

# Act LVIII of 2001

## on the National Bank of Hungary

PARLIAMENT HAS ADOPTED THE FOLLOWING ACT ON THE NATIONAL BANK OF HUNGARY, ITS PRINCIPAL OBJECTIVES, BASIC TASKS, ITS INSTITUTIONAL, ORGANIZATIONAL, PERSONAL AND FINANCIAL INDEPENDENCE AND ITS OPERATIONS, AS CONSISTENT WITH THE REQUIREMENTS OF AN ADVANCED MARKET ECONOMY.

### Chapter I

#### LEGAL STATUS, PRIMARY OBJECTIVE AND BASIC TASKS OF THE NATIONAL BANK OF HUNGARY

##### *Section 1.*

(1) THE NATIONAL BANK OF HUNGARY (HEREINAFTER REFERRED TO AS “NBH”) IS THE CENTRAL BANK OF THE REPUBLIC OF HUNGARY. THE NBH IS A MEMBER OF THE EUROPEAN SYSTEM OF CENTRAL BANKS (ESCB)

(2) THE NBH AND THE MEMBERS OF ITS DECISION-MAKING BODIES SHALL PERFORM THEIR DUTIES AND CARRY OUT THEIR OBLIGATIONS INDEPENDENTLY AS LAID DOWN IN THIS ACT, AND MAY NEITHER SEEK NOR TAKE INSTRUCTIONS FROM THE GOVERNMENT OR ANY OTHER INSTITUTIONS OR BODIES IN THE EUROPEAN UNION OR FROM THE GOVERNMENTS OF MEMBER STATES, OTHER THAN THE EUROPEAN CENTRAL BANK.

##### *Section 2.*

THE PRESIDENT OF THE NBH SHALL REPORT TO PARLIAMENT.

##### *Section 3.*

(1) THE CHIEF OBJECTIVE OF THE NBH SHALL BE TO ACHIEVE AND MAINTAIN STABILITY OF PRICES.

(2) WITHOUT PREJUDICE TO ITS PRIMARY OBJECTIVE, THE NBH SHALL SUPPORT THE ECONOMIC POLICY OF THE GOVERNMENT BY MEANS OF THE INSTRUMENTS OF MONETARY CONTROL AT ITS DISPOSAL.

#### Basic Tasks and Duties of the NBH

##### *Section 4.*

(1) THE NBH SHALL DEFINE AND IMPLEMENT THE COUNTRY’S MONETARY POLICY.

(2) THE NBH SHALL HAVE THE EXCLUSIVE RIGHT TO ISSUE BANKNOTES AND COINS. THE BANKNOTES AND COINS - INCLUDING COMMEMORATIVE BANKNOTES AND COINS - ISSUED BY THE NBH SHALL BE THE LEGAL TENDER OF THE REPUBLIC OF HUNGARY.

(3) THE NBH SHALL FORM AND MANAGE OFFICIAL RESERVES IN GOLD AND FOREIGN EXCHANGE.

(4) THE NBH MAY CONDUCT FOREIGN EXCHANGE TRANSACTIONS CONSISTENT WITH THE MANAGEMENT OF FOREIGN EXCHANGE RESERVES AND THE IMPLEMENTATION OF EXCHANGE RATE POLICY.

(5) THE NBH SHALL DEVELOP AND REGULATE PAYMENT AND CLEARING SYSTEMS AND SECURITIES CLEARING SYSTEMS, AND SHALL MONITOR (OVERSEE) THESE SYSTEMS TO ENSURE THEIR EFFICIENT AND SOUND OPERATION, AND THE PRUDENT OPERATION OF THE COMMERCIAL TRANSACTIONS SYSTEM.

(6) THE NBH SHALL COLLECT AND PUBLISH STATISTICAL INFORMATION AS NECESSARY TO CARRY OUT ITS TASKS.

(7) THE NBH SHALL ADVOCATE THE STABILITY OF THE FINANCIAL SYSTEM AND SHALL CONTRIBUTE TO THE DEVELOPMENT AND SMOOTH CONDUCT OF POLICIES RELATED TO THE PRUDENTIAL SUPERVISION OF THE FINANCIAL SYSTEM.

(8) THE NBH MAY ENGAGE IN OTHER ACTIVITIES IF DULY AUTHORIZED BY LAW AND TO THE EXTENT SO AS NOT TO JEOPARDIZE THE ACHIEVEMENT OF ITS PRIMARY OBJECTIVE AND PERFORMANCE OF ITS BASIC TASKS.

## Chapter II

### TASKS OF THE NBH

#### Monetary Policy

##### *Section 5.*

IN THE INTERESTS OF ACHIEVING THE PRIMARY OBJECTIVE DEFINED IN SUBSECTION (1) OF SECTION 3, THE NBH SHALL INFLUENCE SUPPLY AND DEMAND FACTORS OF MONEY AND CREDIT, USING THE INSTRUMENTS DESCRIBED IN SECTION 7.

##### *Section 6.*

THE NBH SHALL INDEPENDENTLY DEFINE ITS MONETARY POLICY AND THE INSTRUMENTS FOR IMPLEMENTING SUCH POLICY WITHIN THE FRAMEWORK LAID DOWN IN THIS ACT.

#### Instruments of Monetary Policy

##### *Section 7.*

THE NBH SHALL IMPLEMENT ITS MONETARY POLICY BY MEANS OF THE FOLLOWING:

A) ACCEPTING ASSETS AND, SUBJECT TO THE RESTRICTIONS DESCRIBED IN SECTION 16, LENDING BASED ON ADEQUATE COLLATERAL, UNDER THE ACCOUNTS IT MANAGES;

B) PURCHASING, SELLING AND MEDIATING SECURITIES ON SPOT AND DERIVATIVE MARKETS WITHIN THE FRAMEWORK OF OPEN MARKET OPERATIONS AND REPURCHASE AGREEMENTS;

- C) ISSUING SECURITIES;
- D) INFLUENCING AND SETTING EXCHANGE RATES AND INTEREST RATES;
- E) DISCOUNTING (REDISCOUNTING) SECURITIES;
- F) REGULATING MINIMUM RESERVES; AND
- G) OTHER CENTRAL BANK INSTRUMENTS.

*Section 8.*

THE NBH MAY NOT ACCEPT AS COLLATERAL ANY SECURITIES WHICH ARE ISSUED BY THE DEBTOR.

### Minimum Reserves

*Section 9.*

- (1) THE PRESIDENT OF THE NBH MAY DECREE THAT FINANCIAL INSTITUTIONS AND INVESTMENT FIRMS ARE REQUIRED TO DEPOSIT FUNDS WITH THE NBH IN RESERVE, IN A SPECIFIC PERCENTAGE OF THEIR LIABILITIES (RESERVE RATIO).
- (2) THE NBH MAY PRESCRIBE DIFFERENT RESERVE RATIOS FOR THE VARIOUS TYPES OF LIABILITIES OF FINANCIAL INSTITUTIONS AND INVESTMENT FIRMS.

*Section 10.*

- (1) THE PRESIDENT OF THE NBH SHALL DECREE THE FORMULA FOR THE CALCULATION OF RESERVE RATIOS AND THE METHOD OF CREATING AND PLACING RESERVES, AND ALSO CONCERNING THE MEASURES TO BE ADOPTED IN THE EVENT OF NON-COMPLIANCE WITH THESE REGULATIONS.
- (2) THE PERCENTAGE OF RESERVE RATIO SHALL BE DECIDED BY THE MONETARY COUNCIL. THE PRESIDENT OF THE NBH SHALL ANNOUNCE THE PERCENTAGE OF RESERVE RATIO BY DECREE.

### Exchange Rates

*Section 11.*

- (1) THE NBH SHALL QUOTE THE OFFICIAL RATES OF EXCHANGE FOR THE TRANSLATION OF FOREIGN CURRENCIES INTO FORINT AND FOR TRADING FORINTS INTO FOREIGN CURRENCIES, AND SHALL PUBLISH THESE RATES.
- (2) THE GOVERNMENT SHALL DETERMINE THE EXCHANGE RATE SYSTEM - ALONG WITH ALL ITS COMPONENTS, SUCH AS THE THRESHOLD LIMITS OF FLUCTUATIONS, THE MEDIUM RATE AND THE COMPONENT CURRENCIES - IN AGREEMENT WITH THE NBH. CHANGES IN THE EXCHANGE RATE SYSTEM SHALL NOT BE PERMITTED TO COMPROMISE THE CHIEF OBJECTIVE OF THE NBH AS TO ACHIEVE AND MAINTAIN THE STABILITY OF PRICES.
- (3) WITHIN THE FRAMEWORK OF THE EXCHANGE RATE SYSTEM DEFINED IN ACCORDANCE WITH SUBSECTION (2), THE NBH SHALL MOVE - WHEN NECESSARY - TO PROTECT AND INFLUENCE EXCHANGE RATES ON THE CURRENCY MARKETS, DOMESTIC AND FOREIGN, WITHIN ITS POSSIBILITIES.

(4) THE GOVERNMENT AND THE NBH SHALL ADMINISTER THE EXCHANGE RATE POLICY TO REPRESENT THE JOINT INTEREST OF ALL MEMBER STATES OF THE EUROPEAN UNION.

## Interest Rates

### *Section 12.*

THE NBH SHALL SPECIFY THE CENTRAL BANK BASE RATE AS THE PRIME RATE IN THE INTEREST RATE STRUCTURE. THE NBH SHALL PUBLISH THE CENTRAL BANK BASE RATE IN THE OFFICIAL GAZETTE.

### *Section 13.*

THE NBH SHALL PAY INTEREST ON THE MINIMUM RESERVES DEPOSITED BY THE INSTITUTIONS DESCRIBED IN SUBSECTION (1) OF SECTION 9. DIFFERENT INTEREST RATES MAY BE APPLIED ACCORDING TO THE VARIOUS TYPES OF LIABILITIES.

## Emergency Loans to Credit Institutions

### *Section 14.*

THE NBH MAY EXTEND AN EMERGENCY LOAN - SUBJECT TO THE PROHIBITION OF MONETARY FINANCING - TO A CREDIT INSTITUTION WHOSE OPERATION JEOPARDIZES THE STABILITY OF THE FINANCIAL SYSTEM IN CONSEQUENCE OF SPECIFIC CIRCUMSTANCES. THE NBH MAY RENDER SUCH A LOAN SUBJECT TO THE ACTIONS OF THE STATE FINANCIAL INSTITUTIONS COMMISSION (HEREINAFTER REFERRED TO AS THE 'COMMISSION') OR PERFORMANCE OF ACTIONS BY THE CREDIT INSTITUTION AS INITIATED BY THE COMMISSION.

## Relations with the Central Government and Maintenance of Accounts by the NBH

### *Section 15.*

(1) THE NBH SHALL MANAGE THE SINGLE TREASURY ACCOUNT AS WELL AS OTHER GOVERNMENT ACCOUNTS AS SPECIFIED BY THE MINISTER IN CHARGE OF PUBLIC FINANCES (HEREINAFTER REFERRED TO AS "MINISTER").

(2) THE NBH SHALL MANAGE THE CURRENT ACCOUNT OF THE HUNGARIAN PRIVATIZATION AND HOLDING COMPANY, THE WORKING BALANCE OF WHICH SHALL BE CONSOLIDATED WITH THE BALANCE OF THE SINGLE TREASURY ACCOUNT ON A CONTINUOUS BASIS.

(3) THE NBH SHALL MANAGE THE CURRENT ACCOUNT OF THE GOVERNMENT DEBT MANAGEMENT COMPANY.

### *Section 16.*

(1) IN ACCORDANCE WITH WHAT IS CONTAINED IN COUNCIL REGULATION (EC) NO 3603/93 OF 13 DECEMBER 1993 SPECIFYING DEFINITIONS FOR THE APPLICATION OF THE PROHIBITIONS REFERRED TO IN ARTICLES 104 AND 104(B)(1) OF THE TREATY, THE NBH MAY NOT PROVIDE OVERDRAFT CREDIT OR ANY OTHER LOAN FACILITIES TO THE STATE, TO LOCAL SELF-GOVERNMENTS, TO OTHER GOVERNMENT INSTITUTIONS, TO THE INSTITUTIONS AND BODIES OF THE EUROPEAN UNION, TO THE CENTRAL GOVERNMENTS OF MEMBER STATES, TO REGIONAL, LOCAL AND OTHER

ADMINISTRATIVE AGENCIES OF MEMBER STATES, TO OTHER PUBLIC BODIES, OR TO AN ECONOMIC OPERATOR IN WHICH THE ABOVE-SPECIFIED BODIES OR AGENCIES HOLD ANY CONTROLLING INTEREST. FURTHERMORE, THE NBH MAY NOT PURCHASE SECURITIES ISSUED BY SUCH INSTITUTIONS DIRECTLY FROM THE ISSUER.

