

Act CLXXX of 2012

on cooperation in criminal matters with Member States of the European Union^{*}

PART ONE

GENERAL PROVISIONS

Section 1 This Act shall apply to cooperation in criminal matters with another Member State of the European Union (hereinafter “Member State”) and to surrender proceedings conducted pursuant to a European arrest warrant. Where cooperation is based on an international treaty, the application of this Act is conditional upon the executing Member State consenting to be bound by the international treaty.

Section 2 In proceedings conducted with Member States pursuant to this Act, Act XXXVIII of 1996 on international legal assistance in criminal matters (hereinafter the “International Criminal Legal Assistance Act”), including in particular the provisions of section 14 (1) and (1a) of the International Criminal Legal Assistance Act, Act C of 2012 on the Criminal Code (hereinafter the “Criminal Code”) and Act XC of 2017 on the Code of Criminal Procedure (hereinafter the “Code of Criminal Procedure”) shall apply with the derogations laid down in this Act.

Section 2/A (1) Unless this Act provides otherwise, a person entitled may, at a written request, inspect at any procedural stage of the related proceeding the case documents processed by the minister responsible for justice (hereinafter the “Minister”) that were produced up to the submission of the request. The Minister shall notify the person entitled of the due date of inspecting the case documents.

(2) A person entitled may make a copy or an extract of a case document. The Minister shall issue a copy of a case document at a request by the person entitled not later than within eight days following the submission of the request free of charge on the first occasion and for a fee on each subsequent occasion. Where the requested case document is available in an electronic format, the person entitled may request that the Minister issue the copy electronically or on an electronic data-storage medium provided by the person entitled.

^{*} Due to inhomogeneity in the terminology across the relevant legal instruments, certain terms in the English translation of *Act CLXXX of 2012 on cooperation in criminal matters with Member States of the European Union* differ from those used in the English language version of the related EU legislative acts. For further details, please refer to the *Appendix* at the end of the document.

(3) Inspection of the following documents shall not be permissible:

- a) a preparatory case document or draft of a ministerial decision;
- b) a case document that would reveal, or enable drawing conclusions about, confidentially processed personal data;
- c) a case document the inspection of which leads to frustrating, complicating or jeopardising the proceeding;
- d) if personal security requirements are not met or absent authorisation to inspect, a case document containing classified, or classified foreign, data;
- e) if prohibited by the Act providing for the protection of the data concerned, a case document containing other protected data.

(4) It shall be forbidden to make a copy or extract, or issue a copy, of a case document the inspection of which is not permissible.

(5) The start and end time of the inspection, the fact that the inspection took place, the documents concerned, a reference to the fact that a copy or extract was made, the issuance of a copy, and the reasoned refusal to permit inspection of case documents shall be recorded in a notice.

Section 2/B For the purpose of section 2/A of this Act,

a) in respect of Chapter I,

aa) person entitled shall be construed to mean the requested person and the defence counsel;

ab) related proceeding shall be construed to mean a proceeding relating to the execution of a European arrest warrant and a surrender;

b) in respect of Chapter VIII,

ba) person entitled shall be construed to mean the sentenced person and the defence counsel;

bb) related proceeding shall be construed to mean a proceeding relating to legal assistance in the enforcement of judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty.

PART TWO

EUROPEAN ARREST WARRANT AND SURRENDER

Chapter I

SURRENDER FROM HUNGARY

1. Principles of the execution of European arrest warrant; the proceeding court

Section 3 (1) A person within the territory of Hungary may be apprehended and surrendered pursuant to a European arrest warrant issued by the judicial authority of a Member State (hereinafter “Member State judicial authority”) for a criminal offence for which the maximum of the penalty range under the law of the issuing Member State is imprisonment or a measure involving deprivation of liberty for not less than twelve months, or if he was sentenced with final and binding effect to imprisonment or a measure involving deprivation of liberty for not less than four months.

(2) Pursuant to a European arrest warrant, for an offence listed in Annex 1, except if the first part of paragraph (3) applies, the defendant and the person reasonably suspected of having committed a criminal offence (hereinafter jointly “defendant”) shall be surrendered without verification of the double criminality of the act under paragraph (3).

(3) Surrender may be permitted for an offence listed in Annex 1 for which the maximum of the penalty range under the law of the State of the judicial authority issuing the European arrest warrant does not reach imprisonment or a measure involving deprivation of liberty for three years, and for an offence other than those listed in Annex 1, if the acts for which the European arrest warrant was issued constitute a criminal offence also under Hungarian law (hereinafter “double criminality”).

(4) Where a European arrest warrant relates to more than one criminal offence and at least one of the criminal offences meets the requirement for the maximum of the penalty range under paragraph (1), surrender may be permitted for also those other criminal offences that do not meet this requirement, but constitute a criminal offence also under Hungarian law.

(5) The execution of a European arrest warrant for a criminal offence relating to taxes, duties, customs or exchange shall not be refused on the grounds that the Hungarian law does not include the same tax, duty or charge having an effect equivalent to customs duties, taxes or duties, or rules of the same kind within the field of tax, duty, customs or exchange regulation, as the law of the issuing Member State.

(6) Unless this Act provides otherwise, for surrender to be ordered, the Member State judicial authority shall provide the European arrest warrant in the Hungarian language. Where the issuing Member State made a declaration that it accepts European arrest warrants submitted also in a language other than its official language, the Member State judicial authority may provide the European arrest warrant in English, French or German or with a translation in any of these languages.

Section 4 The Budapest-Capital Regional Court shall have subject-matter jurisdiction and exclusive territorial jurisdiction as executing judicial authority over a surrender proceeding. In a surrender proceeding, the Budapest-Capital Regional Court shall proceed as a single judge. Unless excluded in this Act, its decision may be appealed; such an appeal shall be adjudicated by the Budapest-Capital Regional Court of Appeal in a panel session. The appeal shall have no suspensory effect on the enforcement of the decision.

2. Grounds for refusal

Section 5 (1) The court shall refuse to execute a European arrest warrant if

- a) the criminal offence on which the European arrest warrant is based falls under Hungarian jurisdiction and the criminal offence is covered by amnesty under the Hungarian law;
- b) a decision was adopted in a Member State against the defendant for the act on which the European arrest warrant is based that prevents the launch of the criminal proceeding or pursuant to which the sentence was already enforced or is being enforced, including where the court orders the enforcement of a Member State decision with final and binding effect imposing a sentence of imprisonment or applying a measure involving deprivation of liberty, or cannot be enforced under the law of the Member State in which the final and binding judgment was adopted;
- c) the defendant is not liable to punishment due to infancy;
- d) double criminality is to be assessed in accordance with section 3 (3) and (4) and the act on which the European arrest warrant is based does not constitute a criminal offence under the Hungarian law;
- e) the defendant holds Hungarian nationality, or the nationality of another Member State of the European Union and has an address within the territory of Hungary, and the issuing Member State judicial authority does not give appropriate legal guarantee that, if a sentence of imprisonment or a measure involving deprivation of liberty is imposed with final and binding effect, the defendant is transferred back, at his request, to the territory of Hungary for the enforcement of the penalty or the measure; or
- f) the execution of the European arrest warrant would seriously violate the fundamental rights of the defendant that are set out in an international treaty or a legal act of the European Union.

(2) The court may refuse to execute a European arrest warrant if

a) a criminal proceeding is pending against the defendant within the territory of Hungary for the act on which the European arrest warrant is based;

b) the court, the prosecution service (hereinafter jointly “Hungarian judicial authority”) or the investigating authority dismissed the crime report, or terminated the investigation or the proceeding, for the criminal offence on which the European arrest warrant is based.

c) the criminal offence on which the European arrest warrant is based falls under Hungarian jurisdiction and liability to punishment or the punishment became time-barred according to the Hungarian law;

d) the defendant was acquitted with final and binding effect in a third State for the same act, or he was convicted with final and binding effect, provided that the sentence was already enforced, is being enforced or cannot be enforced under the law of the Member State in which the final and binding judgment was adopted; or

e) the European arrest warrant relates to a criminal offence committed, in whole or in part, within the territory of Hungary.

(3) Where the European arrest warrant was issued for the enforcement of a sentence of imprisonment or a measure involving deprivation of liberty, the court shall establish that an obstacle exists to the execution of the European arrest warrant if

a) no other ground for refusal of the execution of the European arrest warrant exists; and

b) the data available imply that the conditions for taking over enforcement are met and a ground for refusal to take over enforcement cannot be established on the basis of data available.

(4) The court shall make a request to the Minister with a view to deciding whether the provision under paragraph (3) may be applied if the assessment of the rehabilitation requirement required for taking over enforcement is justified. The Minister shall proceed at a request by the court applying section 120/A.

(4a) Paragraph (3) shall not apply and the provisional detention pending enforcement and provisional criminal supervision pending enforcement of the defendant shall not be ordered if the defendant consents to surrender.

(5) The court may refuse the execution of a European arrest warrant if it was issued to enforce a decision adopted in the absence of the defendant.

(6) Paragraph (5) shall not apply if, in accordance with the law of the issuing Member State,

a) the defendant was directly summoned in adequate time, specifying the due date and the place, to the trial, or he received official information thereof by other means, and he was informed that the trial can be held and the proceeding can be concluded with a decision even in his absence;

b) to represent the defendant at the trial, a defence counsel

ba) was authorised by the defendant being aware of the scheduled trial; or

bb) was officially appointed for the defendant being aware of the scheduled trial, and the defendant, being aware of the appointment, did not object thereto;

and the authorised or officially appointed defence counsel acted on behalf of the defendant at the trial;

c) the decision was served, the defendant was informed about the ordinary and extraordinary legal remedies, but did not make a relevant motion, or indicated that he does not dispute the decision adopted in his absence, within the time limit available; or

d) the decision was not served on the defendant, but, without delay after surrender, it is served on him and he is informed about the legal remedies and the time limit available.

e)

(6a) If the grounds for refusal listed in paragraph (6) cannot be established, the court may refuse the execution of a European arrest warrant in accordance with paragraph (5) if, based on the circumstances, the court establishes clearly that the surrender would lead to a violation of the right of defence laid down in an international or European Union legal act of the defendant due to his absence.

(7) If the European arrest warrant was issued in accordance with paragraph (6) d), the defendant may, when being informed about the content of the European arrest warrant, move that the decision of the issuing Member State be made available to him before the execution of surrender. Following receipt, the court shall without delay send that decision to the defendant for information purposes only. The motion of the defendant shall have no suspensory effect on the execution of the European arrest warrant.

(8) The execution of a European arrest warrant shall not be refused pursuant to paragraph (2) a) or e) if a joint investigation team was set up in the case with the participation of Hungary, and the Member State judicial authority issued the European arrest warrant in accordance with an agreement by those participating in the joint investigation team. The court shall obtain a statement by the Hungarian leader of the joint investigation team as regards the agreement of the joint investigation team.

(9) If a ground for refusal referred to in paragraph (2) a) applies, the court shall decide on whether to execute the European arrest warrant taking into account the position of the court or prosecution office conducting the Hungarian criminal proceeding. The surrender of the defendant may be subject to the condition that the Member State takes over the Hungarian criminal proceeding. The court shall inform the court or the prosecution office conducting the Hungarian criminal proceeding about the decision on the execution of the European arrest warrant.

(10) If a European arrest warrant is refused in accordance with paragraph (2) e), the court shall take the measure necessary for the conduct of the criminal proceeding in Hungary.

Section 5/A (1) The defendant shall not be surrendered if surrender is subject to consent by another European Union Member State or a third country and the Member State or the third country does not give consent.

(2) In a situation referred to in paragraph (1), the court shall request that consent be given by sending the European arrest warrant. If the requested country is a third country, the International Criminal Legal Assistance Act shall apply to sending the request for consent. In the request, the court shall provide information about the time limit for the proceeding for the execution of the European arrest warrant and, observing that time limit, shall set an appropriate time limit for giving consent.

3. Procedure for deciding on more than one European arrest warrant or extradition request from third countries at the same time

Section 6 (1) If two or more Member States issued European arrest warrants for the same defendant and the conditions for surrender are met as regards more than one Member State, the court shall decide, assessing all circumstances, pursuant to which European arrest warrant the defendant is to be surrendered. In taking the decision, the court shall take into account, in particular, the material gravity of the criminal offence, the place where the criminal offence was committed, the date when the European arrest warrants were issued, and whether the European arrest warrant concerned was issued for conducting a criminal proceeding or enforcing a sentence of imprisonment or a measure involving deprivation of liberty.

(2) In its decision on surrender, the court shall, if the conditions for surrender are met as regards a further European arrest warrant issued for the defendant at the same time, agree in advance to the surrender of the defendant by the Member State taking over to the third Member State issuing the further European arrest warrant; otherwise, the court shall refuse the execution of the further European arrest warrant. If, in accordance with paragraph (1), the court orders the surrender of the defendant pursuant to one of the European arrest warrants, it may adopt the decision referred to in this paragraph as regards the further arrest warrant even after ordering surrender.

(3) If required for a decision referred to in paragraph (1), the court shall seek the opinion of the European Judicial Cooperation Unit referred to in Article 85 of the Treaty on the Functioning of the European Union (hereinafter "Eurojust").

(4) In the event of a conflict between a European arrest warrant and an extradition request by a third country, the provisions of the International Criminal Legal Assistance Act shall apply to the proceeding.

(5) If paragraph (4) applies, the provisions of this Act shall apply accordingly as regards the conditions for the execution of the European arrest warrant.

(6) This section shall be without prejudice to the obligations of Hungary arising from the Statute of the International Criminal Court.

4. Custody, trial

Section 7 (1) If a European arrest warrant is issued, or a Member State issues an international arrest warrant, against defendant apprehended within the territory of Hungary, his custody shall be ordered and he shall be brought before the court in an immediate summary procedure. The period of custody shall not be longer than seventy-two hours.

(2) If the defendant does not have an authorised defence counsel, the organ enforcing custody shall officially appoint a defence counsel without delay following the apprehension of the defendant.

(3) The enforcing organ shall inform the defendant of the content of the alert recorded in the Schengen Information System, with assistance from an interpreter where the defendant does not understand the Hungarian language. The defence counsel shall be notified of the information provision. The enforcing organ shall record the measure taken in minutes.

(4) Upon compliance with paragraph (3), the enforcing organ shall inform the defendant of his right to authorise an attorney-at-law in the Member State issuing the European arrest warrant in accordance with that the rules of that Member State and to request assistance from the competent authority of the issuing Member State to that end. The defendant shall be informed also that the attorney-at-law authorised in the issuing Member State is allowed to contact the defence counsel of the defendant and, in doing so, facilitate the exercise of the procedural rights of the defendant by providing information. The enforcing organ shall record in minutes the advice provided to the defendant as regards authorising an attorney-at-law in the issuing Member State and the statement of the defendant related thereto. Should the defendant wish to authorise an attorney-at-law in the issuing Member State, the enforcing organ shall inform without delay the issuing Member State authority about the statement to that effect of the defendant by way of the Minister.

(4a) Subject to permission by the prosecution service, ordering the custody of the defendant may be dispensed with or a custody ordered may be terminated if

- a) the defendant has a place of actual residence in Hungary;
- b) taking into account the personal and family situation of the defendant, the nature of the criminal offence, the period of imprisonment to be served or the level of the measure to be applied, and the circumstances of the apprehension of the defendant, it can be established that his attendance at the court trial can be ensured even without ordering custody; and
- c) the data available imply that a ground for refusal might exist.

(5) The organ enforcing the custody shall terminate the custody without delay with permission from the prosecution service if it can be established beyond all reasonable doubt that the European arrest warrant was issued against a person other than the person taken into custody.

(6) Paragraphs (1) to (5) shall apply also if an alert within the meaning of section 6 (1) of Act CLXXXI of 2012 on information exchange under the second generation Schengen Information System and amending certain law enforcement Acts in connection therewith and with the Magyar Simplification Programme (hereinafter “Act CLXXXI of 2012”) was placed for a person apprehended within the territory of Hungary and pursuant to paragraph (7), that alert is equivalent to a European arrest warrant.

(7) An alert placed in the Schengen Information System shall be equivalent to a European arrest warrant if the alert and the related supplementary information include the following data:

- a) family name and given name(s), family name and given name(s) at birth and, if applicable, alias(es);
- b) specific objective physical characteristics not subject to change;
- c) place and date of birth;
- d) sex;
- e) nationality;
- f) designation of the court issuing the arrest warrant;
- g) date when the arrest warrant was issued and the number of the arrest warrant;
- h) legal qualification of the criminal offence;
- i) place and time of the commission of the criminal offence, form of involvement of the defendant in the criminal offence;
- j) period of the imprisonment imposed with final and binding effect or the maximum period of imprisonment that may be imposed for the criminal offence.

Section 8 (1) Unless this Act provides otherwise, the Budapest-Capital Regional Court shall hold a trial as regards the execution of a European arrest warrant.

(2) The Budapest-Capital Regional Court shall set the due date for the trial. If the defendant is apprehended, the trial shall be held within the time limit for custody.

(3) The Budapest-Capital Regional Court shall notify, sending the available case documents with the assistance of the International Law Enforcement Cooperation Centre (hereinafter the “ILECC”), the prosecution service of the trial and summon the defence counsel to the trial. Where the defendant does not have an authorised defence counsel and ensuring the attendance of the defence counsel officially appointed in accordance with section 7 (2) at trial would entail disproportionate difficulties, the Budapest-Capital Regional Court shall, discharging the defence counsel who acted previously from the official appointment, officially appoint a new defence counsel for the defendant. In such a situation, the court shall be responsible for designating the officially appointed defence counsel. The Budapest-Capital Regional Court shall, by way of the ILECC and setting the escort tasks for the organ enforcing custody if the custody of the defendant is ordered, provide for the attendance of the defendant.

(4) The attendance of the prosecutor and the defence counsel shall be mandatory at trial. If a defendant does not understand the Hungarian language, the court shall officially appoint an interpreter for him.

(5) After the commencement of the trial, the Budapest-Capital Regional Court shall present the European arrest warrant and, at its invitation, the prosecution service shall present its motion. Subsequently, the Budapest-Capital Regional Court

a) shall identify the defendant;

b) shall inform the defendant of the merits of the proceeding, his procedural rights, including information referred to in section 7 (4), the availability of simplified surrender and its legal consequences, and the speciality rule and its applicability; and

c) shall interrogate the defendant following statutory advisement.

(6) If the defendant gives testimony, the Budapest-Capital Regional Court shall interrogate the defendant in particular as regards circumstances affecting the conditions of surrender under this Act.

(7) The Budapest-Capital Regional Court shall obtain a statement from the defendant as regards

a) whether he consents to surrender; and

b) whether he renounces the speciality rule.

(8) The consent referred to in paragraph (7) a) and the renunciation referred to in paragraph (7) b) shall not be withdrawn.

5. Ordering provisional detention pending surrender or another coercive measure

Section 9 (1) The court shall, to ensure the execution of a European arrest warrant, order the provisional detention pending surrender of the defendant at the trial held as regards the execution of the European arrest warrant if

a) the court establishes that none of the grounds for refusal to execute the European arrest warrant exists; and

b) the decision on the surrender of the defendant cannot be taken on the basis of data available.

(2) Provisional detention pending surrender shall last until the detention pending surrender of the defendant is ordered.

(3)

(4) Provisional detention pending surrender shall be terminated if the European arrest warrant is not received within forty days from the provisional detention pending surrender being ordered.

(5) The court shall send its decision on the coercive measure to the Minister without delay and make arrangements for obtaining the European arrest warrant by way of the Minister.

Section 9/A (1) In place of provisional detention surrender, provisional criminal supervision pending surrender may be ordered, but only on the condition that the court prescribes that the defendant is not to leave a specified area, home, other premises, institution or related fenced area without permission, in particular if, taking into account the personal and family situation of the defendant, the nature of the criminal offence, the period of imprisonment to be served or the level of the measure to be applied, and the circumstances of the apprehension of the defendant, the intended objective of the provisional detention pending surrender can be achieved also by a more lenient coercive measure.

(2) In its decision ordering provisional criminal supervision pending surrender referred to in paragraph (1), the court shall prescribe that the police is to monitor compliance with the provisions relating to the coercive measure also using a technical device tracking the movement of the defendant. The court shall clarify whether the technical conditions are met for installing a technical device tracking the movement of the defendant before ordering its use. Bail shall not be set if provisional criminal supervision pending surrender is applied.

(3) The rules on provisional detention pending surrender shall apply accordingly to the period of provisional criminal supervision pending surrender referred to in paragraph (1).

(4) Custody of the defendant shall be ordered if

- a) he violates the rules of provisional criminal supervision pending surrender referred to in paragraph (1);
- b) he fails to appear at a procedural act despite being summoned and fails to provide a well-grounded excuse for his absence in advance or immediately after the obstacle is removed; or
- c) it is established in the course of the installation of the technical device tracking the movement of the defendant that the conditions for using the technical device are not ensured.

(5) If paragraph (4) applies, the court shall order the provisional detention pending surrender of the defendant; however, a disciplinary fine shall not be imposed.

Section 9/B (1) If at the time when provisional detention pending surrender is ordered, the defendant is in pre-trial detention, subject to preliminary compulsory psychiatric treatment, serving a sentence of imprisonment or confinement, or subject to a measure involving deprivation of liberty, the provisional detention pending surrender shall be put into effect from the date when pre-trial detention or preliminary compulsory psychiatric treatment terminates or the enforcement of the sentence of imprisonment or confinement or the measure involving deprivation of liberty is concluded or the defendant is released on parole or temporarily released from a juvenile correctional institution. If provisional detention pending surrender is ordered as regards a defendant who is subject to a more lenient coercive measure ordered in another Hungarian criminal proceeding, the provisional detention pending surrender shall be enforced.

(2) Paragraph (1) shall apply accordingly if, after provisional detention pending surrender is ordered,

- a) pre-trial detention or preliminary compulsory psychiatric treatment of the defendant is ordered;
- b) the defendant starts to serve a sentence of imprisonment or confinement; or
- c) a measure involving deprivation of liberty is enforced against the defendant;

and the enforcement of provisional detention pending surrender is suspended to this end.

(3) Paragraphs (1) and (2) shall apply accordingly when provisional surrender criminal suspension referred to in section 9/A (1) is ordered.

6. Supplementary information, notifying the asylum authority

Section 10 (1) The court shall request supplementary information if it considers that the facts and data provided by the issuing Member State judicial authority are insufficient to make a decision on surrender.

(2) The court shall request the provision of necessary supplementary information by way of the Minister.

(3) The court, observing the time limits under this Act, may set a reasonable time limit for the Member State judicial authority to send supplementary information.

(4) The court shall, applying paragraphs (1) to (3) accordingly, make arrangements to obtain the guarantee to be given by the Member State judicial authority if the surrender of the defendant is subject to a guarantee to be provided by the Member State judicial authority or if a ground for refusal arises that can be remedied by a guarantee provided by the Member State judicial authority.

Section 11 If a defendant seeks recognition as refugee or person enjoying temporary protection, the court shall notify the asylum authority without delay that a surrender proceeding is pending for the defendant.

Section 12 (1) The Minister shall notify the Member State judicial authority of any provisional coercive measure ordered against the defendant with a view to sending the European arrest warrant without delay.

(2) The Minister shall receive and send to the court without delay the European arrest warrant and any supplementary information sent by the Member State judicial authority.

(3) The court shall hold a trial after it receives the European arrest warrant and the supplementary information sent by the Member State judicial authority. The court shall give the defendant a copy of the European arrest warrant if it was not given to him in the course of the surrender proceeding.

7. Court decision on surrender

Section 13 (1) If the conditions for surrender are met, the court shall, in a non-conclusive order, order the detention pending surrender and surrender of the defendant or, if section 6 (1) and (2) apply, the court shall consent in advance to the surrender of the defendant to the Member State issuing the further European arrest warrant.

(2) The court shall refuse to execute a European arrest warrant if a ground for refusal exists. The court may decide on the refusal of the execution of a European arrest warrant also on the basis of documents.

(3) Any appeal by the prosecution service, the defendant and the defence counsel challenging a decision announced at trial shall be submitted on the instant.

(4) The Budapest-Capital Regional Court shall send the appeal together with the case documents directly to the Budapest-Capital Regional Court of Appeal within three days.

Section 14 (1) Detention pending surrender shall last until surrendering the defendant.

(2) No other coercive measure shall be ordered in place of detention pending surrender.

Section 15 (1) The court shall terminate the surrender proceeding

- a) if the European arrest warrant was issued for a person other than the person taken into custody;
- b) if the place of actual residence of the defendant became unknown;
- c) if the detention pending surrender of the defendant terminates due to not observing the time limits set out in this Act;
- d) if the issuing Member State judicial authority withdrew the European arrest warrant; or
- e) for any other reason specified in this Act.

(2) The court may decide to terminate the surrender proceeding also on the basis of case documents.

(3) If the court refuses to execute a European arrest warrant or terminates a surrender proceeding, the Minister shall inform accordingly the issuing Member State judicial authority on the basis of the non-conclusive court order with administrative finality.

(4) If the court refuses to execute a European arrest warrant pursuant to section 5 (4), the court shall inform, by way of the Minister, the issuing Member State judicial authority about the coercive measure ordered in accordance with section 124/C (1) and the time limit available for sending the documents referred to in section 120 (1).

Section 16 (1) The non-conclusive order with administrative finality on surrender shall be adopted within sixty day following the apprehension of the defendant.

(2) Where in exceptional cases the decision on surrender cannot be adopted within the time limit specified in paragraph (1), the court shall, by way of the Minister, immediately inform the issuing judicial authority accordingly, giving the reasons for the delay. In such a case, the court shall extend the time limit by a further thirty days.

(3) Where in exceptional cases the time limit specified in paragraph (2) cannot be observed, the Minister shall, when informing the Member State judicial authority, also inform Eurojust, giving the reasons for the delay.

Section 17 Section 9/B shall apply accordingly if, when detention pending surrender is ordered, the defendant is in pre-trial detention, subject to preliminary compulsory psychiatric treatment, serving a sentence of imprisonment or confinement or subject to a measure involving deprivation of liberty, or, after detention pending surrender is ordered, his pre-trial detention or preliminary compulsory psychiatric treatment is ordered, or he starts serving a sentence of imprisonment or confinement, or a measure involving deprivation of liberty is enforced against him and, to this end, the enforcement of detention pending surrender is interrupted.

Section 17/A (1) If the court established that an obstacle exists to the execution of a European arrest warrant in accordance with section 5 (3) and, subsequently, the court refuses to take over the execution in a proceeding under Chapter IX/A, the court, when refusing to take over the execution, shall set aside the decision on the obstacle to the execution of the European arrest warrant and resume the proceeding for the execution of the European arrest warrant.

(2) In a situation referred to in paragraph (1), the following may be ordered:

- a) custody of the defendant, applying section 7 accordingly;
 - b) provisional criminal supervision pending surrender of the defendant, when provisional criminal supervision pending enforcement is terminated, applying the same rules of behaviour; or
 - c) provisional detention pending surrender of the defendant, when provisional detention pending enforcement is terminated.
- (3) If paragraph (2) b) and c) apply, the court shall hold a trial as regards the execution of the European arrest warrant within five working days from ordering the coercive measure.

8. Simplified surrender

Section 18 (1) The Budapest-Capital Regional Court shall order the detention pending surrender and the simplified surrender of the defendant if the defendant consents to being surrendered and the conditions for surrender are met.

(2) The Budapest-Capital Regional Court may provide for ordering detention pending surrender and simplified surrender even before the receipt of the European arrest warrant.

(3) If the defendant consents to surrender, the Budapest-Capital Regional Court shall take a decision on detention pending surrender and simplified surrender within ten days from the defendant giving consent.

(3a) If the defendant consented to being surrendered and only a guarantee provided by the Member State judicial authority is to be obtained for taking the decision referred to in paragraph (1), then, following the receipt of the guarantee of the Member State, the Budapest-Capital Regional Court may order the detention pending surrender and simplified surrender of the defendant in provisional detention pending surrender also on the basis of case documents. The defendant shall be informed accordingly when provisional detention pending surrender is ordered.

(4) Where in exceptional cases the decision on detention pending surrender and simplified surrender cannot be taken within the time limit specified in paragraph (3), section 16 (2) and (3) shall apply accordingly, with the proviso that the Budapest-Capital Regional Court may extend the time limit by not more than ten days.

(5) No appeal shall lie against ordering detention pending surrender and simplified surrender.

(6) The provisions of this Act on the execution of surrender shall apply accordingly to the execution of simplified surrender if detention pending surrender and simplified surrender is ordered.

9. Procedure applicable to persons with immunity

Section 19 (1) If the defendant has immunity arising from international law or public office within the territory of Hungary, the time limits specified in sections 16 and 18 shall be calculated from the day when the immunity arising from international law or public office is lifted or the court received the notification on prior consent to instituting the criminal proceeding.

(2) The court shall, without delay, request the body or the person with the power to take a decision as regards immunity arising from international law or public office with a view to lifting immunity arising from international law or public office. If lifting immunity arising from international law or public office falls within the competence of another State or an international organisation, the court shall notify, by way of the Minister, the issuing Member State judicial authority accordingly with a view to taking the necessary measure.

10. Execution of surrender

Section 20 (1) The court shall, without delay, send to the Minister and the ILECC the non-conclusive order with administrative finality on surrender.

(2) The Minister shall notify the issuing Member State judicial authority of the decision on surrender and the period for which the defendant was detained on the basis of the European arrest warrant or was subject to a coercive measure.

(3) The ILECC, with cooperation of the police, shall provide for the execution of the surrender of the defendant. The surrender shall take place as soon as possible in accordance with the agreement between the authorities concerned.

(4) The defendant shall be surrendered to the competent authority of the issuing Member State not later than within ten days from the non-conclusive order on surrender reaching administrative finality.

(5) If the surrender of the defendant within the period laid down in paragraph (4) is prevented by an insurmountable obstacle beyond the control of any of the Member States, a new surrender date shall be agreed upon. In that event, the surrender of the defendant shall take place within ten days of the new due date thus determined.

(6) The court may exceptionally temporarily postpone the execution of surrender for humanitarian reasons deserving special consideration, in particular if there are substantial grounds for believing that the execution of surrender would endanger the life or health of the defendant. The court shall, without delay, inform the issuing Member State judicial authority of temporary postponement, its reason and, if foreseeable, likely period by way of the Minister. The cessation of a reason for temporary postponement shall be established by the court, which shall inform the issuing Member State authority accordingly by way of the Minister. The defendant shall be surrendered within ten days after the reason for temporary postponement ceases. The court may adopt its decision on temporary postponement also on the basis of case documents.

(7) If the surrender of the defendant is not yet executed, detention pending surrender shall terminate upon expiry of the time limits referred to in paragraphs (4) to (6).

11. Consent, postponing the execution of surrender, temporary transfer

Section 21 (1) As regards a defendant who did not renounce the speciality rule referred to in section 30, the Budapest-Capital Regional Court shall consent to the issuing Member State conducting a criminal proceeding or enforcing a sentence of imprisonment or a measure involving deprivation of liberty for a criminal offence committed before surrender other than the criminal offence on which the surrender of the defendant is based, if the criminal offence on which the new European arrest warrant or request for consent sent by the issuing Member State for this purpose is based is itself subject to surrender in accordance with the provisions of this Act. The legal guarantee prescribed in section 5 (1) e) as a condition for surrender shall be required also in this situation.

(2) The Budapest-Capital Regional Court shall decide on giving consent on the basis of case documents; the decision shall be adopted within thirty days following the receipt of the request at the latest.

(3) No appeal shall lie against a decision referred to in paragraph (2).

(4) The procedure under paragraphs (1) to (3) shall apply to also a further surrender or extradition if the defendant did not renounce the speciality rule and, following surrender, a decision is to be adopted on a European arrest warrant issued or an extradition request, or request for consent submitted by another Member State or a third country for a criminal offence committed before surrender. As regards an extradition request or request for consent relating to a third country, consent may be given only if the criminal offence on which the request is based, in itself, already gives rise to an extradition obligation in accordance with the provisions of the International Criminal Legal Assistance Act.

Section 22 (1) The court, in its decision on surrender, may postpone the execution of the surrender of the defendant to enable the conduct of a criminal proceeding against him within the territory of Hungary or, if he has been already found guilty, the enforcement of a sentence of imprisonment or confinement imposed or a measure involving deprivation of liberty applied for a criminal offence other than the act on which the European arrest warrant is based.

(2) The court shall postpone the execution of the surrender of a defendant if, when surrender is ordered, the defendant is in pre-trial detention, or he is subject to preliminary compulsory psychiatric treatment, serves a sentence of imprisonment or confinement, or a measure involving deprivation of liberty is enforced against him.

