



**International Journal of Public Law and Policy**

ISSN online: 2044-7671 - ISSN print: 2044-7663

<https://www.inderscience.com/ijplap>

---

**Consultation and central public administration in Hungary**

Ádám Rixer

**DOI:** [10.1504/IJPLAP.2024.10063013](https://doi.org/10.1504/IJPLAP.2024.10063013)

**Article History:**

Received:	06 November 2023
Last revised:	28 November 2023
Accepted:	09 January 2024
Published online:	03 July 2024

## Consultation and central public administration in Hungary

---

Ádám Rixer

Department of Public Administration and Infocommunication,  
Faculty of Law,  
Károli Gáspár University of the Reformed Church in Hungary,  
1042 Budapest, Viola u. 2-4, Hungary  
Email: rixer.adam@kre.hu

**Abstract:** As a tool for objective and evidence-based lawmaking, and ultimately that of high-quality legislation, government consultation empowers individuals and communities to have a say in decisions that affect them, thereby increasing the acceptance of said legislation and promoting its proper implementation. In the first part of this paper, we catalogue the internationally relevant keywords that are decisive in academic assessments. Then we use that as a basis for examining and analysing the consultative institutions of Hungarian public administration. This is followed by a general description and assessment of the Hungarian situation and, as an *academic novelty*, a grouping of institutions of a consultative nature related to central public administration in Hungary, with special emphasis on the so-called external consultative bodies and mechanisms. Finally, proposals will be outlined along the considerations raised in the paper.

**Keywords:** consultation; central public administration; consultative bodies; consultative mechanisms; internal and external consultative institutions; government; Hungary.

**Reference** to this paper should be made as follows: Rixer, Á. (2024) 'Consultation and central public administration in Hungary', *Int. J. Public Law and Policy*, Vol. 10, No. 3, pp.334–358.

**Biographical notes:** Ádám Rixer is the Head of Department of Public Administration and Infocommunication for the Law Faculty of Károli Gáspár University of the Reformed Church in Hungary (Budapest) and also the Head of Lőrincz Lajos Research Centre for Public Law. His main fields of research are legal aspects of the relationship between governmental bodies and civil/non-profit entities, especially religious and minority organisations; historical constitution; legislation in Hungary; and also contemporary features of the Hungarian public administration and administrative sciences. He has written five books in English (*Religion and Law*, 2010; *Features of the Hungarian Legal System after 2010*, 2012; *Health Law and Health Administration in Hungary*, 2014; *Civil Society in Hungary. A Legal Perspective*, 2015; *The New Functions of State Administration: Direct Community Organising And Identity-Building*, 2019) and has co-edited *Hungarian Public Administration and Administrative Law* (Passau, Schenk Verlag, 2014).

---

## 1 Introduction

It is difficult to provide an exact definition of consultation. Using a very broad concept (general or generic), it is appropriate to state at the outset that consultation is a process consciously shaped by at least two actors, aiming at enabling at least one of them to get to know the other party's opinion. This includes the narrowest interpretations, those that regard consultation as merely a 'questions-and-answers' exercise<sup>1</sup>, something lesser than participation in actual decision-making. And it also includes those that cover *all* forms of social dialogue in the broadest sense, such as referendums.<sup>2</sup> Regarding the execution of general government tasks, consultation is a tool for objective and evidence-based lawmaking. As such, it increases the acceptance of legislation and facilitates its proper implementation. At the systemic level, it allows individuals and communities to have a say, to participate in the making of public decisions that affect them. Consultation is therefore a tool for any constitutional state which helps to achieve the objectives of quality legislation and ultimately provides for additional democracy.<sup>3</sup>

When this notion is applied to public administration, in particular to central public administration, *it is worth looking at all the bodies and mechanisms first through which public administration learns about public opinion in the decision-making process*. Only after this exercise should more focused and in-depth studies follow, scrutinising one or a few specific elements from the broad range.

In the first part of this paper, we review and catalogue the internationally relevant sub-themes, aspects and academic keywords through which the concept of consultation can be explored in the third decade of the 21st century, with special focus on the role of governments. This section is also intended to elaborate the questions and aspects that can be used as a basis for analysing and examining Hungary's public administration. This will be followed by a general description of the Hungarian situation and, as an *academic novelty*, by a grouping of institutions of a consultative nature in Hungary and a more detailed introduction of external consultative bodies and mechanisms<sup>4</sup> associated with central public administration. Finally, we will provide an assessment of the system and some proposals, along the considerations raised in the paper. In summary, herein we present the system of consultative institutions that are behind government decisions in Hungary.

The study categorises the consultative institutions linked to Hungarian central public administration (which are not manifested in individual aspirations) into four main groups: in addition to the traditional, i.e., internal and external consultative institutions established by the legislative power and public administration, we identify as a separate element the ever-expanding range of consultative institutions established by non-governmental actors, as well as consultative mechanisms associated with EU membership and conducted with EU actors. This paper is primarily intended to group and assess the consultative bodies and mechanisms that belong to the first two groups. It is important to note that this study does not intend to deal with those mechanisms which also have a consultative element and which are linked, directly or indirectly, to bodies dealing with public administration matters (often through para-administrative bodies<sup>5</sup>, or in the procedures<sup>6</sup> of classical public authorities). In these latter set of mechanisms, the understanding of stances and approximating them to each other serve the settlement of (legal) disputes between private entities and not the obtaining of information for legislative or other purposes with an underlying public interest.

The scope of the present study calls for a strongly interdisciplinary approach, starting from a jurisprudential (normative) one. In order to achieve a solid conceptual framework and a minimum degree of disciplinary coherence, we intend to apply this using a complex governance approach. As previously stated, our presumption<sup>7</sup> is that some form of inter- and multidisciplinary method is needed to draw credible and further conclusions and to provide a basis for further analysis in respect of public administration. In addition to the methods and results of administrative law, which has traditionally been the strongest in continental science, we should forge a powerful academic and subject framework from other social sciences, in which jurisprudential arguments and text-level investigations may fall in place, too. Such other sciences include, among others, political science in its broadest sense, management science [organisation and management theory; general and sectoral organisation theory (theories)], public policy science, the emerging field of public management, statistics, sociology, social psychology or even Christian social ethics and business ethics (!). In particular, it should be underscored that the traditional methods of public administration, sociology of public administration and economics are nowadays complemented by network theory approaches, which are more suitable for analysing the phenomena of today's globalised world.<sup>8</sup> The potential for interpreting consultative mechanisms and bodies as networks and making them the subject of network studies is certainly a possibility today.<sup>9</sup>

In consideration of the above, and because of the very broad working definition of consultation we use, it seems appropriate to apply a relatively new approach to governance in Hungary in the present study. Governance studies is a complex interdisciplinary social science in which "elements from the fields of public administration, public law and administrative law, management (decision theory, management and organisation), economics (finance, marketing), sociology and social psychology are all present".<sup>10</sup> "The applied social science of governance, which analyses the practice of government in a democratic multi-party civil constitutional state, has become increasingly independent in Hungary after the regime change, and this process is primarily linked to political science, which is a spinoff of political sociology and political philosophy" – wrote Tamás Sárközy.<sup>11</sup> Thus, governology is mainly concerned with governance, and in particular with the operations of governments, government functions and the criteria of *good governance*.

Ultimately, these approaches to governance, which can be distinguished by their object and examination method, can also be perceived and interpreted as a kind of *control mechanism* of jurisprudential (normative or dogmatic) approaches.

## **2 Key contemporary approaches to consultation and consultative institutions**

Despite the general acceptance of key criteria associated with modern, liberal democracy (rule of law, human rights and citizens' rights, division of powers, etc.) there is a fault line between individual countries in terms of individualist and communitarian interpretations of democracy, the role of parties, interest groups and civil society, the proportion of direct and indirect democracy, dominant ideology, etc. There is a traditionally accepted, accentuated difference between continental European and Anglo-Saxon political institutional system, culture, and even between the individual, narrower groups of countries within those two categories.<sup>12</sup> From the perspective of

Hungary and the present study, the new democracies of Central and Eastern Europe should be mentioned as a separate group, where “not centuries, only a few decades at best were available for creating a consensus regarding the basic values and institutions of democracy”.<sup>13</sup> It is evident that the academic literature to date has treated the entire region as a single entity, (!) but it has also noticed the increasingly divergent nature of the individual countries in the region, often regarding Hungary as a country that followed a distinct trajectory of development.<sup>14</sup>

The significance of our subject is augmented by the fact that a viewpoint emerged in Central European technical literature stating that the renewal of internal consultative institutions can also be a driving force of modernisation in respect of public administration.<sup>15</sup>

With regard to the consultative institutions of modern democracies, it is of fundamental importance for high-quality and sustainable (!) public administration and good governance that social expectations, information and other knowledge are all reflected in public administration directly (!), i.e., *not only through the knowledge and filters of public administration personnel*. The exploration of both international and Hungarian technical literature revealed clearly identifiable buzzwords and guiding themes: the main terms that came to the fore in description attempts included corporatism, ‘governance’ approaches, multi-level governance, the characteristics of government decision-making<sup>16</sup>, the requirement of quality legislation<sup>17</sup>, the need for coordination<sup>18</sup>, social dialogue<sup>19</sup>, forms of social participation, the characteristics of civil society<sup>20</sup>, the features of proposing, consultative and advisory bodies, the democratic deficit and the need for a service providing public administration.<sup>21</sup> These notions also function as the key elements of a theoretical framework that can capture the entire subject matter, placing the focus topic into a broader context. The same notions (technical terms) appear in Hungarian technical literature as well. They have served as building blocks of key Hungarian papers written on the subject in the past decades.<sup>22</sup>

Here we must point out that beside the traditional elements mentioned above, we also present new notions herein, like *open government*<sup>23</sup>, *knowledge governance*<sup>24</sup>, or *newer and newer interpretations of network governance*.<sup>25</sup> These concepts are closely intertwined with the increasingly important role of new technologies and the need for managing one new crisis after another. The concept of *collaborative direct democracy* was adopted earlier in conjunction with digitalisation and online public administration services (network-based consultative democracy, which refers to online services that open channels for online participation in public affairs).<sup>26</sup> This form of democracy relies on e-participation (consultation) and is based on newly formed communities (project teams) and consultation that extends to horizontal or vertical debate platforms.<sup>27</sup>

In addition to the old and new *content* and important aspects of consultation, it is also essential to identify its purpose of actual social objectives.

