



DETERMINING LABOUR SHORTAGES AND THE NEED FOR LABOUR MIGRATION FROM THIRD COUNTRIES IN THE EU

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EMN FOCUSED STUDY 2015

Determining labour shortages and the need for labour migration from third countries in the EU

Top-line "Factsheet" (National Contribution)

National contribution (one page only)

Overview of the National Contribution – introducing the study and drawing out key facts and figures from across all sections of the Focussed Study, with a particular emphasis on elements that will be of relevance to (national) policymakers.

National labour migration policy is only indirectly linked to shortage occupations at present. The tool of using labour market test as well as exempting certain categories from such requirement is therefore considered as an indirect link to shortage occupations. Based on the checking of available national or EU work force for the given position it is presumed that foreign work force is primarily admitted in occupations where no national labour force could be found in the long run. Nevertheless, there is a plan to examine whether a direct link could be established between them in the future. The application of labour market test as well as the planned re-introduction of quotas in 2015 on third-country nationals requiring a work authorization reflects the present political will of reducing the inflow of labour migrants.

In Hungary, the approach towards the role of inflow of third-country nationals and intra-EU mobility of workers in filling job vacancies in the national labour market merges different aspects. On the one hand, there is a strong endeavour in Hungary to sort out the labour shortage challenges by the orientation of vocational training students or graduated doctors to obtain certain shortage qualifications. Wide-ranging scholarship programs gain ground in this policy as well as new or renewed training options were made available, e.g. by the re-organisation of the vocational training system in 2011. On the other hand, the so-called brain gain (the opposite of brain drain, a kind of stimulating aspect of the return of migrants into the national labour market) is an essential, viable option. Literature suggests that countries which are characterized in general as typical sending countries rather than receiving countries in migratory flows – like Hungary – try thereby „to heal the negative outcomes of previous migrations resulting mainly from income disparities between East and West”.¹ Circular migration has to be given considerations as well. Literature indicates that the long-term circulation (multiple mobility) of foreigners to Hungary as the host country is a mass phenomenon.²

In Hungary, the term 'shortage occupation' is used; it is an occupation to which, based on local market considerations and economic aspects, properly educated workforce is not available to meet the employers' labour demands. The process of determining shortage occupations is a very

¹ Kovács et al (2013) page 65.

² Illés (2015).

complex one and involves the widest possible circle of stakeholders. Act CLXXXVII of 2011 on Vocational Training regulates the procedure as regards the management of shortage occupations. The most important preparatory phase is carried out by the County Development and Education Committee (hereinafter referred to as CDEC). The outcome of the process is a Government Decree laying down the list of shortage occupations for the next educational year; consequently, the list of shortage occupations is updated on a yearly basis. The Government brings a decision in the decree not only on the shortage occupations themselves, but also on the forms of supports.

In determining the shortage occupations in the health care sector the minister for human capacities avails himself of the available statistical data and the reports submitted by the state-funded health care providers. There is only one applicable legal regulation with regard to determining shortage occupation in this sector, which relates exclusively to specialised training of doctors. In shortage occupations state funding is granted for doctors who are specialised doctoral candidates. Another tool of support, independent from the support of specialised doctoral candidates, has also been introduced through the system of state-funded scholarships. In the scope of the scholarship program the candidate has to undertake the condition of the so-called 'future employment obligation', namely the candidate has to work in Hungary, in a publicly financed health service provider and in full-time employment (or in part-time employment but in a proportionally prolonged way), at least for the same period of time for which the scholarship has been paid for the candidate. A very important element of the scholarships appears in the obligation/responsibility of the candidate not to accept any kind of informal payments in connection with the health care services s/he has provided.

No distinction is foreseen between short-term, long-term, cyclical or structural shortage occupations at the legislative level. However, the CDEC decides on the list of shortage occupations on the basis of 'the demands of the economy, the situation of the labour market and the data on vocational training in the country, in the region and in the county/capitol'. The level of analysis regarding vocational training has a strict regional dimension. In the field of health care, the grounds of the analysis are different from the above-mentioned aspects. The main level of analysis is that of the sector (healthcare), the approach is sector-based. Additionally, during the identification of shortage occupations the primary factor is the chosen occupation hence the identification relates to the specialised training of the doctors (specialised doctoral candidates), who have already graduated as they completed their university education.

Forecasts and employer surveys also provide for valuable information that is channelled into the process of setting up the list of shortage occupations and the attached scholarship mechanisms. The forecasts and statistics of the regional government offices (the so-called labour market prognosis) play a significant role in determining shortage qualifications. Additionally, the Hungarian Chamber of Commerce and Industry (MKIK) carried out a research in 2014, in the scope of which, employers were interviewed with the aim of collecting valid and up-to-date information on shortage occupations.

There is a formalised mechanism to take into account the opinion of social partners and economic chambers in determining shortage occupations. Social partners and – in terms of other stakeholders – regional economic chambers thereby take part in the decision-making in a legally defined order. In the field of health care, social partners also take part in determining the list of shortage occupations. The list has not changed much during the last 5 years, no critics were formed by the social partners, consequently, it can be concluded as the list is set up and reviewed upon consensus.

Nationality restrictions concerning the public sector should also be mentioned. Employment is reserved for Hungarian nationals only if the post is subject to national security control or if it is justified by the employer's tasks and duties.

Section 1: General overview of the national labour migration policy and recent public and policy debates on labour migration

Q1. Please briefly describe how the **national labour migration policy** functions in your (Member) State.

Q1 (a). Are **conditions for entry and stay** for (categories of) third-country nationals provided in national legislation linked to shortage occupations?

Q1 (b). What are the instruments in place in your Member State for **managing economic migration** (quotas, labour market tests, points-based systems, other instruments) and how are they linked to labour shortages identified (*for example, labour market test is not applied for third-country nationals applying for jobs listed in lists of shortage occupations*)

Q1. (c) To what extent does your Member State view immigration as a tool to address labour shortages? What overall role for migration to address labour shortages is envisaged by policy in your Member State?

The Migration Strategy and the seven-year strategic document related to Asylum and Migration Fund established by the European Union for the years 2014-20 (hereinafter: Migration Strategy) sets out the situation assessment as well as the vision for the future concerning legal migration of third-country nationals in its Section III/B. Concerning labour migration it states that although it is still important to ensure the protection of the Hungarian labour force, however, based on the needs of our country's economy and labour market, particularly, experiencing increasingly occurring emigration tendencies of Hungarian labour in certain employment sectors, receiving additional migrant labour force is a necessity. This concerns mainly skilled and unskilled manual labour as well as highly skilled intellectual workers. Long-term deficit shows an increasing trend in these segments among the specific sectors of the labour market.

According to the Migration Strategy, in order to stimulate the domestic labour market motivation of those arriving with the purpose of taking up employment can primarily be achieved by simplifying and facilitating the rules of employment, and, in order to support this, by the on-going review and transformation of the rules of entry and stay of foreigners continuously adjusted to the current labour market situation. Consequently, it is necessary to take into account the national economic and labour market needs in the shortage occupations determined by the county development and training committees, and the development of the potentials to attract foreign workers based on such needs.

In practice, Hungary applies labour market test for managing labour migration, providing an indirect link to shortage occupations in Hungary. Concerning the authorization for work of third-country nationals, according to the present rules the employers need to register their work force request, and a labour market test is carried out for 15 days. Certain workers are exempted from such requirement (e.g. key personnel) or even from the consent of the employment authorities (e.g. refugees, beneficiaries of international protection, third-country nationals with long-term residence permit). In the latter case, when no work authorization is required, the employment must be reported by the employer. The maximum deadline of adjudicating an application for a single permit is 90 days, within which the procedure of the Office of Immigration and Nationality (hereinafter referred as: OIN) takes only 21 days, so in case no work authorization is needed, the decision is made within this deadline.

The tool of using labour market test as well as exempting certain categories from such requirement is therefore considered as an indirect link to shortage occupations. Based on the checking of available national or EU work force for the given position it is presumed that foreign work force is primarily admitted in occupations where no national labour force could be found in the long run.

It should also be noted that Article 7(6) (a) Act IV of 1991 on the Promotion of Employment and on Unemployment Benefits authorizes the minister responsible for employment to determine in a decree

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the maximum number of those third-country nationals, who can be employed in Hungary at a given time in total, or on the jurisdiction of the individual state employment agencies, as well as in certain professions.³ According to the provisions applied from 1 January 2014 the way the calculation shall take place when determining the maximum number of third-country nationals employed in Hungary has not yet been determined, but there is a will to do so. Consequently, presently there is no maximum number set out, yet based on the provisions to be set out a quota for the maximum number of third-country nationals employed with authorization is also expected to come into effect in 2015.

