

## **Hungarian Government Decree No. 71/1998. (IV. 8.)**

### **on the rules of the certified examination of foreign language attainment and on language exam certificates**

Based on the pre-eminent interest of society to develop its citizens' foreign language competence and in order to converge its general level to the expectations of the European Union – through modernising the official recognition of foreign language competence and through widening the circle of organisations conducting certified language exams – the Government of the Republic of Hungary decrees the following:

**1.** (1) Language exams serving to certify language competence that are conducted by organisations endowed with the right of examination and that are acting in line with an exam system accredited according to the rules of this Decree are qualified as certified language exams.

(2) Legal acts and, upon authorisation from legal acts, state organisations or organisations recognised by the state can declare the existence of a certified language exam to be a prerequisite for entitlements or preferences. If a legal act does not rule otherwise, the stakeholder can bind the granting of the entitlements or preferences connected to the certified language exam to additional conditions.

(3) Accredited language centres are entitled to conduct language examination that acts as a basis for awarding certified language exam certificates and to issue certified language exam certificates.

**2.** (1) All individuals of Hungarian and non-Hungarian citizenship are entitled to enter for language examination from the year in which they attain the age of 14. Hungarian examinees – with the exception contained in paragraph 13. section (5) – can, according to their choice, enter exams in any accredited foreign or second language other than Hungarian, non-Hungarian examinees in any accredited foreign or second language from the perspective of their mother tongue. Entering language exams is possible only at accredited exam centres that are entitled to organise exams in the language individually concerned. It is only possible to enter language exams that have a defined type and degree or level. Applicants can take exams at those examination locations of the language centre that have passed as examination locations in the accreditation procedure of the Hungarian Accreditation Board for Foreign Language Examinations (henceforth referred to as the Accreditation Board).

(2) For the language exam an examination fee has to be paid to the account of the language centre.

(3) Institutions of higher education acting as examination locations that are endowed with the right of examination or that have passed the accreditation procedure regulated in paragraph 10. section (5) can lower or remit the examination fee for their own students.

**3.** (1) Language exams may be taken in modern foreign languages, in Hungarian as a foreign language and in classical and artificial languages.

(2) A language exam is monolingual when the level of language competence is measured only in the foreign language concerned and if it is concentrated towards measuring the level of communicative language skill, whereas the exam is bilingual if the language exam also aims at measuring the skill of mediation.

(3) The language exam can be a:

*a)* general purposes exam;

*b)* technical purposes exam.

(4) A certificate can be issued for a successful oral exam only (type A), for a successful written exam only (type B) and for an oral and a written exam passed within the same exam period at the same language centre (type C). Certificates of type A and type B can together be equivalent to certificates of type C, certifying complex

language skills, without regard to the time elapsed between the two exam parts or the location of the actual language centres. The details of the equivalence are regulated by the Minister of Education in a decree, based on the recommendations of the Hungarian Accreditation Board for Foreign Language Examinations.

(5) The language exam measures elementary, intermediate and advanced levels foreign language competence through indicating the attained level in the language exam certificate in line with the proposed six-level system of the Common European Framework of Reference for Languages of the Council of Europe. According to the annex, the Hungarian state recognised accredited language exam levels are equivalent to the threshold level (B1), the vantage level (B2) and the effective operational proficiency level (C1) of the Common European Framework of Reference for Languages of the Council of Europe. The uniform set of standards for language exams is regulated by the Minister of Education (henceforth referred to as the Minister) in a decree, based on the recommendations of the Accreditation Board.

(6) Language examining is being conducted by the committee delegated by the accredited language centre. The committee consists of a chairman and at least one member. Individuals that have a connection to the examinee as described in paragraph 685. b) of the Civil Code or individuals that participated in preparing the examinee for the exam cannot be members or the chairman of the examining committee. During the language exam all language performance of the examinee is measured by two assessors. In certain cases described by the Accreditation Board it is possible to depart from this rule in connection to the evaluation of the written performance. Based on the position of the Accreditation Board it is possible to make exceptions from the incompatibility rules of the examining committee in case of languages that are not widely taught in Hungary or in case of rarely used languages. The language centre informs the examinee of the written, oral or complex exam's result within 30 days after the date of the exam at the latest. The examinee has the right to view his written examination paper and the assessment of the oral exam. The examinee can per handwriting or – where the possibility is given – per photocopying create a copy of the written examination paper at his/her own expense. The reproduction must not affect the assessor's right to personal data. The language centre can limit the copying of examination papers if it has already informed the examinee about this on the application form, nevertheless, the time provided for manual copying must not be shorter than 30 minutes.

