 98-101). This is also the reason why even in the case of the former Constitution the necessity and proportionality test¹ could not prevail in the practice of the Constitutional Court in the case of the basic rights of local governments as a component of the state cannot be entitled to protection against the state as a whole.

¹ Constitutional Court resolution no. 56/1996. (XII. 12.).

2. HUNGARIAN LEGAL CONTROL AND ITS CRITICISM

The scope of the present paper does not allow us to provide a comprehensive overview of the history of legal control in Hungary or that of the system of authorities responsible for it, thus I primarily focus on the recent theoretical solutions and criticism in connection with the system of legal control.

The first cardinal issue of legal control is how control relates to supervision, especially in consideration of the fact that in Western European democracies legal supervision has become widespread as opposed to the Hungarian system. The difference is not only present in the name, as based on publications in public administration the tools of supervision and its opportunities for taking measures are stronger than those of control, as in theory control is nothing else but getting information, while supervision already includes actual influence. All this, however, does not mean that it would not be possible to exert influence in the process of control; as it was also expressed in Constitutional Court resolution no. 90/2007. (XI. 14.), the potential to influence is inherent in control even if only indirectly and in more subtle ways.

Despite the fact that the reasons for the introduction of the solution may clearly be found in the political circumstances of the time of democratic transition and the emphasis on local government autonomy, scholarly publications were quick to criticize the weak system of legal control that worked against efficiency. Thus in 1990 the system of task performance was already criticized ((The regulatory concept, 1990, p. 216), and three years later there was already actual experience available for the review of the institution of the commissioners of the republic. It represented a peculiar problem that the regulations of the act on local governments were not fully developed either, thus, for example, the contemporary stipulations did not include a deadline for the acceptance of the organizational and operational rules. Exactly those tools were absent from the toolbar of control that should have been located between the two endpoints of the scale; thus there were barely no opportunities in the case of an omission apart from dissolution and legal notice (Szabó, 1993, pp. 467-468).

In general, significant proposals for amendment were rarely made in connection with the extent of legal control, with the only exception to this being the issue of financial control. In connection with the latter, the clarification of the regulation was urged mostly, with special attention to removed cases, as these included several with a financial aspect; but even in the case of employment decisions, there were such appointments of heads of institutions where the decision was made in the absence of a quorum, however, based on the regulations of the time this could not be examined even in case of clear concerns.

Violations committed by way of omission also represented a severe problem as in the case of these the authority was practically left without means, while after the change of regime the local governments committed several (so to say) infamous omissions that were further facilitated by the gaps in the legal stipulations of the time. Thus, we could mention as examples the case of a capital district operating without organizational and operating rules or when some local governments tried to suppress local referenda attempts by not adopting local government decrees stipulating the rules for local referenda. In many cases even despite an existing court judgment the omission was not remedied, thus public administration either perceived illegal operation without having any tools at its disposal or turned to the most severe sanctions and proposed the dismissal

of the representative body. At the same time, it can be seen that the legislator did not intend the latter to be used frequently and constantly but to manage outstandingly severe violations that cannot be avoided in any other way; thus there was fundamentally no in-between stage that could have served as a restraining force for local governments keeping voters in legal uncertainty.

As a result of all these, the idea that the authority providing control should make up for (substitute) the local government decision already came up in 1993. This was considered justified mostly in two cases: if the local government fails to make a decision stipulated by law or if it does not address a final court decision. In both cases the only guarantee proposed was that there should be a legal notice prior to substitution and that the local government should be able to turn to the court against the measure. At the same time, it was also mentioned that for the purposes of advocating legal certainty, tight deadlines should be prescribed for court procedures, as a result of which the idea was associated with the concept of establishing a separate administrative court system at this time already, as in 1993 there were few public administration councils operated in the then county courts.

Besides the remedy of the omission, the other significant problem involved the suspension of the execution of unlawful decisions as in the system of the time an unlawful decision remained in effect until the end of a lengthy court procedure. Although the courts could be requested to suspend execution at that time already, based on current practice the courts suspended the decision only if annulment was likely. Practicing the right of suspension would have been connected to adequate guarantees also, including, for example, the imminent threat on public interest or the prescription of the condition that execution would otherwise result in damage that could not otherwise be avoided (Szabó, 1991 p. 470).