The planned introduction of provisions on quotas is in line with the rules existing before 1 January 2014⁴ as Hungary is planning to set the maximum numbers of third-country nationals to be employed with work authorization, which number cannot exceed a monthly average of free vacancies reported in the preceding year. It shall also be stated that the maximum number of authorization for employment that could have been issued in line with the above described formula in the previous years was a multiple figure of the actually issued authorizations. Consequently, the ceiling figures thus set⁵ no impediment whatsoever in the way of the employment of third-country nationals, and a similar result could be expected by setting out a similar rule in the future, as well. Therefore, this provision is considered as a political, rather than a practical element of Hungarian labour migration policy.

The application of labour market test as well as the re-introduction of quotas on third-country nationals requiring a work authorization clearly reflects the present political will of reducing the inflow of labour migrants. According to the Government of Hungary, the country tries to solve the labour market challenges primarily by activating its national work force and supporting Hungarian families. National labour migration policy is only indirectly linked to shortage occupations at present. Nevertheless, there is a plan to examine whether a direct link could be established between them in the future.

Q2. Please briefly describe any recent public and policy debates in the area of labour migration, especially with regard to debates on how labour migration is planned to be utilised to address labour market shortages. (Maximum 0, 5 pages)

Given that according to the Hungarian Government there is a need for support, consent coming from the Hungarian society, in order to change immigration policy, it is asking 12 questions concerning immigration, migration as a source of living and partly terrorism (through a questionnaire of the

³ Töttös (2015) page 361.

⁴ According to the provisions applied before 1 January 2014, Article 3(1)-(3) of 16/2010. (V. 13.) Decree of the Ministry of Social Affairs and Employment on the authorization of employment of third-country nationals set out that the total number of third-country nationals employed at the same time with work permit, EU Blue Card cannot exceed a monthly average of free vacancies reported in the preceding year. This shall be understood as a number of unfilled vacancies in the beginning of the month and the number of vacancies reported during the month rounded to the nearest thousand. The number of third-country nationals employed on the basis of a permit issued under international agreements on the exchange of employment shall also be included in the number of third-country national whose employment is allowed at the same time. Such maximum number is published by the minister for employment by 1st February of the given year.

⁵ 2012: 85 000 = the maximum number of those third-country nationals, who can be employed in Hungary with a work permit or with an EU Blue Card in 2012. (set out in the Official Gazette on National Economy)

2013: 76 000 = the maximum number of those third-country nationals, who can be employed in Hungary with a work permit or with an EU Blue Card in 2013. (set out in the Official Gazette on National Economy)

2014: No such data was published.

national consultation initiated), for which it expects to receive the replies of its citizens by 1 July 2015.⁶ The more than 8 million questionnaires are sent via mail at the beginning of May 2015, and according to the estimates of the Government the consultation costs 960 million HUF (3.15 million EUR), but the final costs will be communicated later. Among others, the questions touch upon issues such as whether the detention of illegal migrants should be allowed for more than 24 hours. The Government is also expecting an answer on whether people, who are proven only as abused EU rules that are “encouraging illegal migration”, should be returned immediately. Furthermore, citizens can express their opinion on whether they agree with the suggestion that illegal migrants arriving at Hungary should contribute to the costs generated by themselves.

The questionnaire⁷ of the national consultation concerns issues related primarily to terrorism, illegal migration and the phenomenon of “migration for a living”. The last, 12th element of the questionnaire, however, is related to the general necessity of immigration: “Do you agree with the Hungarian Government that instead of immigration there is a need for the support of Hungarian families and the children to be born?” Therefore the question implies the opinion of the Government, according to which immigration is not the primary tool for solving the present challenges of Hungary concerning labour force, labour migration and demography.

The questions asked within the frames of the national consultation already generated a debate even before they were sent by mail to the citizens. On 29 May 2015 56 researchers and experts on migration turned to Prime Minister Viktor Orbán asking to withdraw the plan of the national consultation and ask “the Hungarian government to stop the campaign”.⁸

Section 2: Overview of instruments used for identifying current and future labour and skills shortages and for anticipating the need for labour migration

This section aims to examine the existing instruments and approaches used in Member States to identify current and future labour and skills shortages and the anticipated need for migration labour. Firstly, it examines how labour shortages are defined and classified at national level (Q3) as well as whether there are any distinctions made among different types of shortages (Q4). Secondly, this section provides an overview of existing instruments and tools used in (Member) States to identify labour shortages and the need for migration labour to fill shortages in the labour market (Q5). The section explores the role and involvement of social partners and other national stakeholders (Q6). Finally, it aims to collect a summary of the results/findings of the identified instruments.

Q3. Definition and classification of labour shortages

Q3.(a) How are labour shortages **defined, identified and classified** in your Member State?

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In Hungary, instead of labour shortages, the term ‘shortage occupations’ is used. Specific measures have been introduced concerning shortage occupations in the field of vocational training and in the health care sector.

Articles 81-84 of the Act CLXXXVII of 2011 on Vocational Training lay down rules on the determination of shortage occupations in vocational training. This is an occupation to which, based on local market

⁶ <http://www.kormany.hu/hu/a-kormanysovivo/hirek/elo-kozvetites-kormanysovivoi-sajtotajekoztato-konzultacio>

⁷ http://www.kormany.hu/download/b/33/50000/nemzeti_konz_2015_krea12.pdf

⁸ <http://artemisszio.blog.hu/>

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considerations and economic aspects, properly educated workforce is not available to meet the employers' demands.

In addition to the determination of shortage occupations and to the professional educational scholarship system the National Employment Service (NES) is in the position to identify a couple of more occupational categories on the basis of its nationwide database, in which the placement of workers is difficult, or in which employers face a long-term labour shortage. These are, as a main rule, individual occupations, but officially they are not qualified as shortage-occupations. Of course, when the county development and training committee (hereinafter referred to as CDTC) brings a decision on the county shortage-occupations, the gremium can avail itself of the knowledge of the NES hence the representative of the labour centre of the county office is member of the CDTC.

A separate field in which shortage occupations are continuously collected and monitored is the health care sector. In Hungary, health workforce amounts to the biggest group within the public sphere with its proportion of 19%, their number exceeds 100 thousand altogether, and they represent almost 30 different health care occupations. Persons belonging to health workforce form a societal group with heterogeneous qualifications and vocational training. There are 35 000 practitioner doctors active in Hungary, out of which group almost 10 000 are older than 60 years.

In Hungary, as regards determination of shortage occupations in the health care sector, there is only one applicable legal regulation in force and that legislation relates exclusively to specialised training of doctors. The list of shortage occupations for doctors is published by the minister of health since 2010. Similarly to the logic prevailing in the system of vocational training, the categorization as 'shortage occupation' results in monthly financial benefits for those who enter specialised training in these shortage occupations (this is a kind of scholarship), on the basis of the presently effective regulations. For the sake of clarification it is worth noting that those health care qualifications that can be obtained in the vocational training system (like nurses, nurses for new-born and children, dental technician and curative- and sport masseur) can be qualified 'shortage qualification' in the framework of the system described above.

Q3.(b) What is the **level of analysis** (e.g. by sectors, by occupations or by qualifications or skill levels)?

Q3.(c) Are classifications of shortages defined in legislation or soft law (e.g. circulars, regulations, policy

Q3.(d) To which extent the level of analysis includes region/local level?

The objective of the vocational training scholarship programme is twofold. Firstly, it aims at making vocational education and training in shortage occupations for students more attractive, to convince them to choose these instead of vocational trainings linked to other occupations. Secondly, as the scholarship supports training in specific occupations it is also expected to alleviate the real or alleged lack of skilled labour in the areas of shortage occupations.

A maximum of 10 shortage occupations (for the educational year 2016/2017 25 occupations) are detected and reported at the county level by the CDTCs. As a second phase the Government issues a separate Government Decree each year about the list of supported occupations based on the regional lists. The basis of the list is the occupation that is affected by labour shortage, which is connected strongly to economic sectors, but the list itself determines the qualifications. The conclusion can be drawn that in Hungary the analysis is based on occupations and it results in an action (granting of scholarships) taken with regard to qualifications.

The classification of shortages is defined in both policy strategic documents and relating legislation. The Ministry for National Economy published in 2011 the 'Concept for reforming the VET system and harmonizing it with economic needs'. Based on the strategic concept Act CLXXXVII of 2011 on Vocational Training was adopted that urges to establish a link between real economic demands and vocational education. The list of shortage occupations for the 2014/2015 educational year was adopted

by Government Decree 562/2013. (XII. 31.), while the list of shortage occupations for the 2015/2016 educational year was adopted by Government Decree 13/2015. (II. 10.). The procedure of granting and withdrawal of professional educational scholarships for occupations affected by shortages is regulated by Government Decree 328/2009. (XII. 29.) The level of analysis is entirely based on the county division of Hungary, in addition the capital city of Budapest is treated separately, and consequently, the analysis has a strict regional dimension.