(2) FOR THE PURPOSES OF SUBSECTION (1) CONTROLLING INTEREST IN AN ECONOMIC OPERATOR BY THE STATE, A LOCAL SELF-GOVERNMENT OR THE INSTITUTIONS REFERRED TO IN SUBSECTION (1) SHALL MEAN IF THE STATE, THE LOCAL SELF-GOVERNMENT, OTHER GOVERNMENT INSTITUTION, AN INSTITUTION OR BODY OF THE EUROPEAN UNION, THE CENTRAL GOVERNMENT OF A MEMBER STATE, A REGIONAL, LOCAL OR OTHER ADMINISTRATIVE AGENCY OF A MEMBER STATE, OTHER PUBLIC BODY, ON THE AGGREGATE, EITHER DIRECTLY OR INDIRECTLY:

A) HOLDS A MAJORITY INTEREST IN THE SUBSCRIBED CAPITAL OF THE ECONOMIC OPERATOR;

B) CONTROLS THE MAJORITY OF VOTING RIGHTS RELATED TO THE INTEREST; OR

C) HAS THE RIGHT TO APPOINT MORE THAN ONE-HALF OF THE MEMBERS OF THE ECONOMIC OPERATOR'S SUPREME BODY OR SUPERVISORY BOARD.

(3) THE PROVISIONS OF SUBSECTION (1) SHALL NOT APPLY IN RESPECT OF CREDIT INSTITUTIONS WHICH ARE OWNED, DIRECTLY OR INDIRECTLY, BY THE STATE, A LOCAL SELF-GOVERNMENT, ANOTHER GOVERNMENT INSTITUTION, AN INSTITUTION OR BODY OF THE EUROPEAN UNION, THE CENTRAL GOVERNMENT OF A MEMBER STATE, OR BY A REGIONAL, LOCAL OR OTHER ADMINISTRATIVE AGENCY OF A MEMBER STATE. THESE CREDIT INSTITUTIONS SHALL BE ACCORDED THE SAME TREATMENT AS PRIVATELY OWNED CREDIT INSTITUTIONS INsofar AS THE CENTRAL BANK'S AVAILABLE MONEY SUPPLY IS CONCERNED.

(4) FOR THE PURPOSES OF THIS SECTION "INDIRECT HOLDING" MEANS WHEN SHARES IN THE CAPITAL OR THE VOTING RIGHTS OF A COMPANY ARE HELD OR CONTROLLED THROUGH THE SHARES OR VOTING RIGHTS HELD BY ANOTHER COMPANY IN THAT COMPANY (INTERMEDIARY COMPANY).

#### *Section 17.*

(1) THE NBH SHALL ALLOCATE TO THE FORINT EXCHANGE RATE EQUALIZATION RESERVE ANY GAIN OR LOSS FROM THE REVALUATION OF ITS FOREIGN CURRENCY RECEIVABLES AND LIABILITIES BASED ON THE OFFICIAL EXCHANGE RATE IN EFFECT ON THE LAST DAY OF THE YEAR TO WHICH IT PERTAINS.

(2) THE NBH SHALL ALLOCATE TO THE FOREIGN CURRENCY SECURITIES EQUALIZATION RESERVE THE DIFFERENCE DETERMINED ON THE BASIS OF THE MARKET VALUATION OF RECEIVABLES IN FOREIGN CURRENCY SECURITIES, FOLLOWING RE-ENTRY OF THE OPENING BALANCE.

(3) THE FORINT EXCHANGE RATE EQUALIZATION RESERVE AND THE FOREIGN CURRENCY SECURITIES EQUALIZATION RESERVE DESCRIBED IN SUBSECTIONS (1) AND (2) ABOVE SHALL FORM A COMPONENT OF THE EQUITY OF THE NBH. THE BALANCES OF THE EQUALIZATION RESERVES MAY NOT BE OFFSET AGAINST ONE ANOTHER.

(4) IN THE EVENT THAT, BASED ON THE AVAILABLE DATA, THE BALANCE OF EITHER OF THE EQUALIZATION RESERVES DESCRIBED IN SUBSECTIONS (1) AND (2) ABOVE IS NEGATIVE, THE GOVERNMENT SHALL MAKE A DIRECT CASH INJECTION TO THE APPROPRIATE EQUALIZATION RESERVE TO THE AMOUNT OF THE NEGATIVE BALANCE BY 31 MARCH OF THE YEAR FOLLOWING THE SUBJECT YEAR, WHICH SHALL BE RECORDED IN THE BALANCE SHEET IN THAT YEAR.

(5) IN THE EVENT THAT, BASED ON THE FINAL DATA AND WITH DUE CONSIDERATION OF THE CASH INJECTION DESCRIBED IN SUBSECTION (4), THE BALANCE OF EITHER OF THE EQUALIZATION RESERVES DESCRIBED IN SUBSECTIONS (1) OR (2) ABOVE IS NEGATIVE, THE GOVERNMENT SHALL MAKE A DIRECT CASH INJECTION TO THE APPROPRIATE EQUALIZATION RESERVE WITHIN EIGHT DAYS FOLLOWING THE GENERAL MEETING. IN THE EVENT THAT THE CASH INJECTION DESCRIBED IN SUBSECTION (4) EXCEEDS THE FINAL BALANCE, THE NBH SHALL REFUND THE AMOUNT OF OVERPAYMENT TO THE GOVERNMENT WITHIN EIGHT DAYS FOLLOWING THE GENERAL MEETING FROM THE EQUALIZATION RESERVE. SAID ITEMS SHALL BE RECORDED IN THE BALANCE SHEET OF THE YEAR IN WHICH THE PAYMENT IS EFFECTED.

*Section 18.*

SEIGNIORAGE ON CURRENCY WITHDRAWAL, I.E. THE DIFFERENCE BETWEEN THE AMOUNT OF CURRENCY ISSUED AND THE AMOUNT OF CURRENCY EXCHANGED FOR ONE THAT IS IN CIRCULATION FOLLOWING THE DATE OF WITHDRAWAL AND WITHIN THE PERIOD DEFINED UNDER SUBSECTION (3) OF SECTION 31, SHALL BE USED TO REDUCE ANY STATE DEBT VIS-À-VIS THE NBH. THE MINISTER AND THE PRESIDENT OF THE NBH SHALL CONCLUDE A SPECIFIC AGREEMENT ON THE IMPLEMENTATION OF THIS PROVISION.

*Section 19.*

THE NBH MAY ACT AS AN AGENT FOR THE GOVERNMENT ON THE SECURITIES MARKET, BY AUTHORIZATION OF THE GOVERNMENT OR IN RESPECT OF GOVERNMENT-OWNED SECURITIES, WITH THE EXCEPTION OF EQUITIES.

*Section 20.*

(1) BY AUTHORIZATION OF THE GOVERNMENT, THE NBH MAY PARTICIPATE IN THE GOVERNMENT'S FOREIGN CURRENCY BORROWING OPERATIONS AND IN ITS ISSUE OF SECURITIES ABROAD. THE NBH MAY ALSO CONTRIBUTE TO THE MANAGEMENT OF THE GOVERNMENT'S FOREIGN RECEIVABLES.

(2) THE NBH MAY CONCLUDE FORWARD AND HEDGING TRANSACTIONS WITH THE GOVERNMENT OR AS AN AGENT OF THE GOVERNMENT UNDER MARKET CONDITIONS.

*Section 21.*

(1) THE NBH SHALL MANAGE THE CURRENT ACCOUNTS OF CREDIT INSTITUTIONS, OR SHALL AUTHORIZE ANOTHER CREDIT INSTITUTION TO DO SO.

(2) THE NBH SHALL MANAGE THE CURRENT ACCOUNTS OF CLEARING HOUSES.

(3) THE NBH SHALL MANAGE THE CURRENT ACCOUNTS OF THE NATIONAL DEPOSIT INSURANCE FUND AND THE INVESTOR PROTECTION FUND.

(4) THE NBH SHALL MANAGE THE CURRENT ACCOUNT OF THE CENTRAL DEPOSITORY.

*Section 22.*

THE ORGANIZATIONS FOR WHICH THE NBH MAINTAINS CURRENT ACCOUNTS MAY PLACE DEPOSITS WITH THE NBH.

*Section 23.*

(1)

(2)

*Section 24.*

*Section 25.*

### Tasks Related to Payment Transactions

*Section 26.*

(1) THE NBH SHALL DEVELOP THE NATIONAL PAYMENTS AND CLEARING SYSTEM.

(2) THE PAYMENT AND SECURITIES CLEARING SYSTEMS REFERRED TO IN THE ACT ON THE IRREVERSIBILITY OF SETTLEMENTS MADE THROUGH PAYMENT AND SECURITIES CLEARING SYSTEMS SHALL BE DESIGNATED BY THE NBH.

(3) THE PRESIDENT OF THE NBH SHALL GOVERN THE EXECUTION OF COMMERCIAL TRANSACTIONS FOR THE ENTITIES REFERRED TO IN PARAGRAPH *H*) OF SUBSECTION (1) OF SECTION 60.

(4) THE USE OF SPECIFIC METHODS OF PAYMENT MAY BE PRESCRIBED BY AN ACT OF PARLIAMENT OR MAY BE DECREED BY THE GOVERNMENT.

*Section 27.*

(1) THE APPROVAL OF THE NBH SHALL BE REQUIRED TO VALIDATE THE GENERAL TERMS AND BUSINESS CONDITIONS OF THE CLEARING HOUSE FOR CREDIT INSTITUTIONS WHICH OPERATES THE TRANSFER SYSTEM FOR CLEARING TRANSACTIONS, AS WELL AS FOR ANY AMENDMENTS THEREOF. THE CLEARING HOUSE FOR CREDIT INSTITUTIONS SHALL PUBLISH ITS GENERAL TERMS AND BUSINESS CONDITIONS AND ANY AMENDMENTS THEREOF IN THE FINANCIAL GAZETTE.

(2)

### Central Banking Information System

*Section 28.*

(1) IN ORDER TO DISCHARGE THE DUTIES DEFINED IN SUBSECTIONS (1)-(7) OF SECTION 4 THE NBH SHALL OPERATE A CENTRAL BANKING INFORMATION SYSTEM IN ACCORDANCE WITH THE CONDITIONS SET OUT IN ACT LXIII OF 1992 ON THE PROTECTION OF PERSONAL DATA AND ACCESS TO INFORMATION OF PUBLIC INTEREST. ORGANIZATIONS SPECIFIED BY LEGAL REGULATION AND NATURAL PERSONS SHALL BE REQUIRED TO DISCLOSE THE INFORMATION SPECIFIED BY THE

NBH TO THIS SYSTEM. WITH DUE CONSIDERATION OF THE OPINIONS SUBMITTED BY THE MINISTER AND THE COMMISSION, THE NBH SHALL SPECIFY THE CONTENTS AND METHODOLOGY OF THE STATISTICAL INFORMATION SYSTEM THAT IS OPERATED WITHIN THE CENTRAL BANKING INFORMATION SYSTEM, IN CONJUNCTION WITH THE CENTRAL STATISTICAL OFFICE.

(2) THE NBH SHALL PUBLISH ALL INFORMATION OF IMPORT WHICH IS RELATED TO THE OPERATION OF THE BANKING SYSTEM AND TO THE FINANCIAL SITUATION OF THE COUNTRY, AND SHALL PERIODICALLY PROVIDE ELABORATE DETAILS OF SUCH INFORMATION TO PARLIAMENT, THE GOVERNMENT AND THE MINISTRIES (CENTRAL GOVERNMENT BODIES).

(3) THE INFORMATION SPECIFIED ABOVE MAY ONLY BE DISCLOSED IN A MANNER WHICH PRECLUDES THE POSSIBILITY OF IDENTIFYING THE ENTITIES TO WHOM IT PERTAINS.