The proposals formulated and published in 1993 already were further developed later on and reappeared repeatedly in the form of publications in the field of public administration. In 2001 a comprehensive collection of essays was published under the title "A magyar önkormányzati rendszer továbbfejlesztése" [The further development of the Hungarian local government system], in which practically the same issues were presented as being more and more urgent (Csefkó, 2001, pp. 233-236). In 2007 the then competent ministry again completed a comprehensive review of the local government system and in the created document several organizational, operational, and financing recommendations were formulated, not discarding the former ideas either. Thus, the above mentioned deficiencies in the tools of legal control were mentioned as one of the most severe problems of operational issues, with special regard to the impossibility of the substitution and suspension of acts and the lack of financial control. All of these decisions, actions are such that their results directly affect the voters, thus a lengthy constitutional or regular court procedure possibly lasting for years could have especially severe consequences that public administration has to look at helplessly. Within the substitution of actions, local government cases not providing mandatory public services represent a special group, while due to the removed nature of financial decisions many times such cases remained unexamined in which the local governments clearly acted irresponsibly, in a risky manner and beyond their capabilities. Audits by the Court of Audit do not represent a real, effective and comprehensive examination extending to all local governments due to their random nature, as it is well known that the audit of

smaller local governments barely took place due to lack of resources. The voters could not take action in the case of the absence of public services either, as only those decisions could be attacked at the Constitutional Court within the framework of ex post normative control that were made in the form of a decree (which procedure in many cases also brought results only after a disproportionately long time), while citizens could not request legal remedy against resolutions made in a normative form as they have no locus standi either based on stipulations of law or court practice.² The suspended legal control between 2008 and 2010 only further deteriorated the situation, making change a must.

3. THE TRANSFORMATION

After the elections of 2010 and in the wake of organizational transformations, the temporary restoration of legal control became possible, followed by its reform. As a first step, the restitution of county and Budapest administrative offices was completed, then a few months later the regional government offices were established as the first stage of regional integration, which can now be seen as the most significant deconcentrated administrative body in Hungary as a result of later developments. Legal supervision, however, was only introduced in 2012 even though the text of the Fundamental Law ratified and promulgated in 2011 already included the institution of legal supervision in connection with local governments, together with the more extensive changes of relevant regulations. The most significant tools of legal supervision to date were also stipulated by the Fundamental Law while we had to wait until the end of the year to get to know the detailed arrangement itself.

Today it is an interesting addition that in the process of making the Fundamental Law several drafts for the legal supervision of local governments became public. It was shared by all drafts, however, that legal control would be replaced by legal supervision, which will be provided by the Government with the help of the Budapest and county government offices. The ratified text, in line with other constitutions, represented a higher level of abstraction instead of detailed regulation, thus Article 34 Section (4) only stipulates that the Government shall ensure supervision of the legality of local governments through the capital or county government offices. Article 32 Section (5) already provides the opportunity for the substitution of acts by stating that the Budapest or county government office may apply to a court for the establishment of non-compliance of a local government with its obligation based on an Act to adopt decrees or make decisions. In case of a successful procedure, the court shall oblige the local government to adopt the decree, however, should the local government fail to comply with its obligation to adopt decrees or take decisions by the date determined by the court in its decision establishing non-compliance, the court shall, at the initiative of the capital or county government office, order the head of the capital or county government office to adopt the local government decree or local government decision required to remedy the non-compliance in the name of the local government. The stipulation included in Article 34 Section (5) of the Fundamental Law is also related to legal supervision and it

² Ministry of the Interior, 2007, *Vitaanyag a helyi önkormányzati rendszer továbbfejlesztésének irányairól*, viewed 05 April 2011, <[http://www.bm.gov.hu/web/portal.nsf/index/950B8E5B10446B5DC1257298002C6FBC/\\$file/vitaanyag.pdf?OpenElement](http://www.bm.gov.hu/web/portal.nsf/index/950B8E5B10446B5DC1257298002C6FBC/$file/vitaanyag.pdf?OpenElement)>

strengthens tools of a financial type, as it states that an Act may provide that for any borrowing or for other undertaking of commitments by local governments to the extent determined in an Act, certain conditions and/or the consent of the Government shall be required in order to preserve a balanced budget. This provided financial control that had been requested for a long time.