In the field of health care both the legal basis and the aspects of the analysis are different from the above-mentioned one. The main level of analysis is that of the sector (healthcare), the approach is sector-based. Additionally, during the determination of shortage occupations the primary factor is the chosen occupation, hence the determination relates to the specialised training of the doctors (specialised doctoral candidates), who have already graduated as they completed their university education. The general name of the list is 'list of shortage occupations for specialised doctors' that reflects well the essence of the approach. The legal basis is laid down in Article 10 of Government Decree 122/2009. (VI. 12.) on the system of high-level specialised training in health care. Pursuant to the presently applicable rules it is the minister for human capacities who determines and publishes until the 15th of December of the respective year the list of shortage occupations in a county-based grouping. It is to be emphasised that the minister gives the list with reference to counties on the web page www.enkk.hu (ENKK – Health Registration and Training Centre) in the form of a communication.⁹ Shortage occupations are as follows: anaesthesiology and intensive therapy, paediatrics, child dentistry, child and youth psychiatry, forensic medicine, infectology, preventive medicine and public medicine, neurology, nuclear medicine, medical diagnostics, medical microbiology, orthopaedics and traumatology, oxyology and ambulant medicine, pathology, psychiatry, radiology, radiotherapy, transphysiology and pulmonology.

Regional aspects thereby are in-built in the process of determining shortage occupations. It is to be noted that during recent years no differences between the counties were to be perceived, the minister determined shortage occupations, as stated expressly in the communication, „with relevance for all the counties”. The process of updating the list is carried out yearly, the practical situation is that the list of shortage occupations was published first in 2010 and has not been changed considerably. In 2012 two additional occupations were further inserted – child dentistry and child- and youth psychiatry - , consequently, the list currently contains 19 clusters. In shortage occupations state funding is granted for doctors who are specialised doctoral candidates. State funding was first paid for those who started their specialised training in 2010, the amount of state funding is equivalent to 50 % of the minimum wage for employees with high-level qualifications in the respective year (in 2015 gross 69.750 HUF).

The above-mentioned communication (information) of the minister specifically states the maximum numbers of specialised doctoral candidates with regard to the four regional research universities (in Budapest, Pécs, Szeged, Debrecen) and the counties that are connected to them, which are of outstanding importance because the state takes part in financing these doctors with the amount mentioned above. The maximum number of supported candidates which the research universities can fill-up yearly amounts to 928 in recent years, and the proportion of the four universities is constant. The employment relationship is established and financed by the health care provider; the state-funding is a top-up.

Another tool of support, independent from the support of specialised doctoral candidates, has also been introduced through the system of state-funded scholarships: the scholarship programs of Markusovszky Lajos, Than Károly, Gábor Aurél and Méhes Károly. These scholarship programs are published by the ENKK and the application forms have to be submitted to this institution. Based on latest publications, in 2015 altogether 818 specialised doctoral candidates and 19 specialised pharmacist candidates have been granted these scholarships.¹⁰ In the scope of the scholarship program the candidate has to undertake the condition of the so-called 'future employment obligation', namely the candidate has to work in Hungary, in a publicly financed health service provider and in full-time employment (or in part-time employment but in a proportionally prolonged way), at least for the same period of time for which

⁹ http://www.eekh.hu/documents/koordinacio/2015_kereszamok.pdf

¹⁰ <http://www.eekh.hu/index.php/hun/koordinacios-foosztaly/rezidens/osztondijak/oesztoendij-palyazatok-eredmenye>

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the scholarship has been paid for the candidate. A very important element of the scholarships appears in the obligation/responsibility of the candidate not to accept any kind of informal payments in connection with the health care services s/he has provided. The amount of the scholarship is monthly net 100.000 HUF during the period of the specialised training. The administrative tasks related to the management of budgetary resources falls within the responsibility of the ENKK.

Q4. Do any distinctions between different types of labour shortages exist in your Member States, such as for example:

- **short-term** (current) shortages and **longer-term** (projected) shortages; or
- **cyclical** shortages (shortages occurring due to short-term imbalances in the supply and demand in the labour market and/or by providing incentives to the labour force) and **structural** shortages (which are due to changes, such as the adoption of new technologies, may increase the demand for certain skills that are not immediately available in the labour market, creating skills shortages even when unemployment is high).

If yes, please describe.

No distinction is foreseen between short-term, long-term or cyclical shortage occupations at the legislative level. However, during the process of determining the shortage-occupations on the basis of the Act on Vocational Training, the decision-makers take into account these aspects. The law lays down (Article 81 (3) of the Act on Vocational Training) that the CDEC decides on the list of shortage occupations on the basis of 'the demands of the economy, the situation of the labour market and the data on vocational training in the country, in the region and in the county/capitol'. In practice, this means that the CDECs need to follow a horizontal approach which, indeed, can be traced based on their yearbook dated from 2014. Accordingly, the main summarized, underlying reasons of the decisions of the CDECs on shortage occupations were as follows (pages 15-16):

1. The condition of 'demands of the economy' necessarily meant the taking into account of the principle of continuity, which excluded the sudden re-categorization of one or two occupations on the short-term.
2. During the preparation of the proposals labour market and economic aspects have to dominate therefore the requests of vocational training institutions and their sponsors could not be taken into account fully, without proper deliberation. The CDECs are expected to act as independent professional bodies that take into account not only the requests of the latter but also the demand arising among students for learning so-called 'fashion-occupations'. Students have a justified claim to enter vocational training in order to obtain a qualification that provide for good chances to find a job in the labour market. An important aspect in the decision-making of the CDECs was that qualifications, where no unambiguous economic forecast existed, should not be deleted from the list.
3. The education of new recruits was to be taken into account as well, especially in occupations that provide basic services for the society, namely in case of those occupations for which a continuous and constant demand is existent irrespective from the decisive labour market and economic situation (e.g. hairdressers and electricians in appropriate numbers are necessitated in every county, that is why in order to guarantee new recruits in appropriate numbers it is necessary and suggested to maintain a certain educational capacity).
4. Additionally, the already established and well-functioning infrastructure and educational capacities in the counties were to be taken into account, because the unexploitation or termination of vocational training qualifications without a justified reason shall be avoided, especially in case of those qualifications whose granting is conditional upon considerable professional training.

The issue of structural shortage also appears as a factor when dealing with shortage-occupations. For example, a few municipal governments have introduced their own local incentives. The cities of Győr – the most industrialized countryside city of Hungary – and Zalaegerszeg have invented separate scholarship programmes for the years of 2008 and 2010. The aim of these was to attract more students to specific vocational programmes to meet the high demand of the local labour market, specifically the concrete employment needs of local industries. These local scholarships were usually

paid as a top-up to the national scholarships.

Additionally, the decision of the Heves County CDEC about the list of shortage occupations for the educational year 2016/2017 can be taken as an example. In the course of the meeting (dated 26.03.2015) expressed statement concerns the local structural development aspects, namely „Nursing staff for new-born and children, and salesmen have to be deleted, instead of them we suggest skilled worker in forestry and computer mechanic in order to serve the interests of IT expansion”.

The qualitative and quantitative issues as regards shortage occupations of health workforce represent a permanent challenge, and not only in Hungary. This is well illustrated by the fact that the European Commission adopted the Green Paper on European Workforce for Health in 2008. The Green Paper identifies key common challenges in the EU Member States as follows: demographic issues (a globally ageing population and ageing health workforce) meaning that not enough young career starters enter the healthcare system and they are not able to substitute those who are leaving; the wide variety of health workforce, especially difficulties of training and specialist training in light of rapid technical innovations; low attractiveness of health and public health related professions for new generations; and the migration of health workers within the EU and outside the EU.

With entry into force of the Directive 2011/24/EU on the application of patients' rights in cross-border healthcare, EU wide impacts have acquired even greater importance.¹¹ The requirement of appropriate planning of availability of health workers is a fundamental requirement in the EU, the examination of which and the process of common thinking is also supported continuously by the EU.¹² In the Joint Action on Health Workforce Planning and Forecasting, Hungary is the leading delegation of the working group dealing with data issues. Work Package 4 (WP4) has its focus on data. The so-called mobility activity of WP4 will explore and summarize the current knowledge on HWF mobility data situation in the EU, focusing on gaps in mobility terminology, data and their availability. It examines existing Health Workforce (HWF) mobility data relevant recommendations, and also investigates the use and development potential and applicability of existing EU and international tools. It examines which mobility indicator(s) could be suggested into international data collection.

In Hungary, data on the situation of health workers is collected by a number of bodies and authorities. The most important are the following: the Central Statistical Office (KSH), in particular in the framework of the National Program of Statistical Data Collection (OSAP), the ENKK (the legal predecessor of which was the Office of Health Authorisation and Administration), but also the Hungarian Medical Chamber (MOK), the Association of Hungarian Specialised Doctor Candidates, and the Association of Hungarian Doctor Associations (MOTESZ), the Chamber of Hungarian Health Care Professionals (MESZK) and the Hungarian Nurse Association (these are presented in detail in the AJBH – Office of Ombudsman for Fundamental Rights – report from 2012.¹³

In spite of differences in data the common point of departure is that – based on different reasons – in 2012 health care providers reported more than 1900 requests for doctors and 3630 requests for other health workers as unfilled positions and these requests could not be met (data is based on OSAP1019 reports of the Central Statistical Office).