## 2.1 Main functions of consultation

The identification of the social preconditions and key aspects of consultation, including quality aspects, leads us to the next important question: the purpose, the political and professional *function* of each consultative institution.

*Talking about possible or desirable functions*, in one of the related approaches the proposing, advisory and consultative bodies may:

- a be purely information providing entities
- b undertake an analytical, evaluative role
- c may also be requested to create a strategy.<sup>28</sup>

*The functions of consultation* often inseparably link the circumstances that triggered consultation and the very objectives that consultation is intended to achieve. In this extremely broad approach, the main functions of various consultative mechanisms and organs are as follows:

- 1 *Compliance with requirements.* The extent to which any form of consultation exceeds a mere formality, i.e., a compulsory, coercive, low intensity exercise that focuses on formal compliance with standards and minimum requirements only, and thus its actual quality is) depends also on the degree to which dialogue and consultation are an integral part of political culture in the country concerned.
- 2 *Pressure relief valve function.* To some extent, every consultative institution also has a tension-relieving function, to deal with accumulated social stress.
- 3 *Legitimising, responsibility-sharing function.* Consultation participants may limit or eliminate their own liability (ex-post), either by referring to the completion of consultation or to the difference between their own position and the majority opinion.
- 4 *Need for information.* Naturally, in many cases, the purpose of consultation is precisely to involve external resources, to satisfy the government's appetite for information in the decision preparation process.<sup>29</sup>
- 5 *Informing function.* Consultation is a process whereby a communication channel is established both to the participants (in all possible directions) and to the wider public, enabling the regular communication of accomplishments, objectives, etc.
- 6 *Identity building function.* For the social players participating in consultation, each such situation is also an identity-building and identity-forming process, in which their goals, tools, role perception, external image and self-image are constantly changing.
- 7 *Protocol function.* There are also consultative bodies that exist purely for protocol reasons – examples of this mainly include organs with an international element.
- 8 *Participation enabling function.* In liberal democracies, there is always an indirect, empowering function of all institutions in the field under examination which enables participation.

After this general introduction, we move on to present the historical background and current institutions and practices of Hungary.

### **3 Consultations in Hungary – general introduction**

The need for political, general, professional and even academic dialogue on government consultative mechanisms dates back to long ago. It has manifested in various forms since the beginning of civil transformation in the country. This is also reflected in an 1867

document that relates to the Proposals Committee convened to address the unsustainability of Provisional Legislative Rules:

“The Minister has not given any prior instructions. If he had done so, the meeting hardly would have had any other purpose than to have us listen to the higher will, and then break up in obedience. The minister wanted to know and hear what the judge, and the lawyer again, had to say about the defects and corrections in the laws. Neither personal considerations nor rigid official discipline imposed any limits. Every meeting was a confidential exchange of ideas, and the aim of every idea was to bring about improvement”.<sup>30</sup>

Even in the state socialist era, the phenomenon<sup>31</sup> was treated as an (academic) issue in its own right. Then in the decade after the change of regime, there was a persistent demand for consultative mechanisms to meet more than the minimum requirements of the rule of law and market economy, calling for the clarification of “the relationship between established decision-preparatory and consultative forums, their actual role and weight in laws”<sup>32</sup> and recommending that “it would be worth formalizing the various decision-preparatory mechanisms in Hungary by more detailed legal provisions than those currently in effect”.<sup>33</sup> Major new academic papers were also published on the subject in the 2010s<sup>34</sup>, but in the past decade, relevant technical literature relating to Hungary became strongly critical and was written mostly in English. Further, in line with the aforementioned trend, The EU’s internal consultative mechanisms are also becoming the subject of growing independent and focused scrutiny.

The concepts of consultation are relatively stable, the most prominent orientating point is still Ladó and Tóth’s definition of consultation which goes as follows: “Voluntary cooperation between two or more independent and autonomous parties, aiming at mutually understanding and influencing each other’s opinions and views, and possibly developing a common opinion in order to influence third (additional) parties”.<sup>35</sup>

In the evaluation of Hungarian public policy (including consultative processes) Hungarian and international political spheres, as well as in academic literature (!), two concepts of democracy can be distinguished in the last decade, which have been spectacularly distant from each other. On the one hand, the Hungary of the 2010s and 2020s is seen as a *semi-democracy*, a *formal democracy*, a *fragmented democracy*, a *populist democracy*<sup>36</sup> or even a *post-democracy*, while on the other hand, the same phenomena are interpreted as national democracy as in the Bethlen era, as *cooperative* or *adaptive* democracy. What is more, there are also attempts to use specific elements taken from these otherwise distant explanations, albeit with different meanings, such as the term *illiberal democracy*.<sup>37</sup>

Looking for common starting points and content overlaps in the above approaches, there is one little-debated explanation of reality in the past 35 years, namely that new Central European democracies did not build the post-1989 political system on sophisticated social coordination procedures and institutions relying on broad social participation, but on solutions of parliament-centred policy-making.<sup>38</sup> In plain terms: *Hungary’s democracy is stuck at the level of representative democracy* – while the legal and institutional framework has been in place to break through this glass ceiling. Rezsőházy argues that one enduring reason for this is that in societies emerging from dictatorship, “the lack of a civil society that could fill the space between individuals and the general government meant that the members of these societies could not learn to identify problems, to formulate their interests, to exchange ideas and to reconcile different opinions. Consequently, no diversity of problem solving could evolve.”<sup>39</sup>

*Notwithstanding the above*, if we ask which political innovations in Hungary in the last two decades can be considered significant (regardless of their only modest overall results), they all tend to point in the same direction: The preparation process of the Government-Civil Agreement between 2002 and 2005<sup>40</sup> definitely belongs here, along with the eight member National Consultative Council established in 2005 on Viktor Orbán's initiative, and the four member Council of Wise Men set up by President László Sólyom in 2008 to make recommendations for improving education and reducing corruption.<sup>41</sup> And among the political innovations of the last decade or so, the national consultations introduced by the governing parties<sup>42</sup> and the primary elections launched by the opposition<sup>43</sup> should be highlighted. These solutions and attempts at institutionalisation, regardless of their actual impact and results, all point in one direction: *they all attempted to strengthen and develop Hungarian democracy through involvement, consultation and the strengthening of personal participation*. What is more, these processes have been strengthened by external pressure: the European Commission's July 2022 report on the rule of law and the system of checks and balances referred to the lack of transparency and poor quality of the legislative process, pointing out the shortcomings of social consultation, and the need to strengthen transparency and social control in relation to corruption, particularly in the public procurement.<sup>44</sup> As Article 7 of the Regulation on the general conditions for protecting the EU budget allows the financial sanctioning of deficiencies in the rule of law from 2021, the Hungarian Government, in order to ensure access to the substantial resources associated with the Recovery and Resilience Facility (RRF), undertook to amend the most important laws on legislation in 2022. In particular, the government committed to amending the provisions on social consultation, through setting more specific deadlines and legal consequences.<sup>45</sup>

It should be noted that all of today's fashionable democracy concepts accept that in a parliamentary form of government, not only the majority of political initiatives and draft decisions (including legislative initiatives) come from the government, but the government must also play a decisive role in implementation, in providing for the human and material conditions for implementation, and in "establishing the organizational system, naturally within the constitutional and legal framework".<sup>46</sup> Further, there is also a consensus that a focused and predictable representation of professional and political views from a wider range of sources than just the staff of the administration (mainly through consultative mechanisms) can be of great benefit, if not a necessity, in any decision-making process.

In today's world flooded with unimportant information, access to relevant information and thereby securing power is of pivotal importance.<sup>47</sup> Therefore, it makes a huge difference for societies and governments alike, how seriously we take the platforms and institutional solutions which we operate for this purpose.