(3) The court may adopt the decision postponing the execution of surrender referred to in paragraph (1) also after the decision on surrender. The court shall decide on postponing the execution of surrender on the basis of case documents.

(4) The court shall postpone the execution of the surrender of the defendant pursuant to paragraph (3) if, after detention pending surrender is ordered, pre-trial detention or preliminary compulsory psychiatric treatment of the defendant is ordered, or the defendant starts serving a sentence of imprisonment or confinement, or a measure involving deprivation of liberty is enforced against him.

(5) If the court postponed the execution of the surrender of the defendant, it shall *ex officio* review on the basis of case documents whether postponement is justified

a) immediately, in a situation referred to in paragraph (2), after enforcement of detention pending surrender is put into effect or, in a situation referred to in paragraph (4), after enforcement of detention pending surrender is repeatedly put into effect, and three months thereafter;

b) three months after detention pending surrender is ordered in a situation other than those referred to in point a).

(5a) Where the period of postponement of the execution of surrender exceeds six months, the court shall review whether postponement is justified every three months starting from the sixth month in a panel session in which the participation of a prosecutor shall be mandatory.

(6) The prosecution service, the defendant and the defence counsel may move for reviewing whether postponement is justified

a) in a situation referred to in paragraph (2), after enforcement of detention pending surrender is put into effect or, in a situation referred to in paragraph (4), after enforcement of detention pending surrender is repeatedly put into effect;

b) after detention pending surrender is ordered in a situation other than those referred to in point a).

The court may dismiss a motion without stating any reason as to its merits if the defendant and the defence counsel do not invoke a new circumstance in the repeated motion for reviewing postponement.

(7) In the course of reviewing whether postponement is justified, the court

a) shall request the court or prosecution office conducting the criminal proceeding to provide information as regards the stage of the criminal proceeding serving as basis for postponement or the procedural acts planned;

b) shall seek information on the status of the enforcement of the sentence of imprisonment or confinement or the measure involving deprivation of liberty that serves as basis for postponement.

(8) The court shall review whether postponement is justified in accordance with the provisions of paragraphs (5) to (7) and adopt a new decision, in which it

a) maintains the postponement of the execution of surrender;

b) upholding the postponement, orders temporary transfer of the defendant at the same time; or

c) orders execution of the surrender of the defendant.

(9) The court shall order the execution of the surrender of the defendant if one year has passed since

a) in a situation referred to in paragraph (2), enforcement of detention pending surrender was put into effect or, in a situation referred to in paragraph (4), enforcement of detention pending surrender was repeatedly put into effect;

b) detention pending surrender was ordered in a situation other than those referred to in point a).

(10) For a European arrest warrant issued for the enforcement of a sentence of imprisonment or a measure involving deprivation of liberty, the court shall order the execution of the surrender of the defendant before the expiry of the time limit set out in paragraph (9) at a time that enables the transfer of the defendant before the expiry of the period remaining from enforcement, taking into account the period the defendant spent in provisional detention or detention pending surrender in Hungary.

Section 22/A (1) If, following prior consent under section 6 (2) or consent under section 21 (1), the court terminates, in accordance with section 15 (1), the surrender proceeding in the proceeding on which the surrender of the defendant is based before the execution of the surrender of the defendant, the court, terminating the proceeding on which surrender is based, shall set aside, notifying the ILECC accordingly, the decision on consent.

(2) If the relevant conditions are met, the custody of the defendant may be ordered with a view to the execution of the European arrest warrant on which consent is based when the decision on consent is set aside in accordance with paragraph (1).

Section 23 (1) If execution of surrender is postponed, the Budapest-Capital Regional Court may order the temporary transfer of the defendant to the issuing Member State judicial authority in accordance with the conditions set out in a written mutual agreement with the issuing Member State judicial authority.

(2) The Budapest-Capital Regional Court shall decide on temporary transfer on the basis of case documents.

(3) The agreement by the Budapest-Capital Regional Court shall include at least the following:

a) the procedural act requiring the temporary transfer of the defendant;

b) the planned due date for the execution of temporary transfer and the time limit for temporary transfer;

c) a commitment that the defendant subject to temporary transfer is transferred back to Hungary within the requested or permitted time limit following the specified procedural act;

d) a commitment that the defendant subject to temporary transfer stays in detention during his stay in the Member State until he is transferred back to Hungary;

e) a statement that the requesting Member State undertakes to bear all costs arising from the temporary transfer and the transfer back of the defendant;

f) specification of whether the period spent in detention by the defendant in the issuing Member State in relation to the temporary transfer is credited to the sentence imposed on the defendant in the issuing Member State or in Hungary.

(4) At a request by the Member State judicial authority, the Budapest-Capital Regional Court may extend the time limit set out in paragraph (3) b).

(5) The provisions on the execution of surrender shall apply accordingly to the execution of temporary transfer, with the proviso that the surrender shall not be executed earlier than on the due date set out in paragraph (3) b). The ILECC, with cooperation of the police, shall provide for the surrender and takeover of the defendant.

Section 23/A (1) At a request by the issuing Member State judicial authority and in accordance with the conditions set out in a written mutual agreement, the Budapest-Capital Regional Court shall order the temporary transfer of the defendant to the issuing Member State judicial authority if the European arrest warrant was issued for the conduct of a criminal proceeding.

(2) The provisions of section 23 (3) to (5) shall apply accordingly to temporary transfer.

(3) Temporary transfer shall not prejudice the proceeding conducted in Hungary as regards the European arrest warrant.

12. Seizure and handing over of objects, interrogation of the defendant

Section 24 (1) The court, at a request by the issuing Member State judicial authority or *ex officio*, shall order the seizure and handover of objects that

a) can be used as means of evidence; or

b) were obtained by the defendant in the course of or in relation to committing the criminal offence.

(2) Seizure of the objects specified in the European arrest warrant by the issuing Member State judicial authority may be ordered by also the authority proceeding for the apprehension of the defendant.

(3) The objects referred to in paragraph (1) may be handed over also if a ground for terminating the surrender proceeding under section 15 (1) exists.

(4) If an object referred to in paragraph (1) is needed in a criminal proceeding pending within the territory of Hungary, it may be temporarily retained, or handed over to the issuing Member State on condition that it is returned.

(5) The provisions of paragraphs (1) to (4) shall be without prejudice to ownership and other rights over such objects.

(6) The court or the prosecution service shall interrogate the defendant at a request by the judicial authority of the issuing Member State. The provision of Chapters IV and IV/A shall apply accordingly to a request and its execution, with the proviso that in the course of execution, the forms in Annexes 18 and 19 need not be applied as regards Member States using the European Investigation Order.

12/A. Proceeding relating to adding a flag

Section 24/A (1) If the court refuses to execute a European arrest warrant, it shall request at the SIRENE Bureau within the meaning of Section 1 12 of Act CLXXXI of 2012 (hereinafter the “SIRENE Bureau”) that a flag be added to the alert relating to a European arrest warrant in the information system within the meaning of Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (hereinafter the “SIS II System”).

(2) If the court establishes, on the basis of information from the SIRENE Bureau, that a ground for refusal to execute the European arrest warrant exists as regards an alert placed in the SIS II System, it may request that a flag be added.

(3) If the SIRENE Bureau informed the court that it requested adding a flag to an alert placed in the SIS II System, the court

a) shall acknowledge the flag request without adopting a decision, provided that a ground for refusal exists as regards the alert; or

b) shall call upon the SIRENE Bureau to request the withdrawal of the flag.

(4) If paragraph (2) or (3) applies, the court shall proceed on the basis of case documents; no legal remedy shall lie against its decision. Section 10 shall apply accordingly to the proceeding of the court, with the proviso that the court may request supplementary information also by way of the SIRENE Bureau.

Chapter II

SURRENDER TO HUNGARY

13. Issuing a European arrest warrant

Section 25 (1) If justified by the material gravity of the criminal offence, the court may issue a European arrest warrant for the apprehension in a Member State of the European Union and surrender of the defendant with a view to conducting a criminal proceeding or enforcing a sentence of imprisonment or a measure involving deprivation of liberty. The European arrest warrant shall be issued after, or at the time when, an arrest warrant covering the territory of Hungary is issued. Where the arrest warrant covering the territory of Hungary was issued by an entity other than a court, issuing a European arrest warrant shall require an arrest warrant issued by the prosecution service, or an investigating authority with approval of the prosecution service.

(2) A European arrest warrant may be issued for the purpose of conducting a criminal proceeding for criminal offences for which the maximum of the penalty range under the Criminal Code is not less than imprisonment or a measure involving deprivation of liberty for one year, except if section 92 applies. Where the decision imposing imprisonment or applying a measure involving deprivation of liberty is already taken, the European arrest warrant may only be issued if the period of the penalty imposed or the measure applied is not less than four months.

(3) Even if the condition specified in paragraph (2) is met, a European arrest warrant may be issued after indictment for the purpose of conducting a criminal proceeding only if the prosecution service moved for imposing imprisonment to be served or applying special education in a reformatory as part of the indictment document or in the course of the modification or extension of the indictment.

(3a) Even if the conditions specified in paragraphs (1) to (3) are met, a European arrest warrant may be issued for a defendant detained abroad only if the participation of the defendant in the criminal proceeding and his attendance at procedural acts cannot be ensured or, due to the material gravity of the criminal offence or the evaluation of the case, cannot be ensured appropriately by issuing a request for procedural legal assistance.

(4) The right to issue a European arrest warrant before indictment shall lie with the investigating judge. If a sentence of imprisonment or a measure involving deprivation of liberty imposed with final and binding effect is to be enforced against the defendant, the right to issue a European arrest warrant shall lie with the sentence enforcement judge. The court shall send the European arrest warrant to the Minister and the ILECC.

(5) The European arrest warrant shall be issued in accordance with the form in Annex 2 using the translated form available in the official language or one of the official languages of, or the language specified by, the Member State, taking into account Annex 1.

(6) The European arrest warrant shall be translated into the official language, or one of the official languages, of the executing Member State if the executing Member State does not accept it in the Hungarian language.

(7) The court may, in the European arrest warrant, request the seizure and handover of objects that

a) can be used as means of evidence; or

b) were obtained by the defendant in the course of or in relation to committing the criminal offence.

(8) After the conclusion of the criminal proceeding, the objects handed over, over which the acquired rights of the Member State or third person handing over are maintained, shall be returned without delay and free of charge.

(9) A European arrest warrant shall be withdrawn without delay if the grounds for issuing it have ceased. Before indictment, the court may withdraw the arrest warrant also *ex officio*. The European arrest warrant shall be withdrawn without delay if the European arrest warrant has been issued before indictment, but the prosecution service did not move for imposing imprisonment to be served or applying special education in a reformatory in the indictment document. If the defendant is apprehended on the basis of a European arrest warrant and the conditions for issuing the European arrest warrant are otherwise met, the European arrest warrant may not be withdrawn, except after the execution of the surrender of the defendant. The court shall send the order withdrawing the European arrest warrant to the Minister and the ILECC without delay.

Section 26 (1) After receiving the notification of the apprehension of the defendant, the Minister shall send the European arrest warrant to the executing Member State without delay.

(2) After receiving the notification of the apprehension of the defendant,

a) the court, prosecution office or investigating authority of the proceeding; or

b) for a European arrest warrant issued for the enforcement of sentence of imprisonment or a measure involving deprivation of liberty, the sentence enforcement judge

shall, notifying the Minister accordingly, officially appoint a defence counsel without delay if the defendant has no defence counsel. With a view to informing the defendant; the Minister shall notify the competent authority of the executing Member State of the defence counsel and his contact details.

14. Procedure applicable to concurrent sentences and accumulative sentences

Section 27 (1) In the case of surrender for the enforcement of imprisonment, if a concurrent sentence was imposed and the Member State judicial authority grants surrender for the enforcement of a sentence imposed for certain, but not all acts, the first-instance court shall determine in a decision the part of the sentence that corresponds to the act as regards which surrender is granted by the Member State judicial authority. The rules on special procedures of the Code of Criminal Procedure shall apply accordingly to this procedure.

(2) The part of the sentence referred to in paragraph (1) shall be determined on the basis of the ratio between the maximums of the penalty ranges for the criminal offences for which the concurrent sentence was imposed.

(3) If the imprisonment for which surrender is granted by the Member State judicial authority is included in an accumulative sentence, the imprisonment imposed in the main judgment to be enforced shall be that for which surrender is requested or granted. Paragraphs (1) and (2) shall apply accordingly if the main judgment imposes a concurrent sentence.

(4) If surrender is requested or granted for enforcement of all imprisonments included in the accumulative sentence, the imprisonment imposed by the accumulative sentence shall be enforced.

15. Crediting detention abroad

Section 28 The entire period of detention abroad on the basis of the execution of the European arrest warrant, including detention under section 23 (3) d), shall be credited to the penalty imposed or measure involving deprivation of liberty applied by the court in accordance with the rules on the crediting of remand detention and criminal supervision of the Criminal Code taking into account the nature of detention abroad.

16. Temporary transfer agreement

Section 29 If, in place of postponing surrender, the Member State judicial authority adopts a decision on the temporary transfer of the requested person in accordance with the conditions set out in the written mutual agreement, all Hungarian authorities shall be bound by the conditions set out in the agreement. Section 23 (3) shall apply accordingly to the agreement.

17. Speciality rule

Section 30 (1) Against a surrendered person, no criminal proceeding shall be instituted, and he shall not be found guilty or be deprived of freedom in any other way, for a criminal offence committed before his surrender other than the criminal offence for which he is surrendered.

(2) Paragraph (1) shall not apply if

a) the person does not leave the territory of Hungary within forty-five days of his final release despite having the opportunity to do so; or returns to its territory after leaving it;

b) the criminal offence is not punishable by imprisonment or confinement and not threatened with a measure involving deprivation of liberty;

c) the criminal proceeding does not give rise to the application of a measure restricting personal liberty;

d) a non-custodial penalty or measure not involving deprivation of liberty, in particular a financial penalty, may be imposed or applied against the person, even if the penalty or the measure can give rise to a restriction of his personal liberty;

e) the person renounced the speciality rule in the surrender proceeding;

f) following surrender, the person expressly renounced his entitlement to the speciality rule with regard to specific acts preceding surrender; or

g) the Member State judicial authority surrendering the person gives consent in accordance with paragraph (4).

(3) For a renunciation referred to in paragraph (2) f), the renunciation shall be given before the court with the power to issue a European arrest warrant, and recorded in minutes signed by both the representative of the judicial authority and the renouncing person. The renunciation shall be worded in such a way as to make clear that the person concerned has given it voluntarily and in full awareness of its consequences. The person shall have the right to a defence counsel.

(4) A request for consent shall be submitted, together with the data referred to in section 25 (5) and the translation referred to in section 25 (6), to the Member State judicial authority in accordance with section 26.

18. Surrender to a State other than the executing State

Section 31 (1) A person requested pursuant to a European arrest warrant may, without consent from the surrendering Member State, be surrendered to a Member State other than the executing Member State pursuant to a European arrest warrant issued for a criminal offence committed before surrender if

a) the requested person does not leave the territory of Hungary within forty-five days of his final release despite having the opportunity to do so; or returns to its territory after leaving it;

b) the requested person consents to being surrendered to the Member State other than the executing Member State pursuant to the European arrest warrant;

c) the speciality rule does not apply to the requested person in accordance with section 30 (2) a), e), f) and g).

(2) For consent referred to in paragraph (1) b), the declaration of consent shall be given before the court, and recorded in minutes signed by both the judge and the person making the declaration. The renunciation shall be worded in such a way as to make clear that the person concerned has given it voluntarily and in full awareness of its consequences. The person shall have the right to a defence counsel.

(3) With the exception of a situation referred to in paragraph (1), a person surrendered pursuant to a European arrest warrant shall not be surrendered to a third country without consent from the competent authority of the Member State that surrendered him.

(4) Where the surrendering Member State decided on more than one European arrest warrant when ordering the surrender of the requested person to Hungary, the Budapest-Capital Regional Court shall institute the surrender proceeding relating to the European arrest warrant issued by the third Member State without delay.

19. Taking over the requested person

Section 32 The ILECC shall, with cooperation from the police, be in charge of taking over the requested person, applying accordingly the rules on transit where necessary.

Chapter III

BEARING OF COSTS, TRANSFER

20. Bearing of costs

Section 33 All costs arising within the territory of Hungary in the course of the execution of a European arrest warrant issued by a Member State judicial authority shall qualify as criminal costs to be borne by the Hungarian state.

21. Transfer

Section 34

PART THREE

PROCEDURAL LEGAL ASSISTANCE

Chapter IV

LEGAL ASSISTANCE IN THE EXECUTION OF THE EUROPEAN INVESTIGATION ORDER

Section 35 (1) Notwithstanding the provisions on the forms of procedural legal assistance under Chapters IV/B, V, VII and VII/A and section 93 (1) b), this Chapter shall lay down the provisions on procedural legal assistance with the Member States of the European Union in criminal proceedings.

(2) If a Member State of the European Union makes a request for procedural legal assistance in a manner that is not in compliance with the provisions of this Chapter because

a) it did not take part in the adoption of Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters (hereinafter the “Directive”); or

b) it did not transpose the provisions of the Directive into national law;

the court or the prosecution service shall execute the request for procedural assistance in accordance with Chapter IV/A.

(3) The court or the prosecution service shall execute a request by a Member State referred to in paragraph (2) for procedural legal assistance as regards securing means of evidence in accordance with Chapter IV/A or Chapter VI.

(4) The court or the prosecution service may make a request for procedural legal assistance under Chapter IV/A only as regards the Member States of the European Union referred to in paragraph (2) a).

Section 36 For the purpose of this Chapter

1. *European Investigation Order* means a request for legal assistance issued in a criminal proceeding by an authorised judicial authority or, subject to approval by the judicial authority, another authority to obtain evidence or to have one or more procedural acts performed or to have means of evidence already available to the competent authority of the executing Member State transferred;

2. *Member State authority* means a Member State judicial or investigating authority.

22. General rules of executing a European Investigation Order

Section 37 (1) Unless this Act provides otherwise, the district court, or the prosecution office with subject-matter competence under the Code of Criminal Procedure over the criminal offence on which the European Investigation Order is based, shall have competence to execute the European Investigation Order.

(2) Where the competence of the prosecution office cannot be established in accordance with paragraph (1), the district prosecution office shall have competence to execute the European Investigation Order.

(3) Unless this Act provides otherwise, the competence of the court and the prosecution office shall be based on the location where the procedural act indicated in the European Investigation Order is to be performed, in particular, the place of actual residence or seat of the person to be interrogated or heard or the place where the means of physical evidence can be found. Where multiple locations can be established for the performance of one or more procedural acts or where the location where the procedural act is to be performed cannot be identified, the court or the prosecution office that acted earlier in the case shall proceed.

(4) Unless otherwise follows from the European Investigation Order, the court or prosecution office of the seat or establishment of the legal person concerned shall have the power to execute a European Investigation Order made as regards a legal person.

(5) To efficiently execute a European Investigation Order, even a prosecution office that is not competent under paragraphs (1) to (4) may proceed in the course of execution where the Office of the Prosecutor General or the superior prosecution office so provides.

(6) The court or the prosecution office shall inform the Member State authority of the receipt of the European Investigation Order without delay, but within not more than seven days from receipt, in accordance with the form in Annex 19 using the translation of the form available in the official language or one of the official languages of, or the language specified by, the Member State.

(7) If the court or prosecution office receives a European Investigation Order the execution of which falls outside its subject-matter or territorial competence, it shall transmit without delay the European Investigation Order to the competent court or prosecution office and inform accordingly the Member State authority in accordance with paragraph (6).

(8) In cases where delays are unacceptable, where taking the measure under paragraph (7) would jeopardise or frustrate the successful performance of the procedural act, the court or prosecution office lacking the relevant competence may also perform the procedural act indicated in the European Investigation Order; however, the court or prosecution office concerned shall inform accordingly the competent court or prosecution office at the time of taking the measure under paragraph (6).

(9) The court or prosecution office to which the European Investigation Order was transmitted in accordance with paragraph (7) shall also be subject to the information obligation under paragraph (6).

Section 38 (1) The European Investigation Order shall be issued in accordance with the form in Annex 18, in Hungarian, English, French or German. The European Investigation Order may be put forward in a manner, including also direct transfer by a member of the Member State authority within the territory of Hungary, that allows the establishment of the authenticity of the European Investigation Order.

(2) Where the European Investigation Order is transmitted in accordance with paragraph (1), the European Investigation Order shall be considered duly issued and put forward.

(3) The European Investigation Order shall be considered duly put forward also if the Member State authority transmits the European Investigation Order through the secure telecommunication system of the European Judicial Network or Eurojust.

(4) The provisions of paragraphs (1) to (3) shall apply accordingly to other documents and information transmitted by a Member State authority, and to documents and information transmitted to a Member State authority by a court or prosecution office.

(5) Unless this Act provides otherwise, the Hungarian judicial authority shall be entitled to directly receive a European Investigation Order issued by a Member State judicial authority and, in the course of the execution of the European Investigation Order, the Member State authority and the Hungarian judicial authority shall communicate directly with each other.

Section 39 (1) The court or the prosecution office shall, immediately following the receipt of a European Investigation Order, examine whether the conditions for the execution of the European Investigation Order are met under Hungarian law, and shall decide on execution in a non-conclusive order.

(2) The court or the prosecution office shall take its decision referred to in paragraph (1) within not more than thirty days from the receipt of the European Investigation Order taking account of any request by the Member State authority as regards execution as a matter of priority and any date set for the performance for the procedural act indicated in the European Investigation Order.

(3) If the decision on the execution of the European Investigation Order cannot be taken within the time limit specified in paragraph (2), the court or the prosecution office shall immediately inform the Member State authority accordingly specifying the reasons for the delay. In such a situation, the decision referred to in paragraph (1) shall be taken within sixty days from the receipt of the European Investigation Order.

(4) On the basis of its decision under paragraph (1), the court or the prosecution office shall

a) arrange for the performance of the procedural act indicated in the European Investigation Order if the conditions for the performance of the procedural act are met, or

b) refuse the execution of the European Investigation Order.

(5) If it is reasonable to assume that

- a) the European Investigation Order was issued by a Member State authority not entitled to do so;
- b) the issuance of the European Investigation Order was unjustified or disproportionate in a way that is inconsistent with the rights of the person concerned; or
- c) the procedural act indicated in the European Investigation Order could not be performed under the provisions of the Member State,

the court or the prosecution office may consult the Member State authority as regards the execution of the European Investigation Order.

(6) Where it can be established that, in a situation under paragraph (5) a), the European Investigation Order was issued by a Member State authority not entitled to do so, the court or the prosecution office shall send back to the Member State authority the European Investigation Order and cease the execution of the European Investigation Order.

(7) The court or the prosecution office shall inform without delay the Member State authority if a procedural act exists under Hungarian law that is suitable for obtaining the evidence indicated in the European Investigation Order, but involves less restrictions of rights than the procedural act indicated in the European Investigation Order.

Section 40 (1) The court or the prosecution office may refuse the execution of a European Investigation Order if

- a) it would seriously violate the fundamental rights of the defendant in a criminal proceeding that are set out in an international treaty or a legal act of the European Union;
- b) execution would harm essential national security interests of Hungary;
- c) execution would jeopardise an informant, confidential informant, other person cooperating in secret with the Hungarian authority, or undercover investigator, or the activities thereof;
- d) execution would be contrary to the principle of double criminality;
- e) the procedural act indicated in the European Investigation Order does not exist, or the conditions for its performance are not met, under Hungarian law;
- f) in Hungary or another Member State, the act on which the European Investigation Order is based was adjudicated with final and binding effect or a decision was adopted on the merits of the act that, under the law of the Member State in which the decision was adopted, constitutes an obstacle to instituting a new criminal proceeding for an identical act;
- g) the person affected by the procedural act enjoys immunity arising from public office or international law in Hungary, and the entity authorised to do so did not lift his immunity;

h) the European Investigation Order was put forward unduly or in a language other than Hungarian, English, German or French;

i) the European Investigation Order is incomplete or inaccurate to an extent that renders it inexecutable, and the time limit set for its supplementation or correction expired without result or the European Investigation Order cannot be executed even after its supplementation or correction.

(2) The court or the prosecution office shall inform without delay the Member State authority of the refusal of the execution of the European Investigation Order specifying the grounds for refusal.

Section 41 (1) As regards the matter specified in section 40 (1) b), the position of the Minister or the Prosecutor General shall be decisive.

(2) The court and the prosecution office shall not examine double criminality and shall not refuse the execution of the European Investigation Order pursuant to section 40 (1) d) in the following cases:

a) as regards offences listed in Annex 1 if the criminal offence concerned is punishable by imprisonment for not less than three years or by a measure involving deprivation of liberty in the Member State concerned;

b) if the act qualifying as a criminal offence under Hungarian law constitutes an infraction under the law of the Member State; or

c) if the Member State ensures reciprocity in this regard.

(3) For the purpose of double criminality, as regards criminal offences relating to taxes, duties, customs or exchange, it shall not constitute an obstacle to the execution of a European Investigation Order if the Hungarian law does not include the same tax, duty or charge having an effect equivalent to customs duties, taxes or duties, or provisions of the same kind within the field of tax, duty, customs or exchange regulation, as the law of the Member State.

(4) Where a European Investigation Order is put forward for an act that constitutes a criminal offence under the law of the Member State, but qualifies as an infraction under Hungarian law, the court or the prosecution office shall transmit the European Investigation Order to the central authority specified in the Act on legal assistance in infraction matters for execution and inform the Member State authority accordingly.

Section 42 (1) The court or the prosecution office shall inform without delay the Member State authority if a ground for refusal under section 40 (1) e) exist and an enforceable procedural act other than the procedural act indicated in the European Investigation Order exists under Hungarian law that could lead to obtaining the evidence that is intended to be obtained by means of the European Investigation Order.

(2) The execution of the European Investigation Order shall not be refused under section 40 (1) d) and e), and the information under paragraph (1) need not be provided if the European Investigation Order is aimed at any of the following:

a) transfer of a means of evidence in the possession of the court, the prosecution service or the investigating authority if the means of evidence may be used in a criminal proceeding under Hungarian law;

b) obtaining data contained in a database and directly accessible to the court, the prosecution service or the investigating authority in a criminal proceeding under Hungarian law;

c) interrogation or hearing as a defendant, witness or expert of a person within the territory of Hungary;

d) performance of a procedural act that does not involve ordering a coercive measure;

e) identification of a person having a certain phone number or IP address on the basis of a contract.

(3) The ground for refusal under section 40 (1) f) may be applied as regards a Member State decision establishing criminal liability only if the penalty or measure imposed by the Member State decision was already executed, is being executed, or may not be executed under the laws of the Member State where it was adopted.

(4) In a situation under section 40 (1) g), the court or the prosecution office shall, within its own powers, arrange for lifting the immunity arising from public office or international law of the person affected by the procedural act before refusing the execution of the European Investigation Order, and inform the Member State authority accordingly without delay.

(5) Where the authority of another State or an international organisation has the power to lift the immunity arising from international law of the person affected by the procedural act, the court or the prosecution office shall inform the Member State authority accordingly without delay. In such a situation, the execution of the European Investigation Order may be refused in accordance with section 40 (1) g) only if the immunity is not lifted within reasonable time following consultation with the Member State authority.

(6) Where the European Investigation Order, in substance, is aimed at setting up a joint investigation team or obtaining evidence within a joint investigation team, the court or the prosecution office shall send the European Investigation Order to the Prosecutor General and, from there on, it shall be executed as procedural legal assistance for setting up a joint investigating team under Chapter IV/B. The court or the prosecution office shall inform the Member State authority accordingly without delay.

Section 43 (1) For the successful execution of the European Investigation Order or the successful performance of the procedural act indicated in the European Investigation Order, the court or the prosecution office shall inform the Member State authority without delay if any ground for refusal under section 40 (1) a) to c), f) and i) exists, and initiate consultation.

(2) Where justified, the court or the prosecution office may initiate consultation

a) even for a reason not specified in paragraph (1), with the Member State authority putting forward the European Investigation Order; or

b) also with the authority of another Member State.

(3) If the court or the prosecution office consults the Member State authority, the court or the prosecution office may, where justified, request the Member State authority to supplement or modify the European Investigation Order or to provide information, data and documents required for taking a decision relating to execution, and set, observing also the procedural time limit, a time limit therefor.

Section 44 (1) The court or the prosecution office shall inform the Member State authority of the procedural acts affected by a ground for refusal and of the existing ground for refusal even if the ground for refusal does not affect all procedural acts indicated in the European Investigation Order.

(2) If the ground for refusal existing as regards certain procedural acts cannot be eliminated pursuant to the consultation with the Member State authority, the court or the prosecution office shall perform the procedural acts that are not affected by the ground for refusal.

Section 45 (1) If the Member State authority supplements or modifies the European Investigation Order on the basis of information from the court or the prosecution office, taking account of the circumstances that arose in the course of the execution of the European Investigation Order or for any other reason, the court or the prosecution office shall decide, applying sections 37 to 44 accordingly, on the execution of the supplemented or modified European Investigation Order and on the performance of any procedural act indicated therein.

(2)

(3) Should the Member State authority withdraw a European Investigation Order, the court or the prosecution office shall cease the execution of the European Investigation Order.

(4) If seizure is ordered in the course of execution of a European Investigation Order, the court or the prosecution office shall lift the seizure at the time of ceasing execution; the seized thing shall be released to the person from whom it was seized. This provision shall apply accordingly to any other coercive measure affecting data, things or assets applied in the course of execution.

Section 46 (1) With the exception set out in section 42 (6), any procedural act suitable for obtaining means of evidence that may be performed pursuant to the Code of Criminal Procedure and that was requested by a Member State may be performed under a European Investigation Order, provided that the procedural act concerned could be performed also in the Hungarian criminal proceeding for the criminal offence on which the European Investigation Order is based.

(2) With the exception set out in paragraph (3), the Hungarian law shall apply to the performance of the procedural act indicated in the European Investigation Order.

(2a) Should the prosecution office so provide, the investigating authority may perform any procedural act indicated in the European Investigation Order and may assist in the execution of the European Investigation Order also in any other way.

(3) At the request of the Member State authority, in the course of the performance of a procedural act, the rules and technical methods specified by the Member State authority shall be applied, provided that the application of these rules and methods is not inconsistent with the fundamental principles of the Hungarian legal system. The court or the prosecution office shall inform the Member State authority without delay if it is unable to apply the rules and technical methods specified by the Member State authority, and specify the conditions under which execution is possible.

(4) The procedural act indicated in the European Investigation Order shall be performed within not more than ninety days from the adoption of the decision on the execution of the European Investigation Order taking account of any request by the Member State authority as regards execution as a matter of priority and any date set for the performance of the procedural act.

(5) If the procedural act cannot be performed within the time limit specified in paragraph (4), the court or the prosecution office shall immediately inform, specifying the reasons for the delay, the Member State authority accordingly, specify the period required for the performance of the procedural act, and consult the Member State authority as regards the appropriate scheduling of the performance of the procedural act.

(6) In the context of the execution of a European Investigation Order, Hungarian passport rules and provisions of immigration and customs legislation shall not constitute an obstacle to foreign persons entering and leaving the country and to objects being transferred and received.

Section 46/A (1) To successfully perform the procedural act, the court or the prosecution office may, where justified, consult the Member State authority.

(2) The court or the prosecution office shall inform the Member State authority without delay if, in the course of the performance of the procedural act, a circumstance arises due to which the procedural act cannot be performed.

(3) If the circumstance obstructing the performance of the procedural act cannot be eliminated and the relevant consultation with the Member State authority does not bring a solution in this regard, the court or the prosecution office shall cease the execution of the European Investigation Order and inform accordingly the Member State authority without delay.

(4) Should the court or the prosecution office find expedient the performance of a further procedural act in addition to the procedural act indicated in the European Investigation Order for the success of the execution of the European Investigation Order or the taking of evidence under the European Investigation Order, the court or the prosecution office concerned shall inform accordingly the Member State authority without delay.

Section 47 (1) At the request of the Member State authority, the court or the prosecution office shall enable a member of an authority of the Member State to be present at the performance of the procedural act if

- a) this is not inconsistent with the fundamental principles of the Hungarian legal system;
- b) this does not harm essential national security interests of Hungary;
- c) the member of the Member State authority may be present at the procedural act under the law of the Member State concerned.

(2) As regards the matter specified in paragraph (1) b), the position of the Minister or the Prosecutor General shall be decisive.

(3) The provisions of the Code of Criminal Procedure on attendance at a procedural act shall apply accordingly to the rights of the member of the Member State authority present.

