

Government Decree 599/2021 (28 October)

laying down the obligation for employees of state and local government institutions to get vaccinated against coronavirus

The Government,

acting within its original legislative power laid down in Article 53 (2) of the Fundamental Law, having regard to section 51/A of Act CXXVIII of 2011 on disaster management and amending certain related Acts,

acting, with respect to section 6, within its original legislative power laid down in Article 53 (3) of the Fundamental Law, on the basis of an authorisation by the National Assembly pursuant to section 2 (1) of Act I of 2021 on the containment of the coronavirus pandemic,

acting within its function laid down in Article 15 (1) of the Fundamental Law, decrees as follows:

Section 1 (1) For the purposes of this Decree, employee means a person employed at

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f) a national defence organisation within the meaning of Act CXIII of 2011 on national defence, the Hungarian Defence Forces and measures applicable during special legal order, including non-national-defence institutions falling within the scope of Act CCV of 2012 on the legal status of soldiers (hereinafter the “Soldier Status Act”) and Act CXIV of 2018 on the legal status of national defence employees,

g) a social care service provider or institution providing residential care services within the meaning of Act III of 1993 on social administration and social benefits,

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(2) The provisions of this Decree shall apply to the employees of an institution under paragraph (1) only if the institution is maintained by the state or a local government, with the proviso that for institutions maintained by a local government, the mayor of the settlement or district of the maintainer local government, and for institutions maintained by the capital, the Mayor of Budapest shall decide whether to apply the provisions of this Decree.

(3) The provisions of this Decree shall not apply to the employees of a company with state-owned business shares or a company under the majority control of such a company, except as provided for in paragraph (4).

(4) This Decree shall apply also to the employees of a company with state-owned business shares or a company under the majority control of such a company who have a legal relationship under the Act referred to in paragraph (1) f).

Section 2 (1) For the protection of the health and lives of citizens and the smooth performance of public duties, employees who did not take the vaccine against SARS-CoV-2 coronavirus (hereinafter “vaccine”) before the entry into force of this Decree, shall be required, without prejudice to the exemption under paragraph (3), to take

a) the vaccine where vaccine is single dose, and where vaccine is double dose, to take the first dose of vaccine

aa) by 15 December 2021 if he has regular contact with clients as part of his work,

ab) by 31 January 2022 if he is not covered by subpoint aa),

b) the second dose of the vaccine where vaccine is double dose on the date set by the doctor administering the vaccination.

(2) The employer shall be responsible for establishing whether the employee falls under the scope of paragraph (1) a) aa) or ab), and shall inform accordingly the employee by electronic means, including the use of email, or on paper by 15 November 2021. This information shall include also the possible legal consequences of a failure to take the vaccine.

(3) An employee shall be exempt from the obligation under paragraph (1) if vaccination is contraindicated for him due to health reasons and this fact is supported by a medical expert opinion under paragraph (4).

(4) The medical expert opinion shall be issued, at the initiative of the employee, by the medical expert of the occupational health service with competence over the employer, or if there is no such occupational health service, by any other doctor authorised to establish the medical fitness of the employee for the activities performed under his legal relationship, or if there is no such doctor, by the general practitioner of the employee.

(5) If the employer so requests, the employee shall present, within five days and in a manner specified by the employer, an official verification card suitable for verifying identity together with one of the following documents to prove that he has been vaccinated:

a) an EU Digital COVID Certificate within the meaning of Regulation (EU) 2021/953 of the European Parliament and of the Council of 14 June 2021 on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (EU Digital COVID Certificate),

b) an immunity certificate without a date of expiry or an IT application within the meaning of Government Decree 60/2021 (12 February) (hereinafter “Government Decree 60/2021”) on certifying immunity to coronavirus,

c) a certificate of vaccination issued by the doctor certifying vaccination according to the model published on the website of the National Public Health Centre,

d) an international certificate of vaccination issued by the World Health Organization, provided that it includes a note by the doctor certifying vaccination recording the fact that the vaccination was administered,

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(6) For the purposes of this Decree, only a vaccine within the meaning of section 1 (1) *b)* of Government Decree 60/2021 shall be taken into account.

(7) If an employee did not take the vaccine within the time limit set in paragraph (1) *a)* or *b)*, or paragraph (12), the employer shall request that employee to take vaccine within 15 days of the request and to provide proof of vaccination in a manner specified in paragraph (5), or to produce the medical expert opinion under paragraph (4).

(8) If an employee did not take the vaccine within the time limit set in paragraph (7) and nor did he produce the medical expert opinion under paragraph (4), the employer shall put the employee on leave without salary or remuneration (hereinafter jointly “unpaid leave”).

(9) Notwithstanding the legislation applicable to the employment, the employer may terminate an employee’s legal relationship by way of dismissal or by notice if one year has passed since he was placed on unpaid leave under paragraph (8) and

a) the employee did not provide proof of vaccination to the employer in a manner specified in paragraph (5), and

b) the employee does not produce the medical expert opinion under paragraph (4).

(10) If the employment relationship is terminated for a reason under paragraph (9), the employee shall be informed without delay about the ground for and legal consequences of termination.

(11) If the employee takes the vaccine after he has been placed on unpaid leave under paragraph (8), but within one year at the latest, or he produces the medical expert opinion under paragraph (4), the employer shall terminate the unpaid leave without delay.