(4)

## Oversight

### *Section 29.*

(1) OVERSIGHT BY THE CENTRAL BANK SHALL COVER COMPLIANCE WITH THIS ACT, THE PROVISIONS OF ACT CXII OF 1996 ON CREDIT INSTITUTIONS AND FINANCIAL ENTERPRISES GOVERNING ACTIVITIES AUXILIARY TO FINANCIAL SERVICES FALLING WITHIN THE SCOPE OF THE LICENSING AUTHORITY OF THE NBH, AND COMPLIANCE WITH THE DECREES OF THE PRESIDENT OF THE NBH. WITHIN THIS FRAMEWORK, THE NBH SHALL BE AUTHORIZED TO REQUEST DATA, REPORTS, BALANCE SHEETS, CERTIFICATES AND OTHER MATERIALS FOR INSPECTION.

(2) IN ITS COMPETENCE TO SUPERVISE THE BANKING SYSTEM, THE NBH SHALL BE ENTITLED TO CONDUCT ON-SITE INSPECTIONS.

(3) IN THE COURSE OF INSPECTION THE ASSIGNED OFFICER(S) OF THE NBH MAY ENTER THE PREMISES (AREAS), VIEW DOCUMENTS, INSPECT OBJECTS, MONITOR WORK PROCEDURES (ACTIVITIES), MAKE INQUIRIES AND GATHER EVIDENCE IN OTHER WAYS TO THE EXTENT REQUIRED TO COMPLETE THE INSPECTION SUCCESSFULLY.

(4) IF IT IS NECESSARY TO SUBSTANTIATE THE AUTHENTICITY OR COMPLETENESS OF THE DOCUMENTS UNDER EXAMINATION OR TO GATHER ADDITIONAL EVIDENCE TO COMPLEMENT THE FINDINGS OF THE INSPECTION, THE INSPECTING OFFICER OF THE NBH SHALL BE ENTITLED TO CONDUCT INQUIRIES AT THE INSTITUTIONS AND NATURAL PERSONS ENGAGED IN ACTIVITIES FALLING WITHIN THE OVERSIGHT COMPETENCE OF THE CENTRAL BANK AND TO EXAMINE FACTS CONNECTED TO THE SUBJECTS DESCRIBED IN SUBSECTION (1).

(5) IN THE EVENT THAT THE INSPECTION REVEALS ANY VIOLATION OF LAW OR OF CENTRAL BANK REGULATIONS, THE NBH SHALL TAKE THE NECESSARY MEASURES, IN PARTICULAR:

A) EXERCISE ITS RIGHTS AND COMPETENCIES IN ACCORDANCE WITH THE PROVISIONS OF THIS ACT;



B) ADVISE THE INSTITUTIONS AND NATURAL PERSONS ENGAGED IN ACTIVITIES FALLING WITHIN THE OVERSIGHT COMPETENCE OF THE CENTRAL BANK WHERE THE VIOLATION IS REVEALED;

C) REQUEST ACTIONS BY OTHER AGENCIES;

D) INITIATE DISCIPLINARY, MISDEMEANOR, CIVIL, CRIMINAL OR OTHER PROCEEDINGS.

(6) THE AGENCIES CONTACTED BY THE NBH TO TAKE ACTION SHALL INVESTIGATE THE CHARGES PRESENTED AND INFORM THE NBH WITHIN 30 DAYS OF ANY MEASURES THEY HAVE ORDERED.

#### *Section 30.*

(1) IN THE EVENT THAT A CREDIT INSTITUTION USES A LOAN RECEIVED FROM THE NBH FOR PURPOSES OTHER THAN THOSE SPECIFIED IN THE CONTRACT, THE NBH SHALL BE ENTITLED TO LEVY PENALTY INTEREST IN ADDITION TO THE INTEREST SPECIFIED IN THE CONTRACT ON THE AMOUNT OF THE CREDIT WHICH WAS USED IN NON COMPLIANCE.

(2) THE MAXIMUM RATE OF THE PENALTY INTEREST SET FORTH IN SUBSECTION (1) SHALL BE EQUAL TO THE CENTRAL BANK BASE RATE.

### **Issuing Operations**

#### *Section 31.*

(1) THE PRESIDENT OF THE NBH SHALL ANNOUNCE THE ISSUE OF BANKNOTES AND COINS, THEIR DENOMINATIONS AND DISTINGUISHING FEATURES, AND THE WITHDRAWAL OF BANKNOTES AND COINS FROM CIRCULATION BY PUBLIC NOTICE IN A DECREE. THE BANKNOTES AND COINS WITHDRAWN SHALL NOT BE HONORED AS THE LEGAL TENDER OF HUNGARY AFTER THE DATE OF WITHDRAWAL INDICATED IN THE DECREE OF THE PRESIDENT OF THE NBH.

(2) ALL PERSONS SHALL ACCEPT BANKNOTES AND COINS ISSUED BY THE NBH AT THEIR FACE VALUE UNTIL WITHDRAWN IN DISCHARGE OF TRANSACTIONS TO BE CONDUCTED IN THE LEGAL TENDER OF HUNGARY.

(3) THE NBH SHALL EXCHANGE THE BANKNOTES AND COINS IT HAS WITHDRAWN FROM CIRCULATION AND THAT IS NO LONGER TREATED AS LEGAL TENDER WITHIN 20 YEARS FROM THE DATE OF WITHDRAWAL IN RESPECT OF BANKNOTES AND WITHIN 5 YEARS IN RESPECT OF COINS ON THEIR FACE VALUE TO THE LEGAL TENDER OF HUNGARY.

(4) IN RESPECT OF CASH PAYMENT TRANSACTIONS, UP TO FIFTY COINS OF EACH DENOMINATION ISSUED BY THE NBH MUST BE ACCEPTED. THIS RESTRICTION SHALL NOT APPLY TO CREDIT INSTITUTIONS, THE STATE TAX AUTHORITY AND POST OFFICE CASH DESKS, WHICH ARE REQUIRED TO ACCEPT ANY AMOUNT OF COINS AS PAYMENT.

(5) COUNTERFEIT OR FORGED COINS AND COINS PERFORATED OR MUTILATED BY ANY OTHER MEANS MUST NOT BE ACCEPTED AS PAYMENT. COINS WHICH ARE DIFFICULT TO IDENTIFY NEED NOT BE ACCEPTED AS PAYMENT. COINS WHICH HAVE

BECOME DIFFICULT TO IDENTIFY AS A RESULT OF NORMAL USE SHALL BE ACCEPTED AS PAYMENT OR EXCHANGED AT CREDIT INSTITUTIONS, THE STATE TAX AUTHORITY AND POST OFFICE CASH DESKS, WHICH SHALL EXCHANGE THEM AT THE NBH. THE NBH SHALL NOT PROVIDE ANY COMPENSATION FOR DAMAGED COINS OR COINS WHICH HAVE BECOME DIFFICULT TO IDENTIFY AS A RESULT OF ABUSE.

(6) COUNTERFEIT OR FORGED BANKNOTES MUST NOT BE ACCEPTED AS PAYMENT. IMPAIRED (MUTILATED) BANKNOTES NEED NOT BE ACCEPTED AS PAYMENT. THE NBH SHALL PAY COMPENSATION FOR THE VALUE OF IMPAIRED (MUTILATED) BANKNOTES, IF MORE THAN ONE-HALF OF THE BANKNOTE IS SUBMITTED. CREDIT INSTITUTIONS AND POST OFFICE CASH DESKS SHALL ALSO ACCEPT IMPAIRED (MUTILATED) AND DAMAGED BANKNOTES FOR REPLACEMENT BY THE NBH. IMPAIRED (MUTILATED) AND DAMAGED BANKNOTES SHALL BE REPLACED BY THE NBH FREE OF CHARGE, SUBJECT TO THE EXCEPTIONS SET OUT IN SUBSECTION (8). WHERE THERE IS ANY SUSPICION OF FOUL PLAY IN CONNECTION WITH IMPAIRED (MUTILATED) OR DAMAGED BANKNOTES, THE NBH SHALL HAVE THE RIGHT TO WITHHOLD COMPENSATION PENDING CRIMINAL INVESTIGATION BY THE PROPER AUTHORITIES.

(7) THE NBH SHALL NOT PAY COMPENSATION FOR THE VALUE OF BANKNOTES OR COINS WHICH HAVE BEEN DESTROYED. PROCESSES FOR THE DESTRUCTION OF BANKNOTES OR COINS MAY NOT BE INITIATED.

(8) THE NBH SHALL EXCHANGE BANKNOTES FOR A FEE IF THEY HAVE BEEN DAMAGED IN CONNECTION WITH THE OPERATION OF SECURITY EQUIPMENT INSTALLED TO PREVENT THE THEFT OF MONEY, UNLESS THE PERSON HOLDING SUCH BANKNOTES IS ABLE TO PRODUCE A DOCUMENT MADE OUT BY THE RELEVANT AUTHORITY TO VERIFY THAT THE DAMAGE IS THE RESULT OF AN ATTEMPTED OR ACTUAL ROBBERY OR THEFT.

(9) FOR THE PURPOSES OF THIS SECTION:

A) 'DAMAGED BANKNOTE' SHALL MEAN ANY BANKNOTE WHOSE CONDITION WAS ALTERED DUE TO PHYSICAL ABUSE OR BY SOME MECHANICAL OR CHEMICAL MEANS, OR THAT IS DAMAGED IN ANY OTHER WAY;

B) 'IMPAIRED (MUTILATED) BANKNOTE' SHALL MEAN ANY BANKNOTE WITH ANY PORTION MISSING.

#### *Section 31/A.*

(1) THE NBH SHALL INSTITUTE TECHNICAL AND OTHER MEASURES WITHIN ITS SPHERE OF COMPETENCE TO PROTECT THE LEGAL TENDER OF HUNGARY AND OF OTHER COUNTRIES FROM COUNTERFEITING, SUCH AS IN PARTICULAR, CASH EXPERT SERVICES, EDUCATION, AND SUPPLY OF DATA AND INFORMATION. WHERE ANY PAYMENT INSTRUMENT IS DEEMED COUNTERFEIT OR FORGED WITHIN THE FRAMEWORK OF THE AFORESAID CASH EXPERT SERVICES, THE NBH SHALL BE ENTITLED TO PROCESS THE PERSONAL DATA (SURNAME AND FORENAME, ADDRESS, TYPE AND NUMBER OF THE IDENTIFICATION DOCUMENT) OF ANY NATURAL PERSON IN WHOSE POSSESSION THEY WERE FOUND FOR THE PURPOSES OF CRIMINAL PROCEEDINGS LAUNCHED IN CONNECTION WITH SUCH PAYMENT INSTRUMENTS, UNTIL THE FINAL CONCLUSION OF THESE PROCEEDINGS, AND TO DISCLOSE THE

AFOREMENTIONED DATA TO THE RELEVANT LAW ENFORCEMENT AGENCIES INVESTIGATING COUNTERFEITING CASES AND/OR TO THE BODIES ENGAGED IN THE ENSUING CRIMINAL PROCEEDINGS.

(2) ANY PAYMENT INSTRUMENT, HUNGARIAN OR FOREIGN, THAT IS SUSPECTED TO BE COUNTERFEIT OR FORGED MUST BE SENT TO THE NBH FOR EXAMINATION.

(3) COUNTERFEIT PAYMENT INSTRUMENTS, HUNGARIAN AND OTHERWISE, MUST BE SURRENDERED TO THE NBH WITHOUT ANY COMPENSATION.

(4) CREDIT INSTITUTIONS, THE TREASURY, EXCHANGE AGENTS AND PERSONS ENGAGED IN MONEY PROCESSING, AND THE ENTITIES ENGAGED IN POSTAL MONEY MEDIATION SERVICES, POSTAL FINANCIAL ACTIVITIES AND MONEY TRANSFER SERVICES MUST EXAMINE THE AUTHENTICITY OF ALL HUNGARIAN AND FOREIGN PAYMENT INSTRUMENTS WITH WHICH THEY CONDUCT ANY TRANSACTION, AND TO FORWARD ANY PAYMENT INSTRUMENTS THAT ARE SUSPECTED TO BE COUNTERFEIT OR FORGED TO THE NBH WITHOUT DELAY WITH A REPORT ATTACHED - SUBJECT TO THE PROCEDURAL AND FORMAL REQUIREMENTS PRESCRIBED BY THE NBH - CONTAINING INFORMATION CONCERNING THE CIRCUMSTANCES LEADING TO THE DISCOVERY, INCLUDING THE PERSONAL DATA SPECIFIED IN SUBSECTION (1).

*Section 32.*

THE NBH SHALL ACCOUNT FOR THE COSTS ASSOCIATED WITH THE PRODUCTION OF BANKNOTES AND COINS AS AN EXPENSE.