If we seek the right place of proposal-making, assessing, advising and similar organs in a broader governology-based approach, we can conclude that one of the essential general functions of (external) consultative mechanisms is *to provide a meaningful link between the institutions of direct and indirect democracy, to ensure a living and dynamic relationship between the two, even in an accelerated age*. While direct democracy, as its name implies, is personal participation in managing community affairs<sup>48</sup>, principally through participating in making decisions on unique matters, the institutions of indirect democracy are those organs which make decisions on behalf of voters, instead of them and in their name (including the making of laws). "Such organs are the national assembly and the local governments" – wrote Károly Tóth.<sup>49</sup> *And in many cases (especially with*



*external consultative bodies, see chapter 5), consultative solutions blend, dissolve and at the same time strengthen indirect democracy with elements of social participation.*

#### **4 A possible grouping of consultative bodies and mechanisms in Hungary today**

Having discussed the situation of consultation in Hungary in the most general sense, it is useful to list the bodies and mechanisms that influence the decisions of central public administration.

In this chapter, we will make a multifaceted grouping of these institutional arrangements, focusing on the so-called external consultative bodies. As part of the analysis of the latter, a catalogue of questions will be drawn up to illustrate the differences between the various external consultative bodies. The importance of the second is enhanced by the fact that there may be significant differences in the actual functioning of even two similar bodies, which have similar objectives at the legislative level, but operate in different fields. Such differences may depend on the intended role (if there is one) of each organ and the focus of their activities. Further, while in most old EU Member States consultation is substantive (with legal guarantees), continuous and active, consultation in Hungary is traditionally ‘ad hoc’ in most cases and forums are convened at low average frequency.<sup>50</sup>

Grouping criteria have been adapted to the internal logic of Hungary’s legal system, given that certain specificities can only be made visible in this way. It is also a fascinating professional question where to place the consultative activities of the Hungarian central administration with EU bodies in such a chart. Naturally, in a subsequent and more detailed academic exercise (also serving better international comparability) classification may be carried out using the OECD COFOG (Classification of the Functions of Government) Nomenclature. One important area of comparison may be the following: in which areas of government operations are (external) consultative institutions established in a country?<sup>51</sup>

As it is apparent in international technical literature as well, consultative and advisory roles in public policymaking have become highly *polycentric*, even in more centralised public administration systems<sup>52</sup>: both the ‘socialisation’ and ‘marketisation’ of consultative mechanisms are trends that also prevail in Hungary.

The grouping in this chapter, as indicated above, only considers the national level and only deals with those bodies and mechanisms that can be linked to the activities of central public administrations. Thus, *this section* is not intended to deal with local/regional consultative mechanisms<sup>53</sup>, nor with parallel structures of a ‘second public realm’ that do not involve government participation.<sup>54</sup> Similarly, we do not address the secondary consultative mechanisms of a political nature or the activities of EU forums that are at least partially consultative in nature.<sup>55</sup> We also do not wish to analyse the institutional arrangements that serve the mandatory submission of draft legislation to EU institutions and Member States for prior notification or commenting.<sup>56</sup>

Additional criteria to be considered upon grouping are as follows:

- a Are only staff members of the public administration involved in the consultative activity, or is the involvement and participation of other social actors also possible (with actual contribution from central public administration)?

- b Is it an institution accessible to natural persons (citizens) and their associations directly, at their own discretion, or is it only possible through the initiative of public administration?
- c Is it captured in a source of public law (a law or a legal instrument of state administration)?
- d Is the organ engaged in strictly professional activities, or rather political ones?
- e Is the activity of general or specific in nature? Is it a broad consultation covering all professional/social fields based on the raised issues, or is it limited to a more specific (professional) field?
- f Are social dialogue forums tripartite or multipartite?

The grouping is therefore intended to be comprehensive, i.e., we cover all the institutions, from the most basic types that enable consultative relations between individuals and central public administrations to the most comprehensive and important ones, i.e., institutional bodies. The most obvious and traditional way of grouping is to distinguish between the internal and external consultative bodies of government activities.<sup>57</sup> The former includes institutionalised forums (e.g., government committees, cabinets, inter-ministerial committees) in which only public bodies participate, while the latter includes bodies that include representatives of government bodies and *representatives of the broader NGO sector*: social organisations, interest groups, professional or expert organisations, representatives of academia, professional chambers, etc. *In theory*, one common feature of this second group is that all of them have some degree of autonomy regarding public administration organs.

The groups are as follows:

#### 4.1 *Basic (elementary) consultative mechanisms*

After 2010, the basic form of public consultation is the so-called *general consultation* via the contact details listed on the website of the public administration body in charge, on the drafts and concepts published there.<sup>58</sup> This is perhaps the most direct way of ensuring meaningful social (civil) participation in legislation, and it is characterised by the fact that it is always related to specific subject(s) and distinct regulatory areas. This creates an opportunity for a limited dialogue between natural persons and those acting on behalf of NGOs and movements that are not otherwise involved. Traditionally, *complaints* and in particular, *whistleblowing* have a partly similar function. They call attention to a situation whose remedy or cessation is in the interest of the whole community or society.<sup>59</sup> The legislator specifically points out that both can include a proposal and that applicable legislation requires mandatory feedback. A factor that strengthens the use of this institution is that a secure electronic system can be used for it.<sup>60</sup> Besides retaining already established institutions, as a result of recent legal developments, the institution of internal abuse reporting systems established by the employer appeared in Hungarian law as well in 2023, with the new act on complaints, whistleblowing and the rules for reporting abuse.<sup>61</sup> The act contains provisions for state and local government bodies as well.

The most elementary forms of consultation also include elections and referenda, to the extent that they are always prepared, organised and conducted by public administration, who are also responsible for implementing the resulting decisions. In

these institutions, the relationship between public administration and the individual is extremely indirect and impersonal. In this sense, these arrangements are somewhat exceptional in comparison to classical consultative mechanisms.

A common feature of all these forms is that legal provisions pertaining to them are in place. In contrast, *national consultation* is not regulated by law. In principle, it ensures that public administrations (the government) can receive feedback relatively quickly on important public issues. Between 2011 and 2022, there were a total of 11 so-called national consultations (which were not required or regulated by law) on different issues (e.g., on the new constitution, immigration, internet issues, about ‘Stopping Brussels’, family allowances, the pandemic, energy sanctions). They took place in a way that the government sent a paper version of the questionnaire to all eligible voters and made it available online as well.

To summarise, these instruments mainly allow natural persons to express their views, and any feedback from public administrations represent a form of reciprocity (which is an essential element of consultation) even though such feedback is indirect and limited.

#### 4.2 *Direct consultation (strategic partnership)*

The Minister responsible for preparing legislation concludes strategic partnership agreements in the framework of direct assessment (direct consultation) with certain organisations. These organisations are in all cases legal entities and either represent a broad public interest in the law drafting process or carry out academic activities in the given field of law (strategic partners).<sup>62</sup> Until 2022, the number of these agreements was relatively low, but in December of that year alone, Minister for Regional Development Tibor Navracsics signed 30 of them (with representatives of 17 academic, religious, charity, advocacy and NGO organisations and 13 higher education institutions).<sup>63</sup>

#### 4.3 *The body for comprehensive (general, i.e., not territory-specific) social dialogue is National Economic and Social Council of Hungary (NGTT)*

The NGTT is a forum for the comprehensive representation (channelling) of civil society knowledge in the broadest sense of the term in government decision-making and decision making. This comprehensive (general) institution, which does not provide for a domain-specific presence in decision making, was therefore not created in relation to a specific issue, but as a ‘cross-sector’ institution.<sup>64</sup> It is permanent and regulated by law (theoretically not linked to governmental cycles or policy changes). Pursuant to the related law, the National Economic and Social Council was established “to discuss comprehensive issues concerning the development of the economy and society, and national strategies that span governmental cycles” and is “a consultative, proposal-making and advisory body independent of Parliament and the Government. It is the most comprehensive, multi-faceted consultative forum for social dialogue between representatives of employers and employees, economic chambers, NGOs active in the field of national policy, Hungarian representatives of science and arts in Hungary and abroad, and the mainstream churches”.<sup>65</sup> *It is a multi-party body in which the Government is not directly involved. In principle, it could function as a quasi-second chamber, but its operation is infrequent, weak and its social profile is very low.*

#### 4.4 *Internal consultative bodies*

According to the previously introduced division, the so-called internal government consultative mechanism includes collegial and individual bodies whose task is to assist the Government and other central administrative bodies in their work, in the preparation of their decisions, to provide a technical and political basis thereto and monitor the implementation of decisions, while the *personnel involved in these bodies are, as a general rule, drawn from the state administration staff (including those in political employment)*. The mainly collegial type of auxiliary bodies do not, as a general rule, have decision-making powers. These internal auxiliary bodies are established by normative (government) decisions or normative orders.

The internal consultative and unique bodies assisting the Government are the:

- a Cabinets<sup>66</sup>
- b government committees
- c the government commissioner institution
- d the government may establish other bodies providing assessments and advisory services pursuant to Article 10 par. (1) of Act CXXXV of 2018 on Government Administration.

Each of these (a–d) may be established by a normative government decision.