(4) The court or the prosecution office may enter into an agreement with the Member State authority as regards rights of the members of the Member State authority present other than those under paragraph (3). The rules of the agreement relating to a member from a Member State of a joint investigation team who proceeds within the territory of Hungary shall apply accordingly to such an agreement.

(5) The Hungarian State shall be liable, in accordance with Hungarian law and the rules on damage caused by a public officer, for any damage caused within the territory of Hungary by the member of the Member State authority present in the course of the performance of his task. The Hungarian State may request from the Member State concerned reimbursement for the total amount of damages paid under this provision. No further claim for damages may be enforced against the Member State concerned.

Section 48 (1) The court or the prosecution office may postpone the performance of the procedural act indicated in the European Investigation Order for a reasonable period if a criminal or other proceeding is pending in Hungary and the performance of the procedural act would jeopardise the success of that proceeding.

(2) The court or the prosecution office shall inform the Member State authority of the decision postponing the performance of the procedural act without delay, specifying the ground for and the expected period of the postponement.

(3) The period of postponement shall not be calculated into the time limit under section 46 (4).

(4) If the ground for the postponement of the performance of the procedural act ceased to exist, the court or the prosecution office shall immediately arrange for the performance of the procedural act and inform accordingly the Member State authority without delay.

(5) Where the ground for postponement does not affect all procedural acts indicated in the European Investigation Order, the court or the prosecution office shall perform the procedural acts not affected by postponement in accordance with section 46.

Section 49 (1) The court, the prosecution office or, on the basis of an authorisation therefrom, the investigating authority shall, immediately or at the time specified by the Member State authority, transfer to the Member State authority the means of evidence that were obtained in the course of the performance of the procedural act or that are already available, and any documents related thereto.

(2) Where the Member State authority does not request the transfer of the means of evidence in the European Investigation Order, the court or the prosecution office shall comply with the provisions under paragraph (1), except that the court or prosecution office shall inform the Member State authority of the availability of the means of evidence in place of transferring it.

(3) The means of evidence and the related documents may be transferred also to the member of the Member State authority present if the Member State authority included a request to that effect in the European Investigation Order and the means of evidence concerned may be transferred in this manner also under Hungarian law.

(4) The transfer of the means of evidence may be made conditional upon the Member State authority returning the means of evidence to Hungary in a condition as at the time of transfer once it is no longer required in the Member State concerned.

(5) If a means of evidence is required for detecting or proving another criminal offence, the court or the prosecution office may postpone, informing the Member State authority at the same time and specifying the expected time of transfer, the transfer of the means of evidence for the period required for the means of evidence to become available.

(6) The court or the prosecution office may postpone the transfer of a means of evidence also if legal remedy was sought against a decision adopted or measure applied by the court or the prosecution office in the course of the execution of the European Investigation Order, except where immediate transfer of the means of evidence is required under the European Investigation Order. The transfer of the means of evidence shall be postponed until the adjudication of the legal remedy if the transfer would cause serious disadvantage to the person concerned.

(7) The court or the prosecution office may, if it postpones the transfer of the means of evidence, transfer to the Member State authority the means of evidence also temporarily for a set period on the condition that the Member State authority concerned shall return it at a time agreed between them.

(8) The Hungarian law shall apply to any arrangements as regards a means of evidence seized or secured in any other way in the course of the execution of a European Investigation Order until its transfer. If transfer of a means of evidence was not subject to any condition referred to in paragraph (4) or (6), the law of the Member State shall apply to any arrangements as regards that means of evidence following its transfer.

Section 50 (1) Legal remedy may be sought against a decision adopted or measure taken in the course of the execution of a European Investigation Order in accordance with the provisions of the Code of Criminal Procedure; however, the ordering of the procedural act indicated in the European Investigation Order may not be challenged by the legal remedy. The law of the Member State shall apply to seeking legal remedy against the ordering of the procedural act indicated in the European Investigation Order. The court or the prosecution office shall inform accordingly the person concerned.

(2) The court or the prosecution service shall inform the Member State authority of any legal remedy sought against a decision adopted or measure taken in the course of the execution of the European Investigation Order and the outcome of the adjudication of the motion for legal remedy.

(3) If legal remedy was sought against ordering the procedural act indicated in the European Investigation Order, the court or the prosecution office shall transmit the motion for legal remedy to the Member State authority without delay, and inform the person who submitted the motion for legal remedy accordingly.

Section 51 The court or the prosecution office may provide information on the execution of the European Investigation Order under sections 101 (1) and 264 (7) of the Code of Criminal Procedure after providing prior information to, and taking account of, the position of the Member State authority.

Section 52 (1) Any costs incurred within the territory of Hungary in the course of the execution of the European Investigation Order shall be borne by the Hungarian State.

(2) Where the execution of a European Investigation Order involves substantial costs, the court or the prosecution office shall inform the Member State authority of the amount of foreseeable costs and make execution conditional upon the reimbursement or advancement, in part or in full, of costs by the Member State authority. As regards the reimbursement or advancement of costs relating to execution or the modification of the European Investigation Order, consultation shall be initiated with the Member State authority.

23. General rules of issuing a European Investigation Order

Section 53 (1) With the exception specified in section 42 (6), the court or the prosecution office may, in a European Investigation Order, request the performance of any procedural act suitable for obtaining a means of evidence under the Code of Criminal Procedure, provided that it is necessary and proportionate in the criminal proceeding and the procedural act indicated in the European Investigation Order could be performed under the conditions set out therein also under Hungarian law.

(2) The court or the prosecution office before which the criminal proceeding is pending may, *ex officio* or at a motion by the defendant or the defence counsel, issue a European Investigation Order.

(3) Where, pursuant to the provisions of the Code of Criminal Procedure, ordering the procedural act concerned, including ordering a coercive measure, requires passing a decision, the decision shall be passed by issuing the European Investigation Order, and from there on the provisions of the Code of Criminal Procedure on a decision ordering the performance of a procedural act shall apply accordingly to the European Investigation Order.

(4) Where the investigating judge is entitled to order a procedural act, the court shall, at a motion by the prosecution service, provide for ordering it by approving the European Investigation Order.

(5) If paragraph (4) applies, the prosecution service shall send to the court the European Investigation Order together with the motion by the prosecution service for a decision by the investigating judge that is in compliance with the provisions of the Code of Criminal Procedure. Should the court dismiss the motion by the prosecution service, the court shall send back to the prosecution service the European Investigation Order. Where the conditions for ordering the procedural act indicated in the motion by the prosecution service are met, the court shall approve the European Investigation Order by filling in Section L of the form set out in Annex 18.

Section 54 (1) The European Investigation Order shall be issued in accordance with the form in Annex 18 using the translated form available in the official language or one of the official languages of, or the language specified by, the Member State.

(2) The performance of more than one procedural act may be requested in a single European Investigation Order only if the same organ is competent to order every procedural act concerned.

(3) The European Investigation Order shall be sent to the competent Member State authority or, where the Member State concerned designated a central authority, to the central authority.

(4) If on the basis of available data the Member State authority competent to execute the European Investigation Order in the Member State cannot be identified, contact data may be obtained also through European Judicial Network contact points.

(5) To the transmission of the European Investigation Order and to communication with the Member State authority, the provisions of section 38 shall apply accordingly, with the proviso that the member of the investigating authority present within the territory of the Member State concerned may not transfer directly to the Member State authority the European Investigation Order without approval from the prosecution service.

Section 55 (1) The court or the prosecution service may, on the basis of information from or consultation with the Member State authority, make available to the Member State authority data, information and documents necessary for the execution of the European Investigation Order or supplement, modify or withdraw the European Investigation Order if, pursuant to information from the Member State authority,

a) the conditions referred to in section 53 (1) were not met;

b) a ground for refusal arose as regards the execution of the European Investigation Order or the performance of the procedural act indicated therein;

c) the procedural act indicated in the European Investigation Order does not exist under the law of the Member State, the conditions for its performance are not met or the objective of the procedural act concerned may be attained also with a less restrictive procedural act under the law of the Member State.

(2) If required for the successful execution of the European Investigation Order or the successful performance of the procedural act indicated in the European Investigation Order, the court or the prosecution office may consult the Member State authority also in cases other than those specified in paragraph (1). The provisions of paragraph (1) shall apply accordingly to such a consultation.

(3) The court and the prosecution office shall carry out the supplementation or modification and provide the data, information and documents requested by the Member State authority within the time limit set by the Member State authority or inform without delay the Member State authority of any obstacles thereto.

(4) The court or the prosecution office may withdraw a European Investigation Order before the commencement of the performance of the procedural act indicated in the European Investigation Order on the basis of information from the Member State authority or circumstances arising in the course of its execution, or in other justified cases.

(5) Where the Member State concerned designated a central authority, the supplementation or modification to the European Investigation Order shall be sent to the central authority even if it was directly transferred to the Member State by the member present within the territory of the Member State concerned of the court, the prosecution service or, with approval from the prosecution service, the investigating authority.

(6) Where the Member State authority informs the court or the prosecution office that the person affected by the procedural act enjoys immunity based on international law, and lifting the immunity falls within the competence of the authority of another State or an international organisation, a request for a decision may be submitted, pursuant to the Code of Criminal Procedure, to the entity having the right to lift immunity. Where no request was submitted for lifting immunity or the request was unsuccessful, the European Investigation Order shall be withdrawn.

Section 56 (1) The court or the prosecution office may, in a European Investigation Order specifying reasons, request the Member State authority

a) to perform the procedural act indicated in the European Investigation Order observing Hungarian laws and using the technical method specified by it;

b) to enable one or more members of the court, the prosecution office or the investigating authority to be present at the performance of the procedural act within the territory of the Member State, provided that the member or members would be entitled to do so also under Hungarian laws; and

c) to execute the European Investigation Order or perform the procedural act specified therein as a matter of priority or at a specific time.

(2) Where, pursuant to information from the Member State authority, the procedural rules or technical methods requested may not be applied or the European Investigation Order cannot be executed or the procedural act cannot be performed at the time requested in accordance with paragraph (1) a) or c), the court or the prosecution office shall consider supplementing, modifying or withdrawing the European Investigation Order.

(3) If a member of the court, the prosecution office or the investigating authority is present at the performance of the procedural act within the territory of the Member State, he shall act in accordance with the Member State rules in the course of performing his task. An agreement may be concluded with the Member State authority as regards the rights of the member of the court, the prosecution office or the investigating authority present. The rules relating to the Hungarian member of the joint investigation team proceeding within the territory of a Member State shall apply accordingly to the agreement.

(4) The Hungarian State shall reimburse, in accordance with the law of the Member State, the full amount of damages paid by the Member State due to damage caused by the member of the court, the prosecution office or the investigating authority present in the course of the performance of his tasks in connection with the execution of the European Investigation Order.

Section 57 (1) The court or prosecution office issuing the European Investigation Order or, on the basis of an authorisation therefrom, the investigating authority shall receive the outcome of the execution of the European Investigation Order and the means of evidence obtained as a result of execution.

(2) If a member of the court, the prosecution office or the investigating authority is present at the performance of the procedural act within the territory of the Member State, the member of the court, the prosecution office or, with approval from the prosecution office, the investigating authority may also receive the outcome of the execution of the European Investigation Order or the means of evidence obtained as a result of execution, provided that he would be entitled to do so under Hungarian law and this form of receipt does not jeopardise the success of taking of evidence.

(3) Should the Member State authority so request at the time of transfer of the means of evidence, the court or the prosecution office shall return the means of evidence to the Member State in a condition as at the time of transfer as soon as it is no longer required in Hungary.

(4) Should the Member State authority postpone the transfer of the means of evidence, the court or the prosecution office may initiate the temporary transfer of the means of evidence for a set period appropriate for the performance of the procedural act planned in Hungary regarding the means of evidence concerned. Where a means of evidence is transferred temporarily, the court or the prosecution office shall return to the Member State authority the means of evidence concerned at a time agreed between them.

(5) If a European Investigation Order is issued, the laws of the Member State shall apply to making arrangements as regards a means of evidence seized or secured in any other way in the Member State until that means of evidence is transferred to Hungary. If transfer of the means of evidence was not subject to any condition referred to in paragraph (3) or (4), the Hungarian law shall apply to making arrangements as regards the means of evidence following its transfer.

Section 58 (1) The provisions of the Code of Criminal Procedure shall apply to seeking legal remedy against the ordering of the procedural act indicated in the European Investigation Order.

(2) The court or the prosecution office shall inform without delay the Member State authority if legal remedy was sought in Hungary pursuant to paragraph (1) against ordering the procedural act indicated in the European Investigation Order. The court or the prosecution office shall inform the Member State authority also of the outcome of the adjudication of the motion for legal remedy.

Section 59 (1) Any costs incurred within the territory of Hungary relating to the issuance of a European Investigation Order shall constitute criminal costs.

(2) If information from the Member State authority indicates that the execution of a European Investigation Order involves substantial costs, the court or the prosecution office shall consult the Member State authority and examine whether the objective to be reached by the European Investigation Order may be achieved by means of a procedural act involving lower costs. Where this is possible, the court or the prosecution office shall modify or supplement the European Investigation Order.

(3) Where the Member State authority makes the execution of a European Investigation Order conditional upon the advancement or reimbursement, in part or in full, of the costs of execution by the Hungarian State, an agreement may be concluded with the Member State authority as regards the advancement or reimbursement of costs. Should the agreement not be concluded, the court or the prosecution office may withdraw the European Investigation Order.

24. Rules of certain specific types of procedural acts that may be indicated in a European Investigation Order

Section 59/A “Certain types of procedural acts” shall cover, in particular, the following:

- a) provisional measure;
- b) data provision concerning financial accounts and account activity;
- c) temporary transfer of a detained person to the Member State issuing a European Investigation Order;
- d) temporary transfer of a detained person to the Member State executing a European Investigation Order;
- e) interrogation using a telecommunication device;
- f)
- g) using covert means.

25. Provisional measure

Section 60 (1) The prosecution office that has territorial competence over the location of the means of evidence shall be competent to execute a European Investigation Order issued to temporarily prevent the destruction, transformation, relocation, transmission, transfer of ownership, or alienation of a means of evidence (hereinafter jointly “securing a means of evidence”).

(2) At a specific request to that effect by the Member State authority, a European Investigation Order issued for a purpose specified in paragraph (1) shall be executed by the court.

(3) The rules relating to the prosecution service shall apply accordingly to the proceeding of the court if, in accordance with paragraph (2), the court proceeds in the course of the execution of a European Investigation Order,

(4) The prosecution office shall decide on the execution of a European Investigation Order for securing a means of evidence without delay. The Member State authority shall be informed of the decision within twenty-four hours from the receipt of the European Investigation Order, where possible.

(5) The prosecution service shall inform the Member State authority without delay if an obstacle exists to the execution of a European Investigation Order, and in particular if the means of evidence is missing or destroyed or cannot be found at the location specified in the European Investigation Order or if, despite having requested additional information, not enough data is available for the prosecution office to find the means of evidence concerned.

(6) Where, in accordance with the Code of Criminal Procedure, the prosecution office finds justified, *ex officio* or on the basis of a motion for legal remedy or other motion, to lift a coercive measure ordered for the execution of a European Investigation Order, the prosecution office shall inform the Member State authority in advance and set an appropriate time limit before lifting the coercive measure for the Member State authority to make an observation. The prosecution office shall inform the Member State authority without delay of the decision on lifting the coercive measure.

Section 61 (1) The court or the prosecution office may issue a European Investigation Order for

- a) seizing a means of evidence; or
- b) enforcing an order to preserve electronic data

if the means of evidence concerned is located within the territory of the Member State.

(2) The court or the prosecution office shall indicate in the European Investigation Order one of the following as regards the transfer of means of evidence to be seized and data to be preserved:

- a) immediate transfer is requested following the performance of the procedural act;
- b) transfer at a later time is requested, specifying the expected date;
- c) transfer is not requested.

(3) If paragraph (2) c) applies, the expected date of making provisions as regards the means of evidence or the data to be preserved shall be indicated.

(4) If the ground for ordering the coercive measure referred to in paragraph (1) ceases to exist before the procedural act is performed or the means of evidence is received, the court or the prosecution office shall inform accordingly the Member State authority without delay.

26. Data provision concerning financial accounts and account activity

Section 62 (1) A European Investigation Order issued by the Member State authority for

- a) establishing whether a natural or legal person subject to criminal proceeding in the Member State exercises, as account holder or authorised person, right of disposal over an account held by a bank or other financial institution operating within the territory of Hungary, and for transmitting data held by the bank or other financial institution relating to this account; or
- b) transmitting data held by the account servicing bank or other financial institution as regards payment transactions performed within a specific period relating to an account held by a bank or other financial institution operating within the territory of Hungary, including data of all accounts affected by the transaction concerned, and for transmitting account data held by the bank or other financial institution operating within the territory of Hungary,

shall be executed by the prosecution office of the location of the bank branch or the establishment of the other financial institution.

(2) At a specific request to that effect by the Member State authority, the European Investigation Order shall be executed by the court. In such a situation, the court of the seat of the account servicing bank or other financial institution shall proceed in the course of the execution of the European Investigation Order.

Section 62/A (1) The court or the prosecution office may issue a European Investigation Order for

a) establishing whether a natural or legal person subject to criminal proceeding in Hungary exercises, as account holder or authorised person, right of disposal over an account held by a credit institution or other payment service provider within the meaning of the Act on providing payment services operating within the territory of the Member State (hereinafter jointly the “payment service provider”), and for transmitting data held by the payment service provider relating to this account; or

b) transmitting data held by the account servicing payment service provider as regards payment transactions performed within a specific period relating to an account held by a payment service provider operating within the territory of a Member State, including data of all accounts affected by the transaction concerned, and transmitting account data held by the payment service provider operating within the territory of a Member State.

(2) In the European Investigation Order, the court or the prosecution office shall indicate

a) the reasons for which the data requested are likely to be of substantial value for the purpose of the criminal proceeding pending in Hungary;

b) the grounds on which it can be presumed that the natural or legal person subject to criminal proceeding exercises the right of disposal over an account held by a payment service provider operating within the territory of the Member State, and, where possible, the payment service providers that may be involved; and

c) any information available that may facilitate the execution of the European Investigation Order.

27. Temporary transfer of a detained person to the Member State issuing a European Investigation Order

Section 62/B (1) As regards the temporary transfer of a person detained in Hungary to ensure his attendance at a procedural act to be performed within the territory of a Member State,

a) for a person in pre-trial detention, the court or the prosecution office proceeding in the case;

b) for a person serving a final and binding sentence of imprisonment, confinement or a measure involving deprivation of liberty, the sentence enforcement judge

shall conclude an agreement with the Member State authority.

(2) The court or the prosecution office shall obtain a statement from the detained person on whether he consents to the temporary transfer. The detained person may make his statement in writing, orally before the court or the prosecution office, or in minuted form. Where the detained person has a defence counsel, the detained person shall be ensured the possibility to consult his defence counsel as regards consent to temporary transfer.

(3) In addition to the grounds specified in section 40, the court or the prosecution office may refuse the execution of a European Investigation Order also if

a) the detained person does not consent to temporary transfer; or

b) the temporary transfer would extend the duration of detention.

(4) It, in itself, shall not constitute an obstacle to the temporary transfer of the person in pre-trial detention if the extension of pre-trial detention is likely to become justified in the course of the execution of temporary transfer. In such a situation, the court or prosecution office, in cooperation with the Member State authority, shall ensure the participation of the person in pre-trial detention in the decision-making process as regards the extension of pre-trial detention.

(5) Where the detained person is transferred to the Member State, or transferred back to the territory of Hungary, through the territory of a third Member State, the execution of temporary transfer shall be permissible only if the Member State authority undertakes to ensure that the detained person remains in detention also within the territory of the third Member State.

(6) An *ad hoc* agreement on the temporary transfer of the detained person shall include the following:

a) period of temporary transfer of the detained person;

b) time limit and conditions for transfer to a Member State and transfer back to the territory of Hungary;

c) undertaking by the Member State authority referred to in paragraph (5);

d) details of the detention of the detained person in the Member State;

e) if paragraph (4) applies, the provisions on ensuring the participation of the detained person in the decision-making process as regards the extension of pre-trial detention;

f) undertaking by the Member State authority to release, without delay, the detained person as soon as the court or the prosecution office provides information to that effect.

(7) The full period of detainment abroad on the basis of the execution of the European Investigation Order shall be credited to the period of the pre-trial detention ordered, the penalty imposed and the measure involving deprivation of liberty applied.

(8) Where the ground for detention ceased to exist, the court or the prosecution office shall immediately inform accordingly the Member State authority in order for the detained person to be released.

(9) All costs relating to the transfer to the Member State and the transfer back to the territory of Hungary of the detained person shall be borne by the Member State.

(10) The ILECC, with assistance from the police, shall provide for transferring to the Member State and transferring back to the territory of Hungary the detained person.

Section 63 (1) As regards the temporary transfer of a person detained in a Member State with a view to ensuring his attendance at a procedural act to be performed within the territory of Hungary, the court or the prosecution office that issued the European Investigation Order shall conclude an agreement with the Member State authority.

(2) Section 62/B (6) shall apply accordingly to the content of the agreement.

(3) The detention of the person concerned shall be ensured in Hungary pursuant to the provision by the court or the prosecution office, in a manner that is the most appropriate taking into account the nature of detention, and in accordance with Hungarian prison rules.

(4) If information from the Member State authority indicates that it is necessary, the court or the prosecution office shall ensure, in line with Member State legislation, the participation of the detained person in the decision-making process as regards the extension of detention in accordance with the provisions of the relevant agreement or on the basis of consultation with the Member State authority.

(5) Where information from the Member State authority indicates that the ground for detention ceased to exist in the Member State, the detained person shall be released without delay.

(6) Against the detained person, no criminal proceeding may be launched in Hungary, and he shall not be found guilty or be deprived of freedom in another way, for a criminal offence committed before transfer.

(7) Paragraph (6) shall not apply if

a) the detained person takes is temporarily accepted as a defendant in the context of the criminal offence on which the European Investigation Order is based;

b) the court or a prosecution office issued another European Investigation Order for the temporary acceptance of the person concerned as a defendant, and the Member State ordered the execution of the European Investigation Order;

c) the person concerned did not leave the territory of Hungary within fifteen days of release despite having the opportunity to do so; or

d) the person concerned returned to the territory of Hungary.

(8) Paragraphs (6) to (7) shall be without prejudice to launching or conducting, in accordance with the rules of a proceeding in the absence of a defendant staying abroad, a criminal proceeding against a person subject to temporary acceptance during the period of temporary acceptance or following his transfer back to the Member State, provided that the conditions for the criminal proceeding are met.

(9) The ILECC, with assistance from the police, shall provide for transferring to Hungary and transferring back to the Member State the detained person, applying Chapter X as appropriate. The Member State authority shall be informed of any assistance from a third State.

(10) All costs relating to the transfer to Hungary and the transfer back to the Member State of the detained person shall constitute criminal costs. Costs incurred in connection with the detention of the person concerned in Hungary shall be borne by the Hungarian State.

28. Temporary transfer of a detained person to the Member State executing a European Investigation Order

Section 63/A (1) As regards the performance of a procedural act indicated in the European Investigation Order in Hungary and the temporary transfer to Hungary with a view to ensuring attendance at a procedural act of a person detained in a Member State, the court or the prosecution office shall conclude an agreement with the Member State authority.

(2) Section 62/B (3) a), (6) and (10) and section 63 (3) to (8) shall apply accordingly to execution.

(3) All costs relating to the transfer to the territory of Hungary and the transfer back to the Member State of the detained person shall be borne by the Member State. Costs incurred in connection with the detention of the person concerned in Hungary shall be borne by the Hungarian State.

Section 63/B (1) As regards the performance of a procedural act indicated in the European Investigation Order in a Member State and the temporary transfer to the Member State with a view to ensuring attendance at a procedural act of a person detained in a Hungary, the court or the prosecution office that issued the European Investigation Order shall conclude an agreement with the Member State authority.

(2) The court or the prosecution office shall obtain a statement from the detained person on whether he consents to the temporary transfer. The detained person may make his statement in writing, orally before the court or the prosecution office, or in minuted form. Where the detained person has a defence counsel, the detained person shall be ensured the possibility to consult his defence counsel as regards consent to temporary transfer. If consent was given, the European Investigation Order shall include a reference to this fact and specify the form of consent.

(3) Section 62/B (4) and (6) to (8) and section 63 (9) shall apply accordingly to the temporary transfer of a detained person.

(4) All costs relating to the transfer to the Member State and the transfer back to the territory of Hungary of the detained person shall constitute criminal costs.

29. Interrogation using a telecommunication device

Section 63/C (1) The court or the prosecution office shall execute a European Investigation Order issued by the Member State authority for the interrogation or hearing as a witness, defendant or expert of a person in Hungary by means of an audio-visual device, or the interrogation or hearing as a witness or expert of a person in Hungary by means of teleconference, by ordering the interrogation or hearing using a telecommunication device of the person concerned.

(2) The district court or the district prosecution office of the place of actual residence of the person to be interrogated as a witness or defendant, or the place of actual residence or seat of the person to be heard as an expert shall be competent to execute the European Investigation Order. If the place of actual residence or seat of a person at liberty who is to be interrogated as a witness or defendant or heard as an expert is unknown, the Central District Court of Pest or the Budapest-Capital Chief Prosecutor's Office shall be competent to proceed as regards the execution of the European Investigation Order.

(3) The interrogation using a telecommunication device of a person to be interrogated as a defendant may be ordered only with prior consent from the person concerned. Consent to interrogation using a telecommunication device shall be given by the person to be interrogated as a defendant in writing or in an oral statement made before the court or the prosecution office and recorded in minutes.

(4) In addition to the grounds specified in section 40, the court or the prosecution office may refuse the execution of a European Investigation Order also if

a) the person to be interrogated as a defendant did not consent to interrogation using a telecommunication device; or

b) interrogation or hearing using a telecommunication device would be, in the case concerned, contrary to the fundamental principles of the Hungarian legal system.

(5) Where the details of the enforcement of interrogation or hearing using a telecommunication device and the applicable procedural rules cannot be determined from the content of the European Investigation Order, the court or the prosecution office shall conduct prior consultations with the Member State authority as regards such details and procedural rules.

Section 63/D (1) At the time of sending the decision ordering interrogation or hearing using a telecommunication device, the court or the prosecution office shall also inform the persons concerned of their rights under the law of the Member State.

(2) The laws of the Member State shall apply to the interrogation and the hearing. The interrogation or hearing shall be conducted by the Member State authority with the proviso that

a) the person to be interrogated or heard may exercise the right to refusal to testify and to provide assistance or an opinion also in accordance with Hungarian law;

b) in addition to the person to be interrogated or heard, any person who may be present during the interrogation or hearing using a telecommunication device of the person concerned under Hungarian law may attend the procedural act;

c) at the place of the procedural act in Hungary, only the persons specified by Hungarian law may be present, unless the court or the prosecution office grants a request for different conditions by the Member State authority;

d) at the place of the procedural act in Hungary, the member of the court or prosecution office executing the European Investigation Order shall proceed, provide, applying the rules of the Code of Criminal Procedure, for verifying the identity of the person to be interrogated or heard, and ensure that Hungarian law, including its provisions relating to the rights of the defendant, the obstacles to testifying as a witness and the disqualification of an expert, is respected.

(3) Persons present at the place of the procedural act in Hungary shall be informed of the provisions of paragraph (2) before the interrogation or hearing.

(4) At the place of a procedural act in Hungary, the tasks of the court may be performed by also a junior judge, while the tasks of the prosecution office may be performed by also a junior prosecutor.

(5) At a request by the Member State authority, the court or the prosecution office may provide for the protection of the person to be interrogated or heard, or another person with regard to the person to be interrogated or heard, in accordance with the provisions under section 85 (1) and section 86 (2) a), c), d), f) and g) of the Code of Criminal Procedure.

(6) To ensure the appropriate execution of the European Investigation Order and appropriate communication with the Member State authority, the court or the prosecution office may decide to officially appoint an interpreter.

(7) On the basis of consultation with the Member State authority and at a motion by the person to be interrogated or heard or a request by the Member State authority, the court or the prosecution office may officially appoint an interpreter to ensure that the person concerned understand the Hungarian language or, taking account of paragraph (2), the language of the proceeding.

(8) The court or the prosecution office shall send the minutes of the interrogation or hearing using a telecommunication device and the recording referred to in section 125 (2) of the Code of Criminal Procedure to the Member State authority without delay.

Section 64 (1) The proceeding court or prosecution office may issue a European Investigation Order for interrogating or hearing as a witness, defendant or expert using a telecommunication device a person who is in a Member State.

(2)

(3) The procedural rules applicable to the execution of a hearing or interrogation using a telecommunication device shall be included in the European Investigation Order; otherwise, the court or the prosecution office may conduct prior consultations with the Member State authority on that matter. In the European Investigation Order or in the course of consultations, the court or the prosecution office shall specify the rights of the defendant under Hungarian law, and the provisions on the obstacles to testifying as a witness and on the disqualification of an expert.

(4) Where the technical means for interrogation or hearing are not available in a Member State, the court, with assistance from the prosecution office where required, or the prosecution office shall provide the Member State authority with such means.

(5) The interrogation or the hearing shall be conducted by the court or the prosecution office in accordance with Hungarian law.

(6) The court or the prosecution office may decide to officially appoint an interpreter to ensure appropriate communication with the Member State authority.

(7) The court or the prosecution office may request the Member State authority to provide an interpreter for the witness or the defendant to be interrogated and the expert to be heard to ensure that the person concerned understand the language of the proceeding in the Member State.

(8) Where the protection of the person to be interrogated or heard, or another person with regard to the person to be interrogated or heard, is justified, the court or the prosecution office may consult the Member State authority as regards the means of protection that may be provided by the Member State. In doing so, the court or the prosecution office may initiate the application of the provisions of section 85 (1) and section 86 (2) a), c), d), f) and g) of the Code of Criminal Procedure.

30.

Section 64/A

31. Using covert means

Section 64/B (1) The county chief prosecutor's office or the Budapest-Capital Chief Prosecutor's Office shall be competent to execute a European Investigation Order for controlled delivery through the territory of Hungary.

(2) The execution of controlled delivery shall require an *ad hoc* agreement with the Member State authority. The *ad hoc* agreement shall be prepared by the organ designated by law for the execution of controlled delivery of the police or the National Tax and Customs Administration.

(3) An *ad hoc* agreement shall contain provisions on the following:

- a) content, expected route, expected duration and method of delivery and data suitable for identifying the means of delivery;
- b) person in charge of the controlled delivery;
- c) organ assisting in the controlled delivery;
- d) method of communication between participants;
- e) method of escort;
- f) number of escorting persons;
- g) conditions of the handover and receipt of the delivery;
- h) measures to be applied in case of apprehension;
- i) measures to be applied in case of an unexpected event.

(4) In cases where delays are unacceptable, where the conclusion or approval by the prosecution office of an *ad hoc* agreement would jeopardise or frustrate the successful execution of controlled delivery, also the head of the organ designated by law for the execution of controlled delivery of the police or the National Tax and Customs Administration that is competent as regards the criminal offence on which the European Investigation Order is based may authorise controlled delivery for a period of twenty-four hours. In such a situation, the prosecution office shall be informed accordingly at the time of preliminary authorisation of controlled delivery. Following the receipt of such information, the prosecution office shall decide on authorising controlled delivery without delay. Should the prosecution office not authorise controlled delivery, the outcome of controlled delivery performed on the basis of preliminary authorisation shall not be used as evidence.

(5) Hungarian law shall apply to the execution of controlled delivery through the territory of Hungary, including its direction and control. The organ assisting in controlled delivery shall cooperate with the Member State authority and other organs participating in the controlled delivery. A request concerning the execution of controlled delivery by an organ initiating or participating in controlled delivery may be complied with only if it is not contrary to the fundamental principles of the Hungarian legal system.

(6) If authorised by the prosecution office, a member of the Member State authority may also participate in escorting the controlled delivery. An undercover investigator may participate in escorting controlled delivery in accordance with the rules on using undercover investigators.

Section 64/C (1) The prosecution office may issue a European Investigation Order for the execution of controlled delivery through the territory of one or more Member States.

(2) Should controlled delivery involve more than one Member State, the European Investigation Order shall be sent to all Member States concerned. The Member State authority shall be informed of further Member States involved in the controlled delivery.

(3) The execution of controlled delivery shall require an *ad hoc* agreement with the Member State authority. The *ad hoc* agreement shall be prepared by the organ designated by law for the execution of controlled delivery of the police or the National Tax and Customs Administration.