It can already be seen based on the above overview that scholarly publications had advocated for a long time the extension of control with tools of supervision along with the conversion of control into supervision, which finally took place in 2012. It should be noted here that supervision as a concept is also in line with the stipulations of the European Charter of Local Self-Government, which applied the concept of supervision to start with, as the most widespread solution in Europe. It qualifies as a more important condition, however, that supervision should only take place on a legal basis and should not include the right of instruction by the government, with which the Hungarian regulation is in full compliance.

Thus based on the history of the theory of legal supervision and control in Hungary the Fundamental Law and the Act on Local Governments established the opportunity for supervision, which also included such a unique tool as the substitution of decrees, as former analyses rather urged for the substitution of acts, which in this context typically meant resolutions. The current regulation also provides an opportunity for the substitution of these, however, by surrounding it with multiple guarantees. The substitution of a decree as a stipulation of law, however, had major repercussions at the beginning among local governments. Some of these were voices of annoyance, while others presented how they thought they could find loopholes in the regulation in the name of local government autonomy, for example, with the planned amendment of the decree made by the government commissioner. In connection with the latter, it can be stated clearly that due to the multiple levels and closed nature of the regulation, ignoring the decree is almost impossible, while with regard to the first idea the evaluation of the experience of the past four years could provide an answer.

4. EXPERIENCE WITH LEGAL SUPERVISION

It can already be seen from the stipulations of law quoted above that even though the right of legal supervision belongs to the Government, the Budapest and county government offices participate in implementation. Thus specific experience can be examined mostly based on the reports of regional government offices with the implementation of legal supervision representing a separate chapter.

However, the government as a competent body, in order to ensure the uniformity of supervision specifies those considerations on the basis of which supervision can be practiced. These, so called target review considerations, are published annually by the minister responsible for legal supervision. This used to be the Minister of Public Administration and Justice, and since 2014 it has been the Minister of the Prime Minister's Office. Besides this, the regional government offices also have the opportunity to react to local features or to extend the review to such other aspects that they consider justified. Thus there can be differences on the county level. Still, these target review considerations provide a kind of general guideline and call attention to such current

legislative and enforcement issues that are expected to represent a problem for a significant number of local governments.

It can be generally concluded based on the reports and data that the goal of reviews is not penalization but to attain operation in accordance with the law. To facilitate this, the regional government offices strive to promote lawful operation with so to say extra-legal or soft law tools. Exactly for this purpose, the notaries of government offices organize meetings in the subject of the topics of the target review, where the attention of the affected local governments is called to these considerations in advance. As a significant number of violations, irregularities result from insufficient practical experience, negligence or the inadequate knowledge of rules, based on the considerations mentioned at these meetings, regional government offices most often have to use the tool of professional assistance only, which is at the same time the most moderate tool of legal supervision, as based on experience violations of law can be avoided with this approach also.

In line with this, results achieved with professional assistance can be seen also in specific cases. For example, a key segment of the 2013 review was made up by the examination of decrees related to asset management, during which it was found that close to half of local governments having contracts for asset management either did not regulate relevant stipulations on the level of decrees at all or did so with inadequate detail. Thus numerous local governments did not keep a separate register of their core assets, while a large part of seemingly law-abiding local governments prepared their asset statements in a way that it was not fully in line with the stipulations of law.³

At the same time, among the areas to be investigated we can find not only specific fields of legislation but also general questions related to meetings, decision making or the enactment of decrees. These include, for example, the content and formal compliance of minutes and the sending of local government decrees to the government office in time. The optional tasks of the local governments also pose a lot of problems; in the case of these it should be examined if the conditions prescribed by law were present or not, and thus if they could actually undertake the task or not. The association agreements shall also be examined thoroughly, especially in consideration of the fact that the Act on Local Governments introduced associations with a legal entity, thus the formerly created forms of association had to be adapted to the new legal regulation, which in many cases was not without problems either; for example, while there are strict temporal constraints for joining or leaving already existing associations, the establishment of a new association is possible from any day according to the Act on Local Governments.