According to the data collected by the ENKK, during the respective years of 2013-2014 altogether 1950 Hungarian health workers applied for official documents needed for the recognition of their qualifications in other EU Member States. They can potentially leave the country and take up and pursue employment elsewhere. Additionally, according to the opinion of the Association of Hungarian Doctor Associations (MOTESZ), the majority of students at the medical universities are already foreigners, who return to their countries of origin after their graduation.

11 Gellérné – Gyeney (2014).

12 http://www.euhwforce.eu/web_documents/JAHWF_130411_02_RYS_Presentation_KickOff_Plenary_Health_Workforce_In_EU_Policies.pdf Presentation of Andrzej Rys, Director, Health Systems and Products, 11 April 2013.

13 <http://www.ajbh.hu/documents/10180/111959/201203927.pdf>

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The number of incoming health workers, better saying the number of those who applied for the recognition of their diploma in Hungary, have constantly been very low in previous years, it is far below the number of those who show an intention to leave. Based on the level of number of applications, the conclusion can be drawn that in 2013 there were 167 applications for the incoming direction and 1943 applications for the outgoing direction, while in 2014 there were 135 applications for the incoming direction and 1950 applications for the outgoing direction.¹⁴

Number of applicants for recognition 2007-2014.

	2007	2008	2009	2010	2010	2012	2013	2014
Doctor	116	57	43	36	49	47	81	49
Dentist	17	10	18	22	19	22	19	31
Pharmacist	3	8	8	7	4	4	11	6
Clinical qualification	0	1	0	0	0	0	0	0
Other health worker	54	52	47	54	54	52	56	49

Source: AJBH report, page 9. and data from the ENKK (www.enkk.hu) compiled by the author.

It is to be noted that regarding incoming migration, out of the data collected in 2013 (total number of applications is 167), there were 5 persons from third-countries, 3 persons from the Ukraine, 1 person from Serbia and 1 from Mongolia; regarding 2014 (aggregate data 135) there was 1 person from Afghanistan.

According to the above statistics, the analysis of the shortages among the healthcare workforce shows existing short-term, long-term and structural shortages. However, it also shows variations both regionally and from the point of view of the specific occupations. We could establish that an absolute shortage exists in the health care providers in Central-Hungary and in the Trans-Danubian region of the country, where the available vacancies cannot be filled by health workers holding proper qualifications. The underlying reason is that most of the healthcare workers find a job in Austria, Germany, Great-Britain or Sweden (these are the typical target countries of emigration from Hungary). Due to the opinion of the President of the Hungarian Nursing Directors' Association – cited by the AJBH report, page 11 – there is not only an absolute but a relative shortage as well, in most of the health care institutions in Hungary. This means that although there are no official vacancies, in fact the employment of more healthcare workers would be necessary in order to fulfil the tasks of the healthcare system adequately. This is particularly relevant concerning nurses, paediatric nurses, ambulance nurses, clinical assistants, which are qualified as shortage qualifications in the whole country on the basis of Government Decree 13/2015. (II. 10.).

In terms of availability of data, it is worth noting that the Parliamentary Commissioner for Fundamental Rights stated the following in his report (page 21): „From the answers given by the requested authorities, it can be concluded that the mapping of the national human resources situation in health care is made difficult because – albeit most of the data is statistically available – the real volume of employment abroad can hardly be grasped with statistical tools. Challenges are faced in determining the number of emigrating doctors and specialised doctors because only estimates can be given about the scope of migration on the basis of the yearly published data of the Office for Health Authorisation and Administration on the number of official documents that are necessary for the recognition of diplomas abroad.” Moreover, he states (page 22): „On the other hand a report about the real scope of migration would be inevitable from the point of view of new recruits and handling the human resources crisis”.

¹⁴ http://www.enkk.hu/documents/statisztika/2014/hatbiz_2014_osszes_db_eves.pdf

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Q5. Please complete the table below identifying the instruments/tools in your (Member) State used to identify labour shortages and the need for migration labour. You can list more than one instrument/tool per category.

Instruments and tools used for identifying labour market shortages and the need for migration labour	Is this instrument/tool used in your (Member) State? (Y/N)	Is this instrument used for determining labour migration needs? (Y/N) If yes, does the instrument: (a) focus exclusively on the identifying the need for migration labour or; (b) it is a tool which aims to identify shortages for the whole workforce (including national/EU) and has a component focusing on migration?	Please briefly describe the respective tool(s) and the methodology(ies) used for anticipating the need for migration labour.	(1) Please describe the level of analysis of the particular instrument/tools (i.e. skills, occupations, sectors, professions, level of qualifications, others). (2) Is an international (e.g. ISCO-08) or national classification of occupations used?	Which national organisation(s) use this mechanism/tool to produce information on skill shortages?	What is the geographical level of the mechanisms/tools used (e.g. national, regional, municipal)?	Additional comments
Lists of shortage occupations	Yes	No	The Act on vocational training lays down rules of the determination of shortage occupations in vocational training. This is an occupation to which, based on local market considerations and economic aspects, properly educated workforce is not available to meet the employers'	The list is based on the specific occupations that are affected by a shortage, but which is strongly connected to economic sectors. So the list itself demonstrates the specific qualifications. The conclusion can be drawn	A maximum of 10 shortage occupations (for the educational year 2016/2017, 25 occupations) are detected and reported on the county level (NUTS 3) by the CDTCs. Consequently, as a second phase, the Government issues a separate Government Decree each year	The level of analysis is entirely based on the division of Hungary into administrative counties. In addition the capital city of Budapest is treated separately. Consequently, the analysis has a strict regional dimension.	

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			<p>demands.</p> <p>The law lays down (Article 81 (3) of the Act on vocational training) that the CDEC decides on the list of shortage occupations on the basis of 'the demands of the economy, the situation of the labour market and the data on vocational training in the country, in the region and in the county/capital'. In practice, this means that the CDECs need to follow a horizontal approach.</p>	<p>that in Hungary the level of analysis is based on the specific occupations and produces results in the activities encouraging the obtaining of specific qualifications (i.e. granting of scholarships)</p>	<p>on the list of supported occupations based on the regional lists. The Act on vocational training regulates the procedure concerning the shortage occupations in effect. The most important preparatory phase is carried out by the CDECs. The procedure usually starts with the proposal of the representative of the labour authority on the list of shortage occupations which proposal is based on the local labour market statistics. The criteria for selecting the shortage occupations are thereby mainly connected to vacancies that are reported officially by employers to the local labour authority and which cannot be filled because the lack of qualified local job seekers available.</p> <p>The other members of the committee comment on the proposal, especially the</p>		
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					<p>local professional chambers, mostly based on the information acquired from the local industry (e.g. investment plans). The list can thereby be changed and finally agreed upon by a simplified majority (often a unanimous) decision.</p> <p>The CDECs send the adopted lists to the national body for vocational training and adult education, namely to the National Institute of Vocational and Adult Education (hereinafter referred to as NIVE). A proposal of similar content is submitted by the Ministry of Human Capacities regarding occupations that have no labour market relevance like artistic, cultural, handicrafts and traditional handicraft occupations. As a subsequent step, the Klebelsberg Institution Maintenance Centre submits a proposal for the distribution of qualification</p>		
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					<p>quotas among the educational institutions (their sponsors) in the counties and in Budapest. Parallel to that the Ministry of Agricultural submits a proposal for the distribution of quotas regarding agricultural vocational training institutions.</p> <p>The task of preparing the Government's decision on shortage occupations falls within the competence of the NIVE. The ministry in charge (at present the Ministry for National Economy) after having obtained and analysed the information available for the whole country, prepares a draft bill for the Government, the draft of which is submitted for inter-governmental and civil society consultation. The proposals received within the framework of this consultation with civil society and governmental</p>	
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					institutions are considered during the finalisation of the draft law.		
Sector analysis	Yes	No	A completely separate field, in which shortage occupations are continuously collected and monitored, is health care. In Hungary, concerning the determination of shortage occupations in the health care sector, there is only one applicable legal regulation which pertains exclusively to the specialised training of doctors. The list of shortage occupations for doctors is published by the minister in charge of the health care system since 2010. Similarly to the logic prevailing in the system of vocational trainings, the categorisation as 'shortage occupation' results in monthly financial benefits for those who enter specialised trainings in these shortage occupations (this is a kind of scholarship), based on the regulations presently in effect.	The main level of analysis is that of the sector (healthcare), thus the approach is sector-based. Additionally, during the determination of shortage occupations the primary factor is the selected occupation, thus the determination is connected to the specialised training of the doctors (specialised doctor candidates), who have already graduated. The general name of the list is the 'list of shortage occupations for specialised doctors' that well reflects the essence of the approach.	Pursuant to the presently applicable rules it is the minister for human capacities who determines and publishes until the 15 December of the respective year the list of shortage occupations in the form of county-based grouping. In Hungary, data on the situation of healthcare workers is collected by a number of bodies and authorities. The most important are the following: the Central Statistical Office (KSH), in particular within the framework of the National Program of Statistical Data Collection (OSAP), the ENKK (the legal predecessor of which was the Office of Health Authorisation and Administration), but also the Hungarian Medical Chamber	During recent years no differences among the counties were to be perceived, the minister determined shortage occupations, as stated expressly in the communication, „with relevance for all the counties”. The above-mentioned communication (information) of the minister specifically states the maximum numbers of specialised doctor candidates concerning the four regional research universities (in Budapest, Pécs, Szeged, Debrecen) and the counties that are connected to them.	