*Section 33.*

THE NBH, CREDIT INSTITUTIONS AND POST OFFICE CASH DESKS SHALL EXCHANGE UP TO 100 COINS OF A SINGLE DENOMINATION FOR OTHER COINS OR BANKNOTES, OR UP TO 100 BANKNOTES OF A SINGLE DENOMINATION FOR OTHER BANKNOTES OR COINS WITHOUT CHARGING ANY FEES, COMMISSIONS OR OTHER COSTS.

*Section 34.*

(1) IMITATIONS OF BANKNOTES OR COINS IN CIRCULATION AS THE LEGAL TENDER FOR ANY PURPOSE MAY ONLY BE MADE IN DUE COMPLIANCE WITH THE PROVISIONS DECREED BY THE PRESIDENT OF THE NBH. REGARDING THE PRODUCTION, REGISTRATION, SAFEKEEPING AND DESTRUCTION OF IMITATIONS THE PROVISIONS DECREED BY THE PRESIDENT OF THE NBH MUST BE OBSERVED.

(2) THE REGULATIONS CONCERNING IMITATIONS OF EURO BANKNOTES AND COINS - INCLUDING MEDALS AND TOKENS SIMILAR TO EURO COINS - SHALL BE DECREED BY THE PRESIDENT OF THE NBH SUBJECT TO COUNCIL REGULATION (EC) NO. 2182/2004 OF 6 DECEMBER 2004 CONCERNING MEDALS AND TOKENS SIMILAR TO EURO COINS, WITH THE EXCEPTION OF THE APPLICABLE SANCTIONS.

## Chapter III

### Relations of the NBH with Other AGENCIES

#### Relations with Parliament

*Section 35.*

THE PRESIDENT OF THE NBH SHALL REPORT TO PARLIAMENT IN RESPECT OF THE ACTIVITIES AND MONETARY POLICY OF THE NBH ON AN ANNUAL BASIS. PARLIAMENT MAY ALSO REQUEST INFORMATION ON AN AD-HOC BASIS.

## Relations with the Government, Ministries and the Public

### *Section 36.*

THE NBH SHALL BE CONSULTED CONCERNING DECISIONS AND DRAFTS OF LEGISLATION RELATED TO THE TASKS AND DUTIES OF THE NBH AND WHICH AFFECT THE FINANCIAL SYSTEM.

### *Section 37.*

THE MINISTER SHALL PROVIDE THE NBH WITH PRELIMINARY INFORMATION REGARDING THE BUDGET PROPOSAL. THE NBH MAY EXPRESS ITS OPINION ON THE BUDGET PROPOSAL TO THE GOVERNMENT OR TO THE COMPETENT PARLIAMENTARY COMMITTEE AFTER THE BUDGET DRAFT IS PRESENTED TO PARLIAMENT.

### *Section 38.*

THE GOVERNMENT MAY NOT INSTRUCT THE NBH IN RELATION TO ITS TASKS AND DUTIES SET FORTH IN THIS ACT.

### *Section 39.*

(1) THE AGENDA OF THE MEETINGS OF THE MONETARY COUNCIL (SECTION 49) AND THE EXECUTIVE BOARD OF THE NBH (SECTION 52) SHALL BE SUBMITTED TO THE GOVERNMENT.

(2) THE GOVERNMENT SHALL BE REPRESENTED WITHOUT VOTING RIGHTS BY THE MINISTER OR A PERSON DULY AUTHORIZED BY THE MINISTER AT THE MEETINGS OF THE MONETARY COUNCIL AND THE EXECUTIVE BOARD.

### *Section 40.*

THE GOVERNMENT SHALL INVITE THE PRESIDENT OF THE NBH TO ATTEND ITS SESSION WHERE THE AGENDA CONTAINS ANY MATTERS PERTAINING TO THE TASKS AND DUTIES OF THE NBH.

### *Section 41.*

(1) THE NBH SHALL PREPARE A REPORT ON MONETARY DEVELOPMENTS AND OTHER IMPORTANT ISSUES RELATED TO ITS BASIC TASKS AT LEAST ON A QUARTERLY BASIS AND SHALL MAKE IT AVAILABLE TO THE PUBLIC. THE NBH SHALL PUBLISH AN ANNOUNCEMENT REGARDING THE METHOD AND FREQUENCY OF PROVIDING SUCH INFORMATION.

(2) UPON REQUEST, THE NBH SHALL PROVIDE INFORMATION TO THE GOVERNMENT AND THE MINISTRIES ON AN AD-HOC BASIS IN RESPECT OF MONETARY DEVELOPMENTS AND OTHER IMPORTANT ISSUES RELATED TO ITS BASIC TASKS.

(3) THE NBH SHALL REPORT TO THE MINISTER OF THE FOREIGN EXCHANGE TRANSACTIONS IT HAS CONDUCTED AND IN RESPECT OF GOLD AND FOREIGN EXCHANGE RESERVES ON A WEEKLY BASIS.

(4) IF REQUESTED BY THE GOVERNMENT, THE NBH MAY UNDERTAKE DUTIES IN INTERNATIONAL FINANCIAL ORGANIZATIONS WHICH ARE CONFERRED UPON THE GOVERNMENT, UNLESS OTHERWISE PROVIDED FOR BY LAW.

*Section 42.*

THE GOVERNMENT AND THE MINISTRIES (CENTRAL GOVERNMENT BODIES) SHALL, AT THE REQUEST OF THE NBH, DISCLOSE INFORMATION RELATED TO THEIR ACTIVITIES.

## Relations with the State Financial Institutions Commission

*Section 43.*

(1) IN THE COURSE OF PERFORMING ITS TASKS, THE NBH SHALL COOPERATE WITH THE COMMISSION.

(2) THE DIRECTOR OF THE COMMISSION SHALL BE INVITED TO MEETINGS OF THE EXECUTIVE BOARD OF THE NBH TO ATTEND DISCUSSION OF MATTERS WHICH PERTAIN TO THE COMMISSION'S SCOPE OF DUTIES.

*Section 44.*

(1) THE NBH AND THE COMMISSION SHALL EXCHANGE DATA AND INFORMATION WHICH IS NECESSARY FOR THE OTHER ORGANIZATION TO PERFORM ITS TASKS.

(2) THE NBH AND THE COMMISSION SHALL STIPULATE THE METHOD AND SYSTEM OF EXCHANGING DATA AND INFORMATION, WHICH IS NECESSARY TO PERFORM THEIR TASKS, IN AN AGREEMENT.

## Relations with the State Audit Office

*Section 45.*

(1)

(2) THE SCOPE OF SUPERVISORY AUTHORITY OF THE STATE AUDIT OFFICE CONCERNING THE NBH SHALL BE DEFINED IN THE STATE AUDIT OFFICE ACT.

(3) THE SAO MAY MAKE PROPOSALS FOR THE APPOINTMENT OF THE AUDITOR OF THE NBH AND MAY SUBMIT PROPOSALS FOR THE DISMISSAL OF SUCH TO THE GENERAL MEETING.

(4)

## Chapter IV

### OrganizationAL STRUCTURE of the NBH

#### Legal Form of the NBH

*Section 46.*

(1) THE NBH SHALL BE A LEGAL ENTITY FUNCTIONING IN THE FORM OF A COMPANY LIMITED BY SHARES.

(2) THE CORPORATE NAME OF THE NBH NEED NOT BE REGISTERED IN THE COMPANY REGISTER. THE DESIGNATION 'COMPANY LIMITED BY SHARES' NEED NOT BE INDICATED IN THE CORPORATE NAME OF THE NBH.

(3) THE STATUTES OF THE NBH SHALL BE ESTABLISHED BY THE GENERAL MEETING AND SHALL BE PRESENTED TO PARLIAMENT.

(4) THE SHARES OF THE NBH SHALL BE OWNED BY THE STATE. THE STATE, AS THE SHAREHOLDER, SHALL BE REPRESENTED BY THE MINISTER.

(5) THE SUBSCRIBED CAPITAL OF THE NBH IS 10,000,000,000 FORINTS, THAT IS, TEN BILLION FORINTS.

## Decision Making Bodies of the NBH

### *Section 47.*

THE DECISION-MAKING BODIES OF THE NBH SHALL BE THE GENERAL MEETING, THE MONETARY COUNCIL, THE EXECUTIVE BOARD AND THE SUPERVISORY BOARD.

## The General Meeting

### *Section 48.*

THE DUTIES OF THE GENERAL MEETING SHALL BE

A) TO ESTABLISH AND AMEND THE STATUTES;

B)

C) TO ESTABLISH THE BALANCE SHEET AND PROFIT AND LOSS STATEMENT OF THE NBH;

D) TO ELECT AND DISCHARGE THE AUDITOR; AND

E) TO ESTABLISH THE REMUNERATION OF THE AUDITOR.

## The Monetary Council

### *Section 49.*

(1) IN RESPECT OF THE DUTIES DESCRIBED IN SECTION 4, SUBSECTION (2) OF SECTION 11 AND SECTION 14, THE SUPREME DECISION MAKING BODY OF THE NBH SHALL BE THE MONETARY COUNCIL.

(2) MEETINGS OF THE MONETARY COUNCIL SHALL BE HELD AT LEAST TWICE EVERY MONTH, BUT MAY BE ALSO CONVENED AT ANY TIME AS NECESSARY.

(3) THE MONETARY COUNCIL SHALL CONSIST OF MINIMUM NINE AND MAXIMUM ELEVEN MEMBERS. MEMBERS OF THE MONETARY COUNCIL SHALL BE IN THE EMPLOY OF THE NBH FOR THE DURATION OF THEIR TERM IN OFFICE.

(4) THE MEMBERS OF THE MONETARY COUNCIL SHALL BE:

A) THE PRESIDENT OF THE NBH, AS THE CHAIRPERSON OF THE MONETARY COUNCIL:

- B) ONE VICE-PRESIDENT RECOMMENDED BY THE PRESIDENT OF THE NBH;
- C) OTHER MEMBERS, WHO SHALL BE APPOINTED BY THE PRESIDENT OF THE REPUBLIC FOR A TERM OF SIX YEARS.
- (5) MEMBERS OF THE MONETARY COUNCIL MUST BE HUNGARIAN CITIZENS AND MUST HAVE OUTSTANDING THEORETICAL OR PRACTICAL PROFESSIONAL EXPERTISE OF ISSUES RELATED TO MONETARY, FINANCIAL AND BANKING ACTIVITIES.
- (6) CANDIDATES FOR THE MONETARY COUNCIL SHALL BE INTERVIEWED BY THE COMPETENT PARLIAMENTARY COMMITTEE.
- (7) MEMBERS OF THE MONETARY COUNCIL SHALL SWEAR AN OATH TO THE PRESIDENT OF THE REPUBLIC UPON ENTERING INTO OFFICE.
- (8) THE MANDATE OF A MEMBER OF THE MONETARY COUNCIL SHALL TERMINATE UPON:
- A) EXPIRATION OF THE TERM OF OFFICE;
- B) RESIGNATION;
- C) DISMISSAL; OR
- D) DEATH.
- (9) RESIGNATIONS SHALL BE SUBMITTED IN WRITING TO THE PRESIDENT OF THE REPUBLIC AND THE PRIME MINISTER.
- (10) THE PRESIDENT OF THE REPUBLIC SHALL HAVE POWERS TO RELIEVE A MEMBER OF THE MONETARY COUNCIL FROM OFFICE ONLY IF THE MEMBER OF THE MONETARY COUNCIL IN QUESTION NO LONGER FULFILS THE CONDITIONS REQUIRED FOR THE PERFORMANCE OF HIS/HER DUTIES OR IS GUILTY OF SERIOUS MISCONDUCT.
- (11) APPOINTMENT OR DISMISSAL OF FOUR OF THE MEMBERS SPECIFIED IN PARAGRAPH C) OF SUBSECTION (4) SHALL BE INITIATED BY THE PRESIDENT OF THE NBH, WHICH SHALL BE SUBMITTED TO THE PRESIDENT OF THE REPUBLIC BY THE PRIME MINISTER IF IN AGREEMENT. APPOINTMENT OR DISMISSAL OF THE REMAINING MEMBERS SPECIFIED IN PARAGRAPH C) OF SUBSECTION (4) SHALL BE INITIATED BY THE PRIME MINISTER, UPON CONSULTING THE PRESIDENT OF THE NBH BEFORE SUBMITTING IT TO THE PRESIDENT OF THE REPUBLIC. UPON THE EXPIRY OF THE TERM OF A MEMBER REFERRED TO IN PARAGRAPH C) OF SUBSECTION (4) THE PERSON WHO PRESENTED THE ORIGINAL NOMINATION SHALL BE ENTITLED TO RECOMMEND A REPLACEMENT. MEMBERS OF THE MONETARY COUNCIL, INCLUDING THE PRESIDENT OF THE NBH, THE VICE PRESIDENTS OF THE NBH, AND MEMBERS OF THE SUPERVISORY BOARD MAY NOT BE NOMINATED WITHIN THREE YEARS FOLLOWING THE EXPIRY OF THEIR TERM IN OFFICE.
- (12) A COPY OF THE PROPOSAL FOR DISMISSAL UNDER SUBSECTION (11) SHALL BE CONVEYED TO THE AFFECTED MEMBER OF THE MONETARY COUNCIL, WHO MAY SEEK REMEDY IN THE LABOR COURT IN ACCORDANCE WITH THE REGULATIONS SET FORTH IN THE LABOR CODE.