(4) In cases where delays are unacceptable, where the conclusion of the *ad hoc* agreement would jeopardise or frustrate the successful execution of controlled delivery, also the head of the organ designated by law for the execution of controlled delivery of the police or the National Tax and Customs Administration may initiate controlled delivery for a period of twenty-four hours. In such a situation, the prosecution office shall be informed accordingly at the time of preliminary initiation of controlled delivery. Following the receipt of such information, the prosecution office shall decide on initiating controlled delivery without delay. Should the prosecution office not initiate controlled delivery, the outcome of controlled delivery performed on the basis of preliminary initiation shall not be used as evidence.

(5) The prosecution office shall specify in the European Investigation Order the grounds on the basis of which it is reasonable to assume that obtaining in any other way the evidence the controlled delivery is intended to produce seems impossible or would entail disproportionate difficulties.

(6) The provisions of section 64/B (3) shall apply to the content of an *ad hoc* agreement, and the provisions of section 64/B (6) shall apply to assistance by a member of a Hungarian authority or an undercover investigator.

Section 64/D If controlled delivery is executed or initiated, the prosecution service shall inform the Hungarian national member of Eurojust of a controlled delivery that involves at least three States, among which two are Member States, by disclosing the following data:

- a) Member States concerned and competent authorities;
- b) identification data of a person, group or organisation against whom or which a criminal proceeding is pending;
- c) type of delivery;
- d) type of criminal offence, as regards which controlled delivery is performed.

Section 64/E (1) The prosecution office authorised to permit the use of an undercover investigator shall be competent to execute a European Investigation Order issued for using a Member State undercover investigator within the territory of Hungary or a Hungarian undercover investigator within the territory of Hungary or a Member State.

(2) The use of an undercover investigator shall require an *ad hoc* agreement concluded with the Member State authority. The *ad hoc* agreement shall be prepared by the organ designated by law for the execution of the use of an undercover investigator of the police or the National Tax and Customs Administration.

(3) In cases where delays are unacceptable, where the conclusion or approval by the prosecution office of an *ad hoc* agreement would jeopardise or frustrate the successful use of an undercover investigator, also the head of the organ designated by law for the execution of the use of an undercover investigator of the police or the National Tax and Customs Administration that is competent as regards the criminal offence on which the European Investigation Order is based may authorise the use of an undercover investigator under paragraph (1) for a period of twenty-four hours. In such a situation, the prosecution office shall be informed accordingly at the time of preliminary authorisation of the use of an undercover investigator. Following the receipt of such information, the prosecution office shall decide on authorising the use of an undercover investigator without delay. Should the prosecution office not authorise the use of an undercover investigator, the outcome of any use thereof performed on the basis of preliminary authorisation shall not be used as evidence.

(4) Hungarian law shall apply to using a Hungarian or Member State undercover investigator within the territory of Hungary. The organ in charge of the execution of the use of an undercover investigator shall cooperate with the Member State authority or, if a Member State undercover investigator is used, with the organ employing the Member State undercover investigator. In the course of using an undercover investigator, a request by a Member State authority or the organ employing the Member State undercover investigator may be complied with only if it is not contrary to the fundamental principles of the Hungarian legal system.

(5) The law of the Member State concerned shall apply to using a Hungarian undercover investigator within the territory of another Member State, with the proviso that the Hungarian undercover investigator shall, when performing his activities, comply with his obligations also under Hungarian law. In the course of using an undercover investigator, the organ employing the Hungarian undercover investigator shall cooperate with the Member State authority.

(6) In addition to grounds specified in section 40, the prosecution office may refuse the execution of a European Investigation Order also if the prosecution office and the Member State authority could not reach an agreement as regards the details of using the undercover investigator.

Section 65 (1) The prosecution office may issue a European Investigation Order for using a Hungarian undercover investigator within the territory of the Member State or using a Member State undercover investigator within the territory of Hungary or a Member State.

(2) The use of an undercover investigator shall require an *ad hoc* agreement concluded with the Member State authority. The *ad hoc* agreement shall be prepared by the organ designated by law for the execution of the use of an undercover investigator of the police or the National Tax and Customs Administration.

(3) In cases where delays are unacceptable, where the conclusion of an *ad hoc* agreement would jeopardise or frustrate the successful use of an undercover investigator, also the head of the organ designated by law for the execution of the use of an undercover investigator of the police or the National Tax and Customs Administration may initiate the use of an undercover investigator under paragraph (1) for a period of twenty-four hours. In such a situation, the prosecution office shall be informed accordingly at the time of preliminary initiation of the use of an undercover investigator. Following the receipt of such information, the prosecution office shall decide on initiating the use of an undercover investigator without delay. Should the prosecution office not initiate the use of an undercover investigator, the outcome of any use thereof performed on the basis of preliminary initiation shall not be used as evidence.

(4) The prosecution office shall specify in the European Investigation Order the grounds on the basis of which it is reasonable to assume that obtaining in any other way the evidence the use of undercover investigator is intended to produce seems impossible or would entail disproportionate difficulties.

(5) The law of the Member State of the use of the undercover investigator shall apply to using a Hungarian or Member State undercover investigator within the territory of a Member State, with the proviso that a Hungarian undercover investigator shall, when performing his activities, comply with his obligations also under Hungarian law. In the course of using a Hungarian undercover investigator, the organ employing the Hungarian undercover investigator shall cooperate with the Member State authority.

(6) Hungarian law shall apply to using a Member State undercover investigator within the territory of Hungary. The organ in charge of the execution of the use of an undercover investigator shall cooperate with the Member State authority and the organ employing the Member State undercover investigator. In the course of using an undercover investigator, a request by a Member State authority or the organ employing the Member State undercover investigator may be complied with only if it is not contrary to the fundamental principles of the Hungarian legal system.

Section 65/A (1) The prosecution office shall execute a European Investigation Order for intercepting, and recording, in a covert manner, communication conducted through an electronic communications service or information system without the knowledge of the person concerned in accordance with the rules on the use of covert means in the Code of Criminal Procedure.

(2) The county chief prosecutor's office or the Budapest-Capital Chief Prosecutor's Office shall be competent to execute the European Investigation Order. Where the prosecution office competent to execute the European Investigation Order cannot be identified, the competent prosecution office shall be the Budapest-Capital Chief Prosecutor's Office.

(3) If the performance of the procedural act indicated in the European Investigation Order requires the use of covert means subject to permission of a judge, the investigating judge shall decide on the motion by the prosecution office in accordance with the rules of the Code of Criminal Procedure. If the investigating judge dismisses a motion for the use of covert means, the prosecution office shall inform the Member State authority that the procedural act indicated in the European Investigation Order cannot be performed and may consult the Member State authority for the execution of the European Investigation Order in another way.

(4) The outcome of the execution of the European Investigation Order and the recorded data may be transferred to the Member State authority as follows:

a) following the performance of the procedural act; or

b) at a request by the Member State authority, by means of direct transmission, redirecting the outcome of surveillance to a device of the Member State authority, provided that the relevant technical conditions may be ensured.

(5) In the case of a request for direct transmission from the Member State authority, the prosecution office shall consult the Member State authority, taking account of the position of the executing organ, on the method and applicability of execution.

(6) At a reasoned request from, and at the expense of, the Member State authority, the prosecution office may order

a) transcription of data recorded in the course of the performance of the procedural act;

b) restoration into original condition of data encrypted or otherwise rendered inaccessible in the course of the performance of the procedural act.

(7) If in the course of the execution of the European Investigation Order, data relating to execution are protected by classification in accordance with the rules laid down in the Act on the protection of classified data, transfer of the outcome of the execution and of the data recorded shall not be prevented by the classification of data. At a request by the Member State authority, the entity which classified the data shall review the classification and, where possible under an Act, declassify the data.

(8) Where the Member State authority, for a purpose other than that under paragraph (1), issued a European Investigation Order the execution of which requires the use of covert means, the prosecution office shall execute the European Investigation Order applying paragraphs (2) to (7) accordingly, with the exceptions specified in paragraph (9).

(9) Where a Member State authority issued a European Investigation Order for the surveillance of payment transactions, the prosecution office shall execute the European Investigation Order applying paragraphs (2) to (7) accordingly, with the proviso that

a) the county chief prosecutor's office or the Budapest-Capital Chief Prosecutor's Office of the seat of the organisation providing financial services or supplementary financial services shall have competence for the execution;

b) suspension of the execution of payment transactions in accordance with section 217 (1) of the Code of Criminal Procedure may be ordered only at a request from the Member State authority; and

c) if the execution of payment transactions is suspended, the Member State authority shall be informed of the provisions under section 217 (2) of the Code of Criminal Procedure.

Section 65/B (1) The prosecution office may issue a European Investigation Order for the performance, in a Member State, of accessing and recording, in a covert manner, communication conducted through or using an electronic communications service or information system without the knowledge of the person concerned.

(2) Where the procedural act referred to in paragraph (1) may be performed by more than one Member State, the European Investigation Order may be transmitted only to the Member State, that can the most efficiently perform the procedural act indicated; this Member State shall be that of the place of actual residence of the person concerned, where possible.

(3) In the case of a European Investigation Order issued for the use of covert means subject to permission of a judge referred to in paragraph (1), the rules on the use of covert means subject to permission of a judge of the Code of Criminal Procedure shall be applicable.

(4) The European Investigation Order shall include the elements set out in section 236 (2) of the Code of Criminal Procedure.

(5) The prosecution office shall specify in the European Investigation Order the grounds on the basis of which it is reasonable to assume that obtaining in any other way the evidence the performance of the procedural act indicated is intended to produce seems impossible or would entail disproportionate difficulties.

(6) The prosecution office shall specify in the European Investigation Order whether it requests the outcome of execution and the recorded data to be transmitted

a) following the performance of the procedural act; or

b) by means of direct transmission, redirecting the outcome of surveillance to a device of a Hungarian organ involved in the execution.

(7) In a situation under paragraph (6) b), the prosecution office shall consult the Member State authority, taking account of the position of the Hungarian organ involved in execution, on the method and applicability of execution.

(8) Where justified, the prosecution office may request

a) transcription of data recorded in the course of the performance of the procedural act;

b) restoration into original condition of data encrypted or otherwise rendered inaccessible in the course of the performance of the procedural act; or

c) declassification of data.

(9) Should a Member State request reimbursement for the costs incurred in connection with the application of paragraph (8), such costs shall be advanced by the Hungarian State. Costs so incurred shall constitute criminal costs.

(10) Paragraphs (2) to (9) shall apply accordingly to issuing a European Investigation Order for the use of covert means in a Member State for a purpose other than that specified under paragraph (1).

Section 65/C (1) The Budapest-Capital Chief Prosecutor's Office shall be competent to receive a notification made by a Member State authority in Hungarian in accordance with the form in Annex 20, or using the English, French or German translation available of that form, for accessing and recording, in a covert manner, communication of a person residing within the territory of Hungary conducted through or using an electronic communications service or information system, without Hungarian technical assistance and without the knowledge of the person concerned.

(2) Following the receipt of the notification, the Budapest-Capital Chief Prosecutor's Office shall examine, without delay, whether the conditions under the rules on the use of covert means for the procedural act that was planned, is being performed or was completed by the Member State authority are met.

(3) If the conditions under the rules on the use of covert means for the procedural act that was planned, is being performed or was completed by the Member State authority are not met, the prosecution office shall inform accordingly the Member State authority within not more than ninety-six hours of receipt of the notification referred to in paragraph (1).

Section 65/D (1) If a person affected by the use of covert means subject to permission of a judge referred to in section 65/B (1) in a criminal proceeding pending in Hungary does not reside within the territory of Hungary, but accessing and recording transferred communication does not require the involvement of the Member State of the place of actual residence of the person concerned, the prosecution office shall notify of the use or planned use of covert means the authority of the Member State of the place of actual residence of the person concerned in accordance with the form in Annex 20, using the translation of the form available in the official language or one of the official languages of, or the language specified by, the Member State immediately after becoming aware of the place of actual residence of the person concerned.

(2) Should the Member State authority inform the prosecution office within ninety-six hours of receipt of the notification that the use of covert means is not permissible or the outcome of the use of covert means cannot be used or can only be used subject to specific conditions, the prosecution office shall take the measures required in accordance with the Code of Criminal Procedure.

(3) Should the prosecution office not agree to the notification from the Member State authority, the prosecution office may, as required, initiate consultation with the Member State authority with assistance from Eurojust.

Chapter IV/A

PROCEDURAL LEGAL ASSISTANCE AS REGARDS MEMBER STATES NOT APPLYING THE EUROPEAN INVESTIGATING ORDER

Section 66 (1) Not including procedural legal assistance under Chapters V to VII/A, this Chapter shall lay down provisions on

a) putting forward and executing requests for procedural legal assistance as regards Member States that did not take part in the adoption of Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters (for the purpose of this Chapter hereinafter the “Directive”); and

b) execution by Hungary of requests for procedural legal assistance put forward by Member States that did not transpose the provisions of the Directive into national law.

(2) The provisions of this Chapter shall apply only if an international treaty does not provide otherwise.

(3)

32. General rules of the execution of a request for procedural legal assistance

Section 66/A (1) Unless this Act provides otherwise, the Hungarian judicial authority shall be entitled to directly receive, after a criminal proceeding was instituted, a request for procedural legal assistance put forward by a Member State judicial authority under this Chapter in the course of cooperation in criminal matters and, in the course of the execution of the request for procedural legal assistance, the Member State authority and the Hungarian judicial authority shall communicate directly with each other.

(2) On the basis of an international treaty, the Hungarian judicial authority may accept a request for procedural legal assistance from also the law enforcement organs of a Member State, provided that the national law of the Member State allows the participation of the law enforcement organ in legal assistance in criminal matters. In such a situation, the rules on a Member State judicial authority shall apply accordingly to the Member State law enforcement authority that put forward the request.

(3) Unless this Act provides otherwise, a district court, or the prosecution office with subject-matter competence under the Code of Criminal Procedure over the criminal offence on which the request is based, shall have competence for the execution of a request for legal assistance.

(4) In a situation under section 6 (5) of the International Criminal Legal Assistance Act, a district prosecution office shall have competence to execute a request for procedural legal assistance.

(5) The competence of a Hungarian judicial authority shall be based on the location where the procedural act is to be performed, in particular, the place of actual residence or seat of the person to be interrogated or heard or the place where the means of physical evidence can be found. Where more than one place can be established for such a performance, or the place of performance cannot be identified, precedence shall apply.

(6) Unless otherwise follows from the request, the Hungarian judicial authority of the seat or establishment of the legal person concerned shall have the power to execute a request for procedural legal assistance put forward as regards a legal person.

(7) To efficiently execute a request for procedural legal assistance, a prosecution office that is not competent under paragraphs (2) to (6) may also proceed where the Office of the Prosecutor General or the superior prosecution office so provides.

(8) Should a Hungarian judicial authority receive a request for procedural legal assistance for the execution of which it has no subject-matter or territorial competence, it shall forward the request, without delay, to the competent Hungarian judicial authority. The forwarding Hungarian judicial authority shall inform the Member State judicial authority of the forwarding of the request accurately specifying the Hungarian judicial authority concerned.

(9) In cases where delays are unacceptable, where taking the measure under paragraph (8) would jeopardise or frustrate the successful performance of the procedural act, a Hungarian judicial authority lacking the relevant competence may also perform the procedural act indicated in the request for procedural legal assistance; however, the Hungarian judicial authority concerned shall inform accordingly the competent judicial authority at the time of taking the measure under paragraph (8).

Section 66/B The provisions of the Act on international cooperation of law enforcement bodies shall apply to the receipt and execution of a request for international cooperation sent by a Member State law enforcement body before the institution of a criminal proceeding. If, in the course of the execution of the request for international cooperation put forward before the institution of the criminal proceeding, a criminal proceeding is instituted in the case, further cooperation, with the exception of direct information provision, shall be permissible only in accordance with this Act.

Section 66/C (1) A request for procedural legal assistance may be put forward in any manner that enables the establishment of the authenticity of the request. A request for procedural legal assistance so put forward shall be considered duly put forward.

(2) A request for procedural legal assistance shall be considered duly put forward also if the Member State judicial authority transmits the request through the secure telecommunication system of the European Judicial Network or Eurojust.

(3) Provision of paragraphs (1) and (2) shall apply accordingly to other documents and information transmitted by a Member State judicial authority and to documents and information transmitted by the Hungarian judicial authority to the Member State judicial authority.

Section 66/D (1) Following the receipt of a request for procedural legal assistance, the Hungarian judicial authority shall examine whether the conditions for the execution of the request are met under Hungarian law.

(2) Where, on the basis of the content of the request for procedural legal assistance, execution is not possible, or is possible only in part, the Hungarian judicial authority shall immediately inform accordingly the Member State judicial authority and may specify, at the same time, data and documents access to which is required for the execution of the request. The Hungarian judicial authority may set a time limit for sending the data and documents required for the execution of the request.

Section 66/E Where a request for procedural legal assistance is put forward for an act that constitutes a criminal offence under the law of the Member State, but qualifies as an infraction under Hungarian law, the Hungarian judicial authority shall transmit the request to the central authority specified in the Act on legal assistance in infraction matters for execution and inform the Member State judicial authority accordingly.

Section 66/F (1) With the exceptions set out in paragraphs (2) and (3), the Hungarian law shall apply to the performance of the procedural act indicated in the request for procedural legal assistance.

(1a) The investigating authority may perform any procedural act indicated in the request for procedural legal assistance and may assist in the execution of the request for procedural legal assistance also in any other way on the basis of a provision to that effect by the prosecution office.

(2) In the course of the performance of the procedural act, the Hungarian judicial authority shall proceed in accordance with the rules, and using the technical methods, specifically requested and specified by the Member State judicial authority, provided that these rules and methods are not inconsistent with the fundamental principles of the Hungarian legal system. The Hungarian judicial authority shall inform the Member State judicial authority without delay if it is unable to apply the rules and technical methods specified by the Member State judicial authority, and specify the conditions under which execution of the request is possible.

(3) The provisions on interrogation, refusal to provide testimony, and exemptions and obstacles to giving testimony under Hungarian law and, at a request to that effect, under the law of the Member State shall apply to interrogating as a witness or defendant the person concerned in the course of the performance of the procedural act.

(4) The procedural act shall be performed observing the time limit requested by the Member State judicial authority.

(5) Where a procedural act cannot be performed within the time limit set in the request for procedural legal assistance, the Hungarian judicial authority shall inform the Member State judicial authority without delay of the period required for the performance of the procedural act concerned, specifying the reasons for delay.

(6) In the context of the execution of a request for procedural legal assistance, Hungarian passport rules and provisions of immigration and customs legislation shall not constitute an obstacle to foreign persons entering and leaving the country and to objects being transferred and received.

(7) Where the Member State judicial authority withdraws a request for procedural legal assistance or the request cannot be executed for another reason, the Hungarian judicial authority shall cease the execution of the request for procedural legal assistance.

(8) If seizure is ordered in the course of execution of a request for procedural legal assistance, the Hungarian judicial authority shall lift the seizure at the time of ceasing execution; the seized thing shall be released to the person from whom it was seized. This provision shall apply accordingly to any other coercive measure affecting data, things or assets applied in the course of execution.

Section 66/G Where required for the efficient execution of a request for procedural legal assistance, the Hungarian judicial authority and the Member State judicial authority shall consult with each other.

Section 66/H (1) At the request of the Member State judicial authority, the Hungarian judicial authority may enable a member of an authority of the Member State to be present at the performance of the procedural act if it is not inconsistent with the fundamental principles of the Hungarian legal system.

(2) The provisions of the Code of Criminal Procedure on attendance at a procedural act shall apply accordingly to the rights of the member of the Member State authority present.

(3) The Hungarian judicial authority may enter into an agreement with the Member State judicial authority as regards the rights of the members of the Member State authority present, other than those under paragraph (2). The rules of the agreement relating to a member from a Member State of a joint investigation team who proceeds within the territory of Hungary shall apply accordingly to such an agreement.

(4) The Hungarian State shall be liable, in accordance with Hungarian law and the rules on damage caused by a public officer, for any damage caused within the territory of Hungary by the member of the Member State authority present in the course of the performance of his task. The Hungarian State may request from the Member State concerned reimbursement for the total amount of damages paid under this provision. No further claim for damages may be enforced against the Member State concerned.

Section 66/I (1) The Hungarian judicial authority shall transfer to the Member State judicial authority the means of evidence obtained in the course of the performance of the procedural act and the related documents.

(2) At the request of the Member State judicial authority, the means of evidence and the related documents may be transferred also to the member of the Member State authority present, provided that transferring the means of evidence in this manner is permitted also under the Hungarian law.

(3) The transfer of the means of evidence may be made conditional upon the Member State judicial authority returning the means of evidence to Hungary in a condition as at the time of transfer as soon as it is no longer required in the Member State concerned.

(4) If a means of evidence is required for detecting or proving another criminal offence, the Hungarian judicial authority may postpone, informing the Member State judicial authority at the same time and specifying the expected time of transfer, the transfer of the means of evidence for the period required for the means of evidence to become available.

(5) The Hungarian law shall apply to any arrangements as regards a means of evidence seized or secured in any other manner in the course of the execution of a request for procedural legal assistance until its transfer. If transfer of a means of evidence was not subject to any condition referred to in paragraph (3), the law of the Member State shall apply to any arrangements as regards that means of evidence following its transfer.

Section 66/J (1) Legal remedy may be sought against a decision adopted or measure taken in the course of the execution of a request for procedural legal assistance in accordance with the provisions of the Code of Criminal Procedure; however, the ordering of the procedural act indicated in the request for procedural legal assistance may not be challenged by the legal remedy. The law of the Member State shall apply to seeking legal remedy against the ordering of the procedural act indicated in the request for procedural legal assistance. The court or the prosecution office shall inform accordingly the person concerned.

(2) If legal remedy was sought against ordering the procedural act indicated in the request for procedural legal assistance, the Hungarian judicial authority shall transmit the motion for legal remedy to the Member State judicial authority without delay, and inform the person who submitted the motion for legal remedy accordingly.

Section 66/K The Hungarian judicial authority may provide information on the execution of a request for procedural legal assistance in accordance with the provisions of the Code of Criminal Procedure after informing the Member State judicial authority in advance and taking into account the position of the Member State judicial authority.

Section 66/L (1) Any costs incurred within the territory of Hungary in the course of the execution of a request for procedural legal assistance shall be borne by the Hungarian State.

(2) Where the execution of a request for procedural legal assistance involves substantial costs, the Hungarian judicial authority shall inform the Member State judicial authority of the foreseeable amount of costs and make execution conditional upon the advancement or reimbursement, in part or in full, of costs by the Member State judicial authority. The Hungarian judicial authority shall initiate consultation as regards the advancement or reimbursement of costs relating to the execution of the request or the modification of the request for procedural legal assistance.

33. General rules of putting forward a request for procedural legal assistance

Section 67 (1) Unless this Act provides otherwise, the Hungarian judicial authority before which the criminal proceeding is pending shall be entitled to directly put forward, after a criminal proceeding was instituted, a request for procedural legal assistance under this Chapter in the course of cooperation in criminal matters and, in the course of the execution of the request for procedural legal assistance, the Member State authority and the Hungarian judicial authority shall communicate directly with each other.

(2) A request for procedural legal assistance may be put forward if it is necessary and proportionate in the criminal proceeding and the procedural act indicated in the request could be performed under the conditions set out therein also under Hungarian law.

Section 67/A The provisions of the Act on international cooperation of law enforcement bodies shall apply to putting forward a request for international cooperation sent by a Hungarian law enforcement body before the institution of a criminal proceeding. If, in the course of the execution of the request put forward before the institution of the criminal proceeding, a criminal proceeding is instituted in the case, further cooperation, with the exception of direct information provision, shall be permissible only in accordance with this Act.

Section 67/B (1) A request for procedural legal assistance shall be sent to the competent Member State judicial authority or, where the Member State concerned designated a central authority, to the central authority translated into the official language or one of the official languages of, or the language specified by, the Member State.

(2) A request for procedural legal assistance may be put forward in any manner that enables the establishment of the authenticity of the request.

(3) A request for procedural legal assistance may be put forward through the secure telecommunication system of the European Judicial Network or Eurojust.

(4) If on the basis of available data, the Member State judicial authority competent to execute the request for procedural legal assistance in the Member State cannot be identified, contact data may be acquired also through European Judicial Network contact points.

(5) Provisions of paragraphs (1) to (3) shall apply accordingly to other documents and information transmitted by a Hungarian judicial authority and to documents and information transmitted by the Member State judicial authority to the Hungarian judicial authority.

(6) Where required for the efficient execution of a request for procedural legal assistance, the Hungarian judicial authority and the Member State judicial authority shall consult with each other.

Section 67/C (1) The Hungarian judicial authority may request the Member State judicial authority to perform the procedural act indicated in the request observing Hungarian laws and using the technical method specified by it.

(2) In the request for procedural legal assistance, the Hungarian judicial authority may indicate the time limit for the performance of the procedural act and the reason for setting the time limit. The Hungarian judicial authority may request the Member State judicial authority also to perform the procedural act as a matter of priority or at a specific time.

Section 67/D (1) The Hungarian judicial authority may request the Member State judicial authority to enable one or more members of the Hungarian judicial or investigating authority to be present at the performance of the procedural act within the territory of the Member State.

(2) If a member of the Hungarian judicial or investigating authority is present at the performance of the procedural act within the territory of the Member State, he shall act in accordance with the Member State rules in the course of performing his task. An agreement may be concluded with the Member State judicial authority as regards the rights of the member of the Hungarian judicial or investigating authority present. The rules relating to the Hungarian member of a joint investigation team proceeding within the territory of a Member State shall apply accordingly to the agreement.

(3) The Hungarian State shall reimburse, in accordance with the law of the Member State, the full amount of damages paid by the Member State due to damage caused by the member of the Hungarian judicial or investigating authority present in the Member State in the course of the performance of his tasks in connection with the execution of the request for procedural legal assistance.

Section 67/E (1) The Hungarian judicial authority may request that the outcome of the execution of the request for procedural legal assistance and the means of evidence obtained in the course of execution be transferred to the member of the Hungarian judicial or investigating authority present in the course of the performance of the procedural act.

(2) Should the Member State authority so request at the time of transfer of the means of evidence, the Hungarian judicial authority shall return the means of evidence to the Member State in a condition as at the time of transfer as soon as it is no longer required in Hungary.

(3) Should the Member State judicial authority postpone the transfer of the means of evidence, the Hungarian judicial authority may initiate the temporary transfer of the means of evidence.

(4) If a request for procedural legal assistance is put forward, the laws of the Member State shall apply to making arrangements as regards a means of evidence seized or secured in any other way in the Member State until that means of evidence is transferred to Hungary. If transfer of the means of evidence was not subject to any condition referred to in paragraph (2) or (3), the Hungarian law shall apply to making arrangements as regards the means of evidence following its receipt.

Section 67/F The provisions of the Code of Criminal Procedure shall apply to seeking legal remedy against the ordering of the procedural act indicated in the request for procedural legal assistance.

Section 67/G (1) Any costs incurred within the territory of Hungary relating to putting forward a request for procedural legal assistance shall constitute criminal costs.

(2) Where information from the Member State judicial authority implies that the execution of a request for procedural legal assistance involves substantial costs, the Hungarian judicial authority shall consult the Member State judicial authority and examine whether the objective to be reached by the request may be achieved by means of a procedural act involving lower costs. The Hungarian judicial authority may modify or supplement the request for procedural legal assistance where possible.

(3) Where the Member State judicial authority makes the execution of a request for procedural legal assistance conditional upon the advancement or reimbursement, in part or in full, of the costs of execution by the Hungarian State, an agreement may be concluded with the Member State judicial authority as regards the advancement or reimbursement of costs. Should the agreement not be concluded, the Hungarian judicial authority may modify, supplement or withdraw the request for procedural legal assistance.

34. Special rules relating to specific types of procedural legal assistance

Section 67/H Types of procedural legal assistance shall be, in particular, the following:

- a) data provision concerning financial accounts and account activity;
- b) temporary transfer of a detained person to the Member State executing the request for procedural legal assistance;
- c) interrogation using a telecommunication device;
- d)
- e) controlled delivery;
- f) using an undercover investigator;
- g) using covert means subject to permission of a judge.

35. Data provision concerning financial accounts and account activity

Section 68 (1) If the Member State judicial authority issued the request for procedural legal assistance for

- a) establishing whether a natural or legal person subject to criminal proceeding in the Member State exercises, as account holder or authorised person, right of disposal over an account held by a bank or other financial institution operating within the territory of Hungary, and for transmitting data held by the bank or other financial institution relating to this account; or

b) transmitting data held by the account servicing bank or other financial institution as regards payment transactions performed within a specific period relating to an account held by a bank or other financial institution operating within the territory of Hungary, including data of all accounts affected by the transaction concerned, and for transmitting account data held by the bank or other financial institution operating within the territory of Hungary,

the prosecution office of the location of the bank branch or the establishment of the other financial institution shall execute the request for procedural legal assistance.

(2) At a specific request to that effect by the Member State judicial authority, the request for procedural legal assistance shall be executed by the court. In such a situation, the court of the seat of the account servicing bank or other financial institution shall proceed in the course of the execution of the request for procedural legal assistance.

Section 68/A (1) The Hungarian judicial authority may put forward a request for procedural legal assistance for

a) establishing whether a natural or legal person subject to criminal proceeding in Hungary exercises, as account holder or authorised person, right of disposal over an account held by a credit institution or other payment service provider within the meaning of the Act on providing payment services operating within the territory of the Member State (hereinafter jointly the “payment service provider”), and for transmitting data held by the payment service provider relating to this account; or

b) transferring data held by the account servicing payment service provider as regards payment transactions performed within a specific period relating to an account managed at a payment service provider operating within the territory of a Member State, including data of all accounts affected by the transaction concerned, and transferring account data held by the payment service provider operating within the territory of a Member State.

(2) In the request for procedural legal assistance, the Hungarian judicial authority shall indicate

a) the reasons for which the data requested are likely to be of substantial value for the purpose of the criminal proceeding pending in Hungary;

b) the grounds on which it can be presumed that the natural or legal person subject to criminal proceeding exercises the right of disposal over an account held at a payment service provider operating within the territory of the Member State, and, where possible, the payment service providers that may be involved; and

c) any information available which may facilitate the execution of the request for procedural legal assistance.

36. Temporary transfer of a detained person to the Member State executing the request for procedural legal assistance

Section 68/B (1) As regards the performance of a procedural act indicated in the request for procedural legal assistance in Hungary and the temporary transfer to Hungary to ensure the presence at a procedural act of a person detained in a Member State, the Hungarian judicial authority shall conclude an agreement with the Member State.

(2) An *ad hoc* agreement under paragraph (1) shall include, in particular, the following:

- a) period of temporary transfer of the detained person;
- b) time limit and conditions for transfer to the territory of Hungary and transfer back to the Member State;
- c) details of the detention of the detained person within the territory of Hungary;
- d) undertaking by Hungary to release, without delay, the detained person as soon as the Member State provides information to that effect.

(3) The execution of a request for procedural legal assistance for the temporary transfer to Hungary of a detained person shall not be permissible if the detained person did not consent to temporary transfer.

(4) The detention of the person subject to temporary transfer shall be ensured in Hungary pursuant to the provision by the Hungarian judicial authority, in a manner that is the most appropriate taking into account the nature of detention, and in accordance with Hungarian prison rules.

(5) Against the detained person, no criminal proceeding may be launched in Hungary, and he shall not be found guilty or be deprived of freedom in another way, for a criminal offence committed before transfer.

(6) Paragraph (5) shall not apply if the person concerned did not leave the territory of Hungary within fifteen days of release despite having the opportunity to do so or returned to the territory of Hungary.

(7) Paragraphs (5) to (6) shall be without prejudice to launching or conducting, in accordance with the rules of a proceeding in the absence of a defendant staying abroad a criminal proceeding against a person subject to temporary acceptance during the period of temporary acceptance or following his transfer back to the Member State, provided that the conditions for the criminal proceeding are met.

(8) The ILECC, with assistance from the police, shall provide for transferring to the territory of Hungary and transferring back to the Member State the detained person.

(9) All costs relating to the transfer to the territory of Hungary and the transfer back to the Member State of the detained person shall be borne by the Member State. Costs incurred in connection with the detention of the person concerned in Hungary shall be borne by the Hungarian State.

Section 68/C (1) As regards the performance of a procedural act indicated in the request for procedural legal assistance in a Member State and the temporary transfer to the Member State to ensure presence at a procedural act of a person detained in Hungary, the Hungarian judicial authority that put forward the request for procedural legal assistance shall conclude an agreement with the Member State.

(2) Section 68/B (2) shall apply accordingly to the content of an *ad hoc* agreement referred to in paragraph (1).

