

Sports administration in Hungary

I. INTRODUCTION

Sports law is a very complex field of law. It needs really diverse knowledge and experience, but first of all comprehensive thinking. In Hungary, the act I of 2004 on sport is in force; however, also the sectorial legislation declares rules which shall be applied in sports field. I can mention the criminal law with the drug abuse and the criminal sanctions (prohibition from visiting sports events); the civil law (e.g. agreements), the labour law (e.g. labour agreement of amateur and professional athletes), the international law (e.g. WADA). It is also connected to educational and health law and the list goes on. However, the object of my inquiry is especially the issue of sports administration which is part of the administration law.

As a consequence I can state that sports law is a very special field of law which needs special capability, skill, knowledge and experience.

I am going to gather and systemize the actors of the sports administration. Firstly, I am going to deal with organizations related to the State. Furthermore I must analyse the role of organizations with self-governance. This is named as self-administration. And last but not least, the sports organizations and sports companies come under scrutiny.^[1]

II. THE DUTIES OF THE STATE^[2]

First of all, I must mention the function of the Hungarian Parliament. The Parliament embodies the legislative power. It passes the act on sport, namely the main rules on the abovementioned matter. It shall create the conditions for everyday physical education in schools.^[3]

The Hungarian Government, which is the executive power in Hungary, determines the structure of the Ministries and their competences, and the Government highlights the guidelines in the field of sport. It determines the system of state aid for sport and the conditions of application.^[4]

[1] Rixer, 2011, 126.

[2] Lapsánszky, 2013, 333-336.

[3] Act I of 2004 on sport § 49. b).

[4] Act I of 2004 on sport § 50 (3) a).

The Minister of Human Capacities is responsible for the sport policy.^[5]

The tasks of the Minister are the following in connection with the responsibility for sport policy:

- The Minister shall prepare the regulations on sport and the settlement of ownership conditions for sports facilities.
- The Minister is responsible for the creation of sport policy of the Hungarian Government.
- The Minister facilitate the development of sports science and shall make available the professional backgrounds
- The Minister shall provide professional duties for the operation and the development of sports health system, the security of sports event and the fight against violence committed in the auditorium or against illegal use of performance-enhancing drugs.
- The Minister shall make proposals for development of sports facilities.
- The Minister shall review the enforcement of sports development concept of sports federations.^[6]

The Minister has tasks in the scope of the management with national asset. These are especially the following:

- The Minister shall prepare the regulation on management with national assets, wind-up and liquidation procedure.
- The Minister shall perform the Government's asset management policy and control the agreements (especially PPP contracts, concession contract).
- The Minister shall take care for the execution of development and reconstruction projects of sports facilities.
- The Minister shall take care for operation of national sports facilities.^[7]

Inside the Ministry, there is the State Secretariat for Sport. The State Secretariat shall exercise political and strategic control over

- sports policy,
- the support of the team sports of spectacular nature and
- sports tasks on the international and EU level.

The State Secretariat shall cooperate in the construction of the governmental management and institution system.^[8]

[5] Government decree no. 152 of June 6th, 2014 by the Hungarian Government on the power and authority of the members of the Government § 48 point 12.

[6] Government decree no. 152 of June 6th, 2014 by the Hungarian Government on the power and authority of the members of the Government § 61.

[7] Government decree no. 152 of June 6th, 2014 by the Hungarian Government on the power and authority of the members of the Government § 112.

[8] Ministerial order no. 33 of September 16th, 2014 by the Ministry of Human Capacities on the organisational and operational regulations of the Ministry of Human Capacities § 43.

Furthermore, the undersecretary of state liable for sport

- shall represent the Ministry in its own competence, give information about the governmental decisions, plans and standpoints;
- is responsible for the preparation and the initiation of the modification of laws in the scope of sport controlled by its own;
- shall participate in the creation of budget and strategy;
- shall coordinate the tasks in connection with the corporate tax allowance and the relations between sport and environmental protection.^[9]

As the consequence of the above-mentioned tasks and issues, I must emphasize that the field of sports law is very complex. I can state it not only for the institution system, but for the legal background, as well.

III. SELF-ADMINISTRATION

In the former part, I have dealt with the institution system in national level. In this chapter, I am going to examine the actors with autonomy.

One of these institutions with self-administration is the sports public corporation. Public corporations are situated between the state and civil sector. They are constructed by the State (by an act) for public tasks. The civil nature of public corporations is that they have a big autonomy and they have registered members. By way of example, I could mention the Hungarian Olympic Committee.^[10]

The Hungarian Olympic Committee has tasks in the field of Olympic Games, like the promotion of the preparation of athletes for the Olympic Games or protection of the symbols of the Olympic Games. The HOC deals also with sport for disabled people, for instance HOC execute the Olympic Charter of the International Paralympic Committee through the Hungarian Paralympic Committee (after the modification^[11] enter into force, it will be an independent public corporation).^[12]

Among the HOC's tasks, I must highlight that the issues not related to the Olympic Games are at least so important, then the abovementioned. The HOC takes care for youth training, included operates the youth training information system, controls the talent development programs, organizes and ensures the personal and material conditions for training of athletes entered in the youth training programs.

[9] Ministerial order no. 33 of September 16th, 2014 by the Ministry of Human Capacities on the organisational and operational regulations of the Ministry of Human Capacities § 110.

[10] Rixer, 2011, 128.

[11] Bill No. T/12459. on the modification of the act I of 2004 on the sport.

[12] Act I of 2004 on sport § 38 (3) b), e) and (4) a).