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					(MOK), the Association of Hungarian Specialised Doctor Candidates, and the Association of Hungarian Doctor Associations (MOTESZ), the Chamber of Hungarian Health Care Professionals (MESZK) and the Hungarian Nurse Association.		
Employer Surveys	Yes	No	In addition to the determination of shortage occupations and to the professional educational scholarship system, the National Employment Service (NES) is also able to identify a couple of more occupational categories where finding a job for a job seeker poses a challenge or where employers face a long-term labour shortage, based on its nationwide database, where the placement of workers is difficult, or in which. These are, in principle, individual occupations, which are officially not qualified as shortage-occupations. The representative of the labour authority				

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			of the county office is member of the CDTC, however, when the county development and training committee (hereinafter referred to as CDTC) brings a decision on the county shortage-occupations, the gremium can avail itself of the knowledge of the NES..				
Forecasts/foresight analysis	Yes	No	The forecasts and statistics of the regional government offices (the so-called labour market prognosis) play a significant role in determining shortage qualifications. When carrying out the short-term labour market prognosis for 2014, the representatives of the NEO and the mandated partner interviewed the managers of 7108 companies about their anticipated demand for workforce, currently and in the future.	The research followed a horizontal economic approach aiming to monitor economic expectations of companies active on the labour market and, parallel to that, the global monitoring of the anticipated expansion capability of the labour market.	Until 2014, these were prepared by the National Employment Office (NEO); from 2015 on, the authority in charge is the Ministry of National Economy.		
Qualitative studies or analysis	Yes	No	Independent organisations also play an important role in preparing reports. The Hungarian Chamber of Commerce and Industry (MKIK) carried out a research in 2014.	This is a uniformly coordinated project; the methodology of the interviews remained untouched since 2008. In 2014, as an additional element, not	The Hungarian Chamber of Commerce and Industry (MKIK) carried out a research in 2014.		

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			<p>Employers were interviewed to specifically collect information on shortage occupations. Data collection was intended to be a tool to help the work of the CDECs.</p> <p>Since the same research was conducted between 2008-2014 annually, it is possible to carry out comparative analysis and to gain comparable data. On the basis of these data, the trends in the labour market can be forecasted, thus alongside the short-term planning, it is also possible to shape mid-term or long-term forecasts with a focus on necessities.</p> <p>Also, the Manpower international survey has dealt with Hungary.</p>	<p>only entrepreneurs but also representatives of the public sphere and recent graduates were interviewed.</p>			
<p>Other instruments/tools (please describe)</p>	<p>No</p>						

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Q6. Concerning **lists of shortage occupations**, please briefly describe:

- a. The process for developing the shortage occupation lists;
- b. What are the criteria for selecting the shortage occupations (e.g. advertised vacancies are significantly higher than the qualified national job seekers available)? ;
- c. Which organisations/institutions play a role in determining lists of shortage occupations?;
- d. How frequently are the lists of shortage occupations updated?

The Act on vocational training (2011) regulates the procedure in effect concerning shortage occupations. The most important preparatory phase is carried out by the CDECs. The CDEC is a county-based body which has various functions in relation to vocational training such as consulting, preparation of proposals, providing opinions and advising. The CDEC consists of 7 members who are delegated by the local employee and employers' organisations, by the labour authority and department for education of the county government office and by the county's general assembly.

The procedure usually starts with the proposal of the representative of the labour authority on the list of shortage occupations which is based on the local labour market statistics. The criteria for selecting the shortage occupations are thereby mainly connected to vacancies that are reported officially by employers to the local labour authority and which cannot be filled because of the lack of qualified local job seekers available.

The other members of the committee comment on the proposal, especially the local professional chambers, mostly based on the information acquired from the local industry (e.g. investment plans). The list may thereby be changed and finally agreed upon by a simplified majority (often a unanimous) decision. The minutes of the meeting can usually be downloaded from the website of the respective industrial chamber. For example: the CDEC of Jász-Nagykun-Szolnok county amended the shortage occupation list for the year 2014/2015. Carpenters were removed and inserted were the women tailors. The decision was then approved by a unanimous vote. The list of county-wide shortage occupations is discussed by the CDEC and is adopted until the 31st of March.

The CDECs submit the adopted lists to the national body for vocational training and adult education, the National Institute of Vocational and Adult Education (hereinafter referred to as NIVE). A proposal of similar content is submitted by the Ministry of Human Capacities regarding occupations that have no labour market relevance like artistic, cultural, handicrafts and traditional handicraft occupations. As a subsequent step, the Klebelsberg Institution Maintenance Centre submits a proposal for the distribution of qualification quotas among the educational institutions (their sponsors) in the counties and in Budapest. Parallel to that, the Ministry of Agriculture submits a proposal for the distribution of quotas regarding agricultural vocational training institutions.

The task of preparing the Government's decision on shortage occupations falls within the competence of the NIVE. The ministry in charge (at present the Ministry for National Economy) after having obtained and analysed the information available for the whole country prepares a draft bill for the Government; the draft of which is submitted for inter-governmental and civil society consultation. The proposals received within the framework of the consultation from civil society and governmental institutions are considered during the finalisation of the draft bill. The end result of the process is Government Decree 562/2013. (XII. 31.), which lays down the list of shortage occupations for the 2014/2015 educational year (the present scholarships are granted based on this decree), while the list of shortage occupations for the 2015/2016 educational year was adopted by Government Decree 13/2015. (II. 10.) on the basis of which, scholarships for this educational year (2015/2016) will be granted. Consequently, the list of shortage occupations is updated annually.

The Government brings a decision in the decree not only on the shortage occupations themselves but also on the forms of supports. Three categories are distinguished: a) budgetary support without limitations, b) budgetary support based on predetermined quotas, and c) no budgetary support. Within the two supported categories, the Decree determines specifically the support and the quotas, by county and by vocational training institutions or sponsors.

The process for the granting and the withdrawal of individual professional educational scholarships for occupations affected by shortages is regulated by Government Decree 328/2009. (XII. 29.). The

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financial source of budgetary support is the National Employment Fund. The detailed rules of the financial mechanism are laid down in the ministerial decree 24/2012. (VIII. 15.) NGM on the rules applicable for supports in vocational training provided for from the educational part of the National Employment Fund.

The NIVE is responsible for monitoring the lawfulness of granting the budgetary support for the institutions and for the students.

Regarding the determination of the shortage occupations in the health care sector, the minister for human capacities avails himself of the available statistical data and the reports submitted by the state-funded health care providers.

Q7. For each of the instruments and tools used for identifying labour market shortages in Q5, please outline how it is used for policy purposes? Is there a formalised mechanism to disseminate the information produced? (Y/N) If yes, please describe.

Detailed information is provided for the incorporation of the opinions and forecasts of employers (which appear under Q5 in headings 'employer surveys and forecasts'). The forecasts and statistics of the regional government offices (the so-called labour market prognosis) play a significant role in determining shortage qualifications. Until 2014, these were prepared by the National Employment Office (NEO); from 2015 on, the authority in charge is the Ministry of National Economy. When carrying out the short-term labour market prognosis for 2014, the representatives of the NEO and the mandated partner interviewed the managers of 7108 companies on their anticipated demand for workforce, currently and in the future. The research followed a horizontal economic approach aiming to monitor economic expectations of companies active on the labour market and, parallel to that, the global monitoring of the anticipated expansion capability of the labour market.

Additionally, also independent organisations play an important role in preparing reports. The Hungarian Chamber of Commerce and Industry (MKIK) carried out a research in 2014. Employers were interviewed to specifically collect information on shortage occupations. Data collection was intended to be a tool to help the work of the CDECs.