(13) THE PROPOSAL FOR THE DISMISSAL OF A MEMBER OF THE MONETARY COUNCIL UNDER SUBSECTION (11) MAY BE SUBMITTED TO THE PRESIDENT OF THE REPUBLIC FOLLOWING THE PERIOD AVAILABLE TO SEEK REMEDY AT THE LABOR COURT, OR FOLLOWING THE FINAL DECISION OF THE COURT IF APPLICABLE.

(14)

(15) THE MONETARY COUNCIL SHALL HAVE A QUORUM IF THE MAJORITY OF ITS MEMBERS ARE PRESENT. THE MONETARY COUNCIL SHALL ADOPT ITS RESOLUTIONS BY A SIMPLE MAJORITY OF THE VOTES CAST. IN THE EVENT OF A TIE, THE CHAIRPERSON SHALL HAVE THE CASTING VOTE. IN THE EVENT THAT THE CHAIRPERSON IS PREVENTED FROM VOTING, HIS DEPUTY SHALL HAVE THE CASTING VOTE.

(16) THE CHAIRPERSON OF THE MONETARY COUNCIL, OR IN HIS ABSENCE HIS DEPUTY, SHALL BE ENTITLED TO MAKE PUBLIC THE POSITION OF THE MONETARY COUNCIL.

(17) THE MONETARY COUNCIL SHALL ELECT THE DEPUTY CHAIRPERSON OF THE MONETARY COUNCIL EACH YEAR, DURING THE FIRST SESSION OF THE YEAR, BY A SIMPLE MAJORITY OF THE VOTES CAST. UPON THE EXPIRY OF THE TERM OF THE DEPUTY CHAIRPERSON THE MONETARY COUNCIL SHALL ELECT A NEW DEPUTY CHAIRPERSON IN ITS NEXT SCHEDULED SESSION.

## The President of the NBH

### *Section 50.*

(1) THE HEAD OF THE NBH SHALL BE THE PRESIDENT.

(2) THE PRESIDENT OF THE NBH SHALL BE NOMINATED BY THE PRIME MINISTER AND APPOINTED BY THE PRESIDENT OF THE REPUBLIC FOR A TERM OF SIX YEARS.

(3) THE PRESIDENT OF THE NBH MAY BE RELIEVED FROM OFFICE BY THE PRESIDENT OF THE REPUBLIC IN ACCORDANCE WITH THE PROVISIONS SET FORTH IN SUBSECTION (10) OF SECTION 49, BY MOTION OF THE PRIME MINISTER.

(4) THE MOTION FOR DISMISSAL PURSUANT TO SUBSECTION (3) SHALL BE CONVEYED TO THE PRESIDENT OF THE NBH, WHO MAY SEEK REMEDY IN THE LABOR COURT IN ACCORDANCE WITH THE REGULATIONS SET FORTH IN THE LABOR CODE.

(5) THE MOTION FOR DISMISSAL CAN BE SUBMITTED TO THE PRESIDENT OF THE REPUBLIC FOLLOWING THE PERIOD AVAILABLE TO SEEK REMEDY AT THE LABOR COURT, OR FOLLOWING THE FINAL DECISION OF THE COURT IF APPLICABLE.

(6) THE PRESIDENT OF THE NBH SHALL APPOINT A VICE-PRESIDENT WITH GENERAL AUTHORIZATION TO REPRESENT HIM IN THE EVENT THAT HE IS PREVENTED FROM DISCHARGING HIS DUTIES.

(7) THE PROVISIONS OF SUBSECTIONS (5)-(10) AND (14) OF SECTION 49 SHALL APPLY IN RESPECT OF THE PRESIDENT OF THE NBH.

## Vice-Presidents of the NBH



*Section 51.*

- (1) THE NBH SHALL HAVE MINIMUM THREE AND MAXIMUM FIVE VICE-PRESIDENTS, WHOSE APPOINTMENT OR DISMISSAL SHALL BE INITIATED BY THE PRESIDENT OF THE NBH, WHICH SHALL BE SUBMITTED TO THE PRESIDENT OF THE REPUBLIC BY THE PRIME MINISTER IF IN AGREEMENT. THE PROPOSAL SHALL INDICATE THE SCOPE OF RESPONSIBILITIES OF THE CANDIDATE. THE PRESIDENT OF THE NBH SHALL INFORM THE PRESIDENT OF THE REPUBLIC, THE PRIME MINISTER AND THE COMPETENT PARLIAMENTARY COMMITTEE REGARDING ANY CHANGES IN THE SCOPE OF RESPONSIBILITIES OF A VICE-PRESIDENT. THE PRESIDENT OF THE NBH SHALL NOMINATE ONE OF THE VICE-PRESIDENTS TO THE MONETARY COUNCIL.
- (2) THE TERM OF OFFICE OF VICE-PRESIDENTS OF THE NBH SHALL BE SIX YEARS.
- (3) THE PROVISIONS OF SUBSECTIONS (5)-(10) AND (12)-(14) OF SECTION 49 SHALL APPLY IN RESPECT OF THE VICE-PRESIDENTS OF THE NBH.

**The Executive Board**

*Section 52.*

- (1) THE EXECUTIVE BOARD SHALL BE RESPONSIBLE FOR THE IMPLEMENTATION OF THE DECISIONS OF THE MONETARY COUNCIL AND THE OPERATIONS OF THE NBH.
- (2) THE EXECUTIVE BOARD SHALL CONSIST OF MINIMUM FOUR AND MAXIMUM SIX MEMBERS, NAMELY
- A) THE PRESIDENT OF THE NBH AS THE CHAIRPERSON OF THE EXECUTIVE BOARD;
- B) THE VICE-PRESIDENTS OF THE NBH.
- (3) THE CHAIRPERSON SHALL REPRESENT THE EXECUTIVE BOARD.
- (4) THE POWERS AND AUTHORITIES OF THE EXECUTIVE BOARD SHALL COVER
- A) GUIDANCE OF THE IMPLEMENTATION OF THE TASKS DESCRIBED IN SECTION 4;
- B) PREPARATION OF THE PROPOSAL TO BE SUBMITTED TO THE GENERAL MEETING IN RESPECT OF THE BALANCE SHEET AND PROFIT AND LOSS STATEMENT OF THE NBH AND THE ALLOCATION OF PROFITS, FURTHERMORE, APPROVAL OF THE DRAFT REPORT SUBMITTED TO THE GENERAL MEETING IN RESPECT OF THE MANAGEMENT, THE FINANCIAL SITUATION AND THE BUSINESS POLICY OF THE NBH;
- C) APPROVAL OF ISSUES RELATED TO THE ORGANIZATION AND INTERNAL AFFAIRS OF THE NBH;
- D) APPROVAL OF SPECIFIC PLANS AND PROGRAMS RELATED TO THE OPERATIONS OF THE NBH OR THE PERFORMANCE OF ITS TASKS, INCLUDING DEVELOPMENT AND OPERATIONAL BUDGETS;
- E) WITH RESPECT TO MATTERS WHICH ARE NOT CONFERRED UNDER THE COMPETENCE OF THE SUPERVISORY BOARD, CONTROL OF THE INTERNAL AUDIT DEPARTMENT OF THE NBH AND DISCUSSION OF THE RESULTS OF AND PLANS RELATED TO, INTERNAL AUDITING.

F) APPROVAL OF ANY MAJOR AMENDMENTS TO THE COLLECTIVE EMPLOYMENT CONTRACT; AND

G) OTHER ISSUES PROPOSED WITH THE CONSENT OF THE CHAIRPERSON.

(5) MEMBERS OF THE EXECUTIVE BOARD MAY PROPOSE TO THE CHAIRPERSON TO ADD OTHER ITEMS TO THE AGENDA, WHICH ARE NOT INCLUDED IN SUBSECTION (4).

(6) THE EXECUTIVE BOARD SHALL ADOPT ITS RESOLUTIONS BY A SIMPLE MAJORITY OF THE VOTES CAST. IN THE EVENT OF A TIE, THE CHAIRPERSON SHALL HAVE THE CASTING VOTE. IN THE EVENT THAT THE CHAIRPERSON IS PREVENTED FROM VOTING, THE VICE-PRESIDENT DESCRIBED IN SUBSECTION (6) OF SECTION 50 SHALL HAVE THE CASTING VOTE.

## The Supervisory Board

### *Section 52/A.*

(1) THE SUPERVISORY BOARD IS A BODY EXERCISING OVERSIGHT ON BEHALF OF THE OWNERS OF THE NBH.

(2) THE INTERNAL AUDIT DEPARTMENT OF THE NBH SHALL BE CONTROLLED BY THE SUPERVISORY BOARD SUBJECT TO THE RESTRICTIONS REFERRED TO IN SUBSECTION (3), OR BY THE EXECUTIVE BOARD WITH RESPECT TO MATTERS WHICH ARE NOT CONFERRED UNDER THE COMPETENCE OF THE SUPERVISORY BOARD. IF THE EXECUTIVE BOARD, IN EXERCISING ITS CONTROLLING POWERS, LEARNS ABOUT ANY FINDINGS OF AN INSPECTION THAT FALLS WITHIN THE COMPETENCE OF THE SUPERVISORY BOARD, IT SHALL CONVEY SUCH INFORMATION TO THE SUPERVISORY BOARD.

(3) THE COMPETENCE OF THE SUPERVISORY BOARD SHALL NOT INCLUDE THE DUTIES DEFINED UNDER SUBSECTIONS (1)-(7) OF SECTION 4, NOR THE IMPACT OF SUCH ON THE PROFIT OR LOSS OF THE NBH. THE SUPERVISORY BOARD SHALL PREPARE THE ANNUAL REPORT PRESCRIBED UNDER SUBSECTION (3) OF SECTION 35 OF THE ACT ON BUSINESS ASSOCIATIONS (HEREINAFTER REFERRED TO AS “COMPANIES ACT”) IN ACCORDANCE WITH THESE RESTRICTIONS.

(4) THE SUPERVISORY BOARD SHALL CONSIST OF

A) A CHAIRPERSON ELECTED BY THE PARLIAMENT,

B) THREE ADDITIONAL MEMBERS DELEGATED BY THE PARLIAMENT,

C) A REPRESENTATIVE OF THE MINISTER,

D) AN EXPERT APPOINTED BY THE MINISTER.

(5) ALL MEMBERS OF THE SUPERVISORY BOARD MUST BE HUNGARIAN CITIZENS AND MUST BE PROFESSIONALS HAVING EXCEPTIONAL KNOWLEDGE IN THE FIELD BANKING, FINANCES AND ACCOUNTING.

### *Section 52/B.*

THE MANDATE OF THE MEMBERS OF THE SUPERVISORY BOARD SHALL EXPIRE SIMULTANEOUSLY WITH THE GOVERNMENT'S TERM IN OFFICE. THE SUPERVISORY BOARD SHALL REMAIN IN OFFICE UNTIL THE NEW PARLIAMENT ELECTS NEW MEMBERS FOR THE SUPERVISORY BOARD WITHIN THREE MONTHS FROM ITS INAUGURAL SESSION. IF THE NEW PARLIAMENT DOES NOT ELECT THE NEW SUPERVISORY BOARD MEMBERS WITHIN THE AFOREMENTIONED DEADLINE, THE SUPERVISORY BOARD SHALL REMAIN IN OFFICE UNTIL THE NEW PARLIAMENT DOES ELECT NEW MEMBERS FOR THE SUPERVISORY BOARD.

*Section 52/C.*

A MEMBER OF THE SUPERVISORY BOARD MAY BE DISMISSED BY THE PARLIAMENT OR THE MINISTER FROM WHOM HIS ORIGINAL MANDATE WAS RECEIVED.