*Dogmatically*, the political decision-making forum with general competence is the Government, while the Cabinet and the Government Committee are political decision-making forums with special competence, and the bodies as per Article 10 par. (1) are professional decision-preparing forums with special competence [such forums are, e.g., the Energy Emergency Operational Task Force established with Government Decision no. 1336/2022 (15 July) and the National Security Working Group established with Point 47 of Government Decision no. 1352/2022 (21 July) on the Government's Rules of Procedure, the Defence and Law Enforcement Working Group as the decision-preparing bodies of the Defence Council]. These are often called councils, colleges or inter-ministerial committees. Also belonging here is the European Coordination Inter-ministerial Committee (EKTB) and its so-called expert groups, whose main task is to coordinate government participation in EU decision-making. As the main body for preparing government decisions in an EU context, this body deserves separate mention.<sup>67</sup>

The statement made earlier that the members of internal consultative bodies can only be members of state administration staff should be complemented by noting that the normative resolutions establishing these bodies often allow for the participation of permanent or ad hoc invitees. Obviously, in real life this participation is theoretical only and its extent is residual.<sup>68</sup>

The Government's Rules of Procedure regulate in detail the harmonisation rules within public administration in respect of submissions prepared for the government (specifying the players in the process along with their rights and obligations). The two main actors in the process are the Minister of State for Public Administration of the Prime Minister's Office, who is the key player<sup>69</sup> in the so-called *preliminary consultation*, and the Meeting of Ministers of State for Public Administration, which is *traditionally* the general professional preparatory forum for government decisions.<sup>70</sup> The main task of the latter is to take a stand on the suitability for decision-making of

proposals and reports submitted to the government and on including them in the agenda of Cabinet or Government sessions.<sup>71</sup> It is important that this body is entitled to establish ad-hoc and permanent working committees at its own discretion.<sup>72</sup> It is important to note that in theory the internal consultation process also allows the channelling of various comments, including those of social actors (including any information gained through general and direct consultations mentioned above, and through the external consultative bodies described in the next section).

We must also highlight another form of consultation as part of the professional assessment of submissions to the government, which is consultation to be conducted with the heads of other public organs.<sup>73</sup>

It is important to note that not only the government may establish an internal consultative body in central administration, but ministers as well. To do so, a minister must issue a normative order. If multiple ministers are concerned, they need to issue a joint normative order to establish a working group for carrying out the above-mentioned tasks.<sup>74</sup> The same is also possible with a normative order from the head of other central public administration bodies.<sup>75</sup>

#### 4.5 External consultative bodies

The most heterogeneous group is the group of external consultative bodies: they are very diverse regarding the legal basis on which they are established, their organisational structure and their tasks (powers). Further, the functions they actually perform are quite diverse as well. What they have in common, however, is that their members include people from outside the public administration, including *representatives of the civil society in the broadest sense*: NGOs, scholars, interest groups, professional chambers, business associations, etc.

Bringing outside expertise and information into public administration through external consultative bodies has significant advantages: key interests and needs can be incorporated into decision-making without the many filters of bureaucracy, it is less costly than using similar but market-based services, and it often provides more up to date and comprehensive knowledge on a given matter than what the public administration staff can provide. Formal recruitment (employment contracts) would not be necessary, as there is no ongoing work to be done, and ad hoc recruitment would only slow down the process. In fact, the public employment of these specialists (committee members) would result in the lack of necessary external impulses, a partial lack of daily, fresh input which can only be acquired in the field or through active participation in academic activities.

It may therefore be an advantage that the relationship is institutionalised and predictable, but without the constraints imposed by the status laws for public administration staff. These external consultative bodies of a collegial nature are mainly linked to classical administrative branches<sup>76</sup> or to more recently developed public service areas (e.g., anti-corruption, digital development).

- What are therefore the main possible groupings for these very heterogeneous organ types?

*Regarding the grounds for their establishment* it is apparent that some of them are set up by acts (such as the National Cultural Council, established by Act CXXIV of 2019<sup>77</sup> on the National Cultural Council, on strategic cultural institutions and on the amendment of certain culture-related acts, which provides the professional basis for the unified strategic

governance of cultural sectors), some of them are set up by normative decisions (the majority of the external consultative bodies as a proposing or opinion forming body pursuant to Article 10 Par. (1) of Act CXXV of 2018 on Government Administration shall also be established by government decrees), but in the cases referred to above (in point IV of this chapter), in the case of other central government bodies, it is possible that external proposing and advisory bodies may be set up by normative orders.

What is relevant here is that such bodies can be created without a direct legal basis (without being explicitly stated in a normative source), as we could see in the example of the Permanent Consultative Forum of the Competitive Sector and the Government (VKF). That body was created by the Government and six social partners of its choice, by means of an agreement that has no (!) *direct* legal basis in a law or legal instruments of state administration.

The function performed by the body concerned may also serve as an important basis for practical distinction (i.e., not necessarily based on the legal sources), as some of these bodies only have a legitimating function [e.g., the Council for the Elderly established by Government Decision no. 1712/2014 (5 December)] or a *protocol function* (see, for example, the bilateral Hungarian-Kazakh Strategic Council), without any substantive information exchange or opinion-forming or other activities taking place in a plenary session (i.e., *the actual technical work does not usually take place in these forums. They only serve as a platform for the communication of political stands, already passed milestones and accomplishments*).

Among *external consultative bodies that do the actual work*, we should mention those that emerged as a result of political compromises: the Anti-Corruption Working Group<sup>78</sup>, created in 2022, in which governmental and non-governmental actors participate on a parity basis in terms of membership number and voting rights, and the various codification committees [see, e.g., Government Decision no. 1011/2015 (22 January), which established the Commission for the Codification of Administrative Court Procedure as an ad-hoc working group of the Commission for the State Reform set up by Government Decision no. 1602/2014 (4 November) on the codification of public administration litigation].

Several of the external proposing and opinion-giving bodies that take part in decision preparation also have an *expressed task of interest reconciliation*. A good example is the Vocational Training Innovation Council brought to life pursuant to Article 98 (1) of Act LXXX of 2019 on Vocational Education and Training. Their main task is “to coordinate national strategic issues of vocational education and training”, while they also “assist the Minister responsible for vocational education and training in the capacity of a national body preparing decisions, giving opinions and making proposals.”

The next possible grouping relates to the fact that for certain consultative bodies, the ‘external’ element *remains within public administration but outside the general government, i.e., representatives of the local government sector* belong here. Two examples of this that are also based on legal sources are as follows: the *National Civil Service Interest Reconciliation Council* (OKÉT), which serves as a comprehensive interest reconciliation forum<sup>79</sup> for the entire civil service sector, encompassing the Government, national representative associations of local governments and national trade union federations, and the *Civil Service Interest Reconciliation Forum* (KÉF)<sup>80</sup>, which is a forum for reconciling the interests of government officers, involving participation from the Government, national representative associations of local governments, government officials and civil servants trade unions.<sup>81</sup>

Another demarcation criterion is whether the *activity of the external consultative body is directly related to a public authority's activity* (irrespective of its decision-making powers). This is not so for most external bodies, but there are contrary examples, such as the *Committee for the Assessment of Genetic Engineering Procedures* (hereinafter the Genetic Engineering Committee, GEVB) governed by Act XXVII of 1998 on Genetic Engineering and FVM Decree No. 128/2003 (19 December) on the Organization and Functioning of the Committee for the Assessment of Genetic Engineering Procedures. The authority is required to submit all applications to this body for assessment. The Genetic Engineering Committee comprises experts delegated by the relevant ministries, the Hungarian Academy of Sciences and NGOs (e.g., a total of four representatives from NGOs registered for environmental protection and one representative from NGOs registered for health protection and one representative from NGOs registered for consumer protection). The authority may deviate from the opinion of the Genetic Engineering Committee, but only 'on the basis of appropriate professional reasons'.

It is also important that such external consultative bodies can be established not only alongside central government administrative organs (Government, ministries, the General Government Office and the Central Office), but also alongside other central public administration organs, including independent regulatory bodies, too.<sup>82</sup> A good example for the latter is the *Internet Roundtable for Child Protection* set up in 2014<sup>83</sup> which is an advisory body to the Chairman of the National Media and Infocommunications Authority (hereinafter: NMHH) with a consultative and advisory function. The Roundtable adopted recommendations, e.g., on the use of filtering software and applying alerts for harmful content on the internet.<sup>84</sup> It is important to note that the recommendations issued by the organization are not binding legal norms, so service providers do not have to apply the recommendations. Neither the NMHH Office nor the Media Council can refer to these documents as reasons for their decisions.

#### 4.6 Other consultative organs and mechanisms

There can be other forums (bodies or mechanisms) for discussing public issues and preparing government decisions. Among these, *traditional and modern media* (social platforms) are also of particular importance, as they become the key platforms for the expression and dissemination of opinions on local, national and even global issues at the societal level. However, this 'institution' is not mentioned in the previous points, given that, unlike in other forms, it does not necessarily or at all bring individuals or organisations into contact with representatives of the general government, i.e., the information reaches representatives of public administration only potentially or indirectly. In Hungary, this is compounded by the fact that political debates between those on different political sides are extremely rare, and dialogue forms are quite exceptional. Most actors engage in one-way communication only, or in communication that is parallel to that of others.

In 2022, there have been renewed calls for the establishment of a new *National Roundtable* of some sort. This tripartite consultative forum, which was set up in the summer of 1989 to elaborate the conditions for a peaceful transition from a single-party regime to a multi-party democracy, was created at an exceptional moment in history, under special political conditions. Although it should be treated today mostly as an item of legal history, it is actually not impossible that it could be given a role again at some point as a consultative body that extends beyond the Parliament. In December 2022, the

Teachers' Trade Union (PSZ) asked the government to set up a national roundtable on education<sup>85</sup>, referring to the fact that education is a matter of national importance which requires new consultative mechanisms beyond the existing ones, involving all the players in education.