(7) The language centre has to issue exam certificates for successful exams continually but it is liable to provide the examinees with exam certificates within 60 days of the exam event at the latest. Exceptions are those exams that have been declared successful after an appeal procedure; for these the deadlines of section (8) apply.

(8) It is possible to appeal against the assessment of the exam within 15 days from the disclosure of the result, in case of the violation of legal regulations or in case of miscounts in the calculation of the scores. The head of the language centre on first degree has to consider the appeal within 15 days of its submission. If the exam is declared to be successful the language centre is liable to supply the examinee with an exam certificate within 15 days of the decision, ergo within 75 days of the exam event. On second degree – in concordance with the chairman of the Accreditation Board – the head of the Accreditation Centre for Foreign Language Examinations of the Educational Authority (henceforth referred to as OH NYAK) reconsiders the appeal within 15 days from its submission onto second degree. OH NYAK informs the language centre of the decision as well. In case of an exam declared to be successful the language centre is liable to provide the examinee with the exam certificate within 15 days after receiving the decision of OH NYAK, ergo within 90 days of the exam event.

(9) The deadlines for issuing the exam certificate detailed in section (7) and (8) can in justified cases be extended by the Minister by a maximum of 30 days.

(10) The examining committee issues a register of the exam, one copy of which is kept by the language centre and the other copy of which is – together with the previous written consent of the examinee concerning the handling of data – being sent to OH NYAK. Based on the register OH NYAK can issue copies of the language exam certificate. A copy can be issued upon request from the holder of the language exam certificate.

#### 4. (1)

(2) OH NYAK ensures the observation of the legal rules of the accreditation procedure.

(3) The OH Accreditation Centre for Foreign Language Examinations issues, based on the position of the Accreditation Board, the first level accreditation resolutions, it conducts, based on the position of the

Accreditation Board, the nationalisation of language exam certificates obtained abroad and it administers the record of the language exams' registers.

(4) OH NYAK performs the secretariat functions for the Accreditation Board's operation, during which the head of the Accreditation Board can instruct the director of OH NYAK. Concerning public administration matters, the keeping of deadlines and other administrative issues that do not entail professional decisions OH NYAK directs the work of the Accreditation Board and it can instruct its head in these matters. OH NYAK administers the accreditation revenues, securing from these the expenditures necessary for the operation of the Accreditation Board and OH NYAK. The competencies of OH NYAK and the Accreditation Board are regulated in the Statutes.

(5) Nationally uniform forms for the certificates attesting language attainment and for the registers are provided to the language centres by OH NYAK. The language centres bear the forms' production costs.

(6) OH NYAK – according to the rules of public procurement and with the consent of the National Security Service – yearly designates the printing office that the examination centre can contact to produce the exam certificates.

5. (1) The professional tasks of the accreditation of language examination are performed by the Accreditation Board, comprised of experts according to section (3), working next to OH NYAK.

(2) The tasks of the Accreditation Board are as follows:

*a)* drafting proposals for the Minister as to the rules of the accreditation procedure;

*b)* drafting proposals as to the elaboration of a uniform set of standards for language exams and as to the rules of systematic reviews;

*c)* elaborating the forms of language exam certificates and registers;

*d)* conducting the accreditation procedures initiated by language centres;

*e)* determining whether language exams taken according to language exam systems recognised in other countries can be declared equivalent;

*f)* controlling the exam systems and item banks or item pools of language centres;

*g)* elaborating in detail the requirements for examination and examining individuals as to exams in technical language according to the rules of paragraph 8. section (3);

*h)* giving positions on which language exam certificates obtained abroad can be nationalised according to section 12.;

*i)* elaborating information systems about language examination;

*j)* providing professional opinions in cases concerning language exams;

*k)* giving positions on which languages are to be considered as less widely taught in Hungary or as rarely used languages, from the language examination point of view.

(3) The Accreditation Board is composed of at least five and maximum nine members having university pedagogical degrees in a foreign language and having at least ten years of experience in the field of language teaching and testing. The advisory board operating on the basis of the ministerial decree referred to in section (4) has the right to – via individual applications – make proposals as to the members of the Accreditation Board. The Minister delegates the members of the Accreditation Board for a maximum of three years. After three years the call for proposals has to be repeated. An individual can have a mandate of six years maximum. The head of the Accreditation Board is – for the period until the termination of his or her membership at the latest – being

mandated by the Minister according to the recommendation of the advisory board. If the Minister disagrees with the recommendation, the advisory board can within one month nominate a different person. Should the Minister not agree with the new recommendation either, he or she can once mandate a member of the Accreditation Board for a period of maximum one year with the tasks of the head. The head of the Accreditation Board is relieved of his duty by the Minister.