(3) Temporary transfer of a detained person shall be permissible only with prior consent from the person concerned. The case document containing the declaration of consent of the detained person and its translation shall be attached to the request for procedural legal assistance.

(4) The entire period of detention abroad on the basis of the execution of a request for procedural legal assistance shall be credited to the pre-trial detention ordered, the penalty imposed and the measure involving deprivation of liberty applied in accordance with the rules on crediting remand detention of the Criminal Code.

(5) Where the ground for detention ceased to exist, the Hungarian judicial authority shall immediately inform accordingly the Member State in order for the detained person to be released.

(6) The ILECC, with assistance from the police, shall provide for transferring to the Member State and transferring back to the territory of Hungary the detained person.

(7) All costs relating to the transfer to the Member State and the transfer back to the territory of Hungary of the detained person shall constitute criminal costs.

36/A. Interrogation using a telecommunication device

Section 68/D (1) The court or the prosecution office shall execute a request for procedural legal assistance put forward by the Member State judicial authority for the interrogation or hearing as a witness, defendant or expert of a person in Hungary using an audio-visual device, or the interrogation or hearing as a witness or expert of a person in Hungary by means of teleconference, by ordering the interrogation or hearing using a telecommunication device of the person concerned.

(2) The district court or the district prosecution office of the place of actual residence of the person to be interrogated as a witness or defendant, or the place of actual residence or seat of the person to be heard as an expert shall be competent to execute the request for procedural legal assistance. If the place of actual residence or seat of a person at liberty who is to be interrogated as a witness or defendant or heard as an expert is unknown, the Central District Court of Pest or the Budapest-Capital Chief Prosecutor's Office shall be competent to proceed as regards the execution of the request for procedural legal assistance.

(3) The interrogation using a telecommunication device of a person to be interrogated as a defendant may be ordered only with prior consent from the person concerned.

(4) With the exceptions set out in this section, the law of the Member State shall apply to the interrogation or hearing. The interrogation or hearing shall be conducted by the Member State judicial authority.

(5) A member of the court or the prosecution office executing the request shall proceed at the place in Hungary of the interrogation or hearing and he shall provide, applying the rules of the Code of Criminal Procedure, for verifying the identity of the person to be interrogated or heard and ensure that the Hungarian laws are respected. This task may be performed by also a junior judge or junior prosecutor.

(6) The person to be interrogated or heard may exercise the right to refusal to testify and to provide assistance or an opinion also in accordance with Hungarian law. The person concerned shall be advised accordingly before the interrogation or hearing.

(7) At a request by the Member State judicial authority, the court or the prosecution office may provide for the protection of the person to be interrogated or heard, or another person with regard to the person to be interrogated or heard, in accordance with the provisions under section 85 (1) and section 86 (2) a), c), d), f) and g) of the Code of Criminal Procedure.

(8) The court or the prosecution office may decide to officially appoint an interpreter to ensure the appropriate execution of the request for procedural legal assistance and appropriate communication with the Member State judicial authority.

(9) On the basis of consultation with the Member State judicial authority and at a motion by the person to be interrogated or heard or a request by the Member State judicial authority or *ex officio*, the court or the prosecution office may appoint an interpreter to ensure that the person concerned understand the Hungarian language or, taking account of paragraph (4), the language of the proceeding.

(10) The court or the prosecution office shall send the minutes of the interrogation or hearing using a telecommunication device and the recording referred to in section 125 (2) of the Code of Criminal Procedure to the Member State judicial authority.

(11) All costs incurred within the territory of Hungary relating to the execution of a request for procedural legal assistance shall be borne by the Member State judicial authority. On the basis of consultation on bearing the costs between the Member State judicial authority and the court or prosecution office, the court or prosecution office may choose to not expect the Member State judicial authority to bear the costs in part or in full.

Section 68/E (1) The proceeding court or prosecution office may put forward a request for procedural legal assistance for interrogating or hearing as a witness, defendant or expert using a telecommunication device a person who is in a Member State.

(2)

(3) Where the technical means for interrogation or hearing are not available in a Member State, the court, with assistance from the prosecution office where required, or the prosecution office shall provide the Member State judicial authority with such means.

(4) The interrogation or the hearing shall be conducted by the court or the prosecution office in accordance with Hungarian law.

(5) The court or the prosecution office may decide to officially appoint an interpreter to ensure appropriate communication with the Member State judicial authority.

(6) The court or the prosecution office may request the Member State judicial authority to provide an interpreter for the witness or defendant to be interrogated and the expert to be heard to ensure that the person concerned understand the language of the proceeding in the Member State.

(7) Where the protection of the person to be interrogated or heard, or another person with regard to the person to be interrogated or heard, is justified, the court or the prosecution office may consult the Member State judicial authority as regards the means of protection that may be provided by the Member State. In doing so, the court or the prosecution office may initiate the application of the provisions of section 85 (1) and section 86 (2) a), c), d), f) and g) of the Code of Criminal Procedure.

(8) All costs incurred relating to the execution of a request for procedural legal assistance within the territory of the Member State shall constitute criminal costs, unless where, on the basis of consultation on bearing the costs between the Member State judicial authority and the court or prosecution office, the Member State judicial authority chooses to not expect the court or prosecution office to bear the costs in part or in full.

36/B.

Section 68/F

36/C. Controlled delivery

Section 69 (1) Competence to execute a request for procedural legal assistance for controlled delivery through the territory of Hungary shall lie with the county chief prosecutor's office or the Budapest-Capital Chief Prosecutor's Office.

(2) The execution of controlled delivery shall require an *ad hoc* agreement with the Member State. The *ad hoc* agreement shall be prepared by the organ designated by law for the execution of controlled delivery of the police or the National Tax and Customs Administration.

(3) An *ad hoc* agreement shall contain provisions on the following:

- a) content, expected route, expected duration, and method of delivery and data suitable for identifying the means of delivery;
- b) person in charge of the controlled delivery;
- c) organ assisting in the controlled delivery;
- d) method of communication between participants;
- e) method of escort;
- f) number of escorting persons;
- g) conditions of the handover and receipt of the delivery;
- h) measures to be applied in case of apprehension;
- i) measures to be applied in case of an unexpected event.

(4) In cases where delays are unacceptable, where the conclusion or approval by the prosecution office of an *ad hoc* agreement would jeopardise or frustrate the successful execution of controlled delivery, also the head of the organ designated by law for the execution of controlled delivery of the police or the National Tax and Customs Administration that is competent as regards the criminal offence on which the request for procedural legal assistance is based may authorise controlled delivery for a period of twenty-four hours. In such a situation, the prosecution office shall be informed accordingly at the time of preliminary authorisation of controlled delivery. Following the receipt of such information, the prosecution office shall decide on authorising controlled delivery without delay. Should the prosecution office not authorise controlled delivery, the outcome of controlled delivery performed on the basis of preliminary authorisation shall not be used as evidence.

(5) Hungarian law shall apply to the execution of controlled delivery through the territory of Hungary, including its direction and control. The organ assisting in controlled delivery shall cooperate with the Member State judicial authority and other organs participating in the controlled delivery. A request concerning the execution of controlled delivery by an organ initiating or participating in controlled delivery may be complied with only if it is not contrary to the fundamental principles of the Hungarian legal system.

(6) If authorised by the prosecution office, a member of the Member State authority may also participate in escorting the controlled delivery. An undercover investigator may participate in escorting controlled delivery in accordance with the rules on using undercover investigators.

Section 69/A (1) The prosecution service may put forward a request for procedural legal assistance for controlled delivery through the territory of one or more Member States.

(2) The execution of controlled delivery shall require an *ad hoc* agreement with the Member State. The *ad hoc* agreement shall be prepared by the organ designated by law for the execution of controlled delivery of the police or the National Tax and Customs Administration.

(3) In cases where delays are unacceptable, where the conclusion of the *ad hoc* agreement would jeopardise or frustrate the successful execution of controlled delivery, also the head of the organ designated by law for the execution of controlled delivery of the police or the National Tax and Customs Administration may initiate controlled delivery for a period of twenty-four hours. In such a situation, the prosecution office shall be informed accordingly at the time of preliminary initiation of controlled delivery. Following the receipt of such information, the prosecution office shall decide on initiating controlled delivery without delay. Should the prosecution office not initiate controlled delivery, the outcome of controlled delivery performed on the basis of preliminary initiation shall not be used as evidence.

(4) Should controlled delivery affect more than one Member State, the request for procedural legal assistance shall be sent to all Member States concerned. The Member State shall be informed of further Member States involved in the controlled delivery.

(5) The provisions of section 69 (3) shall apply to the content of an *ad hoc* agreement, and the provisions of section 69 (6) shall apply to assistance by a member of an investigating authority or an undercover investigator.

Section 69/B If controlled delivery is executed or initiated, the prosecution service shall inform the Hungarian national member of Eurojust of a controlled delivery that involves at least three States, among which two are Member States, by disclosing the following data:

- a) Member States concerned and competent authorities;
- b) identification data of a person, group or organisation against whom or which a criminal proceeding is pending;
- c) type of delivery;
- d) type of criminal offence for which controlled delivery is performed.

36/D. Using an undercover investigator

Section 69/C (1) The prosecution office authorised to permit the use of an undercover investigator shall be competent to execute a request for procedural legal assistance put forward for using a Member State undercover investigator within the territory of Hungary or a Hungarian undercover investigator within the territory of Hungary or a Member State.

(2) The use of an undercover investigator shall require an *ad hoc* agreement concluded with the Member State. The *ad hoc* agreement shall be prepared by the organ designated by law for the execution of the use of an undercover investigator of the police or the National Tax and Customs Administration.

(3) In cases where delays are unacceptable, where the conclusion or approval by the prosecution office of an *ad hoc* agreement would jeopardise or frustrate the successful use of an undercover investigator, also the head of the organ designated by law for the execution of the use of an undercover investigator of the police or the National Tax and Customs Administration that is competent as regards the criminal offence on which the request for procedural legal assistance is based may authorise the use of an undercover investigator under paragraph (1) for a period of twenty-four hours. In such a situation, the prosecution office shall be informed accordingly at the time of preliminary authorisation of the use of an undercover investigator. Following the receipt of such information, the prosecution office shall decide on authorising the use of an undercover investigator without delay. Should the prosecution office not authorise the use of an undercover investigator, the outcome of any use thereof performed on the basis of preliminary authorisation shall not be used as evidence.

(4) Hungarian law shall apply to using a Hungarian or Member State undercover investigator within the territory of Hungary. The organ in charge of the execution of the use of an undercover investigator shall cooperate with the Member State authority or, if a Member State undercover investigator is used, with the organ employing the Member State undercover investigator. In the course of using an undercover investigator, a request by a Member State authority or the organ employing the Member State undercover investigator may be complied with only if it is not contrary to the fundamental principles of the Hungarian legal system.

(5) The law of the Member State concerned shall apply to using a Hungarian undercover investigator within the territory of another Member State, with the proviso that the Hungarian undercover investigator shall, when performing his activities, comply with his obligations also under Hungarian law. In the course of using an undercover investigator, the organ employing the Hungarian undercover investigator shall cooperate with the Member State authority.

Section 69/D (1) The prosecution office shall be responsible for putting forward a request for procedural legal assistance for using a Hungarian undercover investigator within the territory of a Member State or a Member State undercover investigator within the territory of Hungary or a Member State.

(2) The use of an undercover investigator shall require an *ad hoc* agreement concluded with the Member State. The *ad hoc* agreement shall be prepared by the organ designated by law for the execution of the use of an undercover investigator of the police or the National Tax and Customs Administration.

(3) In cases where delays are unacceptable, where the conclusion of an *ad hoc* agreement would jeopardise or frustrate the successful use of an undercover investigator, also the head of the organ designated by law for the execution of the use of an undercover investigator of the police or the National Tax and Customs Administration may initiate the use of an undercover investigator under paragraph (1) for a period of twenty-four hours. In such a situation, the prosecution office shall be informed accordingly at the time of preliminary initiation of the use of an undercover investigator. Following the receipt of such information, the prosecution office shall decide on initiating the use of an undercover investigator without delay. Should the prosecution office not initiate the use of an undercover investigator, the outcome of any use thereof performed on the basis of preliminary initiation shall not be used as evidence.

(4) The law of the Member State of the use of the undercover investigator shall apply to using a Hungarian or Member State undercover investigator within the territory of a Member State, with the proviso that a Hungarian undercover investigator shall, when performing his activities, comply with his obligations also under Hungarian law. In the course of using a Hungarian undercover investigator, the organ employing the Hungarian undercover investigator shall cooperate with the Member State authority.

(5) Hungarian law shall apply to using a Member State undercover investigator within the territory of Hungary. The organ in charge of the execution of the use of an undercover investigator shall cooperate with the Member State authority and the organ employing the Member State undercover investigator. In the course of using an undercover investigator, a request by a Member State authority or the organ employing the Member State undercover investigator may be complied with only if it is not contrary to the fundamental principles of the Hungarian legal system.

36/E. Using covert means

Section 69/E (1) The prosecution office shall execute a request for procedural legal assistance for intercepting, and recording, in a covert manner, communications conducted through an electronic communications service or information system without the knowledge of the person concerned in accordance with the rules on the use of covert means in the Code of Criminal Procedure.

(2) The county chief prosecutor's office or the Budapest-Capital Chief Prosecutor's Office shall be competent to execute the request. Where the prosecution office competent to execute the request cannot be identified, the competent prosecution office shall be the Budapest-Capital Chief Prosecutor's Office.

(3) The request for procedural legal assistance may be executed only if the Member State authority is duly authorised in accordance with the law of its own state.

(4) If the performance of a procedural act specified in the request for procedural legal assistance requires the ordering of the use of covert means subject to permission of a judge, the investigating judge shall, at a motion by the prosecution office, decide on authorising the use of covert means in accordance with the rules of the Code of Criminal Procedure. Should the investigating judge dismiss the motion for the use of covert means, the prosecution office shall inform the Member State judicial authority accordingly.

(5) The outcome of the execution of the request for procedural legal assistance and the recorded data may be transferred to the Member State as follows:

a) following the performance of the procedural act; or

b) by means of direct transmission, redirecting the outcome of surveillance to a device of the Member State, provided that the relevant technical conditions may be ensured.

(6) At the reasoned request of the Member State, in a situation under paragraph (5) a), the prosecution office may order the transcription of data recorded in the course of the use of covert means.

(7) Where the Member State, for a purpose other than that under paragraph (1), put forward a request for procedural legal assistance the execution of which requires the use of covert means, the prosecution office shall execute the request applying paragraphs (1) to (6) accordingly, with the exceptions specified in paragraph (8).

(8) Where a Member State issued a request for procedural legal assistance for the surveillance of payment transactions, the prosecution office shall execute the request applying paragraphs (1) to (6) accordingly, with the proviso that

a) the county chief prosecutor's office or the Budapest-Capital Chief Prosecutor's Office of the seat of the organisation providing financial services or supplementary financial services shall have competence for the execution;

b) suspension of the execution of payment transactions in accordance with section 217 (1) of the Code of Criminal Procedure may be ordered only at a request from the Member State; and

c) if the execution of payment transactions is suspended, the Member State shall be informed of the provisions under section 217 (2) of the Code of Criminal Procedure.

Section 69/F (1) The request for procedural legal assistance for the performance, in a Member State, of accessing and recording, in a covert manner, communication conducted through or using an electronic communications service or information system without the knowledge of the person concerned shall be put forward by the prosecution office.

(2) The prosecution office may put forward the request for procedural legal assistance only after having obtained the permission of a judge in accordance with Hungarian law.

(3) The request for procedural legal assistance shall include also the elements set out in section 236 (2) of the Code of Criminal Procedure.

(4) The prosecution office shall specify in the request for procedural legal assistance whether it requests the outcome of execution and the recorded data to be transmitted

a) following the performance of the procedural act; or

b) by means of direct transmission, redirecting the outcome of surveillance to a device of the Hungarian organ involved in the execution, provided that the relevant technical conditions may be ensured.

(5) In a situation under paragraph (4) a), the prosecution office, if justified, may request the transcription of data recorded in the course of the execution of the request for procedural legal assistance

(6) Paragraphs (1) to (5) shall apply accordingly to putting forward a request for procedural legal assistance for the use of covert means in a Member State for a purpose other than that specified under paragraph (1).

Section 69/G (1) The Budapest-Capital Chief Prosecutor's Office shall be competent to receive information provided by a Member State about accessing and recording, in a covert manner, communication of a person residing within the territory of Hungary conducted through or using an electronic communications service or information system without Hungarian technical assistance and without the knowledge of the person concerned.

(2) Following the receipt of the information, the Budapest-Capital Chief Prosecutor's Office shall examine, without delay, whether the conditions under the rules on the use of covert means for the procedural act that was planned, is being performed or was completed by the Member State authority are met.

(3) If the conditions under the rules on the use of covert means for the procedural act that was planned, is being performed or was completed by the Member State authority are not met, the prosecution office shall inform accordingly the Member State authority within not more than ninety-six hours of receipt of the notification referred to in paragraph (1).

(4) Where necessary, the time limit referred to in paragraph (3) may be extended by eight days. The Budapest-Capital Chief Prosecutor's Office shall inform the Member State authority of the extension of the time limit and about its reasons.

Section 69/H (1) If a person affected by the use of covert means subject to permission of a judge in a criminal proceeding pending in Hungary does not reside within the territory of Hungary, but accessing and recording transferred communication does not require the involvement of the Member State of the place of actual residence of the person concerned, the prosecution office shall inform of the use or planned use of covert means the authority of the Member State of the place of actual residence of the person concerned without delay after becoming aware of the place of actual residence of the person concerned.

(2) Should the Member State authority inform the prosecution office within ninety-six hours or, if the Member State extends the time limit in accordance with section 69/G (4), within twelve days of receipt of the information that under its national law, the use of covert means cannot be permitted or the result of the use of covert means cannot be used or can only be used subject to specific conditions, the prosecution office shall take the necessary measures in accordance with the Code of Criminal Procedure.

(3) Should the prosecution office not agree to the information from the Member State authority, the prosecution office may, as required, initiate consultation with the Member State authority with assistance from Eurojust.

Chapter IV/B

SETTING UP A JOINT INVESTIGATION TEAM, DIRECT INFORMATION PROVISION, SERVICE OF AN OFFICIAL DOCUMENT AND RETURN OF AN OBJECT

Section 70 The provisions of this Chapter shall apply to procedural legal assistance relating to any Member State of the European Union.

36/F. Setting up a joint investigation team

Section 70/A Competence to execute or initiate a request for procedural legal assistance by the Member State judicial authority for setting up a joint investigation team shall lie with the Prosecutor General or the prosecutor designated by the Prosecutor General.

Section 70/B (1) The Prosecutor General and the prosecutor designated by the Prosecutor General may put forward a request for procedural legal assistance for setting up a joint investigation team in the following cases:

a) in the course of the investigation if the detection of a criminal offence affecting more than one Member State is exceptionally difficult;

b) if more than one Member State conducts criminal proceeding for the criminal offence and, thus, the investigations have to be coordinated.

(2) A criminal offence affects more than one Member State, in particular, if

a) it is committed in more than one Member State;

b) it is committed in a Member State, but the majority of its preparation, direction, and the related acts of accessories are performed in another Member State;

c) it is committed in a Member State, but the involvement of a criminal organisation carrying out criminal activities in more than one Member State can be established in the criminal offence concerned;

d) it is committed in a Member State, but it also harms or threatens the social or economic order of another Member State.

Section 70/C (1) A joint investigation team shall be set up by means of an *ad hoc* agreement between the Prosecutor General or the prosecutor designated by the Prosecutor General and the Member State authority.

(2) An *ad hoc* agreement setting up a joint investigation team shall include, in particular, the following:

a) description of the criminal offence for which the joint investigation team was set up;

b) area in which the joint investigation team operates;

c) composition of the joint investigation team;

d) leader or leaders of the joint investigation team;

e) period of operation of the joint investigation team and conditions of extension;

f) rights and obligations of a member of the joint investigation team acting in another Member State;

- g) conditions of the operation of the joint investigation team;
- h) method of initiating and performing procedural acts in the course of the operation of the joint investigation team and of handing over the outcome of procedural acts as well as other means of evidence obtained within the framework of the joint investigation team;
- i) bearing of operational costs;
- j) information about rules of liability for damage caused by a member of the joint investigation team acting in another Member State in relation to his activities.

(3) Only a prosecutor may act as the Hungarian leader of a joint investigation team.

(4) Means of evidence obtained or handed over, or a procedural act performed, in Hungary or a Member State by a Hungarian member, or a member from a Member State, of a joint investigation team in the course of the operation of the joint investigation team and in accordance with the provisions of the agreement shall be considered within the context of procedural legal assistance for obtaining or handing over a means of evidence or performing a procedural act.

Section 70/D (1) To a procedural act performed within the territory of Hungary in the course of the operation of a joint investigation team, the following shall apply:

- a) subject to the exceptions set out in this Act, the joint investigation team shall act in accordance with Hungarian legislation;
- b) the Hungarian leader of the joint investigation team shall direct the operation of the joint investigation team in accordance with the provisions of the agreement;
- c) within the territory of Hungary, a member from a Member State of the joint investigation team shall act observing the orders of the Hungarian leader of the joint investigation team;
- d) the Hungarian leader of the joint investigation team shall provide, in cooperation with the investigating authority where justified, the conditions for the operation of the joint investigation team.

(2) The Hungarian leader of the joint investigation team shall inform without delay the Member State authority concerned if a member from a Member State of the joint investigation team commits any act punishable under Hungarian law.

Section 70/E (1) In the course of the operation of a joint investigation team, procedural acts within the territory of Hungary shall be performed in accordance with the rules, and using the technical methods, specified by the member from a Member State of the joint investigation team, provided that these rules and methods are not inconsistent with the fundamental principles of the Hungarian legal system.

(2) A member from a Member State of a joint investigation team who proceeds within the territory of Hungary

a) may attend procedural acts and draw up minutes of such acts in accordance with the law and in the official language of the Member State;

b) may, observing the provisions of section 66/F (3) and in accordance with the law and in the official language of the Member State, interrogate a witness or a defendant and draw up minutes of the interrogation.

(3) In a situation referred to in paragraph (2), the prosecution office or the investigating authority shall, if required, officially designate an interpreter if the member from a Member State of the joint investigation team who proceeds within the territory of Hungary uses the official language of the Member State in the course of a procedural act.

(4) In accordance with the agreement setting up a joint investigation team or an *ad hoc* agreement concluded with the Member State judicial authority in the course of the operation of the joint investigation team, the member from a Member State of a Member State authority who proceeds within the territory of Hungary

a) may use coercive means in accordance with the provisions of the Act on international cooperation of law enforcement bodies;

b) may carry a service firearm that can be used exclusively in a justifiable defence situation or if necessity applies.

(5) A member from a Member State of a Member State authority who proceeds within the territory of Hungary may not apply any coercive means other than those set out in the laws governing the activities of Hungarian law enforcement organs and referred to in paragraph (4).

(6) The Hungarian State shall be liable, in accordance with Hungarian law and the rules on damage caused by a public officer, for any damage caused within the territory of Hungary by the member of the Member State authority present in the course of the performance of his task. The Hungarian State may request from the Member State concerned reimbursement for the total amount of damages paid under this provision. No further claim for damages may be enforced against the Member State concerned.

Section 70/F (1) To a procedural act performed within the territory of a Member State in the course of the operation of a joint investigation team, the following shall apply:

a) the joint investigation team shall act in accordance with legislation of the Member State;

b) the leader from the Member State of the place where the procedural act is performed shall direct the operation of the joint investigation team in accordance with the provisions of the agreement and he shall ensure the operation of the joint investigation team.

(2) When performing a procedural act within the territory of a Member State, a Hungarian member of the joint investigation team shall act observing the orders of the Member State leader of the joint investigation team. A Hungarian member of a joint investigation team shall not be ordered to perform a procedural act that is in conflict with the fundamental principles of the Hungarian legal system. If such an order is given, the Hungarian member of the joint investigation team shall refuse to comply with the order and inform accordingly the Hungarian leader of the joint investigation team without delay.

Section 70/G (1) If, in the course of the operation of a joint investigation team, a procedural act is performed within the territory of a Member State, a Hungarian member of the joint investigation team may request that the procedural act be performed or a means of evidence be obtained in accordance with Hungarian law or using a specific technical method.

(2) In the course of the operation of a joint investigation team, a Hungarian member of the joint investigation team who proceeds within the territory of a Member State may perform, or assist in the performance of, a procedural act in accordance with the laws of the Member State and the agreement.

(3) A Hungarian member of a joint investigation team who proceeds within the territory of a Member State may use coercive means or carry a service firearm in accordance with the laws of the Member State and the agreement. When applying coercive means or using a service firearm, Hungarian laws shall also be observed.

(4) A Hungarian member of a joint investigation team who proceeds within the territory of a Member State may request that he be enabled to use the Hungarian language in the course of a procedural act performed within the territory of a Member State and that the Member State authority ensure the presence of an interpreter to this end.

(5) The Hungarian State shall reimburse, in accordance with the law of the Member State, the full amount of damages paid by the Member State due to damage caused by a Hungarian member of the joint investigation team who proceeds with the territory of the Member State in the course of the performance of his tasks.

Section 70/H (1) A member of Eurojust and an official of Europol may participate in the joint investigation team in accordance with the provisions of the agreement and may not apply a coercive measure or use coercive means in the performance of his task.

(2) An official of Europol participating in a joint investigation team shall be liable for any damage caused within the territory of Hungary in the course of the performance of his task in accordance with Hungarian law and the rules on damage caused by a public officer. Compensation for the damage shall be paid by the investigating authority participating in the joint investigation team or, where more than one investigating authority participates in the joint investigation team, the police. The Hungarian State may request from the Europol reimbursement for the total amount of damages paid.

36/G. Direct information provision

Section 71 (1) In a pending or concluded criminal proceeding, the Hungarian judicial authority may provide information directly to the Member State judicial authority or request information directly as regards such a proceeding.

(2) The investigating authority or the prosecution office may request information directly from, or provide information directly to, a Member State judicial authority or law enforcement organ as regards a criminal proceeding with a view to identifying, or establishing the place of actual residence of, a person suspected of having committed a criminal offence or preventing him from hiding, or preventing the completion of the, or the commission of another, criminal offence, or if delays are unacceptable for any other reason. The investigating authority shall notify the prosecution office of the information provision and the content of the information.

Section 71/A (1) If a request for information under section 71 (2) remains unsuccessful or it is likely to remain unsuccessful, the investigating authority or the prosecution office may put forward a request for information provision in accordance with form under Annex 3 from the competent Member State law enforcement organ or judicial authority. Where the request is put forward by the investigating authority, it shall notify the prosecution office of the request and its content without delay.

(2) The investigating authority or the prosecution office shall set a fourteen-day time limit for the execution of the request for information by the Member State law enforcement organ or judicial authority.

(3) If the information request relates to an offence listed in Annex 1, the investigating authority or the prosecution office may set

a) a seven-day time limit;

b) for an urgent request, an eight-hour time limit

for the execution of the request.

Section 71/B (1) If a request put forward in accordance with the form under Annex 3 for data referred to in section 71 (2) is received from a Member State law enforcement organ or judicial authority, the investigating authority or the prosecution office shall hand over the information available to it.

(2) Information referred to in paragraph (1) shall be provided in accordance with the form under Annex 4. Where information is provided by the investigating authority, it shall notify the prosecution office of the information provision and its content without delay.

(3) The investigating authority and the prosecution office shall execute a request within fourteen days of receipt.

(4) If the request relates to any of the offences under Annex 1 and the investigating authority or the prosecution office has direct access to the requested information, the investigating authority or the prosecution office shall execute the request within

a) seven days;

b) for an urgent request, eight hours

of receipt.

(5) If the provision of information in accordance with paragraph (4) b) constitutes a disproportionate burden, the investigating authority or the prosecution office shall postpone it by not more than three days. The requesting authority shall be notified accordingly without delay and reasons for the delay shall be provided by filling in the appropriate part of Annex 4.

(6) If the information cannot be provided within the time limit set under paragraphs (3) to (4), the investigating authority or the prosecution office shall notify accordingly the requesting authority without delay and it shall provide reasons for the delay by filling in the appropriate part of Annex 4.

(7) The investigating authority or the prosecution office shall refuse the execution of a request if

a) the execution

aa) harms essential national security interests of Hungary; or

ab) jeopardises an investigation pending, the performance of law enforcement or crime prevention tasks, or the safety of a person; or

b) the information requested

ba) is disproportionate to the objective specified in the request in terms of importance, or irrelevant to the objective;

bb) can be accessed only on the basis of a specific permission and this permission is absent; or

bc) can be transferred only with consent from another Member State or third country and this consent is absent.

(8) As regards the matter specified in paragraph (7) a) aa), the position of the Prosecutor General shall be decisive.

(9) The execution of a request may be refused if it relates to a criminal offence punishable with imprisonment or confinement for a period of less than one year.

Section 71/C (1) The investigating authority specified by law may directly request information from or provide information to the designated Member State administrative, law enforcement or judicial authority with a view to facilitating the detection and identification of income originating from or other assets relating to the criminal offence.

(2) To a request for information put forward by the investigating authority specified by law, the provisions of section 71/A, while to information provision by that authority, the provisions of section 71/B shall apply with the derogation that the request put forward in accordance with the form under Annex 3 shall include the data available on the assets that the request concerns and on any natural or legal persons that the request is likely to concern. The investigating authority specified by law shall notify the prosecution office of the request and its content without delay.

(3) The investigating authority may provide information on data and facts it obtains even without a request referred to in paragraph (1) if data or facts obtained by it imply that the designated Member State authority is likely to require that data or information with a view to facilitating the detection and identification of income originating from or other assets relating to the criminal offence.

36/H. Service of an official document

Section 71/D (1) The Hungarian judicial authority shall send an official document to an addressee in another Member State directly by post.

(2) If the addressee does not know the Hungarian language, the official document shall be translated into the mother tongue of the addressee, to another language specified as known by him, or, if the Hungarian judicial authority is not aware of these, into the official language or one of the official languages of the Member State of the place of residence of the addressee or into a language specified by the Member State. Information to the addressee about procedural rights and obligations shall be attached to the document.

(3) An official document may be sent to the judicial authority of the Member State of the place of residence of the addressee for service through procedural legal assistance only if

- a) the address of the addressee is unknown;
- b) service by post was not possible;
- c) it is reasonable to assume that service by post will remain unsuccessful; or
- d) the addressee is in a penal institution.

(4)

36/I. Return of an object

Section 71/E (1) In accordance with a request for legal assistance put forward by a Member State judicial authority for return to the aggrieved party or the eligible person, the Hungarian judicial authority shall seize the object or asset

a) over which the aggrieved party or the eligible person proved beyond reasonable doubt his ownership; and

b) that may be seized in accordance with section 72 (1) c) and section 74 (1) a) and d) of the Criminal Code.

(2) The subject-matter competence to receive and execute a request put forward by a Member State judicial authority shall lie with the prosecution office. The prosecution office of the location of the object or asset shall have territorial competence for execution.

(3) If an Act or the prosecution service so provides, another authority may also make provisions as regards seizure.

(4) With the exception specified in paragraphs (5) to (7), an object or asset seized shall be handed over to the requesting Member State judicial authority so that it is returned to the aggrieved party. The law of the Member State shall govern any disposal of the object or the asset following handover.

(5) If data available or consultation with the Member State authority implies that seizure may be lifted in accordance with section 320 (1) of the Code of Criminal Procedure and the seized object or asset may be released in accordance with section 321 (1), or taking into account the arrangements by the Member State judicial authority, section 321 (2), of the Code of Criminal Procedure, the prosecution office or, if the prosecution office or an Act so provides, the authority ordering the seizure shall lift the seizure and return the object or asset to the aggrieved party or, if the Member State judicial authority so provides, the entitled person.

(6) Seizure of an object or asset shall not infringe on the rights of a third party acting in good faith.

(7) If an obstacle to seizure referred to in paragraph (6) exists, the prosecution office shall inform accordingly the Member State authority without delay. If the obstacle referred to in paragraph (6) can be established after seizure, the prosecution office or, if the prosecution office or an Act so provides, the authority ordering the seizure shall lift the seizure and release the seized thing to the person from whom that object or asset was seized.

(8) Unless paragraphs (1) to (7) provide otherwise, the provisions of subtitle 32 shall apply accordingly to the execution of a request for legal assistance.

Section 71/F (1) The court or the prosecution office may put forward to the Member State judicial authority a request for procedural legal assistance for seizing and handing over an object or asset

a) that may be seized in accordance with section 72 (1) c) and section 74 (1) a) and d) of the Criminal Code; and

b) the seizure of which may be lifted following the handover and identification of the object or asset sought in accordance with section 320 (1) of the Code of Criminal Procedure and that may be released in accordance with section 321 (1) of the Code of Criminal Procedure.