Inadequate preparation is a general problem in connection with legislation, including the absence of impact studies or a rationale for the draft decree and its deficient completion. There are also problems with legislative drafting, with special regard to the introductory section of the decree, as this is the part in which the ground of authorization has to be provided or a reference should be made to the fact that the enactment of the decree was made under the competence of the original legislator. The decrees stipulating

³ See Békés County Government Office, 2015, *Report on the activities of the Békés County Government Office for 2014*, viewed 05 December 2019, <<http://www.kormanyhivatal.hu/download/d/6f/d1000/2014%20%C3%A9vi%20besz%C3%A1mol%C3%B3%20%28B%C3%89MKH%29.pdf#!DocumentBrowse>> p. 7.

offenses and anti-social behavior serve as typical examples in this regard, the conversion of which represented a major challenge for many local governments (not necessarily on purpose).⁴ In many cases, the transformation of decrees regulating anti-social behavior took place based on Constitutional Court resolution no. 38/2012. (XI. 14.) into decrees regulating peaceful public coexistence in a way that the local government simply modified the introductory stipulations, whereas, the legally adequate solution would have been to repeal the former decree and enact a new decree instead (even if prohibiting the same forms of behavior). The definition of the means of coming into effect are also problematic. In this respect the regional government offices typically objected if the decree stipulated the effective date on the day of promulgation, however, contrary to governing regulations it failed to define the effective date with the specific hour. Besides these, the problems related to decrees regarding the budget and final accounts make up a separate group.⁵ The remedy of the above-mentioned defect, decree-drafting deficiencies also mostly took place within the framework of administrative assistance and a legal notice was required only in few cases that were typically connected to decrees on assets and social issues.

The audits outside the scope of targeted reviews usually also relate to new legal obligations, including, for example, the changes introduced with the amendment of the Construction Act⁶, the decree on parking and waiting fees that sparked a lot of debates, decrees on waste management (mostly liquid waste) and social affairs.⁷ The latter also represent the focus of procedures by the Curia, typically due to the special stipulations set as preconditions of social benefits, including, for example, the compliance with cleanliness, garden care or other regulations related to the private sphere, also noting that the traditionally problematic types of decrees also obviously appear in the practice of the Municipal Council of the Curia.

The changes of the Act on Local Governments affecting organizational, procedural and personnel issues have also received special attention. These included the establishment of joint local government offices in 2012 or the changes in the stipulations regarding the establishment of the salaries, honoraria of mayors in 2016, the enforcement of which also came into the focus of legal supervision, thus enabling the investigation of such cases when the representative bodies established the allowance for mayors unlawfully, but they similarly examined the conduction of disreputability procedures as well.⁸

I have provided an overview of the experience related to the review of decrees (both in connection with unlawful decrees and omissions) in a separate paper when studying

⁴ See Commissioner for Fundamental Rights, 2012, *Report of the Commissioner for Fundamental Rights on case no. AJB-6727/2012.*, viewed 20 Mach 2017, <<https://www.ajbh.hu/documents/10180/.../3451aa85-c2c9-4782-bde8-f3184336663c>> p. 10. and Commissioner for Fundamental Rights, 2013, *Report of the Commissioner for Fundamental Rights on case no. AJB-687/2013.*, viewed 20 Mach 2017, <<http://www.ajbh.hu/documents/10180/111959/201300687.rtf/1fe44f4a-ee78-402e-9ae1-7e5a618b3bd9?version=1.0>> p. 21.

⁵ Report on the activities of the Békés County Government Office for 2013, p. 10.

⁶ See, for example, the report on the activities of the Fejér County Government Office for 2013, p. 12.

⁷ See the report of the Csongrád County Government Office for 2015, p. 14.