According to the 2014 Yearbook of the CDECs¹⁵, this is a uniformly coordinated project, which means that the methodology of the interviews remained untouched since 2008. In 2014, as an additional element, not only entrepreneurs but also representatives of the public sphere and recent graduates were interviewed. The number of interviews carried out amounted to 6000 in 2014, of which 2500 were economic units, while the remaining 3500 were representing recent graduates. The clerks of the regional chambers of commerce and industry carried out exclusively the – partly personally undertaken – interviews. The research was based on the perception that the Hungarian labour market is characterised not only by shortages but also by the opposite, meaning undemanded supply. The results of the research dealing consequently not only with shortages but also with undemanded supply are summarised in an in-depth expert material (MKIK-GVI research material, 2014).¹⁶ The main findings of the research (page 11) are the following: According to the study, on the basis of forecasts on shortages (unmet demand) beyond three years but within four years, the most relevant shortage appeared regarding production line host, locksmith, industrial mechanic, architectural ironmonger, technician in forestry. The study lays down that altogether 24 occupations show an anticipated shortage above 2000 workers. We can also add to the occupations already listed above florist, flower decorator, host in gastronomy, sommelier and marketer of pharmaceutical products as well. Also undemanded supply shows prevalence in certain occupations, most notably concerning cooks, logistical managers, financial-accounting assistants, social workers and waiters.

¹⁵ 2014 Yearbook on the tasks and activities of CDECs, 2014. pp. 9-11.

¹⁶ MKIK-GVI A szakképző iskolát végzettek iránti kereslet és kínálat várható alakulása – 2014 (Budapest)

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Since the same research was conducted between 2008-2014 annually, it is possible to carry out comparative analysis and to gain comparable data. On the basis of these data, the trends in the labour market can be forecasted, thus alongside the short-term planning, it is also possible to shape mid-term or long-term forecasts with a focus on necessities.

The Manpower international survey has also dealt with Hungary.¹⁷ The two studies indicated that labour force shortage caused problems for 35% of respondent companies in Hungary in 2012, and 38% of respondent companies in 2013. The reason for this was mostly the absence of skilled workers. As a main finding, the study stated that vacancies evolved due to the lack of working experience of applicants (40% of problematic cases), the absence of the required technical/professional knowledge (in 34%) or the higher expectations in wages than that were offered to them (in 28%).

Both the short-term labour market prognosis and the above mentioned studies on shortage occupations are public; it is available to all stakeholders. Moreover, the findings of these studies are incorporated into the processes, the main objective of which is to bring vocational training in the highest possible compliance with the real demands of the labour market.

Q8. Are any of the tools/mechanisms for identifying labour market shortages identified above (e.g. lists of shortage occupations, employers' needs analysis, surveys, forecasts, etc.) used to determine any of the policy instruments for managing economic migration (e.g. quotas, labour market tests, points-based systems, etc.)? (Yes/No) If yes, please describe.

No. The process has no relevant connection to managing economic migration.

Q9. Do any mechanisms or tools to monitor intra-EU mobility of workers filling job vacancies in the national labour market or leaving to work in other Member States exist in your Member State? (Y/N) If yes, please describe.

If possible, please distinguish between mechanisms or tools to monitor intra-EU mobility with regard to (i) shortage occupations and (ii) other occupations not considered as shortage occupations.

Please indicate the national sources of statistics or data on EU citizens working in your Member State.

In Hungary, the approach towards the role of inflow of third-country nationals and intra-EU mobility of workers played in filling job vacancies in the national labour market merges different aspects. On the one hand, there is a strong endeavour in Hungary to sort out the labour shortage challenges by orienting students or encouraging graduated doctors to obtain certain shortage qualifications. Wide-ranging scholarship programs gain ground within this policy. Also new or renewed training options were made available. A good examples of this is the re-organisation of the vocational training system in 2011 in order to bring vocational training in the highest possible compliance with the real demands of the labour market and the changes that were introduced in the training level and curriculum for nurses, who represent a major group of healthcare workers affected by labour shortages.

On the other hand, the so-called brain gain (the opposite of brain drain, to kind of stimulate the return of migrants on to the national labour market) is an essential, viable option. The added value of brain gain is an undeniable reality of current migration trends. According to the applied methods (e.g. re-attraction, re-employment, retention, reintegration) national policies show great variations. Moreover, the relevant literature suggests that countries which are more of a source as countries than receiving countries in migratory flows, such as Hungary, try thereby „to heal the negative outcomes of previous migrations resulting mainly from income disparities between East and West”.¹⁸ These put the emphasis on the possible economic advantages of return migration i.e. growing competitiveness. Hungarian government policies also support incentives to bring migrants' skills back, an example of which is the program '*Lendület*' (Impetus). The main objective of the program is re-attracting and, at the same time, retaining. This is a program of excellence for gifted young researchers (i.e. living

¹⁷ ManPower Group (2014) Talent Shortage Survey.

¹⁸ Kovács et al (2013) page 65.

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abroad) in order to halt their emigration. It provides for funding for several talented researchers and *Lendület* research teams since 2009. In 2014, altogether 18 young scientists were granted financial support in the fields of biology, physics, chemistry and astronomy.¹⁹

This line of argumentation can be backed-up by the statement of the Minister for National Economy, who said that the government gives priority to the return of persons working abroad because these „good workers are our hidden national treasure”.²⁰

Circular migration must also be taken into consideration. Relevant literature suggests that the long-term circulation (multiple mobility) of foreigners to Hungary as a host country is a mass phenomenon. „More than 14 per cent of legal immigrants arriving in Hungary were long-term circulars between 2006 and 2008. Of these registered circular movers, 75.9 per cent entered the country for a second time, 21.6 per cent for a third time, and 2.5 per cent for a fourth time.”²¹

Statistical data can be obtained from the Office of Immigration and Nationality, from the Ministry for National Economy and from the National Health Insurance Fund (the latter provides for information about those workers who are affiliated with the Hungarian social security system).

Q10. Please outline the role of social partners (*see definition of social partners above*) and other stakeholders (*please identify which stakeholders*) in identifying the need for migrant labour? Is there a formalised mechanism to consult/involve social partners in identifying the anticipated need for migrant labour or is their involvement on an ad-hoc basis?

The CDECs that submit the list of shortage occupations to the NIVE consist of 7 members, delegated according to Article 83 (2) of the Act on vocational training. Pursuant to the Act, the following are represented in the CDEC: social partners covering the whole country, including representatives of employer’s organisations and trade unions who are party to the National Economic and Social Council – hereinafter referred as to NGTT (with two persons); the regional economic chamber (two persons); the regional government office (one person regarding employment and one regarding vocational training); and the county general assembly (one person).

Apparently, social partners and (in terms of other stakeholders) regional economic chambers participate in the decision-making in a legally defined order. In the CDEC consisting of 7 members, the previous two categories of delegating institutions, namely non-governmental organisations, have a simple majority. The condition that only those social partners can delegate members to the CDEC whose activities cover the whole country means that the delegating social partner has to be nationally organised under the terms of the Act on the National Economic and Social Council (2011). At present there are 12 economic organisations recognised as nationally organised in the NGTT (including employer’s organisations) and 6 trade unions, also organised nationally. The coordination, including financing of the CDEC, is carried out by the regional economic chamber of the MKIK. The term of the mandate of the members of the CDEC is three-years.

There is a formalised mechanism to take into account the opinion of social partners and economic chambers. In case these bodies are of the opinion that there is a need for migrant labour in order to alleviate shortages in the labour market, they can transfer this information to government agencies through the CDECs and through the NIVE.

It is worth noting that issues relating to migration rarely appear as flagship initiatives of social partners. In 2014, there was only one remarkable project the results of which are publicly available and in which the Democratic League of Independent Trade Unions (LIGA) actively participated. The

¹⁹ http://mta.hu/lendulet/?node_id=26603 (winning projects)

²⁰ Napi Gazdaság, 21 February 2013.

²¹ Illés (2015).

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topic was related to migrant workers; however, these were job-seekers and workers citizens of the EU.²²

In the field of health care, social partners also take part in determining the list of shortage occupations. Pursuant to Article 2 of Act XCVII of 2006 the professional chamber „exercises the right to give an opinion ... in accordance with its task of training, specialised training, minimum requirements of professional training and quotas of attendance and training in fields with regard to determining shortage occupations“. The following chambers work in the field: the Hungarian Medical Chamber (MOK), the Hungarian Chamber of Pharmacists (MGYK) and the Chamber of Hungarian Health Care Professionals (MESZK). Since the list of shortage occupations is related to specialised doctors, it is mostly the MOK which is required to exercise its role of giving opinion. Additionally, the Council for Training and Specialised Training in Health was entitled to give proposals for the shortage occupations' list, in which the MOK, the MOTESZ (Association of Hungarian Doctor Associations) the Hungarian Hospital Federation, the Association of Hungarian Specialised Doctor Candidates and the Professional College participated. The list, as it has been emphasised before, has not changed much during the last 5 years, no critics were formed by the social partners, and consequently, it can be regarded as established upon consensus. The most important issue is that the list is a kind of tool which generates extra funding for the health care system, which is a fundamental interest of the social partners as well.