(4) The rules concerning the assignment of the Accreditation Board's members are detailed by the Minister in a decree.

(5) The Minister regulates the system of conditions for accreditation, the related procedure, as well as the rules of the systematic review of the uniform system of language exam requirements and the rules of the equivalence of foreign language exam systems in Hungary in a decree.

(6) The detailed rules of the Accreditation Board's organisation and operation are described in the Statutes, elaborated by the Accreditation Board and approved by the Minister.

(7) The head and the members of the Accreditation Board receive remuneration the extent of which is yearly determined by the Minister, in consensus with the director of OH NYAK. The allowances for the head and the members of the Accreditation Board are to be regulated yearly in the procedure of OH NYAK.

**6. (1)** A legal entity can be accredited as a language centre if it is capable of and suitable for conducting language exams, if its exam system meets the criteria of accreditation and if it verifies the employment of an appropriate number of qualified persons acting as examiners.

(2) The representative of an institution affected by a decision on accreditation is not entitled to participate in the passing of the resolution nor in the vote preceding it. The Statutes can dispose also of other cases of incompatibility.

(3) If based on the application the Accreditation Board assesses that an institution may be accredited as a language centre, OH NYAK passes a formal resolution on the decision, signed by the head of the Centre.

(4) It is possible to appeal against the decision of OH NYAK to the Minister. The Minister can also change the first-degree resolution – after assessing the reality of the submission – on the basis of partiality, if OH NYAK does not change its standpoint despite notice from the Minister. The legally binding accrediting resolution has to be published in the Educational Gazette.

**7. (1)** A single payment has to be paid to the account of OH NYAK as an administrative fee for the accreditation procedure. The amount of the accreditation fee is determined by the Minister, in concordance with the Minister of Finance, in a decree.

(2) Accredited language centres have to pay a yearly accreditation-supervision fee to the account of OH NYAK until every 31<sup>st</sup> of January following the year concerned. The amount of the fee is four percent of the language exam revenues – arisen from the examination fees determined by the individual language centre – of the previous year.

(3) The amounts received from accreditation and accreditation-supervision fees may be utilised to support the professional tasks of the Accreditation Board and the operation of OH NYAK. Amounts received from accreditation fees but not utilised are at the disposal of OH NYAK to be used – after consulting the Accreditation Board – to support research and development activities in connection with the development of the system of language teaching and of language examination, especially concerning the establishment and operation of the system of language exams for less widely taught or rarely used languages.

(4) The fees defined in sections (1)-(2) are administered by OH NYAK. If the supervision fee is not paid by the language centre upon notice OH NYAK can suspend the operation of the language centre.

(5) OH NYAK is liable to refund the accreditation-supervision fee if the Accreditation Board has for two years not been fulfilling its monitoring obligation as described in paragraph 11. section (1) of this Decree. The fee of

the accreditation procedure can also be reclaimed in cases where the Minister has determined that the procedure of the Accreditation Board involved malfeasance or partiality.

**8.** (1) During the accreditation of a system of exams the following have to be analysed:

- a)* the levels of the exam system's exams compared to the set of standards laying down the different levels;
- b)* the professional validity of the exam system's individual fields as to the measuring of language competence;
- c)* the system of evaluation of the exams;
- d)* the organisation of exams and the number and competence of the examiners.

(2) The exam system has to be capable of measuring language competence at elementary, intermediate and advanced level in at least one language.

(3) In the case of technical purposes exam systems the opinion of the relevant sectoral ministry or the professional body accepted by the Accreditation Board has to be enclosed with the application for accreditation.

(4) If any element of an exam system is altered the Accreditation Board has to be notified within 30 days. The Accreditation Board decides and informs the language centre within 30 days from the notification on whether the modification is acceptable.

(5) The accreditation of exam systems and language centres is valid until withdrawal.

**9.** A foreign legal entity can request its accreditation as a language centre through its organisation or institution registered in Hungary. The conditions are in this case the same as the ones regarding the accreditation of Hungarian language centres or exam systems.

**10.** (1) The tasks of the language centre are as follows:

- a)* to operate and continuously develop the exam systems and exam procedures;
- b)* to organise and to conduct language examination;
- c)* to manage the necessary documentation, including the administration of registers and the preparation of language exam certificates;
- d)* to provide proper conditions for people with disabilities at the exams in order to ensure equal opportunities;
- e)* to train examiners;
- f)* to ensure the management of other tasks detailed in legal acts.