*Section 52/D.*

MEMBERS OF THE SUPERVISORY BOARD SHALL REPORT TO THE PARLIAMENT OR THE MINISTER FROM WHOM THEIR ORIGINAL MANDATE WAS RECEIVED.

## Remuneration of the President, Vice-Presidents, Members of the Monetary Council and Members of the Supervisory Board

*Section 53.*

(1) THE TOTAL EARNINGS OF THE PRESIDENT FROM THE NBH IN A GIVEN YEAR SHALL BE THE TOTAL EARNINGS ESTABLISHED FOR THE PRESIDENT FOR THE PRECEDING YEAR INCREASED BY THE CONSUMER PRICE INDEX ESTIMATED IN THE CONVERGENCE PROGRAM SUBMITTED FOR THE YEAR TO THE EUROPEAN COMMISSION.

(2) THE EARNINGS OF THE VICE-PRESIDENTS FROM THE NBH SHALL AMOUNT TO SEVENTY (70) PER CENT OF THE EARNINGS OF THE PRESIDENT OF THE NBH.

(3) THE EARNINGS OF THE VICE-PRESIDENT DESCRIBED IN SUBSECTION (6) OF SECTION 50 FROM THE NBH SHALL AMOUNT TO EIGHTY (80) PER CENT OF THE EARNINGS OF THE PRESIDENT OF THE NBH.

(4) THE EARNINGS OF THE MEMBERS OF THE MONETARY COUNCIL DESCRIBED IN PARAGRAPH C) OF SUBSECTION (4) OF SECTION 49 FROM THE NBH SHALL AMOUNT TO THIRTY-FIVE (35) PER CENT OF THE EARNINGS OF THE PRESIDENT OF THE NBH.

(5) THE REMUNERATION OF THE CHAIRMAN OF THE SUPERVISORY BOARD SHALL AMOUNT TO FIFTEEN (15) PER CENT OF THE EARNINGS OF THE PRESIDENT OF THE NBH RECEIVED FROM THE NBH.

(6) THE REMUNERATION OF OTHER MEMBERS OF THE SUPERVISORY BOARD SHALL AMOUNT TO TEN (10) PER CENT OF THE EARNINGS OF THE PRESIDENT OF THE NBH RECEIVED FROM THE NBH.

(7) THE PRESIDENT OF THE NBH AND THE DEPUTY CHAIRPERSON OF THE MONETARY COUNCIL SHALL NOT RECEIVE EXTRA REMUNERATION FOR THEIR MEMBERSHIP IN THE MONETARY COUNCIL.

(8) THE PRESIDENT AND THE VICE-PRESIDENTS OF THE NBH SHALL BE ENTITLED TO SEVERANCE PAY EQUAL TO SIX MONTHS PAY WHEN RELIEVED FROM OFFICE UNDER PARAGRAPH A) OF SUBSECTION (8) OF SECTION 49.

## Professional Secrecy and the Legal Status of Employees of the NBH

### *Section 54.*

(1) EMPLOYEES OF THE NBH AND MEMBERS OF ITS SUPERVISORY BOARD SHALL BE REQUIRED NOT TO DISCLOSE ANY STATE SECRETS, BANK SECRETS, SECURITIES SECRETS AND BUSINESS SECRETS WHICH THEY OBTAIN IN THE COURSE OF DISCHARGING THEIR DUTIES AT THE NBH. THIS OBLIGATION TO MAINTAIN SECRECY SHALL REMAIN IN EFFECT FOLLOWING THE TERMINATION OF THEIR EMPLOYMENT AT THE NBH.

(2) REGARDING THE DEFINITION OF BANK SECRETS, SECURITIES SECRETS AND BUSINESS SECRETS AND COMPLIANCE WITH THE OBLIGATION OF CONFIDENTIALITY THE PROVISIONS OF THE RELEVANT LAWS SHALL APPLY.

### *Section 55.*

FOR THE PURPOSES OF CRIMINAL LAW, EMPLOYEES OF THE NBH AND MEMBERS OF ITS SUPERVISORY BOARD SHALL BE CONSIDERED PUBLIC OFFICIALS IN RESPECT OF THEIR CENTRAL BANKING DUTIES.

### *Section 56.*

THE PROVISIONS OF THE LABOR CODE SHALL APPLY TO THE EMPLOYEES OF THE NBH, WITH DUE CONSIDERATION OF THE DEROGATIONS SET FORTH IN THIS ACT.

## Conflict of Interest

### *Section 57.*

(1) UNLESS OTHERWISE PROVIDED FOR BY LAW, EMPLOYEES OF THE NBH MAY NOT ESTABLISH AND MAY NOT MAINTAIN A MEMBERSHIP RELATIONSHIP, EMPLOYMENT RELATIONSHIP, WORK-RELATED CONTRACTUAL RELATIONSHIP, OR A LEGAL RELATIONSHIP AS AN EXECUTIVE OFFICER OR MEMBER OF THE SUPERVISORY BOARD AT A CREDIT INSTITUTION, INVESTMENT FIRM, THE NATIONAL DEPOSIT INSURANCE FUND OR THE INVESTOR PROTECTION FUND. THIS RESTRICTION SHALL NOT APPLY TO FINANCIAL INSTITUTIONS IN WHICH THE NBH HAS AN OWNERSHIP INTEREST.

(2) EMPLOYEES OF THE NBH TO WHOM SECTION 49 DOES NOT APPLY MAY ONLY ESTABLISH OR MAINTAIN EMPLOYMENT RELATIONSHIPS OR WORK-RELATED CONTRACTUAL RELATIONSHIP WITH THE PERMISSION OF THE PRESIDENT OF THE NBH, WITH THE EXCEPTION OF SCIENTIFIC, EDUCATIONAL, ARTISTIC, PROOF-READING AND EDITORIAL ACTIVITIES, AND INTELLECTUAL ACTIVITIES PROTECTED BY COPYRIGHT. SUCH ACTIVITIES MUST BE REPORTED.

(3) WITH THE EXCEPTION OF INHERITANCE, EMPLOYEES OF THE NBH MAY NOT ACQUIRE OWNERSHIP IN FINANCIAL INSTITUTIONS OR INVESTMENT FIRMS.

(4) EMPLOYEES OF THE NBH MAY NOT HOLD OWNERSHIP INTERESTS IN FINANCIAL INSTITUTIONS OR INVESTMENT FIRMS. UPON APPOINTMENT (ELECTION,

ASSIGNMENT, EMPLOYMENT) EMPLOYEES SHALL SUBMIT A STATEMENT SPECIFYING ANY EXISTING OWNERSHIP INTERESTS THEY MAY HAVE IN FINANCIAL INSTITUTIONS OR INVESTMENT FIRMS.

(5) EMPLOYEES OF THE NBH SHALL ALIENATE ANY OWNERSHIP INTEREST DEFINED UNDER SUBSECTION (4) ACQUIRED PRIOR TO APPOINTMENT OR BY WAY OF INHERITANCE, WITHIN THREE MONTHS OF THEIR APPOINTMENT OR ACQUISITION.

(6) EMPLOYEES OF THE NBH SHALL FORTHWITH REPORT THE ACQUISITION OF ANY OWNERSHIP INTEREST DEFINED UNDER SUBSECTION (4) BY A CLOSE RELATIVE LIVING IN THEIR HOUSEHOLD SUBSEQUENT TO THEIR APPOINTMENT.

(7) ANY EMPLOYEE OF THE NBH WHO DID NOT SATISFY THE OBLIGATION SET FORTH IN SUBSECTION (5) OR WHOSE CLOSE RELATIVE LIVING IN THE SAME HOUSEHOLD IS SUBJECT TO CONFLICT OF INTEREST SHALL NOT TAKE PART IN THE PREPARATION AND ADOPTION OF ANY DECISIONS RELATED TO THE ORGANIZATION WHICH IS INVOLVED IN THE CONFLICT OF INTEREST UNTIL THE SAID OBLIGATION IS SATISFIED OR THE CONFLICT OF INTEREST IS TERMINATED.

(8) UPON APPOINTMENT, EMPLOYEES OF THE NBH SHALL BE REQUIRED TO MAKE A STATEMENT REGARDING THEIR MEMBERSHIP IN COOPERATIVE CREDIT INSTITUTIONS. SUCH MEMBERSHIP NEED NOT BE TERMINATED AS LONG AS THE EMPLOYEE OF THE NBH HAS ANY DEBT OWED TO THE CREDIT INSTITUTION. HOWEVER, DURING THIS PERIOD THE EMPLOYEE MAY NOT PARTICIPATE IN THE PREPARATION AND ADOPTION OF ANY DECISIONS ON MATTERS WHICH PERTAIN TO THE ORGANIZATION IN WHICH THE EMPLOYEE IS A MEMBER.

(9) UPON APPOINTMENT, EMPLOYEES OF THE NBH SHALL BE REQUIRED TO MAKE A WRITTEN STATEMENT AS TO WHETHER ANY OF THEIR CLOSE RELATIVES LIVING IN THEIR HOUSEHOLD ARE IN A LEGAL RELATIONSHIP AS AN EXECUTIVE OFFICER OR ARE IN AN EMPLOYMENT OR OTHER CONTRACTUAL RELATIONSHIP WITH A FINANCIAL INSTITUTION OR INVESTMENT FIRM. FOLLOWING THEIR APPOINTMENT, THEY SHALL FORTHWITH REPORT THE ESTABLISHMENT OF ANY SUCH RELATIONSHIP. UNTIL TERMINATION OF THE CONFLICT OF INTEREST THE EMPLOYEE OF THE NBH MAY NOT PARTICIPATE IN THE PREPARATION AND ADOPTION OF ANY DECISIONS WHICH PERTAIN TO THE CREDIT INSTITUTION OR INVESTMENT FIRM IN WHICH THEIR CLOSE RELATIVE MAINTAINS A LEGAL RELATIONSHIP WHICH CONSTITUTES A BASIS FOR A CONFLICT OF INTEREST.

(10) EMPLOYEES OF THE NBH SHALL REPORT ACQUISITION OF THE FOLLOWING WITHIN THREE BUSINESS DAYS:

A) SECURITIES OTHER THAN GOVERNMENT SECURITIES, CERTIFICATES OF DEPOSIT, INVESTMENT CERTIFICATES AND PRIVATELY PLACED SECURITIES; AND

B) OTHER INVESTMENT INSTRUMENTS.

(11) EMPLOYEES OF THE NBH TO WHOM SECTION 49 DOES NOT APPLY SHALL SUBMIT THE REPORTS AND STATEMENTS DESCRIBED IN THIS SECTION TO THE PARTY EXERCISING EMPLOYER'S RIGHTS. THE NBH SHALL REGISTER SUCH REPORTS AND STATEMENTS.

(12) NO LEGAL RELATIONSHIP SHALL BE ESTABLISHED IN THE NBH, IN CONSEQUENCE OF WHICH AN EMPLOYEE OF THE NBH IS PLACED IN A MANAGING (SUPERVISORY), CONTROLLING OR ACCOUNTING RELATIONSHIP WITH A CLOSE RELATIVE.

(13) FOR THE PURPOSES OF THIS SECTION, CLOSE RELATIVES SHALL BE UNDERSTOOD AS THE PERSONS SPECIFIED IN PARAGRAPH B) OF SECTION 685 OF THE CIVIL CODE AND COMMON-LAW SPOUSES.

*Section 58.*

(1) MEMBERS OF THE MONETARY COUNCIL OF THE NBH MAY ONLY ENGAGE IN ANY OTHER ACTIVITIES WHICH ARE COMPATIBLE WITH THEIR CENTRAL BANK DECISION MAKING DUTIES. SUCH MEMBERS MAY NOT HOLD OFFICE IN POLITICAL PARTIES, MAY NOT CARRY OUT PUBLIC ACTIVITIES ON BEHALF OF OR IN THE INTEREST OF POLITICAL PARTIES, MAY NOT BE REPRESENTATIVES IN PARLIAMENT OR IN LOCAL GOVERNMENTS AND MAY NOT BE SENIOR OFFICERS OR PUBLIC OFFICIALS IN THE NATIONAL OR IN A LOCAL GOVERNMENT.

(2) MEMBERS OF THE MONETARY COUNCIL OF THE NBH MAY NOT BE EXECUTIVE OFFICERS OR SUPERVISORY BOARD MEMBERS OF A BUSINESS ASSOCIATION.

(3) MEMBERS OF THE EXECUTIVE BOARD OF THE NBH MAY NOT ESTABLISH ANY OTHER EMPLOYMENT RELATIONSHIPS OR OTHER WORK-RELATED CONTRACTUAL RELATIONSHIPS.

