



CERHA HEMPEL

CONSTRUCTION PAPERS



The New Construction Act – Part VI

Rules on electronic construction logs, maintenance logs and maintenance obligations modified as new actors enter the stage

The majority of the rules in Act C of 2023 on Hungarian Architecture (“HAA”) took effect on 1 October 2024. We publish our weekly series of articles to give an overview of the changes that the introduction of the HAA has brought about in the legislative environment that governs the construction industry. Our previous article discussed [changes in regulatory procedures](#). In this, the sixth article of our series, we focus on the rules pertaining to construction logs, maintenance logs and maintenance obligations, and introduce certain new positions and functions that will have a role in construction projects.

1. New roles and functions

- [1] Government Decree No. 191/2009 on Construction Activities (hereinafter: “Construction Decree”) has introduced new roles and functions that will be part of construction projects, and therefore a larger number of participants will now have to cooperate in construction projects.
- [2] In addition to the employer, the designer, the contractor, the construction site manager, the design supervisor, the employer’s site inspector and the construction trustee, it is now time to acquaint ourselves with the construction project manager, the design controller and the cost assessor. The Chamber of Hungarian Architects or the Chamber of Hungarian Engineers will list on their respective websites the names



of all project managers, design controllers and cost assessors who give their consent to such a listing.

Construction project manager

- [3] A construction project manager is a professional who is a member of a relevant professional chamber and performs various functions on an employer's behalf in connection with the preparations for, and the management, organisation and completion of, a construction project. [Government Decree No. 266/2013. (VII. 11.), Section 15/B]
- [4] Previously the engagement of a construction project manager was not mandatory under any construction regulation. Starting from 1 October 2024, however, the employer is required to engage a construction project manager if the value of the relevant project meets or exceeds the Community threshold stated in Hungary's Act CXLIII of 2015 on Public Procurement. In all other cases, employers are free to decide whether they want to hire a construction project manager or not. [Construction Decree, Sections 8(1) and (2)]
- [5] The contract concluded with a construction project manager must be in writing. [Construction Decree, Section 8(3)]

Design controller

- [6] While the position of designer existed under the Construction Decree before, a new function in the form of the design controller has now also been introduced. A design controller is a professional with a licence in architectural or engineering design who verifies on the employer's behalf whether the construction documentation has been prepared in accordance with the regulations, the relevant professional standards and the employer's expectations. An employer may engage a design controller, and the relevant contract must be in concluded in writing. [Construction Decree, Sections 10/B(1) and (2); Government Decree No. 266/2013 (VII. 11.), Section 15/D]
- [7] A design controller's tasks include [Construction Decree, Section 10/B(5)]:
 - (a) verifying whether the engineering and technical specifications in the construction documentation and execution documentation meet the relevant standards and are suitable to serve as the basis for the relevant works, and whether the drawings and designs prepared for the various trades are harmonised and compatible,
 - (b) identifying faults and errors,
 - (c) making recommendations as necessary, and
 - (d) preparing a report.



Cost assessor

- [8] A cost assessor is a professional who performs financial, cost-efficiency verification and financial planning functions and various related decision support tasks for the employer in connection with a construction project. [Government Decree No. 266/2013. (VII. 11.), Section 15/C]
- [9] The Construction Decree does not identify any specific case where an employer or a contractor is required to engage a cost assessor; rather, it is only an option. It is important to note that if a cost assessor is indeed hired (i) a written contract will have to be concluded with them, and (ii) the same cost assessor cannot work for both the employer and the contractor in the same project. [Construction Decree, Sections 11(1) through (3)]
- [10] The tasks of a cost assessor include the assessment of cost-value ratios, the performance of cost and pricing analyses, cost risk analyses and cost sensitivity assessments. [Construction Decree, Section 11(4)]

2. Electronic construction logs

- [11] As none of our previous articles have addressed the issue of construction logs, in addition discussing the changes introduced due to the HAA, we will devote a part of this chapter to describing the basic rules of electronic construction logs.
- [12] A construction log is an official certification document in which records are made with statutory information and in a statutory form to track the entire process of a construction project from start to finish and that can be used in regulatory and court procedures. [HAA, Section 16.23]
- [13] An electronic construction log is an [online application](#) that allows records to be made in the construction log electronically. The participants in a construction project are required to use this platform to comply with their obligation to make and verify log entries. [HAA, Section 16.15]
- [14] It is an important modification that starting from 29 November 2024, electronic construction logs will be available for use not only in regulatory and court procedures, but also in procedures conducted by public notaries and in mediation procedures of the [Certificate of Performance Expert Board](#).
- [15] The detailed rules pertaining to electronic construction logs are stated in the Construction Decree. Under the Construction Decree, electronic construction logs must be kept in the case of *construction projects that require execution documentation*, such as projects subject to a building permit or to simplified notification. [Construction Decree, Section 24(1)]



Who should keep an electronic construction log?