(2) Individuals are eligible for the post of examiner if they have in the language concerned:

- a)* degree earned in Hungary, or
- b)* a degree that was earned in a country where the language is an official language and the diploma is recognised in Hungary, or
- c)* a degree issued in a member country of the European Economic Area and recognised in Hungary, attesting a qualification of university level language- and literature teacher or college level language- and literature teacher or language teacher,

and if they have gained at least three years of experience from attaining the degree in the field of language teaching and testing.

(3) Differing from the rules set out in section (2), in case of languages in which there is no language teacher training in Hungary, individuals are eligible for examiner if they possess an upper-level pedagogical qualification, an advanced level certified language exam certificate in the language concerned and at least one year practice as examiner and two years experience in language teaching.

(4) In connection to technical purposes exams the Accreditation Board can – based on point g) of paragraph 5. section (2) – set different professional criteria than outlined in section (2) for one or more members of the examining committee.

(5) The language centre can also organise the language exam outside the exam centre. In this case the exam locations other than the centre have to undergo an accreditation procedure as well, the detailed rules of which are elaborated and published by the Accreditation Board.

**11.** (1) The members of the Accreditation Board and the experts called upon by the Accreditation Board control the language centres and exam systems at least once in every two years.

(2) During monitoring the members of the Accreditation Board and the experts have the right to inspect documents relevant to the professional operation of the language centre, they can enter the exams and can ask the examiners and examinees questions.

(3) If it is determined during the supervision that the accredited language centre, the exam system or the exam procedure is not compliant with the conditions of accreditation, or if the committee conducting the monitoring finds that operation deviates from the documents the accreditation is based upon, further, if the language centre obstructs the successful supervision, it is – based on the report of the member leading the supervision – in the power of the Accreditation Board to suspend the language centre's right of examination or to withdraw its accreditation. OH NYAK passes a formal resolution on the suspension or withdrawal of the accreditation. The resolution has to dispose of the solutions that handle financial, legal and organisational issues arising due to the withdrawal or suspension. The Accreditation Board assigns another certified language centre to complete ongoing exams. All liability arising in connection to the suspension lies with the language centre. The legally binding resolution on the withdrawal of the accreditation has to be published in the Educational Gazette.

(4) The register of accredited language centres and exam systems has to be published yearly in the Educational Gazette.

**12.** (1) Based on the professional position of the Accreditation Board, in Hungary OH NYAK is entitled to nationalise certificates of foreign language attainment issued abroad. OH NYAK passes its resolution on the nationalisation of the foreign certificate according to the rules of Act No. CXL. of 2004 on the general rules of administrative action (henceforth referred to as the Ket.) with the rule that the deadline for the nationalisation procedure is ninety days upon receipt of the petition by OH NYAK. It is possible to appeal against the decision of OH NYAK to the Minister.

(2) The rules of the nationalisation procedure and the role of the Accreditation Board in the nationalisation procedure are regulated by the Minister (in respect of the nationalisation fee in concordance with the Minister of Finance) in a decree.

(3) The levels are determined in correlation to the certified language exams accredited in Hungary and their levels.

**12/A.** (1) In the accreditation procedure initiated by the language centre and in the nationalisation procedure concerning language certificates issued abroad the authority exercises its procedural actions – with the exception of the disclosure of the resolution – also in an electronic way. In these administrative proceedings the client can submit his or her petition also electronically, except for annexes that are public documents.

(2) In the administrative proceedings regulated in this Decree the proceeding authority provides electronic informational services in accordance with the rules of the Ket.

13. (1) This Decree comes into effect on the 30th day after its enactment.

(2) Until the 31<sup>st</sup> of December 1999 language examination can be conducted according to both this Decree and decree No. 3/1980. (X. 25.) of the Minister of Culture on the certified language exams certifying foreign language attainment.

(3) Exam procedures that started before the 31<sup>st</sup> of December 1999 have to be concluded within two years according to the rules and fees in force at their inception. If within this time span the entity organising the exam does not become a language centre, its exam system does not receive accreditation or the accreditation expires, the organisation has to secure for the examinee the possibility to pass the exam he or she has begun at another language centre that meets the criteria.

(4) All certified language exam certificates issued before the present Decree comes into effect or issued before the 31<sup>st</sup> of December 1999 or issued according to paragraph 13. section (3) of this Decree are valid hereafter and are – based on this Decree – to be regarded as certified language exams of the level indicated in the certificate.

(5) In case of technical purposes language exams that are organised for a circle of public and civil servants obligated by legal acts or internal regulations to take language exams and that are conducted by internal organisational units of ministries only the language exam system and the chosen languages have to be accredited. These examination locations organise language exams only for the obligated. These technical purposes exams are to be regarded as certified technical purposes language exams.