(4) MEMBERS OF THE MONETARY COUNCIL (PARAGRAPH C) OF SUBSECTION (4) OF SECTION 49) MAY ESTABLISH OTHER EMPLOYMENT RELATIONSHIPS OR WORK-RELATED CONTRACTUAL RELATIONSHIPS IF SUCH DO NOT CONSTITUTE CONFLICT OF INTEREST WITH THEIR MEMBERSHIP IN THE MONETARY COUNCIL. SUCH RELATIONSHIPS SHALL BE REPORTED.

(5) MEMBERS OF THE MONETARY COUNCIL MAY ESTABLISH OTHER LEGAL RELATIONSHIPS FOR THE PERFORMANCE OF SCIENTIFIC, EDUCATIONAL, ARTISTIC, PROOF-READING AND EDITORIAL WORK, AS WELL AS INTELLECTUAL ACTIVITIES PROTECTED BY COPYRIGHT. SUCH RELATIONSHIPS SHALL BE REPORTED IN ADVANCE.

(6) MEMBERS OF THE MONETARY COUNCIL OF THE NBH SHALL SUBMIT THEIR REPORTS AND STATEMENTS PURSUANT TO SUBSECTIONS (4), (6) AND (8)-(10) OF SECTION 57 AND SUBSECTIONS (4) AND (5) OF SECTION 58 TO THE PRESIDENT OF THE REPUBLIC.

(7) IN RESPECT OF MEMBERS OF THE MONETARY COUNCIL OF THE NBH THE CONFLICT OF INTEREST PROVISIONS SET FORTH IN SUBSECTION (1) OF SECTION 57 SHALL REMAIN IN EFFECT FOR A PERIOD OF SIX MONTHS FOLLOWING TERMINATION OF THE EMPLOYMENT RELATIONSHIP.

## **Declaration of Personal Wealth**

*Section 58/A.*

(1) THE PRESIDENT OF THE NBH, THE VICE-PRESIDENTS AND THE MEMBERS OF THE MONETARY COUNCIL REFERRED TO IN PARAGRAPH C) OF SUBSECTION (4) OF SECTION 49, AS WELL AS THE MEMBERS OF THE SUPERVISORY BOARD SHALL FILE

THEIR DECLARATIONS OF PERSONAL WEALTH IN THE SAME MANNER AS MEMBERS OF THE PARLIAMENT, WITH THE SAME CONTENTS AND IN SAME FREQUENCY. THE DECLARATION OF PERSONAL WEALTH SHALL BE FILED IN THE YEAR WHEN DUE SHOWING THE STATUS AS AT 31 DECEMBER OF THE PREVIOUS YEAR, AT THE TIME OF APPOINTMENT, AND THE DECLARATION OF PERSONAL WEALTH THAT IS REQUIRED AT THE TIME OF DISMISSAL SHALL BE FILED SHOWING THE STATUS OF THE DATE OF APPOINTMENT OR DISMISSAL. EACH PERSON SUBJECT TO THIS REQUIREMENT SHALL ATTACH THE DECLARATION OF HIS SPOUSE, DOMESTIC PARTNER OR CHILDREN (NEXT OF KIN), SUBJECT TO THE SAME CONTENT REQUIREMENTS AS THOSE OF MEMBERS OF THE PARLIAMENT, WITH HIS OWN DECLARATION. THESE DECLARATIONS OF PERSONAL WEALTH, APART FROM THE ONES OF RELATIVES, SHALL BE PUBLIC INFORMATION, AND THEY SHALL BE POSTED ON THE OFFICIAL WEBSITE OF THE PARLIAMENT BY ORDER OF THE SPEAKER OF THE PARLIAMENT.

(2)

(3) THE PARLIAMENT COMMITTEE ON IMMUNITY, CONFLICT OF INTEREST AND CREDENTIALS SHALL KEEP RECORDS OF THE DECLARATIONS. THE DECLARATIONS OF THE PRESIDENT OF THE NBH, THE VICE-PRESIDENTS AND THE MEMBERS OF THE MONETARY COUNCIL REFERRED TO IN PARAGRAPH C) OF SUBSECTION (4) OF SECTION 49, AND OF THE SUPERVISORY BOARD MEMBERS, AS WELL AS THE RELATED PROCEEDINGS WITH THE EXCEPTIONS SET OUT IN THIS SECTION, SHALL BE SUBJECT TO THE PROVISIONS GOVERNING THE DECLARATIONS OF PERSONAL WEALTH OF MEMBERS OF PARLIAMENT, AND THE RELATED PROCEEDINGS. ANY PERSON MAY INITIATE THE PROCEEDING OF THE SPEAKER OF THE PARLIAMENT CONCERNING DECLARATIONS OF PERSONAL WEALTH.

(4) ACCORDING TO THE PROVISIONS ON PUBLIC OFFICIALS, THE EMPLOYEES OF THE NBH SHALL FILE THEIR DECLARATIONS OF PERSONAL WEALTH AT THE TIME OF CONTRACTING EMPLOYMENT AND EVERY OTHER YEAR THEREAFTER. THE PRESIDENT OF THE NBH SHALL RECORD AND INSPECT THE DECLARATIONS. THE DECLARATIONS SHALL BE CONFIDENTIAL.

#### *Section 58/B.*

THE PROVISIONS OF SUBSECTIONS (1), (3)-(6), (9), (10) AND (13) OF SECTION 57 AND SUBSECTION (7) OF SECTION 58 SHALL APPLY TO MEMBERS OF THE SUPERVISORY BOARD.

### **Auditor**

#### *Section 59.*

THE AUDITOR OF THE NBH MAY BE APPOINTED FOR A MAXIMUM TERM OF FIVE YEARS. FOLLOWING EXPIRATION OF SAID TERM THE SAME AUDITOR MAY NOT BE REAPPOINTED WITHIN FIVE YEARS.

## **Chapter V**

### **Miscellaneous Provisions**

#### **Powers and Authorities**

*Section 60.*

(1) THE PRESIDENT OF THE NBH SHALL BE VESTED WITH AUTHORITY TO DETERMINE AND REGULATE - BY WAY OF A DECREE - THE FOLLOWING IN ACCORDANCE WITH THE RELEVANT PROVISIONS OF THE LEGISLATION ACT:

*A)* THE PERCENTAGE OF THE CENTRAL BANK BASE RATE;

*B)* THE MANDATORY RESERVE RATIO;

*C)* THE METHOD OF CALCULATION OF THE REQUIRED MINIMUM RESERVES, AND THE METHOD OF ALLOCATION AND PLACEMENT OF SUCH RESERVES, AND THE MEASURES TO BE ADOPTED IN THE EVENT OF NON-COMPLIANCE WITH THESE REGULATIONS;

*D)* THE ISSUE OF BANKNOTES AND COINS (INCLUDING COMMEMORATIVE BANKNOTES AND COINS), THEIR DENOMINATIONS AND DISTINGUISHING FEATURES, AND THEIR WITHDRAWAL FROM CIRCULATION;

*E)* THE TECHNICAL AND OTHER MEASURES REFERRED TO IN SUBSECTION (1) OF SECTION 31/A FOR THE PROTECTION OF THE LEGAL TENDER OF HUNGARY AND OF OTHER COUNTRIES FROM COUNTERFEITING;

*F)* THE CONDITIONS FOR THE AUTHORIZATION OF MAKING IMITATIONS OF BANKNOTES OR COINS IN CIRCULATION AS THE LEGAL TENDER, AND THE REQUIREMENTS CONCERNING THE PRODUCTION, REGISTRATION, SAFEKEEPING AND DESTRUCTION OF IMITATIONS;

*G)* REGULATIONS CONCERNING IMITATIONS OF EURO BANKNOTES AND COINS - INCLUDING MEDALS AND TOKENS SIMILAR TO EURO COINS - SHALL BE DECREED BY THE PRESIDENT OF THE NBH SUBJECT TO COUNCIL REGULATION (EC) NO. 2182/2004 OF 6 DECEMBER 2004 CONCERNING MEDALS AND TOKENS SIMILAR TO EURO COINS, WITH THE EXCEPTION OF THE APPLICABLE SANCTIONS;

*H)* IN CONNECTION WITH THE DUTIES OF THE NBH CONFERRED UNDER SUBSECTION (5) OF SECTION 4, SUBSECTION (3) OF SECTION 26 AND SUBSECTION (2) OF SECTION 27, THE REQUIREMENTS:

*HA)* IN CONNECTION WITH THE PAYMENT SYSTEM (EXCLUSIVE OF BANK ACCOUNTS RELATING TO OPENING AND DISPOSAL) CONCERNING THE INFORMATION TO BE SUPPLIED TO CUSTOMERS IN CONNECTION WITH PAYMENT TRANSACTIONS IN ADVANCE AND AFTER THE FACT, AND THE PROVISIONS ON THE VARIOUS PAYMENT METHODS AND ON THEIR APPLICATION;

*HB)* REGARDING CASH CIRCULATION;

*HC)* FOR MONEY PROCESSING OPERATIONS;

*HD)* REGARDING CLEARING TRANSACTIONS;

*HE)* REGARDING THE STANDARD SERVICE AGREEMENTS AND OTHER INTERNAL REGULATIONS OF OPERATORS PROVIDING CLEARING HOUSE AND SETTLEMENT SERVICES UNDER THE ACT ON CREDIT INSTITUTIONS AND FINANCIAL ENTERPRISES AND THE ACT ON THE CAPITAL MARKET;

*HF)*



1) CONCERNING THE INFORMATION TO BE SUPPLIED TO THE CENTRAL BANKING INFORMATION SYSTEM, AND THE MANNER AND THE DEADLINE FOR PROVIDING THEM.

(2) THE MINISTER IN CHARGE OF THE JUDICIAL SYSTEM SHALL NOT BE CONSULTED IN CONNECTION WITH THE DECREES OF THE PRESIDENT OF THE NBH.

(3)-(4)

(5) THE NBH SHALL PUBLISH NOTICE ON ANY CHANGES IN THE BASE RATE AND THE EFFECTIVE DATES ON THE ELECTRONIC NEWS PAGE THE NBH LEASES AND ON ITS OFFICIAL WEBSITE.

(6) UNDER EXTRAORDINARY CIRCUMSTANCES THE NBH SHALL BE PERMITTED TO COMMUNICATE THE MANDATORY RESERVE RATIO TO THE INSTITUTIONS TO WHICH IT APPLIES IN THE FORM OF AN ELECTRONIC MESSAGE.

(7) A DECREE ADOPTED FOR THE PURPOSES OF PARAGRAPH C) OF SUBSECTION (1) SHALL BE PROMULGATED FIFTEEN DAYS BEFORE ITS OPERATIVE DATE.

(8) FOLLOWING PUBLICATION OF THE SPECIAL FORMS OF NOTICES REFERRED TO IN SUBSECTIONS (5) AND (6) THE DECREES SHALL BE MADE PUBLIC IN ACCORDANCE WITH THE COMMON PROVISIONS PERTAINING TO THE PROMULGATION OF LEGAL REGULATIONS.

*Section 60/A.*

*Section 61.*

(1) THE NBH SHALL BE ENTITLED TO CONDUCT ANY FORINT TRANSACTION INCLUDED IN THE SCOPE OF FINANCIAL SERVICES AND ACTIVITIES AUXILIARY TO FINANCIAL SERVICES FOR THOSE BODIES FOR WHICH IT MAINTAINS OR MAY MAINTAIN A CURRENT ACCOUNT.

(2) THE NBH SHALL BE ENTITLED - WITHIN THE SCOPE OF FINANCIAL SERVICES - TO ACCEPT BANK DEPOSITS (SAFE DEPOSIT TRANSACTIONS) ON THE BASIS OF A LAW OR INTERNATIONAL AGREEMENT FROM NATURAL PERSONS AND ORGANIZATIONS OTHER THAN THOSE REFERRED TO IN SUBSECTION (1).

(3) THE NBH MAY MAINTAIN BANK ACCOUNTS FOR ITS EMPLOYEES IN FORINT, ACCEPT DEPOSITS FROM SUCH EMPLOYEES AND EXTEND CREDIT TO THEM, AND MAY PROVIDE OTHER FINANCIAL SERVICES AND AUXILIARY FINANCIAL SERVICES, AS WELL AS PERFORM INVESTMENT SERVICES IN RESPECT OF GOVERNMENT DEBT SECURITIES.