(2) A request for procedural legal assistance shall specify the data supporting beyond reasonable doubt the ownership of the aggrieved party and, if required, the supporting means of evidence shall be attached as well.

(3) If, when executing a request for procedural legal assistance, the Member State judicial authority handed over an object or asset seized in a Member State, the court or the prosecution office shall, following the identification of the object or asset sought, lift seizure without delay in accordance with section 320 (1) of the Code of Criminal Procedure and return the object or asset to the aggrieved party in accordance with section 321 (1) of the Code of Criminal Procedure.

(4) Before the handover of an object or asset seized in a Member State, the court or the prosecution office may consent to lifting the seizure of the object or asset sought if

a) the object or asset may be identified beyond reasonable doubt; and

b) after the seizure is lifted, the Member State judicial authority returns the object or asset to the aggrieved party.

(5) If a Member State authority provides information on having found an object wanted for compliance with the provisions of paragraph (1) and it is enabled under the legislation of the Member State, the court, the prosecution office and, in the course of the investigation informing the prosecution office at the same time, the investigating authority may, without a request for procedural legal assistance, applying the provisions of paragraph (4) as appropriate, consent to returning to the aggrieved party the object or asset found.

(6) Unless paragraphs (1) to (5) provide otherwise, the provisions of subtitle 33 shall apply accordingly to the execution of a request for procedural legal assistance.

Chapter V

LEGAL ASSISTANCE IN THE ENFORCEMENT OF A DECISION ON SUPERVISION MEASURES AS AN ALTERNATIVE TO PROVISIONAL DETENTION

37. Interpretative provision

Section 72 For the purpose of this Chapter, supervision measure means a measure, other than pre-trial detention, imposing an obligation or a prohibition on the defendant that is ordered in a decision adopted by the competent authority in a criminal proceeding before the conclusive decision is adopted.

38. Taking over enforcement

Section 73 (1) The enforcement of a supervision measure may be taken over as regards the following provisions setting out an obligation or a prohibition:

- a) an obligation for the defendant to notify any change to his Hungarian contact details;
- b) an obligation for the defendant to report at specified times to a specific authority;
- c) an obligation for the defendant to avoid contact with a specific person;
- d) an obligation for the defendant not to enter certain places, premises, or defined areas;
- e) an obligation for the defendant to remain at a specified place;
- f) an obligation containing limitations on leaving the territory of Hungary.

(2) The enforcement of a supervision measure may be taken over if

- a) a defendant
 - aa) having his place of actual residence within Hungary consents to return to Hungary after being informed of the supervision measure; or
 - ab) not having a place of actual residence within Hungary requests that the supervision measure be enforced by the Hungarian authority and provides evidence of close ties to Hungary due to family, cultural or economic relations;
- b) the Member State judicial authority sends
 - ba) the decision of the Member State authority ordering the supervision measure (for the purpose of this Chapter hereinafter the “Member State decision”); and
 - bb) in Hungarian, the certificate under Annex 5 filled in accordance with the Member State decision.

Section 74 (1) The district court functioning at the seat of the regional court of the location of the place of actual residence of the defendant or, in Budapest or if section 73 (2) a) ab) applies, the Central District Court of Buda shall be competent to execute a request for procedural legal assistance for taking over the enforcement of a supervision measure.

(2) The duties of the court shall be discharged by the investigating judge.

(3) The court shall decide on a request for procedural legal assistance for taking over enforcement on the basis of case documents.

(4) If a court or another authority receives from a Member State a request for legal assistance it is not competent to administer, it shall send it without delay to the competent court; the court or the authority shall inform accordingly the requesting Member State judicial authority.

Section 75 (1) A request for legal assistance for taking over the enforcement of a supervision measure and other case documents shall be put forward directly by any means which leaves a written record under conditions allowing the establishment of the authenticity of the case documents. A request for legal assistance shall be considered duly put forward if the case documents are sent in such a manner.

(2) The court may request the Member State judicial authority to send the original certificate, the original Member State decision on which the request for legal assistance is based, or an authentic copy the certificate or the decision if it was not sent when the request was put forward.

(3) The provisions of paragraph (1) shall apply accordingly to communication between the court and the Member State judicial authority in the course of the execution of a request for legal assistance.

Section 76 (1) The court shall assess the Member State decision and the certificate within thirty days from receipt to establish whether the conditions for taking over the enforcement of the supervision measure are met, and

a) take over the enforcement of the supervision measure and lay down the provisions required for enforcement; or

b) refuse to take over the enforcement of the supervision measure.

(2) The court shall adopt a reasoned decision if it refuses to take over the enforcement of a supervision measure.

(3) The court shall, without delay, send to the Member State judicial authority the non-conclusive order with administrative finality adopted on the request for legal assistance.

(4) An appeal challenging the decision of the court may be submitted by those to whom the decision was communicated. A decision communicated by way of service may be challenged within three days. The court shall, without delay, notify the Member State judicial authority of the appeal.

(5) The court shall send the appeal without delay after the receipt of the statements to the regional court competent to adjudicate the appeal, which shall adopt a non-conclusive order that reaches administrative finality not later than within thirty days following the receipt of the case documents by the regional court.

(6) If a decision referred to in paragraph (4) or (5) cannot be taken within the time limit specified therein, the court shall immediately inform the Member State judicial authority accordingly, specifying the reasons for the delay and the period foreseeably required for taking the decision.

Section 77 (1) The court may refuse to take over enforcement of a Member State decision ordering a supervision measure if

- a) taking over the enforcement would be contrary to the principle of double criminality;
- b) the person sought is not liable to punishment due to infancy;
- c) liability to punishment became time-barred according to Hungarian law, provided that the criminal offence on which the decision is based falls under Hungarian jurisdiction;
- d) in Hungary or a Member State, the act on which the Member State decision is based was adjudicated with final and binding effect or a decision was adopted on the merits of the act that, under the law of the Member State in which the decision was adopted, constitutes an obstacle to instituting a new criminal proceeding for an identical act;
- e) the conditions for taking over enforcement set out in section 73 are not met;
- f) the certificate sent does clearly not relate to the attached Member State decision or is incomplete or inaccurate to an extent that renders it unenforceable, and the time limit set for its supplementation or correction expired without result or the supervision measure cannot be enforced even after its supplementation or correction;
- g) the defendant enjoys immunity arising from public office or international law in Hungary, and the entity authorised to do so did not lift his immunity;
- h) the execution of the European arrest warrant issued for breaching the supervision measure could be refused for a reason under section 5.

(2) The court shall not examine double criminality and shall not refuse taking over enforcement pursuant to paragraph (1) a) as regards forms of criminal offence listed in Annex 1.

(3) For the purpose of double criminality, as regards criminal offences relating to taxes, duties, customs or exchange, it shall not constitute an obstacle to the execution of a request for legal assistance if the Hungarian law does not include the same tax, duty or charge having an effect equivalent to customs duties, taxes or duties, or provisions of the same kind within the field of tax, duty, customs or exchange regulation, as the law of the Member State.

Section 78 (1) For taking over enforcement, the court shall inform the Member State judicial authority without delay if any ground for refusal under section 77 (1) d) or e) exists, and initiate consultation.

(2) If a ground for refusal referred to in section 77 (1) f) exists, the court shall notify the Member State authority accordingly without delay, set a reasonable time limit for supplementing or correcting the certificate, and specify the data access to which is required for taking a decision on taking over enforcement.

(3) For taking over enforcement, successfully enforcing a supervision measure, or avoiding the unnecessary interruption of a supervision measure, or in any other case where justified, the court may initiate consultation

a) with the requesting Member State judicial authority for a reason other than those specified in paragraphs (1) and (2); and

b) also with the authority of another Member State.

Section 79 (1) If the enforcement of a supervision measure is taken over, the court shall determine, in the manner best suited to the obligations and prohibitions set out in the Member State decision, the coercive measure under the Code of Criminal Procedure or the measure under this Act to be enforced as an alternative to the supervision measure ordered in the Member State decision, and lay down the obligations and prohibitions imposed on the defendant in accordance with the Member State decision.

(2) The coercive measure or measure determined by the court and the obligations and prohibitions imposed on the defendant shall not be more severe than the content of the supervision measure ordered in the Member State decision.

(3) If the enforcement of a supervision measure is taken over, the court shall set the period and the time limit for the supervision measure so that the period and the time limit correspond to those in the Member State decision; however, such a period or time limit shall not exceed the period or the time limit under Hungarian law.

(4) Unless this Act provides otherwise, Hungarian law shall apply to the enforcement of a supervision measure taken over.

(5) If enforcement is taken over, bail shall not be set; however, the use of a technical tracking device may be ordered.

Section 80 (1) If the supervision measure referred to in section 73 (1) a) is applied, the court shall impose on the defendant an obligation to notify the court of any change to his contact details within three working days.

(2)

(3) A disciplinary fine may be imposed on a defendant who fails to comply with any obligation set out in paragraph (1). The defendant shall be advised accordingly in the decision on taking over the enforcement.

(4)

Section 81 (1) Where criminal supervision or a restraining order is enforced as an alternative to the supervision measure, the decision on partially lifting the supervision measure shall lie with the court.

(2) If the rules of a supervision measure are not complied with, the custody of the defendant shall not be ordered, more adverse rules of behaviour shall not be set and a more severe coercive measure shall not be imposed.

(3) Paragraph (2) shall not constitute an obstacle to instituting a criminal or infraction proceeding or applying a police measure under the Act on the Police due to the behaviour of the defendant in case of non-compliance with the rules of a supervision measure, provided that the statutory conditions are met.

Section 82 (1) Where the Member State judicial authority did not request that the supervision measure be extended or maintained not less than ten days before the expiry of the period or time limit of the supervision measure, the court shall inform the Member State judicial authority that the supervision measure should be extended or maintained in accordance with the form under Annex 6 using the translated form available in the official language or one of the official languages, or the language specified by, the Member State.

(2) In assessing a request for maintaining or extending a supervision measure by the Member State judicial authority, the grounds for refusal shall not be examined.

(3) In the course of enforcement, the court may consult the Member State judicial authority at any time on whether continuing the enforcement of the supervision measure remains justified.

Section 83 (1) The court shall inform without delay the Member State judicial authority in accordance with the form in Annex 6 using the translated form in the official language or one of the official languages of, or the language specified by, the Member State of

a) any changes to the contact details of the defendant;

b) any obstacles to the enforcement of the supervision measure, in particular, if the defendant cannot be found in Hungary;

c) any breach of the supervision measure and any related measure taken in Hungary; and

d) any circumstance arising in the course of enforcement based on which the Member State decision or the supervision measure specified therein should be modified, reviewed or terminated.

(2) If, due to a circumstance arising in the course of the enforcement of a supervision measure, the enforcement of the supervision measure cannot be continued without amending the Member State decision or modifying the supervision measure set out therein and the court does not receive appropriate response within five days of the receipt of the information referred to in paragraph (1), the court may, setting a time limit, request the Member State judicial authority to amend the Member State decision or the modify the supervision measure set out therein.

(3) Where a European arrest warrant is issued for transferring back the defendant for the criminal offence on which the Member State decision is based, compliance with the condition relating to the maximum of the penalty range set out in section 3 (1) shall not be checked when executing of the European arrest warrant.

Section 84 If the Member State judicial authority amends the Member State decision and informs the court accordingly, the court shall proceed in accordance with the rules governing the takeover of the enforcement of a supervision measure.

Section 85 (1) The court shall terminate the enforcement of a supervision measure if

- a) the defendant cannot be found within the territory of Hungary after the enforcement commences and the measures taken to locate him were unsuccessful;
- b) the Member State judicial authority withdrew the certificate and informed the court accordingly;
- c) it refused to take over the enforcement of a modified supervision measure in accordance with section 84;
- d) the period or time limit of the supervision measure has expired without it being maintained or extended;
- e) the time limit set in accordance with section 83 (2) expired unsuccessfully;
- f) the custody of the defendant was ordered on the basis of a European arrest warrant issued pursuant to section 83 (3);
- g) a more severe coercive measure affecting personal freedom that excludes the enforcement of the supervision measure was ordered in another case against the defendant or the defendant serves a sentence of imprisonment, confinement or special education in a reformatory.

(2) If a ground referred to in paragraph (1) for terminating a supervision measure arises, the court may consult the Member State judicial authority with a view to avoiding termination.

(3) The court shall send the terminating decision to the Member State judicial authority without delay.

Section 86 Any criminal costs incurred within the territory of Hungary in the course of the enforcement of the Member State decision ordering a supervision measure shall be borne by the Hungarian State.

39. Transferring enforcement

Section 87 (1) In the course of a criminal proceeding, if, as a supervision measure, the court ordered criminal supervision or issued a restraining order, the enforcement of the supervision measure may be transferred to another Member State if

a) the place of actual residence of the defendant is within the territory of the Member State and, after being informed of the supervision measure, the defendant consents to return to that Member State; or

b) the defendant requested that the supervision measure be enforced in a Member State other than the Member State of his place of actual residence, provided that the Member State judicial authority consented to the transmission of the request.

(2) In the context of a supervision measure ordered by the court, the enforcement of the following obligations and prohibitions may be transferred:

a) an obligation for the defendant to notify any change to his contact details;

b) an obligation for the defendant to report at specified times to a specific authority;

c) an obligation for the defendant to avoid contact with a specific person;

d) an obligation not to enter certain places, premises or defined areas;

e) an obligation for the defendant to remain at a specified place during specified times;

(3) If in the context of a supervision measure ordered by the court, an obligation or prohibition other than those set out in paragraph (2) was, or was also, imposed, the enforcement of the obligation or prohibition other than those set out in paragraph (2) may be transferred only subject to consent from the Member State and on the basis of prior consultation.

(4) Consent shall be given or a request shall be put forward by the defendant in writing or in an oral statement made before the court or the prosecution office and recorded in minutes.

Section 88 (1) To request transfer of the enforcement of a supervision measure, the court shall

a) send the decision ordering the supervision measure; and

b) fill in appropriately the certificate in Annex 5 available in the official language or one of the official languages of, or the language specified by, the Member State and send its translation in the official language or one of the official languages of, or the language specified by, the Member State.

(2) To communication between the court and the Member State judicial authority, the provisions of section 75 and to consultation with Member State judicial authorities, the provisions of section 78 (3) shall apply accordingly.

(3) A request for legal assistance for transfer of the enforcement of a supervision measure shall be transmitted to no more than one Member State at a time.

(4) If on the basis of available data the Member State authority competent to execute the request for legal assistance for transfer of enforcement of a supervision measure ordered by the court cannot be identified, contact data may be acquired also through European Judicial Network contact points.

Section 89 If the enforcement of a supervision measure has not yet begun in a Member State and the court finds, on the basis of information from, or the decision of, the Member State judicial authority, that the enforcement by the Member State of the supervision measure is not appropriate taking into account the maximum period of the supervision measure under Member State legislation or the adaptation of the supervision measure by the Member State, the court may decide to withdraw the certificate within ten days from receipt of information from, or the decision of, the Member State judicial authority.

Section 90 (1) Where a Member State judicial authority takes over the enforcement of a supervision measure, the Member State legislation shall apply to the enforcement of the supervision measure, with the exceptions set out in this Act.

(2) If the enforcement of a supervision measure is transferred, also the Hungarian court may partially lift the supervision measure.

(3) The court shall inform without delay the Member State judicial authority of the modification of, and any other decision relating to, the supervision measure.

(4) If the supervision measure should be extended in accordance with Hungarian legislation following the transfer of the enforcement of the supervision measure, the court shall decide on extension in a manner that the Member State judicial authority receives the court decision five days before the expiry of the time limit for the supervision measure at the latest.

(5) If in the course of the enforcement of a supervision measure, the Member State judicial authority informs the court of the expiry of the time limit for the supervision measure under Member State legislation, the court shall assess whether maintaining the supervision measure is justified and inform the Member State judicial authority of the outcome of the assessment and the time limit for the supervision measure under Hungarian law.

(6) The provisions of paragraph (3) shall apply accordingly to a request by the Member State judicial authority as regards whether the continued maintenance of the supervision measure is still justified.

(7) If the Member State judicial authority terminates the enforcement of the supervision measure, Hungarian law shall apply to the enforcement of the supervision measure from then on.

Section 91 (1) If a Member State judicial authority informs that court of a breach of a supervision measure, the court shall, taking into account the measures taken by the enforcing Member State, make provisions as regards the supervision measure in accordance with Hungarian law, and inform the Member State judicial authority accordingly.

(2) The provisions of paragraph (1) shall apply accordingly if a Member State judicial authority informs the court of a circumstance affecting the enforcement of a supervision measure or requests the amendment of the court decision or the modification of a supervision measure set out therein.

Section 92 If a supervision measure is breached, a European arrest warrant may be issued for the transfer of the defendant to Hungary for the criminal offence on which the supervision measure is based regardless of whether the requirement set out in section 3 (1) relating to the maximum of the penalty range is complied with.

Chapter VI

PROCEDURAL LEGAL ASSISTANCE FOR THE ENFORCEMENT OF A DECISION ENSURING THE PRESERVATION OF A MEANS OF EVIDENCE, A THING SUBJECT TO CONFISCATION OR ASSETS SUBJECT FORFEITURE OF ASSETS

39/A. Procedural legal assistance for enforcement of a freezing order in accordance with Regulation (EU) 2018/1805 of the European Parliament and of the Council

Section 92/A (1) The provisions of this subtitle shall apply to procedural legal assistance relating to European Union Member States to which Regulation (EU) 2018/1805 of the European Parliament and of the Council applies.

(2) To an affected person within the meaning of Regulation (EU) 2018/1805 of the European Parliament and of the Council, the rules of the Code of Criminal Procedure on the defendant or the party with a pecuniary interest shall, as applicable, apply.

(3) The prosecution service and the court shall annually collect, and send to the Minister, the statistical data specified in Article 35 of Regulation (EU) 2018/1805 of the European Parliament and of the Council.

92/B. § (1) The enforcement of a Member State freezing order may be taken over if the Member State authority sends

a) the original or certified copy of the Member State freezing order (for the purpose of this Chapter hereinafter the “Member State decision”); and

b) the certificate in Annex I of Regulation (EU) 2018/1805 of the European Parliament and of the Council in Hungarian, English, French or German.

(2) The prosecution office may directly receive the Member State decision and certificate, and the Member State authority and the prosecution office shall directly communicate with each other in the course of rendering legal assistance. A certificate shall be considered duly put forward in accordance with Article 4 (1) of Regulation (EU) 2018/1805 of the European Parliament and of the Council also if the Member State authority transmits it through the secure telecommunication system of the European Judicial Network or Eurojust or if the member of the Member State authority present in Hungary hands it over directly.

(3) In the course of rendering legal assistance, the prosecution office that is competent under the Code of Criminal Procedure as regards the criminal offence on which the Member State decision is based shall proceed.

(4) Where the competence of the prosecution office cannot be established in accordance with paragraph (3), the district prosecution office shall have competence to render legal assistance.

(5) Unless this Act provides otherwise, competence to render legal assistance shall lie with the prosecution office of the location of the thing or assets specified in the certificate. Where multiple locations can be established for the performance of one or more procedural acts or where the location where the procedural act is to be performed cannot be identified, the prosecution office that took action earlier in the case shall proceed.

(6) To efficiently enforce a Member State decision, even a prosecution office that is not competent under paragraphs (3) to (5) may proceed in the course of rendering legal assistance, where the Office of the Prosecutor General or the superior prosecution office so provides.

Section 92/C (1) The prosecution office shall, immediately following the receipt of a certificate, examine whether the conditions for the enforcement of the Member State decision are met under Hungarian law, and shall decide on enforcement.

(2) The prosecution office shall take its decision referred to in paragraph (1) on the basis of the certificate. The Member State decision shall only be translated if the decision cannot be taken on the basis of the certificate.

(3) If the conditions for the enforcement of the Member State decision are met, the prosecution office, on the basis of its decision referred to in paragraph (1),

a) shall provide for the identification of the thing or assets specified in the Member State decision;

b) shall order seizure or sequestration or enforce seizure in accordance with section 309 (4) of the Code of Criminal Procedure; or

c) move that the court order seizure or sequestration, provided that the court is competent to do so.

(4) The investigating authority shall assist in the enforcement of the Member State decision if the prosecution office so provides. If under the Code of Criminal Procedure, the investigating authority may also order seizure or sequestration, the prosecution office may provide for taking the decision under paragraph (3) also by means of the investigating authority.

(5) Where the Member State authority indicated in the certificate that assets of equivalent value could also be frozen, the prosecution office shall provide for ordering seizure or sequestration following the identification of the assets of equivalent value.

(6) In a decision taken pursuant to paragraph (3), information shall be provided about legal remedies available under the Code of Criminal Procedure with the proviso that only in the ordering Member State may a Member State decision be challenged by legal remedy.

(7) The decision made in accordance with paragraph (3) shall be served accompanied by the Member State decision.

(8) In the course of enforcement, access to case documents shall be ensured, taking into account the position of the Member State authority with the provisos that access may be restricted in accordance with the provisions of the Code of Criminal Procedure and that service of the decision ordering seizure or sequestration cannot be dispensed with.

(9) If a ground for refusal arises in the course of the enforcement following the adoption of a decision referred in paragraph (3) and the consultation with the Member State authority aimed at its elimination was unsuccessful, the prosecution office shall, without delay, lift seizure and release the seized thing to the person from whom it was seized or lift sequestration.

(10) In the course of the investigation the position of the prosecution office supervising or controlling the investigation, while following indictment, the position of the court shall be pivotal as regards whether the conditions for postponing enforcement are met in relation to a criminal proceeding pending. The prosecution office shall inform the Member State authority about the postponement of enforcement without adopting a specific decision.

(11) Pursuant to Article 12 (2) of Regulation (EU) 2018/1805 of the European Parliament and of the Council, the prosecution office shall make a request to the Member State authority as to whether the seizure or sequestration is justified if

a) more than one year has passed since ordering the seizure or sequestration or since the last request;

b) it is justified due to the nature, condition or storage conditions of the thing or asset affected by the seizure or sequestration;

c) it is moved for by a party with a pecuniary interest.

(12) If the Member State authority does not respond within the time limit set in Article 12 (2) of Regulation (EU) 2018/1805 of the European Parliament and of the Council, the prosecution office shall lift seizure and release the seized thing to the person from whom it was seized or lift the sequestration.

(13) Where the prosecution office informs a Member State authority of the withdrawal of a certificate, the prosecution office shall, without delay, lift the seizure and return the seized thing to the person from whom it was seized or lift the sequestration.

Section 92/D (1) Pursuant to Regulation (EU) 2018/1805 of the European Parliament and of the Council, the court, the prosecution office or the investigating authority may transfer the enforcement of the following:

a) seizure ordered to secure confiscation or forfeiture of assets;

b) sequestration ordered to secure forfeiture of assets.

(2) A European Investigation Order shall be issued if the subject of seizure ordered to secure confiscation or forfeiture of assets is also a means of evidence and, thus, needs to be transported to Hungary.

(3) If the seizure or sequestration was ordered to secure confiscation or forfeiture of assets, the certificate in Annex I to Regulation (EU) 2018/1805 of the European Parliament and of the Council shall, after the decision under paragraph (1) is adopted, be issued by

a) the prosecution office, in the course of the investigation;

b) the court, following indictment.

(4) In filling in point 3 of section E of the certificate, the Hungarian judicial authority shall rely on the list of criminal offences in Annex 1.

(5) A member of the Hungarian judicial authority issuing the certificate shall

a) sign, and place its official stamp on, the certificate; or

b) authenticate the certificate by sealing it in a manner that does not allow for it to be altered unnoticed

to certify the content of the certificate as being accurate and correct

(6) Where a certificate is to be transmitted to more than one Member State, the Hungarian judicial authority shall issue separate certificates for each enforcing Member State relating to the decision ordering seizure or sequestration.

(7) Transmitting the certificate to another Member State shall not prevent Hungarian authorities from taking measures to locate a thing or assets subject to confiscation or forfeiture of assets which is covered by a decision ordering seizure or sequestration and from performing further procedural acts.

(8) The Hungarian judicial authority shall, where justified, modify or withdraw the certificate and inform accordingly the Member State enforcing authority without delay if

a) freezing took place in a Member State in accordance with a certificate transmitted to more than one Member State at the same time; or

b) the measure taken by the Hungarian authorities pursuant to paragraph (7) was successful.

(9) The Hungarian judicial authority shall withdraw the certificate and inform accordingly the Member State enforcing authority without delay if the decision ordering seizure or sequestration was set aside.

(10) If the Member State enforcing authority informs the Hungarian judicial authority about the postponement of enforcement, the Hungarian judicial authority shall review no less than annually whether maintaining the decision ordering seizure or sequestration is justified. If, in the criminal proceeding, the proceeding is terminated or a final and binding decision is adopted, and the certificate cannot be withdrawn, the review of whether the decision ordering seizure or sequestration is justified shall be conducted in accordance with the procedure for the removal of assets under Chapter CVI of the Code of Criminal Procedure. If the review finds that the grounds for the decision ordering seizure or sequestration have ceased, the Hungarian judicial authority shall withdraw the certificate.

39/B. General rules

Section 92/E The provisions of subtitles 40 and 41 shall apply to procedural legal assistance relating to European Union Member States to which Regulation (EU) 2018/1805 of the European Parliament and of the Council does not apply.

40. Taking over enforcement

Section 93 (1) The Hungarian judicial authority shall enforce a decision issued by a Member State judicial authority for

- a) detecting, collecting, securing or using means of evidence; or
- b) securing confiscation or forfeiture of assets

(for the purpose of this Chapter hereinafter the “Member State freezing order”) if it was sent to the Hungarian judicial authority with a certificate under Annex 7 in, or translated into, the Hungarian language and the means of evidence, the thing subject to seizure or the assets subject to forfeiture of assets are located within the territory of Hungary.

(2) The Hungarian judicial authority to enforce a Member State freezing order shall be the authority that may take such a decision, order such a coercive measure and provide for the enforcement under Hungarian law.

(3) If two or more Member State judicial authorities have issued a Member State freezing order for securing the same means of evidence, thing subject to confiscation or assets subject to forfeiture of assets, the Hungarian judicial authority shall decide, assessing all circumstances, which Member State decision is to be enforced. In taking the decision, the Hungarian judicial authority shall take into account, in particular, the material gravity of the criminal offence, the place where the criminal offence was committed, and the date when the Member State decision was issued.

(4) The Hungarian judicial authority of the location of the means of evidence, the thing subject to seizure, or the assets subject to forfeiture of assets shall be competent to enforce the Member State freezing order. If a criminal proceeding is pending in Hungary for the criminal offence on which the Member State decision was based, the Hungarian judicial authority before which the criminal proceeding is pending shall be competent to enforce the Member State decision freezing order.

(5) If the Hungarian judicial authority is not competent to enforce the Member State freezing order, it shall transfer the case to the competent Hungarian judicial authority without delay and notify the Member State judicial authority of the transfer.

(6) A Member State freezing order and the certificate in Annex 7 may be put forward in any manner that enables the establishment of the authenticity of the request. A request for procedural legal assistance so put forward shall be considered duly put forward. This provision shall apply accordingly to other documents and information transmitted by a Member State judicial authority and to documents and information transmitted by the Hungarian judicial authority to the Member State judicial authority.

Section 94 (1) In respect of forms of criminal offence listed in Annex 1, the Member State freezing order shall be enforced without verification of the double criminality of the act.

(2) If the maximum of the penalty range for the criminal offence for which the enforcement of the Member State freezing order is requested does not reach imprisonment or a measure involving deprivation of liberty for three years under the law of the State of the Member State judicial authority, the enforcement of the Member State decision shall be permissible only if the criminal offence corresponds to a criminal offence listed in Annex 1.

(3) For a form of criminal offence other than those listed in Annex 1, the Hungarian judicial authority shall enforce the Member State freezing order only if the act for which the enforcement of the Member State decision is requested constitutes a criminal offence under Hungarian law.

Section 95 (1) The Hungarian judicial authority may refuse to enforce the Member State decision freezing order if

a) in a situation under section 94 (2) to (3), the act on which the decision is based does not constitute a criminal offence under Hungarian law;

b) liability to punishment for the criminal offence on which the decision is based became time-barred according to Hungarian law;

c) in Hungary or a Member State, a final and binding decision was adopted that prevents the launch of the criminal proceeding or a decision was adopted pursuant to which the confiscation or forfeiture of assets or the corresponding penalty or measure was already, is being, or cannot, under the law of the Member State in which the final and binding decision was adopted, be enforced as regards the thing or assets specified in the Member State decision, against the defendant for the act on which the Member State decision is based;

d) a final and binding decision was already adopted against the defendant in a third state, provided that the confiscation or forfeiture of assets or the corresponding penalty or measure was already, is being, or cannot, under the law of the Member State where the final and binding decision was adopted, be enforced as regards the thing or assets specified in the Member State decision;

e) the certificate sent by the Member State judicial authority does clearly not relate to the attached Member State freezing order;

f) the time limit set for remedying deficiencies or correction expired unsuccessfully or the Member State decision supplemented in accordance with section 96 (2) remains unenforceable;

g) the Member State freezing order relates to a means of evidence, a thing subject to confiscation or assets subject to forfeiture of assets in the possession of a person having immunity arising from public office or international law, and the immunity was not lifted;

h) enforcement is prohibited under Hungarian law.

(2) The enforcement of a Member State freezing order for a criminal offence relating to taxes, duties, customs or exchange shall not be refused on the grounds that the Hungarian law does not include the same tax, duty or charge having an effect equivalent to customs duties, taxes or duties, or provisions of the same kind within the field of tax, duty, customs or exchange regulation, as the law of the issuing Member State.

Section 96 (1) The Hungarian judicial authority shall adopt a decision on whether the conditions for the enforcement of the Member State freezing order are met within 24 hours and send it to the Member State judicial authority. The Hungarian judicial authority shall, in its decision, determine the measure to be applied in accordance with Hungarian legislation and provides for the enforcement of the measure in a manner that ensures that it corresponds to the measure in the Member State decision as fully as possible.

(2) On the basis of an incomplete or inaccurate certificate, the Hungarian judicial authority shall enforce the Member State freezing order only if the incomplete or inaccurate data do not prevent the enforcement of the Member State decision. Where, on the basis of the content of the Member State freezing order or the certificate, enforcement of the Member State decision is not possible, or is possible only in part, the Hungarian judicial authority shall immediately notify accordingly the Member State judicial authority, set a time limit for providing or correcting missing or inaccurate data and specify, at the same time, data access to which is required for the enforcement of the Member State decision.

(3) In place of a certificate, the Hungarian judicial authority may accept also an official document containing the data necessary for the enforcement of the Member State freezing order in an appropriate manner.

(4) No further official document or condition shall be required as a condition for the enforcement of the decision.

Section 97 (1) The Hungarian judicial authority shall adopt a reasoned decision if the enforcement of the Member State freezing order is refused within 24 hours and send it to the Member State judicial authority. No legal remedy shall lie against the decision.

(2) The Hungarian judicial authority shall inform the Member State judicial authority without delay if an obstacle exists to the enforcement of the Member State freezing order, and in particular if the means of evidence, the thing subject to confiscation or the assets subject to forfeiture of assets are missing or destroyed or cannot be found at the location specified in the certificate or if, despite having requested additional information, not enough data is available for the Hungarian judicial authority to find the means of evidence, thing subject to confiscation or assets subject to forfeiture of assets concerned.

Section 98 (1) The enforcement of the Member State freezing order may be postponed if a criminal proceeding is pending within the territory of Hungary for, or in relation to, the act on which the decision is based and the enforcement of the Member State decision would jeopardise the success of the criminal proceeding.

(2) If the means of evidence, thing subject to confiscation or assets subject to forfeiture of assets affected by the Member State freezing order are already seized or sequestered within the territory of Hungary, or an order to preserve electronic data was issued to preserve the means of evidence, the Member State decision shall be enforced after the coercive measure is terminated or lifted.

(3) If paragraph (2) applies, the decision terminating or lifting the coercive measure ordered in the Hungarian criminal proceeding cannot be enforced as long as it is necessary to maintain the coercive measure for the enforcement of the Member State freezing order.

(4) A thing seized in a Hungarian criminal proceeding shall not be released in accordance with section 321 of the Code of Criminal Procedure as long as

a) the Hungarian judicial authority does not terminate the coercive measure ordered to enforce the Member State freezing order;

b) the Hungarian judicial authority does not make a decision on the enforcement of the request issued by the Member State judicial authority for handing over a seized means of evidence or of the decision on confiscating or subjecting to forfeiture of assets a thing or assets subject to a coercive measure ordered to enforce a Member State freezing order.