(6)

(7) Graduation certificates attained abroad at certified secondary education institutions that certify completed studies in a certain language and diplomas earned at certified foreign higher education institutions are equivalent to a certified monolingual type C advanced level language exam of the relevant language. The foreign diploma – based on the acknowledged or nationalised professional qualification – and the foreign diploma attesting a qualification that is recognised as a professional qualification linked to a secondary education graduation certificate in Hungary are equivalent to certified monolingual technical purpose type C advanced level language exams.

(8) Differing from the rules set out in section (7), the arts faculty degree attained at Hungarian or foreign higher education institutions in living or extinct languages, the teacher's and language teacher's degree in living or extinct languages and literature and the teacher's degree earned in pedagogy in the literacy field of foreign languages are equivalent to certified type C (if attained in Hungary, bilingual, if issued abroad, monolingual) advanced level language exams exclusively in connection to the foreign language actually studied.

(9) Certificates and diplomas certifying completed studies at higher education institutions in Hungary on a nationality teacher, nationality school-teacher or nationality kindergarten educator department are equivalent to certified type C advanced level language exams in the language of the institution's education.

(10)-(11)

(12) International school-leaving certificates attained abroad or in Hungary are equivalent to certified monolingual type C advanced language exams regarding the language of education.

(13) In the case of foreign nationals the school-leaving certificate or degree received after the completion of secondary education or higher education studies in Hungarian language is equivalent to a certified monolingual type C advanced language exam in Hungarian as a foreign language.

(14) Degrees certifying completed studies in a foreign language at higher education institutions listed in Annex 1 of Act No. LXXX. of 1993 on higher education are equivalent to a certified monolingual type C advanced level language exam regarding the language of education.

(15)

(16) In the case of a successfully completed school-leaving exam the graduation exam in the foreign language is equivalent with the certified language exam and the graduation certificate certifying the achieved mark is equivalent to the certified language exam certificate, according to the – repeatedly modified – Hungarian Government Decree No. 100/1997. (VI. 13.).

(17) Simultaneously to this Decree entering into force the following legal acts are overruled: order No. 1/1992. (Műv. K. 8.) of the Minister of Culture and Education (MKM) on the operation of the National Council for the Teaching of Foreign Languages; MKM decree No. 8/1990 (IX. 5.) on the fee of certified language exams; MKM decree No. 9/1995 (VIII. 31.) on the modification of MKM decree 8/1990. (IX. 5.) and MKM decree No. 22/1997 (VI. 4.) on the modification of MKM decree 8/1990 (IX. 5.) on the fee of certified language exams, except for paragraph 3. section (2).

(18) The following legal acts are overruled with the 31<sup>st</sup> of December 1999: decree No. 8/1978 (VIII. 25) of the Minister of Education on the operation and tasks of the Centre for Foreign Languages, except for paragraph 1. section (1) and (3) and paragraphs 10. and 11.; the repeatedly modified decree No. 3/1980 (X. 25.) of the Minister of Culture on certified language exams used to certify foreign language attainment; decree No. 5/1987 (VI. 14.) of the Minister of Culture on the modification of certain provisions in foreign language attainment; decree No. 21/1988 (IX. 29.) of the Minister of Culture on the modification of decree No. 3/1980. (X. 25.) of the Minister of Culture; MKM decree No. 11/1990 (X. 4.); MKM decree No. 14/1992 (IX. 19.); decree No. 14/1995 (XII. 26.) and paragraph 3. section (2) of MKM decree No. 22/1997 (VI. 4.) on the modification of MKM decree No. 8/1990 (IX. 5.) on the fee of certified language exams.

(19) The Government empowers the Minister to determine the examination fees after the 31<sup>st</sup> of December 1999 in a decree, passed in concordance with the Minister of Finance.

(20) Qualification certificates or qualifying examination certificates that were issued after the completion of a training licensed by the Minister and being in conformity with the provisions of decree No. 7/1986 (VI. 26.) of the Minister of Culture on the attainment of the special translator's and interpreter's qualification are – regarding the language studied – equivalent to a certified bilingual type C advanced level technical purposes language exam. The certificate issued upon completion of a special translator's training only is equivalent to a certified bilingual B type advanced level technical purposes language exam.

### Annex to Hungarian Government Decree No. 71/1998. (IV. 8.)

Equivalence of the levels of Hungarian certified language examination and those of the Common European Framework of Reference for Languages:

Levels in Hungarian certified language examination	Levels of the Common European Framework of Reference for Languages
elementary level	B1 (threshold level)
intermediate level	B2 (vantage)
advanced level	C1 (effective operational proficiency)