(4) THE NBH SHALL HAVE AUTHORITY TO MAINTAIN THE BANK ACCOUNT OF THE POSTAL SERVICE ASSOCIATED WITH THE PERFORMANCE OF NATIONAL CASH PAYMENT TRANSACTIONS.

(5) THE NBH MAY CONDUCT ANY TRANSACTION IN FOREIGN EXCHANGE AND PRECIOUS METALS INCLUDED IN THE SCOPE OF FINANCIAL SERVICES AND ACTIVITIES AUXILIARY TO FINANCIAL SERVICES, AND MAY PERFORM SUCH TRANSACTIONS IN FORINT WITH NONRESIDENTS.

*Section 62.*

(1) BASED ON CLAIMS ARISING IN CONNECTION WITH ITS CENTRAL BANKING DUTIES, THE NBH SHALL BE ENTITLED TO A STATUTORY LIEN ON THE ASSETS OF A DOMESTIC DEBTOR, REGARDLESS OF THE LEGAL GROUNDS UPON WHICH TITLE TO SUCH ASSETS WAS ACQUIRED. BASED ON THE STATUTORY LIEN THE NBH SHALL HAVE POWERS TO SATISFY ITS CLAIMS FROM THE PROPERTY TO WHICH THE LIEN PERTAINS WITHOUT ANY COURT PROCEEDINGS, IN THE MANNER IT DEEMS MOST SUITABLE. THIS PROVISION SHALL BE APPROPRIATELY APPLIED TO SATISFACTION FROM COLLATERAL SECURITY PROVIDED TO THE NBH.

(2) IN RESPECT OF LIENS OR COLLATERAL SECURITY OBTAINED BY THE NBH IN CONNECTION WITH ITS CENTRAL BANKING TASKS AND DUTIES, THE PROVISIONS OF ACT XLIX OF 1991 ON BANKRUPTCY PROCEEDINGS, LIQUIDATION PROCEEDINGS AND MEMBERS' VOLUNTARY DISSOLUTION ON THE RESTRICTION OF DIRECT ENFORCEMENT OF SUCH COLLATERAL CLAIMS SHALL NOT BE APPLIED.

(3) THE PROVISIONS OF SUBSECTIONS (1) AND (2) SHALL ALSO APPLY TO SECURITIES PROVIDED TO THE BENEFIT OF THE CENTRAL BANK OF ANOTHER MEMBER STATE OF THE EUROPEAN UNION OR THE EUROPEAN CENTRAL BANK IN CONNECTION WITH ITS CENTRAL BANKING DUTIES.

(4) THE NBH MAY SATISFY ITS CLAIMS FROM CREDIT INSTITUTIONS ARISING IN CONNECTION WITH ITS ACTIVITIES SPECIFIED IN SECTION 7 FROM THE ACCOUNTS IT MAINTAINS ON BEHALF OF SUCH CREDIT INSTITUTIONS, IN THE ORDER OF ADJUSTMENTS MADE IN THE ACCOUNT TO CORRECT ERRONEOUS ENTRIES.

*Section 63.*

DOMESTIC LEGAL ACTION AGAINST THE NBH MAY ONLY BE FILED AT THE COURT HAVING JURISDICTION FOR THE PLACE WHERE IT IS ESTABLISHED. THIS PROVISION SHALL NOT APPLY IN RESPECT OF LEGAL ACTIONS ARISING FROM EMPLOYMENT RELATIONSHIPS.

*Section 64.*

THE BOOKS OF THE NBH AND THE EXCERPTS FROM SUCH BOOKS, SIGNED ON BEHALF OF THE NBH, SHALL HAVE POWER OF EVIDENCE AS OFFICIAL PUBLIC DOCUMENTS.

## **Regulation pertaining to the Income of the NBH**

*Section 65.*

(1) THE NBH SHALL PAY DIVIDEND BASED ON THE DECISION OF THE GENERAL MEETING FROM THE PROFITS RETAINED FOR THE YEAR OR FROM THE PROFIT RESERVE. THE PAYMENT OF DIVIDEND SHALL BE EFFECTED WITHIN 8 DAYS OF APPROVAL OF THE ANNUAL ACCOUNT OF THE NBH FOR THE YEAR IN QUESTION.

(2) THE NBH SHALL NOT PAY DIVIDEND ADVANCES.

(3) WHERE THE LOSSES INCURRED IN A YEAR EXCEED THE BALANCE OF THE PROFIT RESERVE, THE DIFFERENCE SHALL BE PAID BY THE GOVERNMENT DIRECTLY TO THE PROFIT RESERVE WITHIN 8 DAYS OF APPROVAL OF THE ANNUAL ACCOUNT OF THE NBH FOR THE YEAR IN QUESTION.

## Chapter VI

### Approximation with the Laws of the European Communities

#### *Section 66.*

## Chapter VII

### Closing Provisions

#### *Section 67.*

##### (1) TASKS AND DUTIES OF THE NBH

A) RELATIVE TO THE AUTHORIZATION OF PAYMENT TRANSACTIONS, FINANCIAL SERVICES AND ACTIVITIES AUXILIARY TO FINANCIAL SERVICES FALLING UNDER ITS AUTHORITY MAY BE PRESCRIBED BY AN ACT OF PARLIAMENT,

B) OR BY THIS ACT FOR REASONS OTHER THAN WHAT IS CONTAINED PARAGRAPH A).

(2) THE TASKS AND DUTIES REFERRED TO IN SUBSECTION (1) SHALL BE CONSISTENT WITH THE CENTRAL BANKING TASKS AND RESPONSIBILITIES OF THE NBH AS SET FORTH IN THIS ACT.

#### *Section 67/A.*

#### *Section 68.*

#### *Section 69.*

(1) THE NBH MAY NOT HOLD OWNERSHIP INTERESTS IN ANY FOREIGN OR DOMESTIC BUSINESS ASSOCIATIONS.

(2) SUBSECTION (1) SHALL NOT APPLY IN RESPECT OF OWNERSHIP INTERESTS IN BUSINESS ASSOCIATIONS RELATED TO THE ACTIVITIES OF THE NBH.

(3) WITHOUT PREJUDICE TO SUBSECTIONS (1) AND (2), THE NBH MAY HOLD OWNERSHIP INTERESTS IN BUSINESS ASSOCIATIONS ESTABLISHED FOR THE FOLLOWING PURPOSES:

A) SETTLEMENT OF NATIONAL CLEARING TRANSACTIONS BETWEEN CREDIT INSTITUTIONS; AND

B) SETTLEMENT OF SECURITIES AND STOCK EXCHANGE TRANSACTIONS, SAFE DEPOSIT, MANAGEMENT AND REGISTRATION OF SECURITIES AND STOCK EXCHANGE ACTIVITIES.

#### *Section 70.*

THE PROVISIONS OF THE COMPANIES ACT SHALL APPLY TO NBH BY WAY OF THE EXCEPTIONS SET OUT IN THIS ACT.

#### *Section 71.*

(1) THE TERMS AND CONDITIONS OF LOANS THE NBH HAS PROVIDED TO THE GOVERNMENT PRIOR TO THE ENTRY INTO FORCE OF THIS ACT SHALL BE CONSISTENT WITH PREVAILING MARKET TRENDS.

(2) A PORTION OF PRIVATIZATION REVENUES AT LEAST EQUAL TO THE AMOUNT OF CREDIT THE NBH HAS EXTENDED FOR THE SALE OF STATE PROPERTY, SHALL BE ALLOCATED FOR THE REDUCTION OF GOVERNMENT DEBT VIS-&AGRAVE;-VIS THE NBH.

(3) THE NBH MAY GRANT A LOAN OR, IN THE CASE OF A TEMPORARY OR LONG-TERM DEFICIT, ADVANCE CREDIT TO THE GUARANTEE FUND OF THE FUNDS.

*Section 71/A.*

THE OVERSIGHT COMPETENCE OF THE CENTRAL BANK SHALL COVER COMPLIANCE WITH THE LEGAL REGULATIONS ON FINANCIAL TRANSACTIONS, THE STATUTORY PROVISIONS ON THE CONDITIONS FOR THE PROVISION OF FINANCIAL SERVICES AND CARRYING OUT ACTIVITIES AUXILIARY TO FINANCIAL SERVICES SUBJECT TO LICENSING BY THE NBH, AND THE REGULATIONS OF THE CENTRAL BANK ENACTED BEFORE 1 MAY 2004 AND WHICH ARE STILL IN FORCE AT THE TIME WHEN THE ACTIVITY TO WHICH THE INSPECTION PERTAINS IS CARRIED OUT OR WHEN THE INSPECTED EVENT OCCURS.

*Section 72.*

(1) THIS ACT SHALL ENTER INTO FORCE ON THE EIGHTH DAY FOLLOWING ITS PROMULGATION, WITH DUE CONSIDERATION OF THE EXCEPTIONS SET FORTH IN SUBSECTION (2).

(2) SECTION 17 AND SUBSECTION (4) OF SECTION 65 SHALL ENTER INTO FORCE ON 1 JANUARY 2002 AND 1 JANUARY 2003, RESPECTIVELY.

(3) IN RESPECT OF THE PROFIT OR LOSS OF THE NBH FOR 2001, THE PROVISIONS OF SUBSECTIONS (1) AND (2) OF SECTION 20 OF THE NBH ACT IN FORCE ON 1 JANUARY 2001 SHALL BE APPLIED, WHILE IN RESPECT OF DIVIDEND PAYMENT OBLIGATIONS FOR 2002, SUBSECTION (4) OF SECTION 78 OF THE NBH ACT IN FORCE ON 1 JANUARY 2001 SHALL BE APPLIED. THE PROVISIONS OF SUBSECTIONS (4) AND (5) OF SECTION 17 OF THIS ACT SHALL BE APPLIED IN RESPECT OF DISCHARGING PAYMENT OBLIGATIONS RELATED TO EQUALIZATION RESERVES.

(4)

*Section 73.*

(1) THE TERM IN OFFICE OF THE VICE-PRESIDENTS APPOINTED PRIOR TO THE ENTRY INTO FORCE OF THIS ACT SHALL EXPIRE ON THE DAY STIPULATED IN THEIR APPOINTMENT, UNTIL WHICH THEY SHALL ALSO SERVE AS MEMBERS OF THE MONETARY COUNCIL AND THE EXECUTIVE BOARD.

(2) SUBSECTION (2) OF SECTION 53 SHALL BE APPLIED IN RESPECT OF THE REMUNERATION OF THE PERSONS REFERRED TO IN SUBSECTION (1).

(3) THE TERM OF THE MEMBERS OF THE CENTRAL BANK COUNCIL APPOINTED PURSUANT TO PARAGRAPH C) OF SUBSECTION (3) OF SECTION 57 OF THE NBH ACT

SHALL EXPIRE ON THE DAY STIPULATED IN THEIR APPOINTMENT, UNTIL WHICH THEY SHALL ALSO SERVE AS MEMBERS OF THE MONETARY COUNCIL.

(4) THE PROVISIONS ON CONFLICT OF INTERESTS EFFECTIVE ON THE DAY OF THEIR APPOINTMENT SHALL BE APPLIED FOR PERSONS REFERRED TO IN SUBSECTION (3). THE MONETARY COUNCIL SHALL MAKE DECISIONS ON THEIR REMUNERATION. UPON THEIR REQUEST, UNDER THE CONDITIONS SET FORTH IN THIS ACT, THEY MAY ESTABLISH EMPLOYMENT WITH THE NBH FOR THE PERIOD OF THEIR TERM.

(5)

*Sections 74-75.*

*Act XV of 2007 on the Amendment of Act LVIII of 2001 on the National Bank of Hungary*

SECTION 18. (1) THIS ACT SHALL ENTER INTO FORCE ON THE 8TH DAY FOLLOWING PROMULGATION.

(2) IN CONNECTION WITH THE MEMBERS OF THE MONETARY COUNCIL IN OFFICE AT THE TIME OF THIS ACT ENTERING INTO FORCE THE PROVISIONS OF SUBSECTIONS (10) AND (14) OF SECTION 49 OF THE MNB ACT IN EFFECT UP TO THE DAY OF THIS ACT ENTERING INTO FORCE SHALL APPLY, AND IN CONNECTION WITH THE PRESIDENT AND VICE-PRESIDENTS OF THE NBH IN OFFICE AT THE TIME OF THIS ACT ENTERING INTO FORCE THE PROVISIONS OF SUBSECTION (8) OF SECTION 53 OF THE MNB ACT IN EFFECT UP TO THE DAY OF THIS ACT ENTERING INTO FORCE SHALL APPLY.