⁸ See the report on the activities of the Békés County Government Office for 2013, pp. 8-9.; report on the activities of the Békés County Government Office for 2014, p. 9.; report on the activities of the Békés County Government Office for 2015, p. 11.

the practices of the Curia and the Constitutional Court, thus here I would only like to discuss the practice that has developed in connection with the most severe tool, the often disputed decree substitution. In general, it can be stated that severe violations of law that induce court procedures mostly affect some, clearly distinguishable areas. Besides the relatively high number of procedures by the Curia, it can be seen that omission cases do not make up a great majority, in this respect mostly decrees related to the budget and final accounts are absent, next to which such special types of decrees regulating specific social relations may also be found that regulate water management, local construction rules or the rental of apartments. The substitution of a decree may take place specifically if the local government does not meet its legislative obligation within the deadline set by the Curia and the government office initiates at the Curia within thirty days following the passing of such a deadline that it should ordain the remedy of the omission by the government office. Between 2012 and 2019 the procedure reached this phase only three times: in 2013 the final accounts of Foktő had to be substituted this way, in 2014 the Local Government of Csömör missed to specify the maintenance zone of the regulated brook (Mókus-árok) in the local construction regulations, while in the case of Érpatak the 2015 and 2016 final accounts had to be made up for.

The new measures include the already mentioned substitution of decrees, the financial supervision rights, and the supervisory fine.

The measures of a financial nature mostly include the consent for borrowing. The detailed arrangement of this may also be found in an act, thus based on Act CXCV of 2011 on the Economic Stability of Hungary as of January 1 2012, in cases stipulated by law the consent of the Government is needed for the debt-creating transactions of local governments. During the procedure the regional government office expresses its opinion about the initiative in cooperation with the relevant department. Based on general experience, the initiatives are forwarded to the Government with a positive recommendation, thus, for example, in 2014 altogether 16 data provisions were submitted to the Békés County Government Office and in all of these cases the office recommended the authorization of the transactions.

The legal supervisory fine is imposed primarily in the case of administrative violations. For example, if the notary does not meet his/her obligation to send the minutes within the given deadline despite a notice issued by the government office for this purpose or does not respond to requests of the government office for data supply, if there is a repeated infringement of obligations, moreover, if the court establishes that the local government did not meet any of its obligations (legislative, decree making, task performing (public service)) and the deadline specified by the court passed without adequate results, and/or if based on the initiative of the government office the representative body does not conduct the disciplinary proceedings against the mayor or the mayor does not do so against the notary in time. Despite the fact that the former examples already show that the imposition of the fine could be avoided easily with law-abiding behavior, it was still imposed (even if not too frequently) several times recently. Thus while in 2015 the Csongrád County Government Office reported that due to effective prevention activities no fine was imposed⁹, other government offices also used this option only in a negligible number of cases. Thus, for example, the Békés County

⁹ Report on the activities of the Csongrád County Government Office for 2015, p. 13.

Government Office imposed a fine in two cases in 2015: due to the late submission of minutes or the partial failure to send it via the new interface, the National Register of Laws Legal Supervision Written Contact Form module¹⁰. During this time the substitution of appointment was also necessary, thus, for example, when the notary position of Orosháza remained unfilled for the 6-month period prescribed by the Act on Local Governments, the head of the government office had to use his appointing authority.

It is also worth noting that thanks to the complaint rights of citizens, the regional government office also manages the complaints related to the organization and operation of local governments. The scope of issues are varied in this respect, but typically people turn to the government office due to a perceived prejudicial nature of local government decrees or measures or they submit a motion due to anomalies that took place at the council meetings, moreover, because of wasteful use of local government assets and/or prejudicial or discriminatory grant processes. Due to the unlimited nature of complaint rights, however, it happens that the complaint does not describe a well-defined violation but it is only for “its own sake”, i.e., they “just submit it.” (Mikulási, 2013)

It should be noted that the government offices supervise not only the local governments but also the ethnic minority self governments, which tend to be in the focus of investigations to a lesser extent while a significant part of violations are committed by these self governments. In general, it may be stated that this is where the willingness to cooperate is the weakest; even during the period of the suspension of legal control, while 90% of the local governments was willing to cooperate voluntarily, the proportion was the exact opposite in the case of the minority self governments. It is especially typical in this respect that the representative body grants resources for such activities that do not belong to the group of minority public affairs but it also happens that they send the minutes late or they are not kept adequately or they violate the organizational and operating regulations in other ways. Even though in a lower number, but it has also happened that criminal proceedings were started, for example, because such a decree was made that did not correspond to the number of votes in the decisions of the National Self Government of Romanians in Hungary in connection with the minority list.¹¹

5. SUMMARY

Almost all reports of government offices agree that legal supervision is a fast and effective tool for the remedy of violations of law, especially in terms of the typically occurring smaller infringements, in the case of which remedy may take place in the form of professional assistance without actual supervisory measures taking place. The already mentioned audits have proved to be especially effective; these, on the one hand, enable the identification of such violations that used to remain hidden, while on the other hand,

¹⁰ Report on the activities of the Békés County Government Office for 2015, p. 12.

