

Stolen time – He who gains time, gains everything

The Government Decree on the winter administrative break is out. Here's what to expect.

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Although summer is now over, it is worth taking a look back at the legislation adopted during the summer months, such as the provisions on the (winter) administrative break, which may ease the end-of-year workload not only for the authorities but also for economic actors.

In this article, we address the following questions:

- What is an administrative break?
- What is the duration of the administrative break?
- Why is it important to know about the administrative break?
- What deadlines do not include the duration of the administrative break?

1 What is an administrative break?

An administrative break is a period of time that is aimed at ensuring a balance between the fulfilment of public duties by the State and local authorities, and the right to rest of employees engaged in the performance of these public duties. An administrative break applies to all government administrative bodies and to all employees of said entities. The rules relating to administrative breaks are specified in Act XXVI of 2023 on Administrative Breaks, supplemented by the Government Decree dated 31 August 2023 on the imposition of the administrative break for the winter of 2023.

2 What is the duration of the administrative break?

According to Government Decree 407/2023 (VIII.30.), the winter administrative break in 2023 will last from 27 December to 1 January.

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3 Why is it important to know about the administrative break?

The administrative break is not only excluded from the time limit for procedural deadlines, but also for certain substantive deadlines.

4 What deadlines do not include the duration of the administrative break?

We have listed the deadlines for which the duration of the administrative break will not be considered below. It means that the administrative break period from 27 December 2023 to 1 January 2024, can be excluded from the calculation of the following deadlines. This exemption can provide significant relief to economic operators during the end-of-year rush, whether for certain administrative proceedings, the opening of administrative litigations or for the performance of certain contracts. The duration of the administrative break, in this case the winter administrative break, does not include:

- **the deadlines for the administration of official and other proceedings before government administrative bodies, and the duration of the stay of proceedings,**
- **the deadlines for court proceedings in which a government administrative body or its head is a party or a representative of a party (including priority proceedings),**
- **the deadline for bringing an administrative litigation,**
- **the deadline for the contractual performance of an obligation specified in a contract concluded by and between a government administrative body or its head as a party, or as the party's representative,**
- the deadline for the administration of proceedings before another body in which the government administrative body is involved as a client, or which have been initiated against a government administrative body, or which involve a request by a government administrative body during an administrative break (including deadlines for criminal proceedings),
- **the postal availability deadline,**
- the deadline for dealing with requests for access to data of public interest, complaints and notifications of public interest, written questions submitted by Members of Parliament and requests, enquiries or appeals from any other body or person,
- the deadline for the fulfilment of the obligation to be performed for the government administrative body by its employee,
- the deadlines laid down in the Government Decree on town planning and architectural-technical planning councils,
- the deadlines set out in the Government Decree on the simple notification of the construction of a residential building for the commencement of construction activities by the contractor,
- **the deadline set by the Government Decree on the ministerial approval of certain contracts of government administrative bodies and certain companies,**
- **the deadline for the ministerial approval of contracts covered by the Government Decree on the termination and ministerial approval of certain contracts of government administrative bodies and certain companies,**

- the deadline for court proceedings in which the Hungarian State is represented by the Minister responsible for the supervision of State property in civil law relations pursuant to Section 3:405 (2) of Act V of 2013 on the Civil Code, and
- the deadline for the contractual performance of the obligation specified in the contract concluded by the Minister responsible for the supervision of state property on behalf of the Hungarian State.

It is important to note that the duration of the administrative break is not included in the calculation of deadlines only in cases where said deadlines are prescribed by law. However, in all other cases, deadlines are calculated according to the general substantive and procedural rules. If you are unsure whether the rules of the administrative break apply to your administrative proceedings, litigations or contracts, do not hesitate to contact us.

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