The HOC is liable for the field of student sport, such as for the program of dual carriers.^[13] Furthermore, the HOC takes part in the international cooperation in the field of recreational sports and popularizes them.^[14]

On 10th October, 2016, a bill is filed to the Parliament. It suggests modifying the act on sport. The sport organization system will be changed, if the bill will be passed. The HOC will not have any financial decision competence. Rather it is entitled to make suggestion for use of money. The reasoning of the bill states that as the result of this modification, the HOC can focus on the sport professional tasks. However, the financial competence is a crucial core of autonomy.^[15] This institution system is the restoration of the regulation of 2011, which was also formulated by the same governmental majority.

The other group of the organizations which has self-administration is the local governments. Local governments are the part of the public administration, so it is over dispute that they belong to the state sphere, but they are in possession of autonomy. The local governments have compulsory and voluntary sports tasks. Local governments shall determine and execute the local sports improvement concept. In the framework of the concept, it cooperates with sports organization. Local governments shall maintain its sport facilities. Besides them, local governments may undertake other tasks, as well. For instance, the municipality of Győr issues tender for the sport organizations, supporting their activities.^[16]

Local governments have other compulsory tasks, as well, depending on the type thereof. Regional local governments and the city with county rights

- shall take part in the international relationships,
- shall promote the formation of sports and school regional competition system,
- shall participate in the training of sports medicine activity.^[17]

Local governments with more than 10.000 inhabitants shall pass a decree about their detailed tasks and obligations and the amount spent on sport, depending on their specific circumstances.^[18]

Győr is a city with county rights, and it has about 130.000 inhabitants. So performing the abovementioned duty, it has passed its decree on sport. The local ordinance declares that the municipality in Győr shall expend minimum 1% of its budget total amount for sport.^[19] However, I must point out that the city spends more money for sport on other legal grounds. The first Olympic event will be

[13] Act I of 2004 on sport § 38 (8).

[14] Act I of 2004 on sport § 38 (9).

[15] Bill No. T/12459. on the modification of the act I of 2004 on the sport.

[16] Act I of 2004 on sport § 55 (1).

[17] Act I of 2004 on sport § 55 (3)-(4).

[18] Act I of 2004 on sport § 55 (6).

[19] Local ordinance no. 14 of March 27th, 2015 by the Assembly of the Local Government in Győr on sport § 6 (1)

organized also in Győr. This is named as European Youth Olympic Festival, and it will be organized on 23-29th July, 2017. This means also that the city has more undertakings, tasks and obligations that the act on sport prescribes.

III. THE CIVIL SECTOR^[20]

It is obvious that the sports organizations which foundation is based on the Civil Code^[21] are the part of the civil sector.

Among sports organizations I must refer to the sports club which is formed under the Civil Code's rules on associations. Its special feature is its tasks: its basic activity is the organization of sports activity, and the creation of conditions of sports activities. The sports club is the traditional foundation of Hungarian sport, furthermore it is the workshop of competitive sport, talent management, youth training and recreation sport.^[22]

In the other hand, the sports companies are the actors who take part in the organization of sports activity, and the creation of conditions of sports activities. The difference between sport clubs and sports companies is that the former are founded under the rule on association, the latter under the rule on companies. These are limited liability companies or private limited companies.^[23]

The sports organizations are in direct relationship with athletes. The athletes are professional, amateurs or youth. All of them need special care.

The financing of the sports organizations depends particularly on the state support. Other incomes are the member fees, sponsorship, corporate tax allowance. These ensure the conditions of the organization.

Besides the sport professional regulations, also the EU aid laws must be applied. As a consequence, an individual athlete cannot have a contract of professional sportsperson.

IV. THE APPLICATION OF HUNGARIAN ADMINISTRATIVE CODE

The above-mentioned organizations are the actor of the public administration law, including the Hungarian Public Administrative Code^[24]. They may stand on the side of client or the organizations are the authority. In both cases, the Code shall be applied.

[20] Pringiczer, 2011, 23-65.

[21] Act V of 2013 on Civil Code.

[22] Act I of 2004 on sport § 16.

[23] Act I of 2004 on sport § 18.

[24] Act CXL of 2004 on general rules on administrative law procedure and services.

There are special issues when the sports organ acts as a client. In case of construction a sports facility shall obey the rule of building authority, like shall ask for building or occupancy permit. Besides the general rules there are many special regulations which must be applied. There are no coherent regulations which deal with the administrative procedure in the field of sport. Without proficiency, nobody can handle such an issue.

Not to mention, there are events which are not so closely related to sports activity, but they are very common, in connection with sports facilities. For example the sports hall may be utilized in other way, as well, especially for cultural events (concerts, theatrical performances, etc.). Sports organ must have experience in event organisation, as well. They may organize events in possession of permit of governmental office. They shall announce the event in advance in order that the governmental office may carry out control (e.g. in the scope of food safety). It raises many other issues, like fire protection. It is kind of administrative authority.

In the above-mentioned cases, the sports organization is a client, and the current authority may apply the Administrative Code. In the following cases, the sports organ acts as an authority. The HOC declares the annuity in administrative decision for Prize of National Athletes. The minister for sport policy approves the sports improvement program in connection with corporate tax allowance. In these procedures the Administrative Code must be applied.

V. SUMMARY

Generally, I can lay down that in the field of sport many organizations perform their tasks. Among them, there are subordinate or superordinate, autonomous, created by compulsory rule or free will.

The tasks are also various, from the strategy through the financing to training and competition organization.

The regulations of the sports relations are very complex. However, I have only examined the system of the organization taking part in sports administration. I have only dealt with the Hungarian structure, but the international and EU regulations would give an other characteristic of the topic.

The modernization of public administration is a very common objective^[25] The Hungarian regulations, especially the act on sport must be revised. Also, it was recently modified: the financial competences of the HOC were delivered to the Ministry, which is a crucial change.

We should not forget about the fact that the success of athletes is at stake.

[25] Hajdu, 2001, 381.

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