(5) The Hungarian judicial authority, if it postpones the enforcement of the Member State freezing order, shall inform the Member State judicial authority accordingly providing also the likely period of the postponement of the enforcement.

(6) If the ground for postponing enforcement ceased, the Hungarian judicial authority shall arrange for ordering or implementing the coercive measure in the decision without delay, and inform the Member State judicial authority accordingly.

Section 99 (1) The Hungarian judicial authority shall enforce the Member State freezing order in accordance with the rules specifically requested and specified by the Member State judicial authority, provided that these rules are not inconsistent with the fundamental principles of the Hungarian legal system.

(2) The Hungarian judicial authority shall inform the Member State judicial authority about the enforcement of the Member State freezing order.

(3) In other respects, the procedural and enforcement rules on seizure, order to preserve electronic data and sequestration shall apply accordingly in the course of the enforcement of the decisions referred to in this Chapter.

Section 100 (1) A Member State freezing order shall not be challenged by legal remedy in accordance with Hungarian law before the Hungarian judicial authority.

(2) The persons concerned shall be informed of the provisions of paragraph (1) and of any legal remedy available to challenge the Member State freezing order in accordance with the data in the part relating to legal remedy of the form sent by the Member State judicial authority.

(3) Where, in accordance with the rules of the Code of Criminal Procedure, the Hungarian judicial authority finds necessary, on the basis of a legal remedy or motion or *ex officio*, to lift a coercive measure, it shall inform the Member State judicial authority accordingly and set an appropriate time limit before lifting the coercive measure for the Member State judicial authority to make an observation. The Hungarian judicial authority shall inform the Member State judicial authority of the decision made on the lifting.

(4)

41. Transferring enforcement

101 (1) If, in the course of the criminal proceeding, ordering or applying seizure or sequestration or issuing or implementing an order to preserve electronic data becomes necessary and the means of evidence, the thing subject to confiscation or the assets subject to forfeiture of assets are located within the territory of another Member State, the Hungarian judicial authority shall fill in, together with the decision ordering the coercive measure, also the certificate under Annex 7.

(2) If paragraph (1) applies, the certificate shall be translated into the official language or one of the official languages of the Member State within the territory of which the means of evidence, the thing subject to confiscation or the assets subject to forfeiture of assets are located (enforcing Member State). The Hungarian judicial authority shall send the decision and the translated certificate directly to the competent judicial authority of the Member State.

(3) In addition to the elements specified in the Code of Criminal Procedure, the operative part of the decision shall include, as appropriate, the following:

a) request to hand over the means of evidence requested to be seized to the Hungarian judicial authority;

b) request for confiscation that requests either enforcement of the decision ordering confiscation that was issued in the issuing Member State, or confiscation enforced in the enforcing Member State and the enforcement of such a decision at a later date; or

c) provision that the means of evidence, thing subject to confiscation or assets subject to forfeiture of assets affected by the coercive measure are to be held in the enforcing Member State until the transmission of a request referred to in point a) or b) or a request to enforce the decision on confiscation or forfeiture of assets.

(4) Where the investigating authority finds ordering seizure, issuing an order to preserve electronic data or applying sequestration necessary as regards a means of evidence, a thing subject to confiscation or assets subject to forfeiture of assets that are located within the territory of another Member State, the investigating authority shall put forward a request to the prosecution office for making a decision referred to in paragraph (1) or for submitting a motion for such a decision to the court.

Section 102 (1) The Hungarian judicial authority may request the Member State judicial authority to enforce the decision in accordance with the provisions of Hungarian legislation. In this event, the certificate shall provide detailed information about the Hungarian legislation to be applied.

(2) Where, on the basis of data and conditions specified in the decision issued by the Hungarian judicial authority, the Member State judicial authority cannot enforce the decision, or can enforce it only in part, the Hungarian judicial authority shall provide for the fulfilment of the conditions specified by the Member State judicial authority without delay.

Section 103 (1) The decision and the certificate may be sent in any manner that enables the establishment of the authenticity of the request. This provision shall apply accordingly to other documents and information transmitted by a Hungarian judicial authority and to documents and information transmitted by the Member State judicial authority to the Hungarian judicial authority.

(2) Where the Hungarian judicial authority cannot identify the judicial authority in the Member State that is competent to enforce the decision, contact data may be acquired also through European Judicial Network contact points.

(3) If the ground for ordering the coercive measure referred to in section 101 (1) ceased, the Hungarian judicial authority issuing the decision shall notify the Member State judicial authority accordingly without delay.

Chapter VII

PREVENTING AND SETTLING CONFLICTS OF EXERCISE OF MEMBER STATE JURISDICTION IN CRIMINAL PROCEEDINGS

42. Exchange of information between Member States

Section 104 (1) With the exception specified in paragraph (10), on the basis of the request of the Member State authority, the court or the prosecution office shall, within the time limit set in the request or, where the Member State authority did not set a time limit in the request, immediately, provide information directly as to whether there is a criminal proceeding pending in Hungary against the person specified in the request for the act specified in the request (hereinafter “concurrent proceedings”).

(2) A request may be put forward also directly and in any manner that enables the establishment of the authenticity of the request. A request so put forward shall be considered duly put forward. This provision shall apply to other documents and information transmitted by a Member State authority, and to documents and information transmitted to a Member State authority by a Hungarian court or prosecution office.

(3) Competence to execute a request shall lie with the court or prosecution office before which the proceeding is or was pending.

(4) If the criminal proceeding specified in the request is or was not pending before the requested court or prosecution office, the requested court or prosecution office shall attempt to identify, on the basis of data available, the court or prosecution office competent to execute the request. The court or the prosecution office shall transmit the request to the competent court or prosecution office and inform the requesting Member State authority accordingly.

(5) Where the identification, under paragraph (4), of the court or prosecution office competent to execute the request is unsuccessful, the court or the prosecution office shall transmit the request to the Prosecutor General and inform the requesting Member State authority accordingly. Should the Prosecutor General identify the criminal proceeding that is or was pending in Hungary, it shall transmit the request to the competent court or prosecution office and inform the requesting Member State authority accordingly.

(6) If information provided by the Member State authority indicate that the person referred to in the request is detained in the Member State, the request of the Member State shall be executed as a matter of priority.

(7) Where the court or the prosecution office cannot provide information within the time limit referred to in paragraph (1), it shall immediately inform, providing the reasons for the delay, the Member State authority and specify the period likely to be required for the provision of the information.

(8) Where the criminal proceeding specified in the request is or was pending in Hungary, the court or the prosecution office shall inform the Member State authority about

a) its contact details;

b) the stage of the criminal proceeding and, for a criminal proceeding concluded, of the decision on the merits concluding the criminal proceeding;

c) languages to be used for communication.

(9) The Member State authority may be consulted to identify the criminal proceeding and the persons concerned and to clarify the stage of the criminal proceeding. In the course of the consultation, information provision may be refused if it would harm essential national security interests of Hungary; in this regard, the position of the Minister or the Prosecutor General shall be decisive.

(10) The Prosecutor General shall inform the Member State authority if there is or was no criminal proceeding pending in Hungary against the person specified in the request for the act specified in the request.

Section 105 (1) Should there be any data implying that concurrent proceedings are conducted, the court or prosecution office proceeding shall directly put forward a request to the Member State authority.

(2) Section 104 (2) shall apply accordingly to the transmission of a request and to communication with a Member State authority.

(3) If on the basis of available data the authority competent to execute the request in the Member State cannot be identified, contact data may be acquired also through European Judicial Network contact points.

(4) The court or the prosecution office may set in the request a reasonable time limit for the execution of the request, taking into account also the stage of the proceeding and the remand detention of the defendant, if any. Where the defendant is subject to a coercive measure affecting personal freedom in Hungary, the request may be requested to be executed as a matter of priority.

(5) In the request, the court or the prosecution office shall provide the Member State authority with at least the following data:

- a) data suitable for the identification of the defendant and the aggrieved party;
- b) description of the act subject to the criminal proceeding;
- c) stage of the criminal proceeding;
- d) designation of the prosecution office or court conducting the criminal proceeding;
- e) reference to the fact if the defendant is subject to a coercive measure affecting personal freedom.

(6) The Member State authority may be consulted to identify the criminal proceeding in the Member State and the persons concerned and to clarify the stage of the criminal proceeding in the Member State. In the course of the consultation, information provision may be refused if it would harm essential national security interests of Hungary; in this regard, the position of the Minister or the Prosecutor General shall be decisive.

43. Consultation procedure

Section 106 (1) If, on the basis of information exchange under sections 104 to 105 or in any other manner, it can be established that concurrent proceedings are pending and the conflict of jurisdiction arising from concurrent proceedings cannot be resolved in any other manner, the Prosecutor General shall consult the entitled Member State judicial authority with a view to avoiding the consequences of concurrent proceedings.

(2) When consultation starts, the prosecution office may suspend the investigation, and the court may suspend the proceeding, by means of a decision.

(3) The Prosecutor General shall inform the Member State authority of the suspension of the criminal proceeding. In the course of the consultation, the Prosecutor General may consult the Member State judicial authority as regards the criminal proceeding, the stage of the criminal proceeding and the persons concerned by the criminal proceeding. In the course of the consultation, handing over the requested information may be refused if it would harm essential national security interest of Hungary.

(4) In the course of the consultation, the parties shall consider all relevant factors in deciding which Member State should conduct the criminal proceeding from then on. Such relevant factors are the place where the criminal offence was committed, the nationality of the defendant, the nationality of the aggrieved party(parties), the place where the defendant is detained, the stage of the criminal proceedings pending in the Member States, information as to the Member State in which more evidence is available and as to whether the criminal proceedings pending in the Member States are connected to any other criminal proceeding pending in the Member State concerned.

Section 107 (1) Where the parties failed to reach an agreement pursuant to the provisions of section 106 as to which Member State should conduct the criminal proceeding from then on, the Prosecutor General may contact Eurojust with a view to deciding on the matter, provided that Eurojust is competent in the specific case. The Prosecutor General shall inform the Member State authority that a request was put forward to Eurojust.

(2) On the basis of the outcome of the consultation,

a) the Prosecutor General shall receive the request for taking over the Member State criminal proceeding or shall acknowledge that the Member State authority terminates the Member State criminal proceeding; or

b) the Prosecutor General or, at the initiative of the Prosecutor General, the Minister shall put forward a request for legal assistance for the transfer of a Hungarian criminal proceeding, following the separation of the criminal proceeding, where justified.

(3) The Prosecutor General, if he took over the Member State criminal proceeding, shall inform the Member State authority of the conclusion of the criminal proceeding.

(4)

Chapter VII/A

TRANSMITTING AND RECEIVING A CRIME REPORT

43/A. Transmitting a crime report to another Member State

Section 107/A (1) If a crime report is submitted to a Hungarian authority for a criminal offence committed within the territory of another Member State and, on the basis of the crime report, the Hungarian authority does not conduct the criminal proceeding due to not having jurisdiction, the prosecution office shall transmit, without delay, the crime report submitted by the aggrieved party directly to the Member State judicial authority with territorial competence over the place where the criminal offence was committed and notify the aggrieved party accordingly.

(2) If on the basis of data available the Member State judicial authority competent to receive the crime report in the Member State with jurisdiction over the place where the criminal offence was committed cannot be established, the data required for transmission shall be acquired through European Judicial Network contact points.

43/B. Receiving a crime report from another Member State

Section 107/B If the Member State judicial authority transmits to the Hungarian authority a crime report submitted by the aggrieved party for a criminal offence committed in Hungary, the Hungarian authority shall assess the crime report in accordance with Hungarian legislation.

PART FOUR

VALIDITY OF A MEMBER STATE JUDGMENT, LEGAL ASSISTANCE FOR ENFORCEMENT, TRANSIT AND EUROPEAN PROTECTION ORDER

44. General rules

Section 108 (1) In the course of recognition of a final and binding judgment or decision adjudicating, on the merits, criminal liability adopted by a Member State court proceeding in a criminal case (hereinafter the “Member State judgment”), legal assistance for enforcement and legal assistance for the execution of a European protection order,

a) unless this Act provides otherwise,

aa) the proceeding shall be instituted *ex officio* or at a motion by the prosecution service, the defendant or the defence counsel;

ab) the court shall proceed as a single judge without the involvement of lay judges;

ac) the court shall decide on the basis of documents and hear the prosecutor, the defendant and the defence counsel in a session as necessary; if evidence is taken, a trial shall be held;

ad) the second-instance court shall adjudicate an appeal challenging the judgment of the first-instance court in a panel session; and

ae) third-instance court proceedings shall not be conducted;

b) criminal and other costs incurred in Hungary shall be borne by the State;

c) the proceeding judicial authority may, unless this Act provides otherwise, directly request the provision of supplementary data and documents from the Member State judicial authority concerned if it is indispensable for adopting a decision;

d) section 427 (5) a) of the Code of Criminal Procedure shall not apply to the participation of a defence counsel.

(2) No review shall lie against a conclusive decision by the court.

(3) Provisions of Chapter VIII relating to a Member State shall apply also to the United Kingdom of Great Britain and Northern Ireland (hereinafter the “United Kingdom”).

Chapter VIII

VALIDITY OF A MEMBER STATE JUDGMENT

45. Taking account

Section 109 (1) Unless this Act provides otherwise, a Member State judgment adopted in a criminal case shall have the same validity as the judgment of a Hungarian court and the proceeding court, prosecution office or investigating authority shall take account of it in criminal proceedings launched following the adoption of the Member State judgment.

(2) If the Member State judgment is not recognised, the proceeding court, prosecution office and investigating authority shall not be bound by

a) the fact that another court, prosecution office or investigating authority already took account of the Member State judgment; and

b) the content with which it was taken account of.

(3) A Member State judgment shall not be taken account of if

a) the proceeding based on which the Member State judgment was adopted seriously violated the fundamental rights of the defendant in a criminal proceeding that are set out in an international treaty or a legal act of the European Union;

b) taking account would be contrary to the principle of double criminality;

c) the defendant is not liable to punishment due to infancy under Hungarian law for the act on which the Member State judgment is based;

d) a criminal proceeding is pending in Hungary for the act on which the Member State judgment is based and the Member State judgment does not constitute an obstacle to conducting the criminal proceeding;

e) in Hungary, the act of the defendant on which the Member State judgment is based was adjudicated with final and binding effect or a decision was adopted on the merits of the act that constitutes an obstacle to instituting a new criminal proceeding for an identical act;

f) in another Member State, before the Member State judgment became final and binding,

fa) the act of the defendant on which the Member State judgment is based was adjudicated with final and binding effect in another Member State; or

fb) a decision was adopted in another Member State on the merits of the act on which the Member State judgment is based that, under the law of the Member State in which the decision was adopted, constitutes an obstacle to instituting a new criminal proceeding for an identical act.

(4) If section (3) f) fa) applies, a Member State judgment shall be taken account of if the sentence imposed by the judgment was enforced, is being enforced or cannot be enforced under the law of the Member State in which the judgment was adopted. Should there be more than one Member State judgment imposing such a sentence, the earlier Member State judgment shall be taken account of.

(5) In respect of paragraph (3) b), for the purpose of double criminality, as regards criminal offences relating to taxes, duties, customs or exchange, it shall not constitute an obstacle to taking account if the Hungarian law does not include the same tax, duty or charge having an effect equivalent to customs duties, taxes or duties, or provisions of the same kind within the field of tax, duty, customs or exchange regulation, as the law of the Member State.

Section 110 Taking account of a Member State judgment and its validity in Hungary shall be without prejudice to the fact that extraordinary legal remedy shall be available and any other similar proceeding leading to the review of the Member State judgment shall be conducted only in accordance with the law of the Member State in which the judgment was adopted.

Section 110/A (1) When taking account, the court, the prosecution office and the investigating authority shall be bound by the facts of the case established in the Member State judgment.

(2) If account was taken of a Member State judgment or the proceeding court or prosecution office established that account cannot be taken of the Member State judgment, the statement of reasons of the decision by the prosecution office applying reprimand or conditional suspension by a prosecutor or referring to mediation, or of the judgment, or decision terminating the proceeding, by the court shall include also the outcome of taking into account.

Section 110/B Where a Member State judgment imposes a concurrent sentence for more than one criminal offence or a measure is applied using the rules on concurrent sentence and account cannot be taken of the provisions of the Member State judgment relating to a certain act, the court, the prosecution office and the investigating authority shall take account of the Member State judgment without the act concerned, observing only the further fact or facts on which the Member State judgment was based.

45/A. Recognition

Section 111 (1) The objective of recognition is to ensure that the specific provisions of a Member State judgment adopted in a criminal case, the penalty imposed or measure applied, and the related legal consequences are consistent with Hungarian law.

(2) A Member State judgment may be recognised if account can be taken of the Member State judgment.

(3) With the exception specified in paragraph (4), the Budapest-Capital Regional Court shall have subject-matter jurisdiction and exclusive territorial jurisdiction for recognition.

(4) If taking over the enforcement of the penalty imposed or the measure applied in the Member State judgment was requested pursuant to this Act, the court competent for taking over enforcement shall be in charge of recognition.

(5) The court competent pursuant to paragraph (4) shall join the cases if, following the launch of the recognition proceeding, a request for legal assistance for taking over enforcement is received.

(6) With the exception of the enforcement of judgments imposing a sentence of imprisonment or applying a measure involving deprivation of liberty adopted in a criminal case, a junior judge may also proceed in a recognition proceeding.

Section 111/A (1) The court or the prosecution office proceeding in the case shall request the recognition of a Member State judgment of which account can be taken if it is reasonable to assume that

a) the Member State judgment in the new criminal proceeding requires the application of the provisions on recidivism, special recidivism, multiple recidivism or violent multiple recidivism of the Criminal Code;

b) the defendant committed the act subject to the new criminal proceeding after being sentenced to imprisonment to be served in the Member State judgment, but before enforcement of the sentence was completed or its enforceability ceased, or during the probation period of a sentence of suspended imprisonment, or while being subject to another custodial penalty or measure involving deprivation of liberty; or

c) the defendant committed the act subject to the new criminal proceeding while being subject the penalty imposed or the measure applied in the Member State judgment and taking account of the measure applied or penalty imposed in the Member State judgment is required for the establishment of the criminal offence subject to the proceeding.

(2) Other than in the cases listed in paragraph (1), a Member State judgment may be recognised only if

a) enforcement of the penalty imposed or the measure applied in the Member State judgment is taken over;

b) the termination of release on parole from a sentence of imprisonment imposed in a Hungarian court decision, ordering the enforcement of a suspended imprisonment imposed in a Hungarian court decision, or the termination of temporary release from a special education in a reformatory or a release on probation imposed in a Hungarian court decision is justified on the basis of the Member State judgment; or

c) an Act so provides.

(3) If the Member State judgment was recognised, it shall be taken account of in accordance with the outcome of recognition.

Section 111/B (1) A release on parole imposed in a recognised Member State judgment may be terminated, the enforcement of a suspended imprisonment imposed in a recognised Member State judgment may be ordered, and a temporary release from special education in a juvenile correctional institution or release on probation applied in a Member State judgment may be terminated only if enforcement of the penalty or the measure is taken over.

(2) Where, in the new criminal proceeding, it is justified to terminate a release on probation the enforcement of which was taken over, the court shall impose a concurrent sentence without providing for joining the main cases and setting aside the provision applying release on probation.

(3) Where the court or the prosecution office establishes that the defendant committed the new criminal offence during the probation period of release on parole or suspended imprisonment imposed in the recognised Member State judgment or while being subject to temporary release from special education in a reformatory or release on probation or any penalty or measure providing for a similar probation period, and the enforcement of the penalty or the measure was not taken over, the court or the prosecution office shall inform the Member State authority that adopted the previous judgment about the guilty judgment.

Section 111/C (1) If the termination of release on parole from a sentence of imprisonment imposed in a Hungarian court decision, ordering the enforcement of a suspended imprisonment imposed in a Hungarian court decision, or the termination of temporary release from a special education in a reformatory or a release on probation imposed in a Hungarian court decision the enforcement of which was not transferred is likely to be justified on the basis of the Member State judgment,

a) the court;

b) the prosecution office;

c) by way of the prosecution office, the investigating authority; or

d) by way of the Budapest-Capital Chief Prosecutor's Office, the organ maintaining criminal records

shall provide for the recognition of the Member State judgment.

(2) A release on probation applied by the Hungarian court may be terminated due to a guilty judgment adopted in a Member State within the probation period due to a criminal offence committed before the release on probation only if the enforcement of the penalty imposed or the measure applied in the Member State judgment is taken over. This provision shall not constitute an obstacle to taking account of, for another reason, or recognising the Member State judgment.

(3) Where the release on probation applied by the Hungarian court is to be terminated on the basis of the Member State judgment, the court shall not provide for setting aside the provisions on imposing a penalty or applying a measure in the Member State decision and for joining the main cases, and

a) shall impose a concurrent sentence if the enforcement of the penalty imposed or the measure applied in the Member State judgment was taken over; or

b) shall impose a penalty separately, in the course of which the penalty imposed or the measure applied in the Member State decision shall also be taken into account.

(4) Following the recognition of the Member State judgment, the court shall send the final and binding decision on recognition to the court that proceeded at the first instance in the main case with a view to terminating the parole, ordering the enforcement of suspended imprisonment, terminating temporary release from special education in a reformatory or terminating release on probation and imposing a penalty applying paragraph (3).

(5) In a situation referred to in paragraph (4), the court that proceeded at the first instance in the main case shall proceed applying accordingly the rules on simplified review procedure laid down in Chapter XCIV of the Code of Criminal Procedure, with the proviso that the criminal costs shall be borne by the State and section 672 (4) to (6) of the Code of Criminal Procedure shall not apply to the proceeding.

Section 111/D (1) In the course of recognition, the court shall establish the assessment of the criminal offences specified in the Member State judgment under the Criminal Code with the derogations laid down in paragraph (1a), and assess whether the provisions of the Member State judgment of which account can be taken and the penalty imposed or measure applied in it are consistent with Hungarian law. Where the provisions of the Member State judgment or the penalty imposed or measure applied in it are inconsistent with Hungarian law, or the related legal consequences do not conform to the Hungarian law, the court shall adapt or supplement the provisions of the Member State judgment and the penalty imposed or measure applied in accordance with Hungarian law. Unadapted provisions of the Member State judgment shall be taken account of in accordance with the Member State judgment.

(1a) In the course of recognition, the court

a) shall not establish the assessment of the criminal offence specified in the Member State judgment under the Criminal Code if

aa) the act on which the Member State judgment is based does not constitute a criminal offence under Hungarian law and legal assistance for enforcement cannot be refused on the ground that account cannot be taken of the Member State decision due to a breach of double criminality; or

ab) taking account does not require the establishment of the assessment of the criminal offence specified in the Member State judgment under the Criminal Code, and data available indicates that taking account does not breach the principle of double criminality;

b) shall establish the assessment of the criminal offence specified in the Member State judgment under the Criminal Code on the basis of data available if it is sufficient for the purpose of taking account.

(2) The provisions of the Member State judgment, the penalty imposed and the measure applied may be adapted if the provision of the Member State judgment or the penalty imposed or measure applied in the Member State judgment would be unlawful or if it does not exist under Hungarian law. The court shall adapt, to conform to Hungarian law,

a) the penalty imposed or measure applied in the Member State judgment observing the penalty or measure applicable to the criminal offence concerned under the Criminal Code; and

b) any other provision of the Member State judgment

so as to conform to the greatest extent possible to the provisions of the Member State judgment and the penalty imposed or measure applied in it.

(3) A sentence of imprisonment imposed in a Member State judgment shall not be adapted if a period as short as imposed in the Member State judgment cannot be imposed under Hungarian law.

(4) It shall not serve as ground for adapting a penalty imposed or measure applied in a Member State judgment if

a) the Member State authority suspended the enforcement of a sentence of imprisonment in manner not permitted under the Criminal Code;

b) the sentenced person committed a criminal offence for which sentencing could not be postponed for a probation period under the Criminal Code;

c) the Member State authority released on parole a person sentenced to imprisonment in a manner not permitted under the Criminal Code;

d) the Member State authority applied ban on visiting sports competitions concerning an event other than a sports competition; or

e) the Member State authority ordered the performance of work of reparatory nature in a manner not permitted under the Criminal Code.

(5) The penalty imposed or measure applied in the Member State judgment shall be recognised applying paragraph (3) accordingly and observing the limits of the penalty or measure applicable under the Criminal Code, even if paragraph (4) applies.

(6) Provisions of paragraphs (3) to (5) shall apply accordingly to also other penalties and measures.

(7) Provisions of a Member State judgment may be supplemented only if, under Hungarian law, there is a mandatory legal consequence to the Member State guilty judgment for which the Member State judgment did not provide.

(8) Adaptation or supplementation of a Member State judgment shall not lead to imposing or applying a penalty or a measure more severe than the penalty or measure specified in the Member State judgment or to enforcing the penalty or measure in a more disadvantageous manner.

(9) In the course of recognition, the court shall adapt or supplement the provisions of the Member State judgment that are not concerned due to being taken account of, or that are related to the enforcement of the penalty or the measure, if the enforcement of the penalty or the measure is taken over.

Section 111/E (1) The court shall adapt a sentence of imprisonment imposed in the Member State judgment so that its period corresponds to the maximum of the penalty range under Hungarian law if, for the sentence of imprisonment, a period as long as imposed in the Member State judgment cannot be imposed under Hungarian law.

(2) The provisions of paragraph (1) shall apply accordingly to also other penalties and measures.

(3) The court shall adapt the sentence imposed in a Member State judgment so that it becomes imprisonment the enforcement of which is suspended for a probation period if the Member State court imposed imprisonment ordering the enforcement of a specific part of its period and suspending the enforcement of the remaining part for a probation period. In such an event, the court shall specify the period of the sentence ordered to be enforced in the Member State judgment as period served of the suspended imprisonment, and determine, applying section 111/D accordingly, the probation period in line with the probation period in the Member State judgment.

(4) If section 110/B applies, the court shall adapt or supplement the Member State judgment applying section 111/D and paragraphs (1) to (3) accordingly, observing the limits of the penalty that can be imposed and the measure that can be applied under Hungarian law for the criminal offence or criminal offences of which account can be taken.

(5) Where the court recognises a Member State judgment incorporating more than one previous Member State judgment, and certain Member State judgments incorporated in the summary Member State judgment were already recognised, the court shall establish this fact in the decision providing for recognition; however, the previous decision on recognition shall not be amended or set aside.

Section 111/F Where the penalty imposed or the measure applied in the Member State judgment was already or is being enforced, or it cannot be enforced under the law of the Member State, the court shall, in the course of recognition, establish also data on the enforcement of the penalty or the measure relating to the purpose of taking account.

Section 111/G (1) On the basis of recognition, the court shall establish, in its decision, that

a) account cannot be taken of the Member State judgment; or

b) account can be taken of the Member State judgment, and the recognised provisions of the Member State judgment.

(2) An appeal may be put forward against a decision excluding the taking account of the Member State judgment by the prosecution office, and against a decision establishing that account can be taken of the Member State judgment and establishing its recognised provisions by the sentenced person, the defence counsel and the prosecution office.

(3) The court shall send the final and binding conclusive order on recognition to also the organ maintaining criminal records.

(4) Where recognition takes place at a motion by the court or the prosecution office proceeding in the criminal case, the court shall send its conclusive order to also those putting forward the motion.

(5) Where recognition takes place at a request by the organ maintaining criminal records relating to issuing a certificate of criminal record, the court shall perform recognition as a matter of priority. Where the court does not adopt its decision within thirty days, it shall inform the organ maintaining criminal records accordingly providing also the likely time limit for the decision.

(6) The court shall terminate the proceeding

a) if a final and binding conclusive decision was adopted on the recognition of the Member State judgment previously and there is no ground for the supplementation or amendment of the decision;

b) where the court proceeding in the course of recognition requested the provision of supplementary data or documents from the Member State judicial authority and the request did not yield any result within a year, provided that the data available is insufficient for making a provision on recognition;

c) for another reason specified in this Act.

(7) Where the court terminates a recognition proceeding in accordance with paragraph (6) b), the court, prosecution office and investigating authority proceeding in the criminal proceeding launched after the Member State judgment was adopted shall take account of the Member State judgment on the basis of data available, even absent recognition.

Section 111/H (1) The court may supplement or amend, *ex officio* or at a request by the proceeding court or prosecution office, the defendant, or the defence counsel, the decision on recognition if

a) in a new criminal proceeding, it is justified to recognise a provision of the Member State judgment for which the previous decision on recognition did not provide or did not provide in accordance with the law;

b) when taking over the enforcement of a penalty imposed or measure applied in the Member State judgment, it is justified to recognise a provision of the Member State judgment for which the previous decision on recognition did not provide or did not provide in accordance with the law;

c) in connection with the enforcement of the penalty imposed or measure applied in the Member State judgment, it is justified to recognise new data or circumstances that were not available at the time of previous recognition and the recognition of which is necessary for the new criminal proceeding, the takeover of enforcement, the enforcement of the penalty or measure taken over, or that affect data in criminal records; or

d) the Member State judgment was amended in the Member State of its adoption and the amendment is relevant to the new criminal proceeding, the takeover of enforcement, or the enforcement of the penalty or measure taken over, or affects data in criminal records.

(2) The court shall send its decision on supplementing or amending the decision on recognition to also the organ maintaining criminal records.

(3) If, taking into account the provisions of paragraph (1), the organ maintaining criminal records detects that it is justified to supplement or amend the decision on recognition, it may request the supplementation or amendment of recognition by way of the prosecution office.

Section 111/I The court shall set aside its decision on recognition *ex officio* or at a motion by the prosecution office, the defendant or the defence counsel, and terminate the proceeding if a final and binding conclusive decision has been previously adopted on the recognition of the Member State judgment, and the decision cannot be supplemented or amended.

Chapter IX

LEGAL ASSISTANCE FOR ENFORCEMENT

Section 112 Legal assistance for enforcement means legal assistance for the following:

- a) enforcement of judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty;
- b) enforcement of rules of behaviour for probation period and other alternative sanctions;
- c) enforcement of financial penalty or other financial obligation; or
- d) enforcement of confiscation or forfeiture of assets.

46. General rules of taking over enforcement

Section 113 The enforcement of a penalty or a measure may be taken over if account can be taken of the Member State judgment.

Section 113/A Unless this Act provides otherwise, the following shall have jurisdiction to execute a request for legal assistance for enforcement:

- a) the district court functioning at the seat of the regional court of the place of actual residence of the defendant; in Budapest, the Central District Court of Buda; or
- b) for a defendant not having a place of actual residence in Hungary, the Central District Court of Buda.

Section 113/B (1) Unless this Act provides otherwise, a request for legal assistance for enforcement and other case documents may be put forward directly and by any means which leaves a record under conditions allowing the establishment of the authenticity of the case documents. A request for legal assistance shall be considered duly put forward if the case documents are sent in such a manner.

(2) The court may request the Member State authority to send an original copy of the certificate and the original or authentic copy of the Member State decision on which legal assistance for enforcement is based if it was not sent when the request for legal assistance for enforcement was put forward.

(3) The provisions of paragraph (1) shall apply accordingly to communication between the court and the Member State authority in the course of the execution of the request for legal assistance for enforcement.

Section 113/C If a court or another authority receives from a Member State a request it has no jurisdiction to administer, it shall send it without delay to the competent court or, if the enforcement of a sentence of imprisonment is taken over, the Minister; the court or the another authority shall inform accordingly the requesting Member State authority.

46/A. Grounds for refusal

Section 114 (1) The court shall refuse to take over enforcement if

- a) account cannot be taken of the Member State judgment;
- b) the criminal offence on which the Member State judgment is based falls under Hungarian jurisdiction and enforcement of the penalty imposed or measure applied in the Member State judgment became time-barred according to the Hungarian law;
- c) the certificate issued by the Member State authority is clearly inconsistent with the attached Member State judgment;
- d) the certificate issued by the Member State authority is incomplete or inaccurate and the time limit set for remedying its deficiencies or for its correction expired without result, or the supplemented certificate remains inexecutable;
- e) the defendant enjoys immunity arising from public office or international law, and the entity authorised to do so did not lift his immunity; or
- f) the criminal offence on which the Member State judgment is based falls under Hungarian jurisdiction and the criminal offence is covered by amnesty.

(2) The court may refuse to execute a request for legal assistance for enforcement if the Member State judgment was adopted in the absence of the defendant.

