

Government Decree 330/2015 (XI.10.)
on the identification, designation and protection of the critical infrastructures of the
financial sector

The Government, acting on the basis of authorisation set out in section 14 a), d) and g) of Act CLXVI of 2012 on the identification, designation and protection of critical infrastructures and facilities,

on the basis of the authorisation set out in section 174/A(1) of Act CXL of 2004 on the general rules of public administrative procedures and services, and

within its functions provided for in Article 15(1) of the Fundamental Law, decrees as follows:

1. General provisions

Section 1 As regards the identification, designation, revocation of the designation and protection of critical infrastructures and facilities belonging to the financial sector (hereinafter jointly critical infrastructures) those contained in Government Decree 65/2013 (III.8.) on the implementation of Act CLXVI of 2012 on the identification, designation and protection of critical infrastructures and facilities (hereinafter implementation decree of the Hungarian CIP Act) shall be applied in concert with those set out in this decree.

2. Designation of the sectoral designating, advisory and monitoring authority

Section 2 As regards the financial sector, designation as a national critical infrastructure and European critical infrastructure and the revocation of such designation may be initiated by – besides the operator – as an advisory authority, the Magyar Nemzeti Bank (Central Bank of Hungary) acting in its competence as the supervisor of the financial intermediary system (hereinafter as Supervisor).

Section 3 (1) The minister responsible for the regulation of the financial-, capital- and insurance market (hereinafter minister) shall proceed as sectoral designating authority in the course of the designation as a national critical infrastructure and European critical infrastructure and the revocation of such designation, as regards the financial sector.

(2) In the course of the procedure set out in paragraph (1) above, the sectoral designating authority decides on the possibility of the fulfilment of the sectoral criteria, defined in this decree.

Section 4 (1) When performing the tasks set out in section 3(1) the minister is supported by a decision preparatory committee (hereinafter Committee).

(2) The Committee consists of the chairperson and 6 members – pursuant to paragraphs (4) and (5) below.

(3) The chairperson of the Committee is invited by the minister.

(4) The six members of the Committee are appointed by the minister from among the government officials of the ministry led by the minister.

(5)1 A person with at least 1 year of specialised professional experience may be delegated to the Committee. For the purposes of this paragraph, time spent in the investment or financial profession as an officer, civil servant, government official, state official, or employee at

- a) a financial institution,
- b) a stock exchange, a commodity exchange,
- c) an investment undertaking,
- d) an investment fund manager,
- e) the Magyar Nemzeti Bank (Central Bank of Hungary),
- f) an administrative body,
- g) a commodity exchange service provider,
- h) a central securities depository, or
- i) a central counterparty

may be considered as specialised professional experience.

(6) The members of the Committee shall be mandated for three years

(7) A quorum shall exist at the Committee if the chairperson or, in the event of the chairperson being prevented from attending, the alternate person, and at least three other members are present. Decisions of the Committee shall be taken by a majority of votes, in the event of a tie, the chairperson shall have a casting vote.

(10) The Committee shall establish its rules of operation in its rules of procedure. In order to clarify the facts or formulate its proposition, the Committee may request data from the advisory authority and the operator of the critical infrastructure proposed for designation.

(11) The members of the Committee may not be instructed in the course of performance of their duties or in connection therewith.

Section 5 With regard to the financial sector, the Supervisor carries out on-site monitoring of the critical infrastructure.

3. Sectoral criteria for the identification and designation of national or European critical infrastructures

Section 6 A financial institution may be designated as a national critical infrastructure if at the possibility of the occurrence of at least one of the horizontal criteria set out in points 2-4 of Annex 1 of the implementation decree of the Hungarian CIP Act exists, moreover:

- a) a specialized state-owned credit institution to finance the economy;
- b) a deposit guarantee- or investment protection scheme having domiciled in Hungary, which performs the function of indemnification in the event of the insolvency of financial and investment services institutions;
- c) an undertaking established in the territory of Hungary which fundamentally promotes the continuity of cash supply;
- d) a credit institution domiciled in Hungary with a market share of at least 10% (on a balance sheet total basis);
- e) the system operator designated by the Magyar Nemzeti Bank (Central Bank of Hungary) in the proceedings pursuant to section 9 of Act XXIII of 2003 on the finality of settlement in payment and securities settlement systems; or