Q11. Q5 in Section 2 examined the types of national instruments used in your Member State to identify labour shortages and the need for migrant workers. Please briefly summarise the results/findings of these instruments for the most recent year(s)

The following table demonstrates the number of vocational school scholarship recipients and annual amount paid between 2010-2012:

	Number of scholarship recipients	Net amount paid (HUF/year)
2010	21.867	HUF 2.059.891.042 (7 mEUR)
2011	26.059	HUF 3.289.846.296 (11 mEUR)
2012	31.010	HUF 3.914.917.092 (13 mEUR)

Source: VET country report – Hungary, page 43.

These are the first results of the new initiative. Feedback shows that the scholarship program has increased applications for shortage occupations.

As it has been previously stated, emigration of health care workers, including doctors, embodies a growing problem in Hungary. Consequently, a constant shortage of workers is present in Hungary in this field. That is why the Hungarian Government has adopted a series of measures to alleviate this trend. In addition to the wide-ranging scholarship program that has been examined in detail in Q3, wage increases in multiple stages as well as measures enhancing the training and post-graduate trainings of health care workers were introduced. For example, the training program of nurses has been rearranged at secondary school level and the training can now be provided for in full-time education. In turn; the costs of one mandatory training for doctors and health workers will be

²² LIGA projekt a migráns munkavállalókról <http://www.liganet.hu/page/88/artID/7523/html/budapesti-nemzetkozi-eszmece-re-a-migrans-munkavallalok-helyzeterol.html>

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reimbursed by the state. Other measures, that increase the pull capacity of the Hungarian health care system, have also been adopted.²³

The results of these measures can be traced in the statistics of the ENKKK. In case of doctors, the number of applicants for documents that are necessary for taking up employment in other countries is decreasing since 2012. In 2013, only 955 doctors applied for these documents as compared to the 1108 in 2011 (meaning a 14% decrease). Since Hungary's accession to the European Union in 2004, the first year in which the number of applicants decreased, was 2012.²⁴

Pursuant to statistical data the number of active medical doctors increased in the last 3 years, similarly to the proportion of doctors per 10 thousand persons.

Year	Medical doctors in the registry	Proportion per 10 thousand persons%	Active medical doctors	Proportion per 10 thousand persons%	Approved number of medical jobs	Filled posts	Vacant posts	Proportion of vacant posts %
2012	56889	57,1	34736	34,9	41145	39365	1780	4,3
2013	57713	58,2	36250	36,6	41128	39227	1902	4,6
2014	60176	60,9	37711	38,2	42074	40157	1917	4,6

Source: 2013 Yearbook of the CSO on Health Statistics, page 78.

Q12.(a) Please indicate any **challenges and risks** associated with the use of instruments for identifying labour shortages and the need for migration labour in your (Member) State. (based on existing studies/evaluations or information received from competent authorities)

Q12. (b) Are there shortage occupations which are not addressed through labour migration (for example because of political concern, sensitivity of the jobs, etc.). If so, how is this determined?

Act CXXV of 2003 on equal treatment and equal opportunities ('Ebkvt.') should be applied to migrant workers legally residing in Hungary. Pursuant to paragraphs (d)-(e) of Section 8 of that Act, direct discrimination means any regulation as a result of which a person or a group of persons, on account of his/her real or alleged nationality or belonging to a minority nationality will receive less favourable treatment than another person or group receives, has received or would receive under similar conditions. Sexual orientation, racial origin and religious or philosophical belief are also mentioned as protected characteristics in paragraphs (a), (b) and (i) of Section 8.

The definition of indirect discrimination is set forth in Section 9 of Ebktv. that also prohibits any discrimination vis-a-vis the persons or groups with one or more protected properties referred to above. Furthermore, Sections 21-23 of Chapter III of Ebktv. are about the enforcement of the requirement of equal treatment in the field of employment, and Section 5(d) thereof specifically mentions the employer as one of the entities obligated to comply with the requirement of equal treatment regarding the employment relationship, and the person entitled to give any instructions relevant to an employment contract.

In addition, regarding the employers, the nationality restrictions concerning the public sector should

²³ See e.g. the report of the Office of Ombudsman, Many details can also be found about the results in the 5th Report sent to the Council of Europe.

http://www.coe.int/t/dghl/monitoring/socialcharter/Reporting/StateReports/Hungary5rev_en.pdf

²⁴ <http://www.origo.hu/itthon/20140819-kevesebb-orvos-megy-kulfoldre-de-meg-mindig-nagy-a-baj.html>

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also be mentioned:

Pursuant to Section 20(2)(c) of Act XXXIII of 1992 on the legal status of civil servants ('Kjt. '), in principle the public servant status may also be granted to persons having the right of free movement and residence or to immigrated or settled persons.

Deviation from this rule is possible in an implementing decree based on Section 20(3) of the same Act, and in those legal acts the Hungarian nationality may be set as a requirement.

In accordance with the implementing decrees currently in effect, the Hungarian nationality is required in the following cases:

- At the armed forces under the operational governance of the Minister in charge of police forces, public servant status for carrying out health-care activities may only be granted to persons having the knowledge of the Hungarian language. The Hungarian nationality is a compulsory requirement for jobs subject to national security control. (Section 17(b) of Government Decree no. 356/2008 (XII. 31.))
- In addition, only persons holding a Hungarian nationality may hold any office subject to national security control in any health-care institution under the governance of the Minister in charge of Defence or the Hungarian Army. (Section 18 of Government Decree No. 356/2008 (XII. 31.))
- If holding an office in any archive, the public servant status may only be granted to persons holding Hungarian nationality. Job posts of property protection and safety with any public collection are reserved for Hungarian nationals. Job posts subject to national security control prescribed in specific legislation with public collection institutions belonging to the national defence sector are also reserved for Hungarian nationals (under Section 2 para. (1)-(2) of Government Decree 150/1992 (XI. 20.)).
- In the institutions belonging to the national defence sector, only Hungarian nationals or non-Hungarian nationals having the knowledge of the Hungarian language may be employed as public servants. However, any job posts subject to national security control should be reserved for Hungarian nationals in those cases, nonetheless. (Section 2 of the Decree of the Minister of National Defence No. 27/2008 (XII. 31.))
- At universities, all posts subject to national security control are reserved for Hungarian nationals (Section 1/A of Government Decree No. 53/2006 (III. 14.)).
- In addition, only Hungarian nationals may be employed as public servants at the civilian national security services (Section 3 of the Decree of the Minister Without Portfolio No. 4/2008 (XII. 31.) TNM).

Based on the above, employment is reserved for Hungarian nationals only if the position is subject to national security control or if it is justified by the employer's tasks and duties.

Pursuant to Act CXCIX of 2011 on public service officials ('Kttv. '), government service posts are reserved for Hungarian nationals but it is possible to grant an exemption from this requirement. At the same time, the posts of government or public service administrators may be taken up not only by Hungarian nationals but also by persons with Hungarian knowledge and having the right of free movement and residence or by nationals of the States Parties to the Agreement on the European Social Charter.

[Section 3: Monitoring the outcomes of labour migration policy in relation to shortage occupations](#)

This section examines the tools and mechanisms to monitor the outcomes of labour migration policy in relation to shortage occupations (e.g. workforce analysis, analysis of types of work permits granted, sector analysis, discussions with employers, etc.). It begins with a series of questions on the instruments used. The section also explores the use of these instruments; the role of social partners and other stakeholders and any challenges and risks associated with their use.

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Q13. Are the outcomes of labour migration policies in relation to shortage occupations monitored in your (Member) State? If yes, please describe:

- (a) What are the monitoring mechanisms (e.g. workforce analysis, analysis of types and number of work permits granted, sectoral analysis, discussions with employers, etc.)? Is there a formal mechanism(s) to monitor the effects of migration on the labour market in your (Member) State or is this done on an ad-hoc basis?
- (b) At what level are labour migration policy outcomes monitored (e.g. workforce, sectors, skill levels, occupations)?
- (c) Which organisations carry out such monitoring? For example, are these produced by national agencies; academics; NGOs?
- (d) Is the monitoring laid out in legislation or soft law (e.g. circulars, policy documents)?

The outcomes of labour migration policies in relation to shortage occupations are not specifically monitored in Hungary. The general monitoring mechanisms described in Q6 and Q7 are applied meaning that should the necessity arise, any considerations relevant to the situation of migrant labour are available to refer to and to incorporate into the national decision-making.

Q14. For each of the instruments and tools used for monitoring the outcomes of labour migration policy in relation to shortage occupations in Q13a, please outline how it is used? Are there formalised mechanisms to disseminate the results of each monitoring mechanism listed in Q13(a)? (Y/N) If yes, please describe

See the answer for Q13.

Q15. Please outline the **role of social partners** (including organised representatives of employers and employees) and **other stakeholders** in monitoring the effects of labour migration on the labour market? Is there a formalised mechanism to consult/involve social partners or is their involvement on an ad-hoc basis?