Finally, other bodies include *market-based consultant firms*, which are often engaged in market research, academic research, network building, organisation of international conferences and similar activities that lead to government contracts. These market entities must be distinguished from research institutes established within public administrations, under ministerial control. They cooperate with external social and scientific partners and their main task is to prepare and substantiate government decisions.<sup>86</sup> The latter certainly show some similarities with internal consultative bodies, especially in the tasks they perform, and can even be regarded as quasi-consultative bodies.

## 5 Criteria of examining external consultative organs

As this paper intends to examine external consultative bodies in depth, it is worth asking ourselves which aspects should be considered (based on the foregoing) when analysing or otherwise comparing such entities? Below we set out the questions we consider most relevant and, where appropriate, provide some generalised answers based on the respective analysis presented earlier:

- 1 Is there a legal basis for a certain decision-making body in the current legal system? If so, is it established by law or by legal instruments of state administration (possibly a decision)?
- 2 What is the task or tasks of the consultative body? The term 'task' can be used in two senses here: first, it can identify a particular sector or specific field of expertise (elderly care, education, digitalisation, etc.) and second, it can indicate where in the overall decision-making process the body is most active. In the latter context, it is an interesting trend that activities are increasingly shifting towards monitoring implementation and analysing the effects of application (instead of providing information in advance), not only at internal<sup>87</sup> but also at external consultative bodies.
- 3 What are the specific rights (powers) and obligations of the auxiliary body as a whole, its members and other persons involved in its work (e.g., ad hoc and permanent invitees)? The latter range is particularly wide, from the right to attend without consultation powers to voting rights.
- 4 What is the actual function of the body, independently of the tasks and powers assigned to it? The list of functions and mandates, which is usually set out in writing, does not necessarily indicate what the actual role of the entity is. The two extremes in this respect are purely protocol or legitimacy functions on the one hand and the actual communication of information, exploration of interests, the channelling of information, i.e., influencing the actual decision-making on the other hand.
- 5 Does the organ provide opinions directly related to specific authority decisions? As mentioned above, e.g., the genetic engineering authority assesses licence applications based on opinion of the so-called Genetic Engineering Committee. To this body,



among others, a total of four representatives are sent jointly by NGOs registered for environmental protection and one by NGOs registered for health protection and consumer protection.

- 6 Who is the organ made up of and how are civil members recruited? Several solutions are known: By delegation from a designated umbrella organisation; possibly following a call for applications; On the basis of proposals from NGOs operating in the field concerned, etc. Or, without these, by designation or selection by a minister (less frequently by the Prime Minister or the head of another central government body). For example, the 12 members of the Council for the Elderly are appointed by the Prime Minister, partly on the basis of proposals from NGOs working in the field of elderly affairs.

Regarding composition and internal proportions, it is also important whether members who are not staff members of public administration are present on a parity basis or only symbolically as a residual item (an example for the former is the Anti-Corruption Task Force and for the latter the National Cultural Council).

- 7 The organisation's complexity, the complexity of its operations. In general, internal consultative bodies are multi-level operations: in addition to the Defence Council, which functions as a cabinet, there is a National Security Working Group and a Defence and Law Enforcement Working Group. Both of them act as decision-preparatory bodies of the Defence Council, more precisely, they "submit proposals to the Defence Council on the tasks and measures necessary for the protection of national security and monitor the implementation of these proposals". In the case of external consultative bodies, this type of complex organisation is rare, or rather exceptional (although, for example, in the case of the Roma Coordination Council, the amendment of the relevant Government Decision went in this direction, enabling the creation of specialised sections. The Anti-Corruption Working Group started actual activities in sub-working groups in 2023.<sup>88</sup>
- 8 Frequency of convening. In the case of external consultative bodies, often regardless of the provisions of the relevant legal source, the frequency of meetings is low (0, 1 or 2 per year) and often fail to reach the minimum level set out in the relevant government decision.
- 9 What type of organ is it created to support? Such external consultative bodies may be set up to assist not only central public administration bodies (e.g., government, ministries), but also independent regulatory bodies, such as the National Media and Communications Authority. The Child Internet Protection Round Table was established by the President of the National Media and Infocommunications Authority (Authority) pursuant to Article 4/B par. (1) of Act CVIII of 2001 on Electronic Commerce and on Information Society Services which stipulates that NGO's may propose eight members of the Authority Chairman's advisory, consultative and advisory body for the adoption and enforcement of legal provisions to ensure the healthy development of minors with regard to media content and information accessible via electronic commerce services and electronic communications services.
- 10 Degree of operational independence. Since these bodies are created at the Government's will to assist public administration, it is not necessarily realistic to

expect them to have a high degree of autonomy. Still, it is still an important question whether the members have any elbow room, if they wish, to express their views, to communicate them to other members or other stakeholders, to provide physical or online venues for substantive dialogue, or to convene meetings. Are the basic conditions for meaningful functioning enforceable? This basically depends on two factors: on the availability of an *independent budget and especially on that of an independent secretariat*. If the bureaucratic apparatus of a given ministry (actually the state secretariat) provides for all the conditions for operation (and this is typical in Hungary), this in itself may slow down the body's task execution, adjusting it to the internal logic and time management of bureaucratic operation. This may have disadvantages especially in the areas of signalling, application monitoring, etc., ultimately marginalising the organ concerned.

#### 11 Stability and lasting operation of the organ

While it is true for most external consultative bodies that they exist only for the duration of the Government's (leadership) term, it is clear that some of them (perhaps under a different name or with a different composition) have a lasting presence in public policymaking. The significance of this is that, in most cases, there is continuity of personnel, both among those who are part of the administration's staff and among those who are involved from outside. This continuity is a prerequisite for the development and transfer of organisational knowledge and for the development of trust (!) by long-lasting personal relationships. In Hungary, where in 2023 the same coalition government has been in power for 13 years, it can be observed that most of these bodies are re-established after the elections, often with the amendment of the original government decision that established them.

#### 12 Consultation for its own sake, or consultation for consultation's sake

"The life of money-making is one undertaken under compulsion, and wealth is evidently not the good we are seeking; for it is merely useful and for the sake of something else" – stated Aristotle.<sup>89</sup> As an analogy, in the case of external consultative bodies, their operation and maintenance by the public administration cannot be their ultimate purpose. Instead, the production and continuous provision of substantive information for public administration decisions is supposed to be the direct objective. This must be taken into account even if (irrespective of political intentions) there is a serious shortage of experts and capacities in this field in Hungarian public administration, i.e., there are very few people with decades of experience in consultative fields.

#### 13 The organ's number of members

In several cases (e.g., with the Roma Coordination Council), we see that the number of permanent members of the consultative and advisory body exceeds 30 – a huge number even without the permanent and ad-hoc invitees, who often also have the right to consult. These numbers appear particularly excessive when there are no (sub)committees, specialised sections or other administrative support units within the body, or solutions (interfaces, etc.) to prepare meetings or otherwise facilitate actual work between sessions. With these numbers and with one or two meetings a year (counting with two-hour sessions based on information available to us) it is virtually

impossible for even a small number of members to comment on what is said, much less to *meaningfully* contribute to the discussion.

- 14 Accessibility of documents concerning the activity, i.e., accessibility of presentations, session minutes, summaries

External awareness, acceptance of the activity, its potential to shape thinking beyond public administration, and the information available to the delegating or other interested organisations all dictate that the activity of the external consultative body concerned must be documented. This documentation cannot be complete, of course, since not all materials are polished, clear or presentable and may be confidential, all of which are inherent characteristics in the decision-preparation phase. Nevertheless, meaningful summaries of meetings, minutes and other documents produced in the course of activities should be available to the wider public to some extent, as this will also help to check whether meaningful work is happening in the area concerned, which is an elementary democratic requirement. Two characteristics can be identified in this respect in Hungary: first, the vast majority of materials (short summaries) of external consultative body meetings are not issued (published) by the ministry responsible for running the body, but by the delegating organisations (typically associations); second, public materials reveal that the meetings are mainly (almost exclusively) devoted to outlining the government's position and presenting the results achieved, while thematic or *ad hoc* discussions, especially those that span several sessions, are rare exceptions. Technical literature on administration and social psychology has long been aware that any bottleneck-type operation (i.e., one involving only a small number of meetings which also serve as a vehicle for government communication) makes it extremely difficult for members to share and make public any relevant information which they would otherwise have.<sup>90</sup>

The invitations and programs available in advance also show that in most of the cases no more than one NGO representative is scheduled to appear as a speaker.

## 6 Summary and proposals

When evaluating the consultative mechanisms and bodies closely tied to central public administration, we can conclude that they form a very diverse system in Hungary. At the same time, it is also evident that a significant part of the institutions that have been applied regularly (intensively) in the last decade are not regulated by law (national consultation, VKF, etc.). Traditionally, the conscious strengthening and systematic development of sophisticated, transparent interest articulation processes by the government has not been an integral part of Hungarian political culture and administrative culture, which is closely linked to it. Still, it is noticeable that in post-millennium Hungary, most political innovations related to various forms of participation, involvement and consultation. In summary, the 'consultative sphere' in its broadest sense remains imbalanced, with the political element disproportionately outweighing professional aspects. From time to time, the scope of political orders within the system overrides the need for open debate on professional issues. Putting it differently, Hungarian central administration is still searching for answers to this question: how can we run *consultative bodies meaningfully even if we are not convinced of the full political*

*loyalty of every member?* Nevertheless, particularly in relation to the external consultative bodies, there are correlations that could be used to improve their functioning even under the present circumstances. We are aware that we are talking about a complex system where the development of a single element (in this case, real political will) would have a significant influence on the other components.<sup>91</sup> But even so, we believe that these additional elements (in our case, other aspects of the external organs) can and should be the object of research in their present state and under the present conditions.