(12) An employee who gets exempted from his obligation to stand by and to perform work before the expiry of the time limit for vaccination under this Decree shall be required to take the vaccine where vaccine is single dose, and where vaccine is double dose, to take the first dose of vaccine, within thirty days following the termination of his exemption from the obligation to stand by and to perform work.

(13) Compliance with the provisions of this Decree shall be monitored by an organ designated by the Government.

(14) Having regard to the service order,

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c) for employees referred to in section 1 (1) *f)* and for employees falling within the scope of the Soldier Status Act from among those referred to in section 1 (3), the Minister responsible for national defence

may set time limits other than those set in paragraph (1) *a)*.

(15)

Section 2/A (1) Without prejudice to the exemption under paragraph (2), new employment relationship shall not be established at the institutions and organs under section 1 (1) with a person who did not take the vaccine or, for double-dose vaccines, both doses of the vaccine.

(2) A person shall be exempt from the obligation under paragraph (1) if vaccination is contraindicated for him due to health reasons and this fact is supported by a medical expert opinion issued by the general practitioner of the person concerned or a medical expert treating the person concerned.

(3) When establishing an employment relationship, the person concerned shall provide proof of vaccination in accordance with section 2 (5).

(4) For the purposes of paragraph (1), the organs and institutions under paragraph (1) may process the data specified in section 3 (1) of a person affected by the establishment of employment relationship for the time specified in section 3 (3).

(5) The provisions of section 1 (2) to (4) shall apply to the application of paragraph (1).

Section 2/B

Section 3 (1) The employer shall process the employee's data pertaining to

a) vaccination recorded in the official verification card and documents under section 2 (5) and referred to in section 3/A (4), and

b) contraindication for vaccination indicated in the medical expert opinion under section 2 (4) or section 2/A (2).

(2) The organ designated by the Government under section 2 (13) shall be authorised to access the data specified in paragraph (1).

(3) The employer and the organ designated by the Government under section 2 (13) may process the data under paragraph (1) only to the extent and for the time required for reaching the objective of data processing, but for not longer than until the end of the period of state of danger within the meaning of Government Decree 27/2021 (29 January) on the declaration of state of danger and the entry into force of state-of-danger measures.

Section 3/A (1) The organ under section 1 (1) maintained by the state (hereinafter “employing organ”) may check whether its employee complies with the obligation related to vaccination also in accordance with the provisions of this section.

(2) When performing a check referred to in paragraph (1), the employing organ shall provide exclusively the social security identifier of the employee to the Minister responsible for controlling, supervising, or exercising the ownership rights over, the employing organ.

(3) The Minister referred to in paragraph (2) shall provide the social security identifiers referred to in paragraph (2), grouped by employing organs, to the National Directorate-General for Hospitals (hereinafter “NDGH”) on an interface operated by the NDGH.

(4) To facilitate for employing organs to require, check, and comply with, the obligations set out in this Decree, the NDGH shall provide to the Minister referred to in paragraph (2) the data relating to the date of vaccination and the vaccine assigned to the relevant social security identifiers.

(5) The Minister referred to in paragraph (2) shall transfer the data referred to in paragraph (4) to the employing organs.

(6) For a territorial or regional employing organ, if commissioned by the Minister referred to in paragraph (2) or, in the case of the Hungarian Defence Forces, by the Minister responsible for national defence, also the intermediary control organ of the employing organ may perform the tasks set out in this section of the Minister referred to in paragraph (2).

(7) The Minister referred to in paragraph (2) and the NDGH, to ensure the performance of the tasks set out in this section, shall process the social security identifiers and the data of the employing organ for the time required for data transfer, unless a longer time limit is provided in an Act or in a government decree adopted on the basis of Article 53 (2) of the Fundamental Law in the period of state of danger.

Section 4 (1)

(2) If a mayor or the Mayor of Budapest decides under section 1 (2) to apply this Decree,

a) then, notwithstanding section 2 (1) *a)*, the employer shall set a time limit of at least 45 days for taking the vaccine which applies to the vaccination itself for single-dose vaccines and to the first dose of vaccine for double-dose vaccines,

b) then, in applying section 2 (7), the time limit set by the employer shall prevail over the time limit under section 2 (1) *a)*.

Section 4/A (1) With the exceptions specified in paragraph (3), any leave without salary or remuneration ordered or applied on the basis of this Decree shall terminate in accordance with the employer's decision but not later than on 1 April 2022.

(2) On the basis of the provisions of paragraph (1), the employer shall without delay inform the person concerned by electronic means, including the use of email, or on paper of the date when the obligation to stand by and to perform work recommences.

(3) The provisions of paragraphs (1) and (2) shall not apply to a person employed at

a) a social care service provider or institution providing residential care services within the meaning of Act III of 1993 on social administration and social benefits,

b) a national defence organisation within the meaning of Act CXIII of 2011 on national defence, the Hungarian Defence Forces and measures applicable during special legal order, including non-national-defence institutions falling within the scope of the Soldier Status Act and Act CXIV of 2018 on the legal status of national defence employees.

Section 5 (1) With the exception specified in paragraph (2), this Decree shall enter into force on 1 November 2021.

(2) Section 6 shall enter into force on 15 November 2021.

Section 6 (1) The Government extends the temporal scope of this Decree until Act I of 2021 on the containment of the coronavirus pandemic is repealed.

(2) This Decree shall be repealed when Act I of 2021 on the containment of the coronavirus pandemic is repealed.



MINISTRY OF JUSTICE
HUNGARY