COMUNICACION DE HUNGRÍA

Oferta condicional revisada de Hungría en materia de compromisos iniciales sobre el comercio de servicios

Revisión

La siguiente comunicación se distribuye a los miembros del Grupo de Negociaciones sobre Servicios a petición de la Delegación Permanente de Hungría.

Hungría presenta la adjunta versión revisada de su oferta condicional en materia de compromisos iniciales sobre el comercio de servicios. Esta versión sustituye en todas sus partes a la primera versión, de fecha 17 de septiembre de 1991 (MTN.GNS/W/133). Hungría se reserva el derecho de modificar, complementar, reducir o retirar su oferta, que está condicionada al grado en que otros participantes presenten propuestas satisfactorias sobre compromisos específicos y disciplina n.m.f.

1 Inglés solamente
ALL SECTORS

Cross-border provision of services

In view of the non-convertibility of the Hungarian currency economic operators need to obtain authorization from the foreign exchange authority to effect payments for the services imported. In case of services linked to movement of goods (and as such falling under the Act on Foreign Trade) automatic access to convertible currencies is granted without foreign exchange authorization.

Movement of consumers

Due to the lack of currency convertibility foreign exchange restrictions limit the ability of consumers to purchase services abroad. Prior case-by-case authorization may be obtained from the foreign exchange authority. Market access conditions are not bound with respect to this mode of supply.

Commercial presence

Establishment is, in general, subject only to registration at a Court of Company Registration. Foreign investments enjoy full protection and safety. Transfer of profits and repatriation of invested capital - in case of winding up the venture - may be effected in convertible currencies without restrictions. Acquisition of real estate/land by foreigners is allowed only to the extent necessary for performing the given economic activity. National treatment granted to established companies in fields of public function (e.g. health, education) may not mean automatic entitlement to state funds/subsidies. To perform certain activities, established companies (whether or not foreign owned) should obtain a licence from the central or local authorities.

With regard to establishment, nothing in this offer may be understood as binding the conditions for acquisition of state property, i.e. the regulations governing the privatization process. Market access is, in general terms, provided even in this respect, but on an unbound basis.

The provision of certain services (marked with * in the sectoral list) is subject to the regulations contained in Act XVI of 1991 on Concessions. Such services may be provided by
- business organizations established by the state or the local authorities where they have a controlling interest;
- institutions established by the state or the local authorities, financed from the central budget or by the local authority;
- economic operators obtaining the right of carrying on the activity from the state or local authority through a Contract of Concession.

The Contract is for a limited time (may not exceed 35 years). The Contract of Concession may not substitute for the licences required in separate legislations for performing certain activities. Persons or corporations deemed to be non-resident by the foreign exchange legislation as well as unincorporated associations of the same shall be treated for the purposes of the granting of concessions on equal terms with residents. Sectoral laws may establish detailed rules on activities covered in conformity with the general provisions of the Act on Concessions. Market access and national treatment for services covered by the above regulation means that equal possibilities are provided to domestic and foreign economic entities to participate at tenders for a contract of concession.

Movement of personnel
Foreign natural persons need, in general, work permit if the purpose of their entry is to undertake work. Permits are issued by local labour offices taking into account the domestic and regional labour market situation. However, managers of established companies with foreign participation do not need to obtain work permit.

PROFESSIONAL SERVICES

- Accounting, auditing
Auditing is subject to inclusion in the National Register of Qualified Auditors. Qualification may be obtained through a two-year professional course.

- Architecture
Nationality requirement

- Engineering
Nationality requirement

- Urban planning
Nationality requirement

- Medical and dental services
Registration requirement. Those with foreign qualification certificate recognized in Hungary may be registered after a successful professional exam (in Hungarian language).
<table>
<thead>
<tr>
<th>SECTOR/SUBSECTOR</th>
<th>MARKET ACCESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consultancy services related to computer hardware installation</td>
<td>No limitations</td>
</tr>
<tr>
<td>Software implementation</td>
<td>No limitations</td>
</tr>
<tr>
<td>Research and Development</td>
<td>No limitations</td>
</tr>
<tr>
<td>Rental/Leasing</td>
<td>Approval of the National Bank is needed for cross-border rental/leasing. If a product is subject to import licensing, cross-border leasing of such product falls also under import licensing.</td>
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<tr>
<td>Advertising</td>
<td>No limitations</td>
</tr>
<tr>
<td>Market research and opinion polling</td>
<td>No limitations</td>
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<tr>
<td>Management consulting</td>
<td>No limitations</td>
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<tr>
<td>Labour recruitment</td>
<td>No limitations</td>
</tr>
<tr>
<td>Security services (not including investigation)</td>
<td>Restrictions on security services provided by natural persons.</td>
</tr>
<tr>
<td>Scientific and technical consulting services</td>
<td>No limitations</td>
</tr>
<tr>
<td>Maintenance and repair</td>
<td>No limitations</td>
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</tbody>
</table>
SECTOR/SUBSECTOR | MARKET ACCESS | NATIONAL TREATMENT
---|---|---
Building-cleaning services | No limitations |  
Packaging services | No limitations |  
TELECOMMUNICATION SERVICES | The present offer on telecommunication services is conditional on the parliamentary approval of a new draft law on telecommunications. (Decision expected by April 1992.) |  
Public and switched services* (voice telephone, packet or circuit switched data transmission, telex, facsimile services) | Market access through tendering (see headnote on concessions) |  
Other enhanced/value added services: |  
Electronic mail | No limitations |  
Voice mail | No limitations |  
Electronic data interchange | No limitations |  
Enhanced facsimile services (incl. store and forward, store and retrieve) | No limitations |
DISTRIBUTION SERVICES
- Wholesale trade licence is needed from the Ministry of Industry and Trade.
- Retail trade no limitations