It is perceivable that an increase of the number of members, and in particular a steady increase in the number of permanent and ad hoc invitees, does not help the flow of information, interest identification and representation, or the development and deepening of dialogue. On the contrary, it has (or may have) the opposite effect. For most bodies, less would be more, and reducing headcount could improve the quality of social dialogue and the effectiveness of participation in decision-making.

Allowing online operation or hybrid meetings, i.e., explicitly regulating this in the founding legal sources or rules of procedure, might theoretically facilitate communication and increase the regularity of meetings. The risk is, naturally, that this will lead to further demotivation and emotional detachment from the subject among the members of those bodies that exist solely for legitimacy reasons.

It is also clear that the key ingredients of efficiency are (or could be) an independent budget, an own secretariat, and a complex and thus also deeply structured organisation, which is not *completely* dependent upon the central public administration official who is charged with operating the organ.

It is also essential that the information generated by these bodies, namely certain preparatory documents, reports, summaries and minutes, should be accessible in an organised way (even on a single government interface). This could help achieve the more general goals of awareness-raising, mindset-shaping and participatory education in a given area, beyond the preparation of specific decisions.

## Acknowledgements

This study, carried out in the framework of the TKP2021-NKTA-51 research program, has been implemented with the support provided by the Ministry of Culture and Innovation of Hungary from the National Research, Development and Innovation Fund, financed under the TKP2021-NKTA funding scheme.

## Notes

- 1 Gáspár, K. (2021) 'Demokratikus innovációs eszközök-e a társadalmi konzultációk? És ha igen, miért nem? A magyar és a belga példa (Are social consultations democratic innovation tools? And if so, why not? Hungarian and Belgian examples)', *Bibó Law and Political Science Review*, Special issue on Democratic Innovations in Hungarian Politics, Vol. 9, No. 3, p.158.
- 2 Ibid.
- 3 Drinóczi, T. (2013) 'A részvétel és a konzultáció elmélete és gyakorlata (Theory and practice of participation and consultation)', *JURA*, Vol. 19, No. 1, p.7.
- 4 The reason I talk about consultative mechanisms in addition to bodies is that some of the consultative institutions are not organs of a collegial nature, but 'mechanisms' whose explicit purpose is to directly address individual citizens and involve them in the preparation of

- decisions: national consultations, general consultations, to name just the most obvious examples.
- 5 A typical such body is the Expert Organ for Certification of Performance (TSZSZ), which operates under the Chamber of Commerce and Industry and which, pursuant to Act XXXIV of 2013, can act in disputes arising from the performance of architectural and engineering design contracts, construction and building contracts.
  - 6 Examples of such legal instruments include settlement(s), court mediation or even public hearings in administrative (court) proceedings. For more on this see: Rixer, Á. (2023) 'Court mediation within administrative court proceedings in Hungary', *Krytyka Prawa*, Vol. 15, No. 2, pp.79–97.
  - 7 This sub-chapter is based on the following work: Rixer, Á (2012) *A köz természetete, Új irányok a magyar közigazgatásban és közigazgatástudományban (The Nature of the Public. New Directions in Hungarian Public Administration and Public Administration Sciences)*, Patrocinium, Budapest.
  - 8 For details, see Barabási, A.L. (2016) *Behálózva* (Linked), Libri, Budapest.
  - 9 Szócska, M. et al. (2019) 'The applicability of network research in the development of public services', in Auer, Á. and Joó, T. (Eds.): *Networks in public services*, Dialóg Campus, Budapest, pp.9-13.
  - 10 Sárközy, T. (2017) *Theory of Governance. Additions to Relatively Good Governance*, p.47, HVG-ORAC, Budapest.
  - 11 *Ibid.* p.46.
  - 12 Pálné Kovács, I. (2003) 'A területi érdekérvényesítés átalakuló mechanizmusai (The changing mechanisms of territorial advocacy)', *Politikatudományi Szemle*, Vol. 12, No. 4, p.177.
  - 13 *Ibid.*
  - 14 See, e.g., Iankova, E.A. (1988) 'The transformative corporatism of Eastern Europe', *East European Politics and Societies*, Vol. 12, No. 2, pp.222–264.; Nielsen, K. (1993) 'Pluralism, corporatism, and the negotiated economy – perspectives for Post-communism', in Hausner, J. and Mosur, G. (Eds.): *Transformation processes in Eastern Europe. Western Perspectives and the Polish Experience*, pp.199–242, Institute of Political Studies, Polish Academy of Sciences, Cracow; Olejnik, M. (2020) 'A new model of corporatism in states governed by populist political parties: the cases of Poland and Hungary', *Politologický časopis – Czech Journal of Political Science*, Vol. 27, No. 2, pp.178–195; Ost, D. (2000) 'Illusory corporatism in Eastern Europe: Neoliberal Tripartism and Post communist class identities', *Politics & Society*, Vol. 28, No. 4, pp.503–530, DOI: 10.1177/0032329200028004004.
  - 15 Sedlačko, M. and Staroňová, K. (2018) 'Internal ministerial advisory bodies: an attempt to transform governing in the Slovak Republic', *Central European Journal of Public Policy*, Vol. 12, No. 1, pp.1–16, DOI: 10.2478/cejpp-2018-0004 2018.
  - 16 Kéri, L. (2001) 'Government decision-making from an organisational sociological perspective', in Pesti, S. (Ed.): *Public Policy*, p.218, Textbook. Rejtjel, Budapest.
  - 17 Drinóczi, T. (2010) *Minőségi jogalkotás és adminisztratív terhek csökkentése Európába (Quality legislation and reducing administrative burdens in Europe)*, pp.61–123, HVG-ORAC, Budapest; Orbán, K. (2011) A minőségi jogalkotási rendszer fejlesztése (Improving a quality legislative system) [online] <http://hatasvizsgalat.kormany.hu/download/3/ea/20000/A%20hat%C3%A1svizsg%C3%A1llati%20rendszer%20tervezett%20m%C5%B1k%C3%B6d%C3%A9se.pdf> (accessed 30 March 2023).
  - 18 Coordination ensures coherence between the different administrative bodies concerned, relieves the burden on the government and enables the involvement of social interest groups in decision-making (for more details on the levels of coordination, see Lórincz, L. (2005) *The Basic Institutions of Public Administration*, p.105, HVG-ORAC, Budapest. See also Antal, Zs. and Kiss, N. (2016) *Szervezetigazgatás és menedzsment (Organizational Administration and Management)*, NKE, Budapest. It can be argued here that the European Union itself can be perceived as a single immense coordinative mechanism.

- 19 External consultative bodies and mechanisms are often framed in the context of social dialogue at both national and EU level. Rácz, Z. (2016) 'A szociális párbeszéd helyzete Magyarországon (The situation of social consultation in Hungary)', in Kékesi, T. (Ed.): *MultiScience – XXX. microCAD International Multidisciplinary Scientific Conference*, Hungary, University of Miskolc. ME, Miskolc, pp.1–8, DOI: 10.26649/musci.2016.118.
- 20 Szalai, J. (2017) 'Contested forms of solidarity: An overview of civil society organizations in Hungary and their impact on policy and the social economy' [online] <http://pdc.ceu.hu/archive/00007239/> (accessed 8 May 2023).
- 21 Bader, J.F. (2009) *Gerichtsinterne Mediation am Verwaltungsgericht*, Duncker & Humblot GmbH, Berlin.
- 22 Vadál, I. (2012) *Consultation Mechanisms of Government Decisions*, Wolters Kluwer, Budapest; Molnár, A.K. (2014) *Consultative Democracy and Redeeming Chatting*, No. 3, p.204, NKE Szolgáltató Kft., Budapest, Drinóczi.
- 23 Budai, B., Gerencsér, B. and Veszprémi, B. (2018) *The Specifics of Domestic Public Administration in the Digital Age*, Dialóg Campus, Budapest.
- 24 Z. Karvalics, L. (2008) *Information and Knowledge Services* [online] <https://docplayer.hu/8242101-Informacio-es-tudasszolgaltatasok-z-karvalics-laszlo.html>; see also Kaiser, T. and Horváth, A. (2019) 'Areas and trends of government involvement: society-oriented and state-oriented governance', in Kaiser, T. (Ed.): *Conceptual and Public Policy Frameworks of Modern Governance. Domestic and International Dimensions*, pp.34–48, Dialóg Campus, Budapest.
- 25 Bevir, M. (2022) 'What is the decentered state?', *Public Policy and Administration*, Vol. 37, No. 1, pp.3–21, DOI: 10.1177/0952076720904993.
- 26 Millards, J. and Horlings, E. (2008) 'Research Report on Value for Citizens. A vision of public governance in 2020', *ICT for Government and Public Services*, August, p.69, DOI: 10.1109/HICSS.2012.306.
- 27 For more details see Drinóczi (No. 18, p.122.)
- 28 Bressers, D., van Twist, M.J.W., van der Steen, M.A. and Schulz, J.M. (2018) 'The contested autonomy of policy advisory bodies: the trade-off between autonomy and control of policy advisory bodies in the Netherlands, the United Kingdom, and Sweden', in Ongaro, E. and van Thiel, S. (Eds.): *The Palgrave Handbook of Public Administration and Management in Europe*, p.1193, Erasmus University Rotterdam, Rotterdam, DOI: 10.1057/978-1-137-55269-3\_61. About strategy creation, see also Van Twist, M.D., Bressers, J., Scherpenisse, M., van der Steen, M. and Schulz, M. (2015) 'Strengthening (the institutional setting) of strategic advice', *OECD Seminar towards a Public Governance Toolkit for Policymaking 'What Works and Why'*, 22 April, OECD, Paris.
- 29 Drinóczi lists further objectives under the functions of consultation:

“Consultation implements the information function by providing information either on the start or the progress of decision-making, or about possible ways of getting involved, or on the results achieved. Its legal function is to regulate, by means of legal instruments, the request for opinions (including, in the broad sense of consultation, impact assessments), the consideration of those opinions, the reasons of rejection, and, where appropriate, to make them enforceable. The democratic function is briefly the strengthening of democratic governance and the promotion of wider participation and representative democracy. The function of policy analysis, which enables the avoidance of ‘tunnel vision’ and the assumption of a broader perspective. The empirical function helps the communication of information which enables the legislator to identify problems and assess the impact of planned legislation. This will lead to the implementation of evidence-based legislation. The control function, which should be carried out by an independent external expert, helps identify shortcomings of a technical, budgetary or legal nature. In order to ensure that

- these functions are actually carried out, consultation should be made mandatory.” (Drinóczi, No. 4, p.10)
- 30 Ökröss, B. (1867) ‘A javaslattevő bizottság (The proposing committee)’, *Jogtudományi Közöny*, Vol. 2, No. 18, p.89.
- 31 Berényi, S. (Ed.) (1987) *A központi kormányzatok konzultatív mechanizmusai az európai államokban – a Nemzetközi Közigazgatástudományi Intézet 1981. évi veszprémi tanácskozása. 2. köt. (The Consultative Mechanisms of Central Governments in European States – The 1981 Veszprém Conference of the International Institute of Public Administration; Vol. 2.)*, ELTE Department of Public Administration Law, Budapest.
- 32 Trócsányi, L. (1993) ‘Közjogi változások és a rendszerváltás (Changes in public law and the regime change)’, *Magyar Közigazgatás*, Vol. 43, No. 7, p.5. On this subject, see another work that was published at the same time: Balázs, I. (1993) *A kormány döntéshozatali mechanizmusa, különös tekintettel a konzultatív testületek szerepére (The government’s decision-making mechanism with special regard to the role of consultative bodies)*, Magyar Közigazgatási Intézet, Budapest; and Vadál, I (1997) ‘Az indirekt közigazgatási szervekről de lege lata és de lege ferenda. I. (On indirect public administration bodies de lege lata and de lege ferenda. I.)’, *Magyar Közigazgatás*, Vol. 47, No. 4, pp.135–143.
- 33 See Kéri (No. 17, p.218.).
- 34 Vadál, I. (2011) *The Consultative Mechanisms of Government Decisions*, Complex, Budapest.
- 35 Ladó, M. and Tóth, F. (2001) *A konzultáció és intézményei az Európai Unióban, tagállamaiban és Magyarországon (Consultation and its institutions in the European Union, the Member States and Hungary)*, ‘Közösen a jövő munkahelyeiért’ Alapítvány, Budapest, p.5.
- 36 Antal, A. (2017) *A populista demokrácia természete. Realizmus és utópia határán (The nature of populist democracy. On the borderline of realism and utopia)*, Napvilág Kiadó, Budapest. See also Rixer, Á. (2021) ‘La société civile face au populisme en Hongrie’, in Haupais, N., Pouthier, T., Szewdo, P. and Zagorski, W. (Eds.): *Le constitutionnalisme face au populisme en Europe centrale*, Institut Francophone pour la Justice et la Démocratie – Institut Louise Joinet, Bayonne, pp.161–190.
- 37 See, e.g., Hajnal, Gy. and Rosta, M. (2019) ‘A new doctrine in the making? Doctrinal foundations of sub-national governance reforms in Hungary (2010–2014)’, *Administration and Society*, Vol. 51, No. 3, pp.404–430; Korkut, U. (2012) *Liberalization Challenges in Hungary: Elitism, Progressivism, and Populism*, Palgrave Macmillan, New York.
- 38 Jenei, Gy. (2010) ‘Adalékok az állami szerepvállalás közpolitika-elméleti háttéréről (Additions to the public policy and theoretical background of government participation)’, in Hosszú, H. and Gellén, M. (Eds.): *Államszerep válság idején (The general government’s role in a time of crisis)*, p.95, COMPLEX Publishing House, Budapest.
- 39 N/A (2001) ‘Rezsőházy Rudolf-fal készült beszélgetés’ (Interview with Rudolf Rezsőházy), *Új Horizont*, Vol. 29, No. 1, p.3.
- 40 N/A. (2005) *Észrevételek a Háttéranyag a Kormány és a civil szféra közötti megállapodás előkészítéséhez c. dokumentumhoz (Comments on the Background Paper for the preparation of the Agreement between the Government and the NGO sector)*, pp.1–7, Civil-Társ Trust Programiroda, Budapest.
- 41 See results in Csermely, P. et al. (2009) *Szárny és teher. Ajánlás a nevelés-oktatás rendszerének újjáépítésére és a korrupció megfékezésére (Wings and Payload. Recommendations for Rebuilding the Education System and Curbing Corruption)*, Bölcsék Tanácsa Alapítvány, Budapest.
- 42 Pál, E. (2017) ‘Reflections on national consultation from a public law perspective’, *JURA*, Vol. 23, No. 1, pp.330–337.
- 43 Rixer, Á. (2022) ‘The development of legal institutions related to primary elections in Hungary’, *Krytyka Prawa*, Vol. 14, No. 3, pp.113–135, DOI: 10.7206/kp.2080-1084.544.

- 44 N/A (2022) *2022 Rule of Law Report Country Chapter on the rule of law situation in Hungary*, 13.7.2022 SWD(2022) 517 final, Commission Staff Working Document, Luxembourg.
- 45 General explanation of Act XXX of 2022: “The purpose of the bill is to formulate RRF commitments in Act CXXX of 2010 on Legislation and Act CXXXI of 2010 on Public Participation in the Preparation of Legislation.”
- 46 Sartori, G. (2003) *Összehasonlító alkotmánymérnökség. A kormányzati rendszerek strukturái, ösztönzői, teljesítményei (Comparative Constitutional Engineering. Comparative Constitutional Analysis)*, Translated by Soltész, E. Akadémiai Kiadó, Budapest, p.125. Referenced by Fazekas, J. (2011) *A Kormány szervezetalakítási szabadsága. Keretek és korlátok (The Government Freedom to Change Organizations. Frameworks and Limits)*, ELTE AJDI, Budapest, p.47.
- 47 Harari, Y.N. (2022) *21 lecke a 21. századra (21 Lessons for the 21st Century)*, Animus Kiadó, Budapest, p.9.
- 48 Tóth, K. (2010) *Címszavak alkotmányjogi kislexikonhoz (Headings for a Small Dictionary of Constitutional Law)*, Private edition, Szeged, p.84.
- 49 Ibid. p.85.
- 50 Vadál (No. 23, p.61).
- 51 <https://www.oecd.org/gov/48250728.pdf> (accessed 4 November 2022).
- 52 See Craft, J. and Howlett, M. (2013) ‘The dual dynamics of policy advisory systems: the impact of externalization and politicization on policy advice’, *Policy and Society*, Vol. 32, No. 3, pp.189–190, DOI: 10.1016/j.polsoc.2013.07.001.
- 53 Consultation, obviously, has not only national but also local platforms. Irrespective of the ‘ripple’ effects of general trends, these are the areas where the most positive changes can be seen in the identification, channelling and promotion of social interests. The most elementary examples include the work of committees that involve external members, see, e.g., the work of the Drugs Advisory Forums which involve governmental and municipal bodies and non-governmental actors, as described earlier. For the latter, see: Németh, Zs. and Budaházi, Á. (Eds.) (2006) *The Place and Role of Policemen in the Drugs Advisory Forum’s Work*. RTF – National Institute for Drug Prevention, Budapest. This is true even if some institutions run by local or regional (mainly municipality-type) bodies only exist because their establishment was mandatory, or they are not applied at all. An example to the latter is the institution of county public hearings. See Héder, Á. (2017) ‘A közmeghallgatás jogintézménye a megyei önkormányzatokban – különös tekintettel a 2006–2017 közötti időszakra (The legal institution of public hearings in county municipalities – with particular reference to the 2006–2017 period)’, *Glossa Iuridica*, Vol. 4, Nos. 3–4, pp.104–136.
- 54 The European Economic and Social Committee (EESC) is an indispensable example, providing the EU decision-making institutions with a permanent advisory body, representing the views of various economic and other interest groups.
- 55 There are also consultative mechanisms whose main feature (beyond the specific subject of consultation) is not the level at which they operate (national, regional or local), but the fact that the government is not part of them. For example, in December 2022, the National Energy Roundtable held its first meeting. This body was set up by the Egység Intézet [Balance Institute], the Association of Hungarian Municipalities (MÖSZ), the National Association of Local Governments (TÖOSZ) and the Association of Budapest Municipalities (BÖSZ).
- 56 Act CXXX of 2010 on Legislation regulates the harmonisation of draft legislation with the institutions and Member States of the European Union, in so far as pursuant to Article 20 (1) “If, on the basis of the provisions of the Treaties on which the European Union is founded or of an EU legal act, a draft legislative act is to be sent to certain institutions and Member States of the European Union or to another State which is party to the Agreement on the European Economic Area for prior notification or other comments (hereinafter together referred to as ‘prior notification’), the prior notification shall be carried out in accordance with the procedure laid down by the Government in a decree.”