¹ Modified by Government Decree 217/2016 (VII.22.) section 54, Government Decree 172/2017 (VI.29.) section 20

f) an undertaking domiciled in Hungary concentrating the demand and supply of stock exchange products for the purpose of efficient capital flow, capital valuation, sharing of exchange and other risks, conducting the trading of such products, and promoting public exchange rate developments.

Section 7 The Magyar Nemzeti Bank (Central Bank of Hungary) acting in its competence pursuant to section 4(2)-(5) and (9) of Act CXXXIX of 2013 on the Magyar Nemzeti Bank (Central Bank of Hungary) may be designated as national critical infrastructure and European critical infrastructure.

3/A.² Extent of significant disruption related to essential services and thresholds in the financial sector

Section 7/A³ As regards essential services in the financial sector set out in Annex 3 of the implementation decree of the Hungarian CIP Act, the following shall qualify as significant disruption

- a) a serious breach of operation or integrity which makes normal operations impossible,
- b) making accessible or transmitting to unauthorized persons personal data which qualify as bank secret, payment secret, insurance secret, securities secret, treasury secret involving several customers,
- c) unauthorized activity in the IT system resulting in a change of data affecting several customers; or
- d) service outage or services falling short of the normal level of service, foreseeably lasting for more than 1 hour, in the following areas:
 - da) account management,
 - db) electronic channels (in particular: bank cards, internet banking and electronic payments).

Section 7/B⁴ A service provider meeting one of the criteria specified in section 6 above may be identified as an operator of essential services in the financial sector set out in the table in Annex 3 of the implementation decree of the Hungarian CIP Act.

3/B.⁵ Extraordinary occurrence

Section 7/C⁶ The following shall qualify as extraordinary occurrence in the financial sector

- a) damage, outage or malfunction of control systems which cannot be replaced within 30 minutes to an extent that endangers the operational safety, controllability or interoperability of the system, or the relief of which requires actions by someone other than the operator,

- b) such outage of the IT and ICT systems or utilities providing the core function of the organisation concerned which cannot be foreseeably replaced within 1 hour or the relief of which requires actions by someone other than the operator,

² Added by Government Decree 375/2020 (VII.30.) section 79. Effective from: 31.07.2020

³ Added by Government Decree 375/2020 (VII.30.) section 79. Effective from: 31.07.2020

⁴ Added by Government Decree 375/2020 (VII.30.) section 79. Effective from: 31.07.2020

⁵ Added by Government Decree 375/2020 (VII.30.) section 79. Effective from: 31.07.2020

⁶ Added by Government Decree 375/2020 (VII.30.) section 79. Effective from: 31.07.2020

c) a foreseeable outage of more than 1 hour or a service falling short of the normal level of service in the following areas:

ca) account management,

cb) electronic channels (in particular: bank cards, internet banking and electronic payments),

cc) cash supply,

d) foreseeable outage of more than 24 hours or a service falling short of the normal level of service as regards cash supply,

e) if the competent authority imposes a quarantine at the designated critical infrastructure,

f) a critical shortage of human resources to such an extent that it may lead to the cessation or suspension of the activity.

4. Qualification requirements and conditions of employment of the security liaison officer

Section 8 The security liaison officer employed by the operator of the critical infrastructure shall have a higher education specialised degree in economics or law.

5. Final provisions

Section 9 This decree shall enter into force on the 15th day following its promulgation.

Section 10 With regard to the qualification requirements and employment conditions of the security liaison officer, the provisions specified in section 6(2) and (3) of the implementation decree of the Hungarian CIP Act shall apply from 1 April 2016.

Section 11⁷ This decree serves the purpose of compliance with the Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union.

⁷ Added by Government Decree 394/2017 (XII.13.) section 9. Effective from: 10.05.2018