- [16] In any project, the general contractor is responsible for keeping the electronic construction log, and on the basis of a specific agreement, the general contractor and its subcontractors may agree that the general contractor will keep the subcontractors' logs as well. However, a contractor may also engage its site manager to keep its construction log. The existence of the relevant contract must be stated in the electronic construction log. [Construction Decree, Sections 12(4) and (5)]

Contents

- [17] An electronic construction log records the details of all construction and fitting jobs performed as part of a project in a sequential order, as well as any relevant facts pertaining to the progress and fitness for purpose of the works, to the related documents, and to the calculation of the fees. [Construction Decree, Section 24(2)]
- [18] The project participants inform one another via the electronic construction log about emergencies, and about facts and circumstances that can have an impact on or jeopardise the proper performance of the works. Therefore, the construction log can be important evidence with regard to delays or exemptions from defects liability. It is advisable to make as detailed entries as possible, specifically stating any disruptions and identified design flaws. [Construction Decree, Section 24/A(1)]
- [19] The electronic construction log must be kept up-to-date at all times. Entries must be made on all days when work is performed. If there is a work stoppage, this must also be recorded, along with the date when the work is expected to resume. [Construction Decree, Section 24(4a)]
- [20] A key change with regard to electronic construction logs is that not only the employer's site inspector but also the project manager can now check log entries on the employer's behalf and to record their comments and findings in it as necessary. [Construction Decree, Section 24/A(2)]

Keeping an electronic construction log

- [21] The rules regarding how log entries can be made have become stricter. Daily entries and other documents must be recorded in the online application *on the next day*, whereas the previous deadline was three days. [Construction Decree, Section 26(8)]
- [22] In addition to the contractor, the employer, the employer's representative and the design supervisor, now the construction project manager, the architect and a professional "with experience in rehabilitative environmental planning can also make entries in the log. According to the exhaustive list included in the Construction Decree (and in line with its previous version), the building authority, any other



authority participating in a building permission procedure and a competent health and safety coordinator may also make entries in construction log. [Construction Decree, Section 27(1)]

- [23] Construction logs previously only stated in general terms that an electronic construction log comprised a front page, registration pages, a log entry section and the contractor's post-completion declaration. However, the government found that it was necessary to regulate in greater detail what information specific pages should contain. As a result, now an extensive list assist project participants as to exactly what kind of information they should record in construction logs. [Construction Decree, Section 27/A(1)]
- [24] An electronic construction log is activated by the operator of the National Construction Register at the employer's request. Activation can be requested online via the [National Construction Register's relevant webpage](#). The activation is a subject to a fee. The amount of the fee is determined in line with Government Decree No. 313/2012 (XI. 8.) on the basis of the value of the relevant building, and it can range from HUF 1,350 to HUF 750,000. The first entries can be made in the construction log once the activation is complete. [Construction Decree, Sections 24(1) through (3)]
- [25] An electronic construction log is opened when the construction site is taken over, with the recording of the time of the takeover, and it is closed after the completion of all construction works, with the recording of the time when the contractor leaves the site. [Construction Decree, Section 24/B(5)] Once an electronic construction log is deactivated, documents may not be uploaded to it, the main log or sub-logs may not be opened and entries may not be made. [Construction Decree, Section 24/A(3)]

3. Maintenance and the maintenance log

- [26] The maintenance log previously was only mentioned in the Construction Decree, but with Section 173(9) of the HAA, it is now stated in an act of law that after an occupancy certificate is issued for a building, a maintenance log must be kept in accordance with rules of the relevant Government Decree, and it should include information and documents about any maintenance, renovation, alteration and extension work carried out on the building. So, what is a maintenance log exactly and who should keep it?
- [27] The modified rules state that from 1 October 2024, the existence of a maintenance log is mandatory for residential buildings with at least 6 apartments, public buildings, and national security facilities. Otherwise, the owner is free to decide whether they want to keep a maintenance log. [Construction Decree, Section 34(2)]



- [28] Keeping a maintenance log is advisable for all buildings, because it can serve as proof that the owner has complied with their maintenance obligations. The document can also serve as useful evidence in civil litigation.
- [29] In the mandatory cases and where the owner decides to have one, the maintenance log will have to be opened by the owner or by their representative after the electronic construction log has been closed, and not later than the date when the occupancy certificate becomes final or when the occupancy of the building is acknowledged. If a building has several owners, all the owners are jointly and severally liable for the correctness of the information stated in the maintenance log. [Construction Decree, Section 34(3a)]
- [30] The rules governing an owner's maintenance obligations have fundamentally remained the same. Just as under the previous rules, inspections performed as part of this obligation have to cover issues associated with fire safety, hygiene, health and environmental protection, protection against noise and vibration, energy efficiency, heat protection and disaster response. One new element that has been added is that the inspection must include accessibility verification. [Construction Decree, Section 34(6)]

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