- 57 Vadál (No. 23, p.60.).
- 58 Pursuant to Article 7 (1) (a) and Article 8 (2) of Act CXXXI. on Public Participation in the Preparation of Legislation.
- 59 Act CLXV of 2013 on complaints and notifications of public interest, paragraphs (2)-(3) in Article 1.
- 60 Articles 4-10 of Act CLXV of 2013.
- 61 On 25 May 2023, Hungary adopted Act XXV of 2023 on complaints, disclosures in public interest, and related rules on reporting abuses, which is commonly known as the Whistleblower Protection Act and transposes the EU's 2019/1937 Whistleblower Directive.
- 62 See details in paragraphs (1)–(2) of Article 13 in Act CXXXI of 2010.
- 63 [https://www.google.com/search?q=Promenad24&rlz=1C1GCEA\\_enHU970HU970&oq=Promenad24&aqs=chrome..69i57j0i512l2.1073j0j4&sourceid=chrome&ie=UTF-8](https://www.google.com/search?q=Promenad24&rlz=1C1GCEA_enHU970HU970&oq=Promenad24&aqs=chrome..69i57j0i512l2.1073j0j4&sourceid=chrome&ie=UTF-8) (accessed 22 February 2023)
- 64 <http://www.ngtt.hu> (accessed 22 February 2023).
- 65 Article 2 par. (1) of Act XCIII of 2011 on the National Economic and Social Council.
- 66 In addition to the Defence Council, which replaces the National Security Cabinet, the Cabinet for Strategy and Family Affairs, the Cabinet for Economic Affairs and the Cabinet for National Policy are the top policy-making bodies of the government. On the Defence Council see more in Art. 190-191. of the Government Decree no. 182/2022 (V. 24.) on the competences and powers of the members of Government.
- 67 Government Decree no. 1741/2020 (11 November) on the coordination of government participation in the decision-making activities of the European Union and on the European Cross-ministry Coordination Committee. Point 22 declares: “Specialist groups are set up to implement the Government’s EU policy, prepare the tasks arising from EU membership and formulate negotiating stances in EU decision-making procedures, monitor the development of EU policies and coordinate the necessary government action.”
- 68 Pursuant to point 6 of the already mentioned Government Decree no. 1336/2022 (15 July), “In addition to the members referred to in points 4 and 5, the meeting of the Energy Emergency Steering Group shall be attended by persons invited by the Minister in charge of the Prime Minister’s Office on a permanent or ad hoc basis.”
- 69 In the preliminary phase (which seeks to assess whether the draft is suitable for administrative consultation), a policy working group took a decision before 2010, and after 2010, for a period of time, the Secretary of State for Public Administration of the Ministry of the Interior.
- 70 Paragraph (1) in Article 35 of the Government’s Rules of Procedure. Pursuant to paragraph (2), the Meeting of the State Secretaries for Public Administration shall function as a general professional decision-preparation body of the Government, with general competence, for preparing the sessions of the Cabinet for Strategy and Family Affairs, the Cabinet for Economic Affairs, the Cabinet for Growth and Competitiveness, the Cabinet for National Policy and the Defence Council (hereinafter together referred to as the Cabinet) and the Government. The body shall function as a general professional forum for organising, coordinating and monitoring the implementation of Government decisions. For a broader context, see the previously mentioned literature: Balázs (No. 32.); Fazekas, M. (Ed.), (2006) *Közigazgatási jog. Általános rész I. (Public administration law. General part I.)*, ELTE Eötvös Publishing House, Budapest, pp.160-162.; and Balázs, I. (2020) ‘A Kormány és a központi közigazgatás értelmezése, valamint annak változásai a magyar alkotmányos környezetben’ (Interpretation of the government and central public administration and its changes within the context of the Hungarian constitution), in Árvai, Zs. et al., *State Resources. Organization and Personnel in the Executive Branch*, pp.11–111, Dialóg Campus Publishing House, Budapest (especially pages 37–54. on decision preparation and auxiliary bodies of government).
- 71 Paragraph (2) a) in Point 45.
- 72 Paragraph (1) in Point 37.

- 73 Point 6 of the Government's Rules of Procedure: "The submitter shall consult the head of the relevant organ on the draft proposal as provided by law, and a) if it concerns the functions of courts and prosecution offices, the Chairman of the National Judiciary Office and the Prosecutor General, b) if it concerns the Constitutional Court, the State Audit Office, the National Bank of Hungary, autonomous state administration bodies and independent regulatory bodies."
- 74 Paragraph (1) in Article 30 of Act CXXV of 2018.
- 75 Pursuant to point c) of Paragraph (4) in Article 23 of Act CXXX of 2010.
- 76 In public education, for example, pursuant to point 18 of Government Decree no. 1382/2017 (16 June) on certain professional bodies in public education, the *Round Table on Public Education Strategy* (Köznevelés-stratégiai Kerekasztal) is a professional social consultation body that provides proposals, opinions and strategic advice in preparing decisions related to public education.
- 77 Paragraph (1) in Article 5.
- 78 See Government Decree no. 1424/2022 (5 September) and Articles 48-63 of Act XXVII of 2022 on Controlling the Use of EU Funds. The Anti-Corruption Working Group is a body attached to the Integrity Authority, but it is independent of it. It is an organ that performs analyses, submits proposals, provides assessments and prepares decisions.
- 79 Paragraphs (1)-(4) in Article 4 of Act XXXIII of 1992 on the Legal Status of Public Servants.
- 80 Paragraphs (1)-(6) in Article 171 of Act CXXV of 2018 on Government Administration.
- 81 For more details about the two organs, see Szabó, I.Sz. (2022) *A szakszervezet jogállása a magyar munkajogban (The Legal Status of Trade Unions in Hungarian Labour Law)*, PhD thesis, PTE ÁJK – Novissima, Pécs-Budapest, Hungary, pp.158–161.
- 82 For the grouping of these, see Article 1 of Act XLIII of 2010 on Central Public Administration Bodies and the Status of Members of the Government and State Secretaries.
- 83 The Child Protection Internet Roundtable (Gyermekvédelmi Internet-kerekasztal) was established by Mónika Karas, Chairwoman of the National Media and Info-communications Authority (NMHH), on the basis of Act CVIII of 2001 on Electronic Commerce and on Information Society Services.
- 84 Recommendation of the Child Internet Roundtable on warning signs and filtering on harmful content and services on the internet [http://nmhh.hu/dokumentum/162986/szurosszofter\\_ajanlas.pdf](http://nmhh.hu/dokumentum/162986/szurosszofter_ajanlas.pdf) (accessed 15 May 2023).
- 85 [https://hvg.hu/itthon/20221212\\_PSZ\\_nemzeti\\_kerekasztal\\_kormany](https://hvg.hu/itthon/20221212_PSZ_nemzeti_kerekasztal_kormany) (accessed 12 December 2022).
- 86 A current example among these is the Ferenc Mádl Institute of Comparative Law, established on the basis of Article 1 of Government Decree No. 95/2019 (25 April). It is a central budgetary body reporting to the Minister of Justice. Pursuant to points c)-d) in Paragraph 1 of Article 4, it carries out international comparative legal research and analyses for preparing lawmaking; it examines the effectiveness of legislation and prepares and publishes policy analyses of successful, exemplary legislative solutions.
- 87 E.g.: Government Decree no. 1336/2022 (15 July) on the Energy Emergency Operational Task Force named the monitoring of decision implementation as one of the main tasks of the organ, in addition to preparing the measures to be taken.
- 88 The four sub-working groups focus on the following areas: public procurement, EU and national funding programs, public disclosure and transparency of public data, and criminal (procedural) law.
- 89 Aristotle (350 B.C.E.) *Nicomachean Ethics*, Translated by Ross, W.D. <http://classics.mit.edu/Aristotle/nicomachaen.1.i.html> (accessed 21 June 2023).
- 90 Parkinson, C.N. (1985) *Parkinson törvénye vagy az Érvényesülés Iskolája (Parkinson's Law or the Pursuit of Progress)*, [Hungarian edition], p.105, Minerva, Budapest.
- 91 Meadows, D.H. et al. (1972) *The Limits to Growth: A Report for the Club of Rome's Project on the Predicament of Mankind*, p.11, Universe Books, New York.