See the answer for Q13.

Q16. Please indicate any **challenges** associated with monitoring the outcomes of labour migration policy in relation to shortage occupations in your (Member) State or the impact of labour migration on the labour market at large (based on existing studies/evaluations or information received from competent authorities)

See the answer for Q13.

Statistical Annex

A1. Workers employed by selected occupations and estimated unfilled vacancies (statistics for the latest available year)

Member States are requested to also provide statistics on a number of pre-selected occupations. The occupations in the table below are selected on the basis of the occupations that most frequently feature in (Member) States' shortage lists identified in the recent EMN Inform "Approaches and tools used by Member States to identify labour market needs". This section of the Statistical Annex is also aimed at collecting statistics on intra-EU mobility in terms of filling in shortage occupations.

Table 1: Workers employed by specific occupations and estimated unfilled vacancies (last available year)

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Specific occupations	Total employment*			Employment of EU-nationals from other Member States*			Employment of third-country nationals**			Number of residence permits issued to third-country nationals for specific occupations **			Number of unfilled vacancies	Comments
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total		
Health Professional (22)	19304	38431	57735	299	219	518	31	24	55	5	7	12	104	
<i>Of which: Medical doctors (221)</i>	11850	12782	24633	299	219	518	7	5	12	2	0	2	44	
<i>Of which: Nursing and Midwifery Professionals (222)</i>	412	6141	6553	0	0	0	0	0	0	0	0	0	46	
Personal care workers (53)	8586	51599	60185	44	72	116	19	15	34	6	2	8	609	
<i>Of which: Child Care Workers (5311)</i>	404	30470	30874	0	0	0	7	6	13	0	1	1	355	
<i>Of which: Health Care Assistants (5321)</i>	5287	2778	8065	0	0	0	1	0	1	0	0	0	108	
<i>Of which: Home-based Personal Care Workers (5322)</i>	546	10705	11250	44	72	116	0	0	0	0	0	0	62	
Personal Services Workers (51)	62260	100395	162655	212	243	455	1588	914	2502	258	132	390	4365	
<i>Of which: Cooks (5120)</i>	21207	13635	34842	212	0	212	1540	660	2200	257	109	366	1307	
<i>Of which: Waiters (5131)</i>	16949	21318	38267	0	0	0	5	4	9	1	3	4	364	
<i>Of which: Cleaning and Housekeep services in offices, hotels and other establishments (5151)</i>	387	238	625	0	0	0	0	0	0	0	0	0	13	
<i>Of which: Domestic Housekeepers (5152)</i>	1037	699	1736	0	0	0	5	4	8	0	0	0	6	
Skilled Agricultural, Forestry and Fishery Workers (6)	70937	26802	97739	102	23	125	53	7	60	28	0	28	3185	
<i>Of which: Field Crop and Vegetable Growers (6111)</i>	13307	5345	18653	0	23	23	41	0	41	22	0	22	1970	
<i>Of which: Gardeners; Horticultural and Nursery</i>	12764	9083	21847	20	0	20	0	0	0	0	0	0	1190	

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Growers (6113)														
Of which: Livestock and Dairy Producers (6121)	10093	3527	13620	0	0	0	9	0	9	4	0	4	288	
Information and Communications Technology Professionals (25)	42559	5779	48338	1054	266	1320	271	49	320	119	25	144	310	
Of which: Software and Applications Developers and Analysts (251)	28812	5281	34092	788	266	1054	229	32	261	94	21	115	222	
Of which: Database and Network Professionals (252)	13747	499	14246	266	0	266	44	15	59	25	4	29	88	
Teaching professionals (23)	45993	160765	206758	64	468	532	16	44	60	0	21	21	357	
Engineering Professionals (excluding Electro-technology) (214)	38341	9263	47604	295	0	295	383	37	420	114	21	135	4050	
Architects, Planners, Surveyors and Designers (216)	17199	7995	25194	0	133	133	18	0	18	11	0	11	84	
Accountants (2411)	5303	8725	14028	383	0	383	26	0	26	8	0	8	31	

* **Based on the Hungarian LFS.**

** **Based on the number of valid work permits on 31st December 2014.**

*****Based on the number of valid single work permits.**

A2. Top 15 professions included in lists of shortage occupations (statistics for the latest available year)

This part of the Statistical Annex aims to collect data on the occupations included in lists of shortage occupations and any estimations of unfilled vacancies.

If there are several regional lists of shortage occupations instead of a national list, please fill in the table below providing data for each region. You can create new tables below per region. Alternatively, you can use the box provided below to provide a descriptive overview and any available data.

If statistics is available based on ISCO-08, please provide the statistic based on the ISCO-08 number in brackets.

If statistics are not available based on ISCO-08, please provide the **national equivalent** available.

*Determining labour shortages and the need for labour migration from third countries***Table 2: Statistics on lists of shortage occupations**

ISCO-08 (4 digit level)				Equivalent national classification of occupations			
Occupation included in the list of shortage occupations*	Is there a specified number of vacancies to be filled with labour migrants from third-countries? (Y/N) If yes, please provide the number**	Are there any special conditions for migrants from third-countries applying for shortage occupations? (Y/N) If yes, please describe. <i>Please describe conditions which are targeted to TCNs as well as other conditions that may affect TCNs' employment (for example, some professions may be regulated and may concern only MS nationals)***</i>	Source and additional information	Occupation included in the list of shortage occupations	Is there a specified number of vacancies to be filled with labour migrants from third-countries? (Y/N) If yes, please provide the number	Are there any conditions that migrants from third-countries need to fulfil when applying for shortage occupations? (Y/N) If yes, please describe. <i>Please describe conditions which are targeted to TCNs as well as other conditions that may affect TCNs' employment (for example, some professions may be regulated and may concern only MS nationals)</i>	Source and additional information
1	9311	74	No	Ministry for National Economy (MNE)	9310	No	MNE
2	8219	2	No	MNE	8219	No	MNE
3	8211	12	No	MNE	8211	No	MNE
4	9211	4	No	MNE	9331	No	MNE
5	8332	299	No	MNE	8417	No	MNE
6	5223	1	No	MNE	5113	No	MNE
7	6210		No	MNE	6211	No	MNE
8	9629	3	No	MNE	9239	No	MNE
9	9321	13	No	MNE	9225	No	MNE

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10	8142	2	No	MNE	8135		No	MNE
11	9333	4	No	MNE	9223		No	MNE
12	8141		No	MNE	8136		No	MNE
13	7222		No	MNE	7321		No	MNE
14	7212	4	No	MNE	7325		No	MNE
15	8122	5	No	MNE	8152		No	MNE

***Based on the data of the labour market forecast.**

****Based on the data of the labour market forecast.**

*****The description is below.**

Please provide any additional statistics or information regarding the national/regional lists of shortage occupations

When issuing or extending a single permit in a single application procedure the competent government office (at the request of the competent immigration authority) provides its specialised authority opinion on whether it supports the third country national's working in Hungary in the sphere of activities determined in a preliminary agreement (hereinafter called: preliminary agreement) or not, according to Article 7(7) of Act IV of 1991 on Job Assistance and Unemployment Benefits).

If the specialised authority opinion has to be issued with an inquiry of the labour market situation, the competent government office examines the followings:

- a. Whether the third country national has the necessary qualification in the sphere of activity specified in the preliminary agreement (the third country national shall submit the authentic copy of his/her qualification and its authentic Hungarian translation);
- b. Whether the employer has a valid labour force demand relating to the work to be carried out by the third country national (the employer shall make a notification of the labour force demand);
- c. Whether, after the submission of the labour force demand by the employer, no registered jobseeker, who meets the employment conditions by law and in the employer's labour force demand was matched by the labour authority; and
- d. Whether the third-country national meets the employment conditions defined by law and in

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the preliminary agreement (the third-country national is obliged to certify the required employment conditions with, (for example language exam certificates, driving licences, etc.) in authentic copy, and its authentic Hungarian translation, as well as to enclose the preliminary agreement in original print or in authentic copy, and, if it is not in Hungarian, in authentic Hungarian translation.

In order for the competent government office to be able to issue the specialised authority opinion, the preliminary agreement submitted by the third-country national shall contain:

- the job description, the sphere of activity to be carried out by the third country national (FEOR),
- the necessary qualifications for the position,
- other employment conditions necessary for the job,
- the remuneration as in the salary of the third country's national,
- the type of the employment's legal relation,
- duration of the employment,
- and additionally suggested content such as: the declaration that the request for employment will be submitted according to the general rule of employment of foreigners or according to certain preferential forms of employment: on the basis of the 445/2013 Government Decree either Article 3 (general licensing procedure with the inquiry of the labour market situation), Article 9(1) (licensing procedure without the inquiry of the labour market situation), or Article 15(1) (exempt from licensing procedure).

If the conditions defined in the relevant law and the preliminary agreement are realized, the competent government office issues a positive specialised authority opinion.

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