EDUCATIONAL SERVICES
Qualification requirements may apply. Establishment of schools is subject to licence from the local (or in case of high schools from the central) authorities. Needs test may be required.

FINANCIAL SERVICES
Insurance, banking and securities activities should be performed by legally separate suppliers of financial services. Establishment of branches and agencies is not permitted. Establishment of wholly or partially foreign owned insurance companies and banks (i.e. commercial banks, investment banks, specialized financial institutions, thrift institutions) and the acquisition of shares by foreigners in Hungarian banks if the total foreign ownership in the bank exceeds 10%, is subject to Government licensing. Criteria is contained in the Act on Financial Institutions. With the exception of financial institutions none of the owners' (direct or indirect) share may exceed 25% within the quoted capital of a financial institution. Once established, financial service providers are granted national treatment in their operations. The setting up of representative offices by foreign service providers is subject to registration with the respective regulatory agency. Insurance companies and banks wishing to perform all or part of the services approved by the regulatory agency (the relevant Supervision) with the involvement of foreign currency should obtain a licence from the National Bank of Hungary. The assessment of applications is based on prudential criteria.

Insurance, reinsurance, insurance brokers only established insurance companies may provide services (except reinsurance) in Hungary. Establishment may be effected in the forms of company limited by shares, cooperative or association. Operational licence is provided by the State Insurance Supervision (SIS). Minimum registered capital (at present 1 billion Forints) is set for insurance companies. SIS authorization is needed also for reinsurance and insurance broker activities.
Insurance brokers may act only on behalf of domestic insurance companies.

**Banking and other financial services**

Operational licence for banks is provided by the State Banking Supervision (SBS). Minimum capital requirement is applied. (1 billion Forints for commercial banks, 50 million for thrift companies and 500 million Forints for specialized financial institutions. The SBS may set a higher limit for specialized financial institutions depending on the scope of activity.)

- **Acceptance of deposits**
  No limitations on acceptance of foreign exchange deposits. Foreign juridical persons may not have Forint accounts. Foreign natural persons may deposit Hungarian Forints but only on a special account (the use of such deposits is restricted by foreign exchange regulations).

- **Lending of all types**
  Borrowing from non resident providers by economic operators (other than banks) is subject to foreign exchange authorization. Notification requirement is applied for banks.

- **Financial leasing**
  Cross-border leasing operations are subject to authorization from the National Bank.

- **All payment and money transmission**
  Allowed only through a resident bank.

- **Guarantees**
  Domestic companies need authorization to purchase such services from foreign providers.

- **Securities**
  Establishment is required. Establishment of foreign securities firms is subject to licensing by the State Securities Supervision (SSS). Applicants wishing to provide services involving foreign currency/securities must obtain a joint SSS/NBH licence. The assessment of applications in the above cases is based on prudential criteria. Resident companies need SSS authorization to issue securities abroad.

- **Advisory and other auxiliary services**
  No limitations

**HEALTH RELATED SERVICES**

Establishment of institutions may require license and/or needs test.
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<tr>
<td><strong>TOURISM AND RELATED SERVICES</strong></td>
<td></td>
</tr>
<tr>
<td>- Hotels and restaurants</td>
<td>No limitations</td>
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<tr>
<td>- Travel agencies and tour operators</td>
<td>Establishment required. Registration is needed with the Ministry of Industry and Trade. Conditions are: qualification, appropriate office, money guarantee. The amount of the guarantee set by the relevant regulation (in relation with the company's turnover) should be deposited on a special account (equivalent bank guarantee is also accepted) and may only be used to cover claims by the service consumers concerning non-fulfilment of obligations.</td>
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<tr>
<td><strong>RECREATIONAL, CULTURAL AND SPORTING SERVICES</strong></td>
<td></td>
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<tr>
<td>- Entertainment services</td>
<td>No limitations</td>
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<tr>
<td>- Sporting and other recreational services</td>
<td>No limitations</td>
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<tr>
<td><strong>TRANSPORT SERVICES</strong></td>
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<tr>
<td>- Maintenance and repair of transport equipment</td>
<td>No limitations</td>
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<tr>
<td>- Rail transport*</td>
<td>See headnote on concessions</td>
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<td>- Pipeline transport*</td>
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