¹¹ See the report on the activities of the Békés County Government Office for 2013., p. 10. and the report on the activities of the Békés County Government Office for 2014, p. 11..

due to the preliminary procedures related to the targeted review, the government offices tend to focus rather on professional cooperation and prevention.¹²

Although legal supervision undoubtedly provides stronger and more effective tools compared to legal control, the real efficiency of the system does not lie in the frequent use of these tools but partly in general prevention and partly in the cooperation established with the local governments, due to which the regional government offices tend to focus on preventive tools. Such informal tools include, for example, when the government office performs legislative monitoring activities, the results of which are published in newsletters and information materials in order to inform local governments about expected changes. A similar tool of assistance includes the organization of notary meetings and in individual cases professional consultations, as well as the opportunity for personal discussions. The written professional opinions, information materials published on the website of the government offices also facilitate the flow of information, while the regional government office also tries to help the voluntary reparation of local governments with its activities.¹³

Efficiency is further improved by the more precise legal regulation that does not only mean a more thorough description of the tools available but also the procedural rules enabling their enforcement, thus including the specification of exact deadlines for multiple stages of the procedure. Although the administrative burdens of local governments clearly increased in connection with this, these facilitate the smoother performance of supervisory activities.

Despite the expansion of supervisory tools, it still remained unchanged that the regional government offices can provide control only from a legality perspective and they cannot examine other aspects, including, for example, expediency. The removed areas also remained unchanged, thus the government office can only examine the legality of the procedure in the case of those decisions on the basis of which there might be place for an employment or public service dispute, or on the basis of which there is a possibility for court or administrative proceedings, and which were made by the representative body at its discretion. However, the government office may initiate proceedings by another body in case it identifies such an infringement that it has no competence over. Thus, it may send recommendations to the State Audit Office or the Hungarian State Treasury (for example to withhold or take away a part of the budgetary support) or may also inform the competent investigation authority, the National Data Protection and Freedom of Information Authority or may turn to the court or the Commissioner for Fundamental Rights.

The above experience, however, does not mean that the system of legal supervision in its current form would be without problems. Issues include organizational, operational and task performance related questions, the majority of which are due to the fact that the local governments still struggle with problems deriving from former regulations. At the same time, the relatively frequent amendment of the Act on Local Governments and other stipulations of law may also serve as sources of infringements, as the local

¹² See the report on the activities of the Békés County Government Office for 2013., pp. 10-11.; report on the activities of the Békés County Government Office for 2014, p. 9.; report on the activities of the Békés County Government Office for 2015, pp. 12-13.

¹³ See the report on the activities of the Fejér County Government Office for 2013, pp. 13-14. and the report on the activities of the Csongrád County Government Office for 2015, p. 15.

governments cannot always easily comply with the repeated legislative obligations deriving from the majority of these.

The regional integration affecting the government offices and their extension, however, had a positive impact on legal supervision, as the relationship deepened also with other organizational units within the government office, due to which the other organizational units related to the activities of local governments, including the department of authority affairs, department of education, social and child protection services, district offices could also be involved in the work more effectively. It also helps further improvement that the government offices continuously report on their experience and problems and inform the competent ministries; this enables the continuous adaptation of the legislative environment to actual needs.

The fact that the most severe and most often criticized tool by local governments (i.e., the substitution of decrees) has been used only twice so far also proves that the preliminary fears of local governments have not been confirmed, what is more, due to the expansion of the professional relationship other classic punitive tools were needed less often also. The latter are typically used in case the local government either has to cope with such an internal crisis that does not enable lawful operation in general or such cardinal issues are involved that affect local living conditions and due to which it is worth for the local government to oppose the activities of the government office. With the exception of these cases, however, the preventive informal tools appear to be sufficient.

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