(3) The ground for refusal referred to in paragraph (2) shall not apply if, in accordance with the law of the Member State,

a) the defendant was directly summoned in adequate time, specifying the due date and the place, to the trial, or he received official information thereof by other means and he was informed that the trial can be held and the proceeding can be concluded with a decision even in his absence;

b) to represent the defendant at the trial, a defence counsel

ba) was authorised by the defendant being aware of the scheduled trial; or

bb) was officially appointed for the defendant being aware of the scheduled trial and the defendant, being informed of the official appointment, did not object thereto or the authorised or officially appointed defence counsel acted on behalf of the defendant at the trial; or

c) the Member State judgment was served, the sentenced person was informed about the ordinary and extraordinary legal remedies, but did not make a relevant motion, or indicate that he disputes the decision adopted in his absence, within the time limit available.

46/B. Consultation

Section 115 (1) To render legal assistance for enforcement and to ensure the success of an enforcement taken over, the court shall consult the issuing Member State authority and request that the certificate be clarified or supplemented and that information, data and documents required for decision making be made available if a ground for refusal under section 114 (1) b) to d) or section 114 (2) exists.

(2) Where justified, the court may consult

a) the issuing Member State authority even for a reason other than those specified in paragraph (1); or

b) also the authority of another Member State.

(3) The court may, taking into account also the procedural time limit, set a time limit for compliance with paragraphs (1) to (2).

(4) The court may suspend the proceeding until the request put forward pursuant to paragraphs (1) to (2) is complied with, but no longer than the expiry of the time limit referred to in paragraph (3).

(5) The Member State authority may be requested to translate into Hungarian the documents requested to be sent only if this Act allows it.

46/C. Court decisions

Section 116 (1) The court shall decide on the recognition of a Member State judgment on the basis of the proceeding conducted and

a) refuse to take over enforcement; or

b) take over the enforcement of the penalty or measure in the Member State judgment specified in the request for legal assistance for enforcement and determine the measures required for enforcement.

(2) The court shall provide for recognition to the extent necessary for taking the decision referred to in paragraph (1) and rendering legal assistance for enforcement.

(3) The court shall dispense with the recognition of a Member State judgment if it was already recognised previously so that the previous recognition need not be supplemented to take over the enforcement of the penalty or measure.

(4) The court shall adopt a reasoned conclusive order in all cases where it refuses to take over execution.

(5) The court shall inform also the Member State authority about its decision and the date when the conclusive order becomes final and binding. The court shall inform the Member State authority about also the outcome of the recognition of the Member State judgment, in particular, if the penalty imposed or measure applied in the Member State judgment was adapted or, in relation thereto, the Member State judgment was supplemented in the course of recognition.

Section 116/A If the court suspends the proceeding for a reason specified in an Act, it shall notify also the Member State authority of its decision without delay.

46/D. Time limits

Section 117 (1) The court shall take a decision on legal assistance for enforcement within sixty days from receipt of the documents.

(2) The court may suspend its proceeding also if the documents sent by the issuing Member State authority need to be translated.

(3) If the proceeding is to be suspended, the period of suspension shall not be calculated into the procedural time limit.

Section 117/A (1) The prosecution office may submit an appeal against the refusal of enforcement. An appeal with suspensory effect shall be available against ordering enforcement.

(2) No appeal shall lie against a decision ordering the suspension of the proceeding if the proceeding was suspended to consult the issuing Member State authority or another Member State authority or to translate documents.

(3) The Member State judgment on which legal assistance for enforcement is based shall not be challenged by the appeal. Only the Member State authority may review the Member State judgment on which enforcement is based or conduct another extraordinary legal remedy proceeding.

(4) An appeal challenging a decision communicated by way of announcement shall be submitted immediately after the decision is announced; an appeal challenging a decision communicated by way of service shall be submitted within three days from service.

(5) The court shall send the appeal without delay after the receipt of the statements to the court competent to adjudicate the appeal.

(6) The second-instance court shall adopt its decision after the receipt of the case documents without delay, but not later than within ninety days from the receipt of the request of legal assistance for enforcement by the first-instance court. The period of suspension shall not be calculated into the procedural time limit.

Section 117/B Where in exceptional cases a final and binding conclusive order on taking over enforcement cannot be adopted within the time limit set out in section 117/A (6), the court shall inform the issuing Member State authority accordingly, communicating the reasons for delay and the time foreseeably required for adopting a final and binding conclusive order.

46/E. Miscellaneous provisions

Section 118 If the Member State authority withdraws the certificate before the commencement of enforcement, the court shall, where required, set aside its decision on taking over enforcement and terminate the proceeding.

Section 118/A On the basis of a notification that the Member State judgment on which enforcement is based was set aside or its enforceability ceased, the court shall provide for the termination of enforcement without delay.

Section 118/B To the enforcement of a penalty imposed or measure applied in the Member State judgment taken over by the court, the Hungarian law shall apply, including the rules on

- a) the regime of imprisonment and its *ex-post* modification;
- b) terminating parole, terminating release on probation and sentencing, enforcing suspended imprisonment, modifying imposed rules of behaviour and the applicable consequences of violating or failing to comply with them;
- c) converting financial penalty or community service; and
- d) granting post-sentence pardon.

Section 118/C The court shall terminate the proceeding if it finds that the penalty imposed or measure applied in the Member State judgment cannot be enforced.

Section 118/D (1) The court shall inform the issuing Member State without delay about

- a) the suspension of enforcement, giving the reasons for suspension;
- b) the termination of the enforcement, giving the reasons for termination; and
- c) the conclusion of the enforcement.

(2) If enforcement is suspended, the Member State authority shall be informed, where possible, of the expected period of suspension and the expected date of resumption of enforcement.

47. General rules on transferring enforcement

Section 119 (1) The sentenced person may put forward his request or other statement relating to legal assistance for enforcement at the time of the announcement of the decision on which legal assistance for enforcement is based; the court proceeding in the criminal case shall, in accordance with the provisions of this Act, record it in minutes and, unless this Act provides otherwise, send it to the court competent to put forward a request for legal assistance for enforcement.

(1a) Unless this Act provides otherwise, the court that proceeded at the first instance in the main case shall be the court competent to put forward a request for legal assistance for enforcement.

(2) Where enforcement is transferred in a proceeding against an absent defendant or on the basis of a decision adopted in a proceeding conducted in the absence of a defendant staying abroad or a court order approving a plea agreement or a punishment order or if the judgment on which the transfer of enforcement is based was adopted in the absence of the defendant due to the defendant giving prior notice that he does not wish to attend the trial, the certificate shall indicate the following:

- a) a reference to the fact that the defendant is absent;
- b) circumstances relating to summoning or notifying the defendant and to his awareness of the proceeding;
- c) circumstances relating to the defence of the defendant; and
- d) data on legal remedy options available to the defendant.

Section 119/A (1) If on the basis of available data the Member State authority competent to enforce the judgment or decision of the Hungarian court in the Member State cannot be identified, contact data may be obtained also through European Judicial Network contact points.

(2) For transferring enforcement or successfully enforcing a penalty or measure transferred, the entity putting forward a request for legal assistance for enforcement may consult the Member State authority and provide the Member State authority with supplementary data and documents, at a request by the Member State authority.

Section 119/B (1) The request for legal assistance for enforcement shall be put forward using the translation of the certificate in the official language or one of the official languages of, or the language specified by, the Member State.

(2) The judgment or decision on which legal assistance for enforcement is based or its relevant part shall only be translated if an Act so provides.

(3) Unless this Act provides otherwise, the case documents of legal assistance for enforcement may be sent to the Member State judicial authority directly and by any means which leaves a record under conditions allowing the enforcing Member State to establish the authenticity of the case documents.

(4) At a request by the Member State authority, the original copy of the certificate and the original or authentic copy of the judgment or decision shall be sent to the Member State authority if it was not sent when the request for legal assistance for enforcement was put forward.

(5) The provisions of paragraph (3) shall apply accordingly to sending Member State documents in the course of rendering legal assistance for enforcement, with the proviso that documents thus sent shall be considered duly sent.

(6) Unless this Act provides otherwise, a request for legal assistance for transfer of enforcement shall be transmitted to not more than one Member State at a time.

Section 119/C (1) The legislation of the enforcing Member State, including provisions on

- a) the regime of imprisonment and its *ex-post* modification;
- b) terminating parole, terminating release on probation and sentencing, enforcing suspended imprisonment, modifying imposed rules of behaviour and the applicable consequences of violating or failing to comply with them;
- c) converting financial penalty or community service; and
- d) post-sentence pardon,

shall apply to the enforcement of a penalty imposed or measure applied by the Hungarian court judgment, following the transfer of the enforcement of the penalty or measure.

(2) The Hungarian court may provide for adopting a decision referred to in paragraph (1) once the right of enforcement reverts to Hungary.

Section 119/D The right of enforcement shall revert to Hungary if

- a) the executing Member State refuses to take over enforcement;
- b) the executing Member State terminates execution without completing it;
- c) the entity putting forward the request for legal assistance for enforcement withdrew the certificate in accordance with this Act and informed the executing Member State authority accordingly.

Section 119/E The Member State authority shall be notified without delay if the decision on which the transferred penalty or measure is based is set aside or its enforceability ceases and of any other circumstance affecting enforcement.

Chapter IX/A

LEGAL ASSISTANCE FOR THE ENFORCEMENT OF A JUDGMENT IMPOSING IMPRISONMENT OR APPLYING A MEASURE INVOLVING DEPRIVATION OF LIBERTY ADOPTED IN A CRIMINAL CASE

48. Taking over enforcement

Section 120 (1) The enforcement of a final and binding sentence of imprisonment or measure involving deprivation of liberty may be taken over on the basis of a Member State judgment imposing a sentence of imprisonment or applying a measure involving deprivation of liberty, provided that the Member State judicial authority sends

- a) the Member State judgment or its authentic copy;
- b) the certificate under Annex 8 in Hungarian;
- c) the minutes recording the statement of the sentenced person; and
- d) where the sentenced person is in Hungary, the form under Annex 9 stating that the sentenced person was notified.

(2) Documents referred to in paragraph (1) shall be received by the Minister.

Section 120/A (1) Enforcement of a sentence of imprisonment imposed or a measure involving deprivation of liberty applied in a Member State judgment may be taken over only if

- a) the sentenced person consented to the transfer of enforcement; and
- b) not less than six months remain from the period of the penalty to be served by or the measure applied against the sentenced person at the time of receipt of the certificate by the Minister.

(2) Even if paragraph (1) applies, the enforcement of a sentence of imprisonment imposed or a measure involving deprivation of liberty applied by the Member State judgment may be taken over only if taking over enforcement promotes the social rehabilitation of the sentenced person (hereinafter the “rehabilitation requirement”); the decision on this matter shall lie with the Minister.

(3) Enforcement of a sentence of imprisonment imposed or a measure involving deprivation of liberty applied in a Member State judgment may be taken over even without consent from the sentenced person if

- a) the sentenced person holds Hungarian nationality and has an address in Hungary;
- b) the sentenced person escaped or returned in another manner to Hungary after he was found guilty in a Member State or with regard to a proceeding pending against him in the Member State;

c) the sentenced person who is removed to Hungary pursuant to a provision on expulsion or forced removal of the Member State judgment or another decision adopted with regard to the Member State judgment holds a Hungarian nationality; or

d) the sentenced person who is removed to Hungary pursuant to a provision on expulsion or forced removal in the Member State judgment or another decision adopted with regard to the Member State judgment does not hold a Hungarian nationality.

(4) The rehabilitation requirement shall not be assessed if paragraph (3) a) and c) applies.

48/A. Ministerial procedure

Section 121 (1) The rules on taking over enforcement shall apply accordingly to the proceeding of the Minister.

(2) The Minister may consult the issuing Member State judicial authority, in particular concerning rehabilitation requirement and conditions and justification for taking over enforcement.

(2a) The Minister, with assistance from the ILECC as necessary, may request data provision from any organ, legal person or organisation without legal personality to acquire information necessary for establishing whether the rehabilitation requirement is fulfilled.

(3) The Minister shall inform, by way of a written opinion with detailed statement of reasons, the issuing Member State judicial authority if the rehabilitation requirement is not fulfilled. Except if section 120/A (4) applies, the opinion shall, if justified, specify if the Minister does not consent to sending the certificate. At a request by the Member State authority, the Minister shall provide information on the likely earliest date of release on parole.

(4) If the issuing Member State judicial authority withdraws the certificate with regard to paragraph (3), the Minister shall terminate the proceeding.

Section 121/A If the rehabilitation requirement is fulfilled, the Minister may request at the Member State the takeover of the enforcement of the sentence of imprisonment or measure involving deprivation of liberty of the sentenced person.

Section 121/B The Minister shall send the case documents referred to in section 120 to the court if the conditions under section 120/A are met; otherwise, he shall refuse to take over enforcement.

48/B. Court procedure

Section 122 (1) In the course of the execution of a request for legal assistance for enforcement to take over the enforcement of a sentence of imprisonment or a measure involving deprivation of liberty, competence shall lie with the Budapest-Capital Regional Court.

(2) If the place of residence of the sentenced person is abroad, the court shall decide, when assessing the request for legal assistance for taking over enforcement, on the basis of case documents. In any other situation, the court shall hold a session the prosecutor, the defendant and, where participation of a defence counsel is mandatory pursuant to the Code of Criminal Procedure, the defence counsel is obliged to attend.

(3) The court shall, by way of the Minister, inform the Member State judicial authority of the decision and put forward a request to the Member State judicial authority if another Member State authority needs to be consulted in the course of the execution of the request for legal assistance for enforcement.

(4) Where the content of the certificate is insufficient for taking a decision as regards the execution of the request for legal assistance for enforcement, the court may, in the course of consultation, request the Member State judicial authority to translate the Member State judgment or the substantial parts thereof into Hungarian. The court may consult the Member State judicial authority to determine the substantial parts of the Member State judgment.

Section 122/A The court may refuse to take over the enforcement of a final and binding Member State judgment imposing a sentence of imprisonment or a measure involving deprivation of liberty also if

- a) the conditions set out in section 120/A are not met;
- b) enforcement of the penalty imposed or measure applied became time-barred according to the Hungarian law;
- c) prior to the takeover of enforcement, the Member State judicial authority does not consent, taking into account section 123 (2), to launching a criminal proceeding against the sentenced person, sentencing him or depriving him in any other way of freedom in Hungary for a criminal offence other than the criminal offence on which the decision is based that was committed before transfer on the basis of a submitted request for consent; or
- d) the Member State decision includes a measure aimed at psychiatric or other medical treatment, or another measure involving deprivation of liberty, that cannot be enforced by Hungary.

48/C. Special rule of recognition

Section 122/B (1) Where a Member State judgment does not provide for the earliest possible date of release on parole, the court shall, in the course of recognition, supplement the Member State judgment; in doing so, the Member State legislation shall apply to setting the earliest possible date of release on parole, provided that this date is earlier than the earliest possible date of release on parole under Hungarian law.

(2) It shall not prevent taking over the period to be enforced of the sentence if the Member State court imposed in its judgment a sentence ordered, in part, to be enforced and, in the remaining part, suspended for a probation period. In such an event, the court shall assess, whether account can be taken of the Member State judgment; however, it shall not provide for the recognition of the sentence of imprisonment a specific part of which is ordered to be enforced and the remaining part of which is suspended for a probation period imposed in the Member State judgment in accordance with section 111/E (3).

(3) If the takeover of enforcement cannot be refused, the court shall take over the enforcement of the part specified to be enforced in the Member State court judgment, or the remaining period of it. The provisions of subtitle 45/A shall apply accordingly to determining the period of the part ordered to be enforced and the enforcement regime, taking into account also the period of the part suspended for a probation period. In such an event, release on parole shall not be permissible.

(4) The period of the enforcement of the sentence taken over shall not be calculated into the probation period set in the Member State judgment.

48/D. Specialty rule, informing the Member State authority

Section 123 (1) The provisions on the speciality rule referred to in section 30 shall apply accordingly to another criminal offence committed before transfer that is different from the criminal offence serving as basis for the final and binding foreign judgment imposing a sentence of imprisonment on or applying a measure involving deprivation of liberty to the sentenced person transferred to Hungary for enforcement, with the proviso that

a) if the sentenced person consented to transfer, his consent shall be required neither for conducting the criminal proceeding related to the other criminal offence, nor to the enforcement of the sentence of imprisonment imposed for the other criminal offence;

b) the sentenced person may give a statement relating to renouncing the specialty rule before the sentence enforcement judge competent to issue a European arrest warrant.

(2) The court may make taking over enforcement conditional upon the Member State judicial authority consenting to the conduct of the criminal proceeding in accordance with section 30 (4).

Section 123/A When executing the request for legal assistance for enforcement, the court may inform, without delay, the Member State judicial authority of also the following:

a) except for a sentenced person detained in the Member State putting forward the request for legal assistance for enforcement, the fact that the sentenced person is not within the territory of the country following the receipt by the court of the request for legal assistance for taking over enforcement, provided that this fact prevents the enforcement of the penalty or measure;

b) the earliest date of releasing the sentenced person on parole and the fact that the court subjected the sentenced person to probation supervision, where applicable, provided that the Member State judicial authority requested to be informed of this fact;

- c) the fact that the sentenced person escaped before the completion of enforcement;
- d) the fact that the penalty or measure was enforced or enforcement terminated due to individual pardon, amnesty, or another reason.

48/E. Provisional detention pending enforcement

Section 124 Before receiving the request for legal assistance for taking over enforcement or adopting the decision on enforcement, the court shall order the provisional detention pending enforcement of a sentenced person within the territory of Hungary if

- a) it was requested by the Member State judicial authority;
- b) preliminary data does not indicate any ground for refusing the takeover of enforcement;
- c) it is reasonable to assume that, if left at liberty, the sentenced person would hide, attempt to escape, or otherwise evade the enforcement of the sentence.

Section 124/A (1) If provisional detention pending enforcement is likely to be ordered and the sentenced person is not in detention, the sentenced person may be ordered to be taken into custody applying section 7 accordingly. The court shall hold a session as regards ordering provisional detention pending enforcement.

(2) The attendance of the prosecutor and the defence counsel shall be mandatory at the session.

Section 124/B The period of provisional detention pending enforcement shall not last longer than until the adoption of the decision relating to the takeover of enforcement or exceed the period of the sentence. The entire period of custody and provisional detention pending enforcement shall be credited to the sentence of imprisonment or measure involving deprivation of liberty taken over for enforcement. The court shall review whether the provisional detention pending enforcement is justified every three months.

Section 124/C (1) If in a situation under section 5 (3), the court established that an obstacle exists to the execution of a European arrest warrant, it shall order, when taking the decision, that the sentenced person be taken into provisional detention pending enforcement.

(1a) When ordering provisional detention pending enforcement, the court shall inform the Member State issuing the European arrest warrant about ordering provisional detention pending enforcement, its time limit, the fact that data available imply that the statutory conditions for taking over the enforcement of a sentence of imprisonment or measure involving deprivation of liberty are met, and that the court will resume the proceeding for the execution of the European arrest warrant if it establishes, following the issuance of the certificate required for taking over enforcement, that an obstacle to taking over enforcement exists.

(2) The period of provisional detention pending enforcement ordered in accordance with paragraph (1) shall last until the date of the session referred to in paragraph (3), but shall not exceed thirty days.

(3) If the Member State judicial authority sends the documents referred to in section 120 (1) within the time limit set in paragraph (2), the court shall hold a session without delay. In the session, the court shall maintain the provisional detention pending enforcement of the sentence person if the data available indicate that no ground for refusal to take over enforcement exists; otherwise, it shall terminate the provisional detention pending enforcement.

(4) If the court or the Minister refuses to take over enforcement or the documents referred to in section 120 (1) are not received within the time limit set in paragraph (2), the sentenced person shall be released without delay.

(5) Section 124/B shall apply accordingly to a provisional detention pending enforcement ordered in accordance with paragraph (1) and maintained in accordance with paragraph (3).

(6) Applying paragraphs (1) to (5) accordingly, the provisional criminal supervision pending enforcement of the defendant may be ordered in place of provisional detention pending enforcement if the defendant has a place of actual residence in Hungary and taking into account his personal and family situation, the period of imprisonment to be served or the level of the measure to be applied and the circumstances of the apprehension of the defendant, it can be established that the commencement of sentence enforcement can be ensured without ordering provisional detention pending enforcement.

48/F. Taking over a sentenced person

Section 125 After enforcement is taken over, the ILECC, with cooperation of the police, shall provide for taking over the sentenced person and transport the sentenced person to the Budapest-Capital Custodial Facility.

49. Transferring enforcement

Section 126 (1) If the sentenced person is in Hungary or the enforcing Member State, the enforcement of a sentence of imprisonment imposed, or a measure involving deprivation of liberty applied, by the Hungarian court with final and binding effect may be transferred to the enforcing Member State if

- a) the rehabilitation requirement is met as regards that Member State;
- b) the sentenced person consented to the transfer of enforcement; and
- c) it is reasonable to assume that at the time of putting forward the request for legal assistance for enforcement, not less than six months remain from the period of the penalty to be served or the measure applied.

(2) Section 120/A shall apply accordingly to both the transmission of the request for legal assistance for enforcement without consent of the sentenced person and the assessment of the rehabilitation requirement.

(3) As regards rehabilitation requirement, the Minister may consult the judicial authority of the enforcing Member State on whether it consents to transmitting the certificate even before the transmission of case documents.

(4) Where transferring enforcement is subject to consent from the enforcing Member State and the enforcing Member State does not consent to the transmission of the certificate, the Minister shall not put forward or shall withdraw the request for legal assistance for enforcement and inform the sentence enforcement judge and the sentenced person accordingly.

49/A. Ministerial procedure

Section 127 (1) The general rules on transferring enforcement shall apply accordingly to the proceeding of the Minister.

(2) Decision on transferring enforcement of a sentence of imprisonment or a measure involving deprivation of liberty shall lie with the Minister.

(3) To request the transfer of enforcement, the Minister shall send the case documents referred to in section 120 (1) to the enforcing Member State.

(4) In the request, the Minister may ask for information as regards the date when the person concerned becomes eligible to early release or parole under the law of the enforcing Member State.

(5) If the sentenced person is staying in the enforcing Member State, the Minister shall notify the sentenced person in his mother tongue, or another language specified as known by him, using the form under Annex 9 that the case documents have been sent to the Member State judicial authority.

49/B. Court procedure

Section 128 (1) The certificate required for transferring enforcement shall be issued by the sentence enforcement judge on the basis of the final and binding judgment.

(2) If the sentenced person is in the enforcing Member State, competence shall lie with the sentence enforcement judge of the seat of the court that proceeded at first instance.

(3) The provisions of the Act on sentence enforcement shall apply accordingly to the proceeding of the sentence enforcement judge.

(4) The judgment on which the request for legal assistance for enforcement is based or its substantial part needs to be translated into a language specified in section 119/B (1) only if the enforcing Member State puts forward a request to that effect and made previously a statement based on which it can request the translation of the judgment or its substantial part. Consultation shall be permissible as regards determining the substantial part of the judgment. The Minister may also provide for translating the judgment or its substantial parts.

(5) The sentence enforcement judge shall send to the Minister the filled-in certificate together with the other case documents required for transferring enforcement and, where available, the translation of the judgment. For the purpose of this provision, the rules on communication by electronic means shall apply with the derogation that the sentence enforcement judge shall send to the Minister the case document in a paper-based form if, pursuant to information by the Minister, doing so is required for sending the case document to the enforcing Member State.

(6) The sentence enforcement judge shall request data provision from the Minister to obtain any missing data required for filling in the certificate.

49/C. Request and consent of the sentenced person

Section 129 (1) The sentenced person may request that a sentence of imprisonment imposed or a measure involving deprivation of liberty applied against him be enforced in another Member State.

(2) The sentenced person may put forward the request for transferring enforcement to the proceeding judge when the decision on which legal assistance for enforcement is based is announced, or afterwards, to the sentence enforcement judge of the seat of the court that proceeded at first instance.

(3) If a court or another authority receives a request it is not competent to administer pursuant to paragraph (2), it shall send it without delay to the competent court and inform the sentenced person accordingly.

(4) If the conditions are met, or a request is put forward, for transferring enforcement, the sentenced person shall make his statement of consent before the proceeding judge when the decision on which legal assistance for enforcement is based is announced, or, in any other case, before the sentence enforcement judge. The statement of the sentenced person as regards consent shall be taken even if transferring enforcement is not conditional upon the consent of the sentenced person and the transfer of enforcement involves the transfer of the sentenced person. The statement shall specify the place of actual residence of the sentenced person in the Member State and the reasons stated as regards enforcing the penalty or measure in the Member State.

(5) The hearing of the sentenced person shall be recorded in written minutes signed by both the judge and the person making the statement, or, in addition to recording it in written minutes, an image and audio recording shall be taken of the hearing.

(6) The hearing may be conducted also using a telecommunication device.

(7) When hearing a sentenced person, the court shall inform him, before he makes his statement,

a) of the substantial circumstances and consequences of transferring enforcement;

b) that his request qualifies as consent;

c) of the speciality rule and that the speciality rule cannot be applied if he gives consent.

(8) With a view to issuing a certificate, the court proceeding in the criminal case shall send to the sentence enforcement judge the written minutes taken in accordance with the provisions of paragraph (5) together with the other case documents required for transferring enforcement.

(9) If transfer of enforcement is not excluded taking into account the remaining period of the sentence to be served or measure applied, the sentence enforcement judge shall send to the Minister the certificate in Hungarian and the written minutes taken in accordance with the provisions of paragraph (5) together with the other case documents required for transferring enforcement. If transfer of enforcement is excluded taking into account the remaining period of the sentence to be served or measure applied, the sentence enforcement judge shall inform the sentenced person accordingly.

49/D. Request for provisional detention pending enforcement

Section 130 (1) If the conditions for transferring enforcement are met and the sentenced person is in the territory of the enforcing Member State, the Minister may, when putting forward the request for transferring enforcement, request that the enforcing Member State order the provisional detention pending enforcement of the sentenced person, provided that it is reasonable to assume that, if left at liberty, the sentenced person would hide, attempt to escape, or otherwise evade the enforcement of the sentence.

(2) The Minister shall decide on the request after having obtained the opinion of the sentence enforcement judge.

(3) If the sentenced person is apprehended pursuant to a European arrest warrant and the Member State executing the European arrest warrant foresees refusing the execution of the European arrest warrant taking into account the takeover of the enforcement of the penalty or measure, the Minister shall, where justified, put forward the request referred to in paragraph (1) without delay should the executing Member State not consider the European arrest warrant a request put forward for provisional detention pending enforcement.

49/E. Withdrawing a certificate

Section 130/A (1) The sentence enforcement judge may, after having obtained the opinion of the Minister and stating the relevant reasons, withdraw a certificate before the enforcement of the penalty or measure commences. If the certificate is withdrawn, the right of enforcement shall revert to Hungary.

(2) The Minister shall refuse the transfer of enforcement if

a) the enforcement of the penalty or measure did not yet commence; and

b) it is likely, on the basis of information received in response to the request referred to in section 127 (3), that the objective of the sentence of imprisonment imposed or measure involving deprivation of liberty applied by the court cannot be attained due to the date set for early release or release on parole by the enforcing Member State;

and inform the sentence enforcement judge accordingly. The sentence enforcement judge shall withdraw the certificate within ten days from the information provision by the Minister and send its relevant decision to the Minister without delay. The Minister shall inform the Member State judicial authority of the withdrawal of the certificate.

49/F. Miscellaneous provisions

Section 130/B (1) Where a person sentenced to imprisonment or a measure involving deprivation of liberty with final and binding effect by the Hungarian court is in the territory of Hungary, the sentenced person shall, if enforcement is transferred, be surrendered to the enforcing Member State authority at a date agreed with the enforcing Member State judicial authority, but not later than within thirty days of the Member State decision on taking over enforcement becoming final and binding.

(2) Where the sentenced person cannot be surrendered within the time limit set by paragraph (1), the enforcing Member State judicial authority shall be informed accordingly without delay, and a new date shall be agreed for transfer. In such a situation, the sentenced person shall be surrendered within ten days following the new date.

(3) The ILECC, with assistance from the police, shall provide for transferring the sentenced person, applying Chapter X as appropriate.

Section 130/C A certificate required for transferring the enforcement of a final and binding sentence of imprisonment or a measure involving deprivation of liberty applied shall include also the following:

a) a request for provisional detention pending enforcement or, if a request for provisional detention pending enforcement had been put forward before the certificate was sent, a reference to this fact;

b) a reference to the fact that a European arrest warrant was issued for conducting the criminal proceeding or enforcing a sentence of imprisonment or a measure involving deprivation of liberty as regards the defendant in the criminal proceeding on which the certificate is based that was enforced by the Member State to which the certificate is to be transmitted;

c) data relating to the period already served of the penalty or measure and the expected date of the completion of serving it, data relating to release on parole; and a request by the court for information relating to the actual date and period of release on parole;

d) information about the position of the sentenced person on the transfer of the enforcement of the final and binding sentence of imprisonment or measure involving deprivation of liberty applied.

Section 131 (1) The right of enforcement shall revert to Hungary if the Member State judicial authority notifies the Minister that the enforcement of the judgment was terminated because the sentenced person could not be located within the territory of the Member State after the enforcement commenced and the measures taken to locate him were unsuccessful.

(2) The Hungarian Prison Service Headquarters shall inform the Minister each month of persons holding the nationality of a Member State of the European Union who were sentenced to imprisonment or a measure involving deprivation of liberty with final and binding effect.

Chapter IX/B

LEGAL ASSISTANCE FOR ENFORCEMENT OF RULES OF BEHAVIOUR FOR PROBATION PERIOD AND OTHER ALTERNATIVE SANCTIONS

50. Interpretative provisions

Section 132 (1) For the purpose of this Act,

1. *alternative sanction* means a penalty imposed or measure applied independently, other than a sentence of imprisonment to be served, confinement, measure involving deprivation of liberty or financial penalty, imposing an obligation or prohibition;

2. *rule of behaviour for probation period* means a rule of behaviour imposed relating to a suspended sentence or other suspended measure involving deprivation of liberty, a release on probation or a release on parole.

(2) For the purpose of this Chapter, Member State judgment shall be construed to mean also a decision based on a Member State judgment by the competent Member State authority that provides for release on parole or sets rules of behaviour for probation period.

50/A. Taking over enforcement

Section 133 (1) Enforcement of an alternative sanction or a rule of behaviour for probation period may be taken over in the context of the following rules imposing an obligation or prohibition:

a) obligation imposed on the defendant to notify changes of domicile or workplace;

b) ban on visiting specific places or areas;

c) restriction on leaving the territory of a Member State;

d) instruction relating to behaviour, domicile, education, training and leisure activities of the defendant or containing limitations on or modalities of carrying out a professional activity;

- e) obligation to report on specified times;
- f) prohibition on communication with, or contacting, specific persons;
- g) prohibition on contacting objects used, or likely to be used, for the purpose of committing a criminal offence
- h) obligation to provide material reparation of damage caused by the criminal offence and to provide proof of the provision of reparation;
- i) obligation to perform community work;
- j) obligation to cooperate with the probation officer or the representative of a social service performing similar tasks;
- k) obligation to undergo medical treatment or treatment for addiction

(2) Enforcement of an alternative sanction or a rule of behaviour for probation period may be taken over if

- a) the place of actual residence of the sentenced person is in Hungary or family, cultural or economic ties to Hungary would promote his social rehabilitation, and he returned or intends to return to or intends to stay in Hungary;
- b) the period of the alternative sanction or the rule of behaviour for probation period is not less than six months; and
- c) the Member State judicial authority sends
 - ca) the Member State judgment; and
 - cb) the certificate under Annex 10 in Hungarian.

50/B. Special rules of recognition

Section 134 (1) If a Member State judgment imposes an obligation or prohibition other than those listed under section 133 (1), this fact, in itself, shall not form an obstacle to taking over enforcement; however, the enforcement of such an obligation or prohibition may be taken over only if it can be recognised.

(2) If the Member State judgment on which legal assistance for enforcement is based imposes an obligation or prohibition listed in section 133 (1) as an alternative sanction that cannot be recognised under Hungarian law, the court shall recognise the Member State judgment as release on probation and as a rule of behaviour prescribed in the context of probation supervision ordered for the probation period that corresponds to the alternative sanction.

(3) In a situation referred to in paragraph (2), if the defendant violates the rules of behaviour, the legal consequences under Hungarian law shall not apply; the court shall inform the Member State authority about the violation of the rules of behaviour and about other circumstances reasonably assumed to be linked to the alternative sanction.

(4) In a situation referred to in paragraph (2), the court shall inform the Member State authority of the recognition of the Member State decision and the provisions of paragraph (3) before taking a decision on taking over enforcement.

(5) If the enforcement of the obligation referred to in section 133 (1) c) is taken over, the court shall take the measures necessary as regards the prohibition to travel abroad set out in an Act.

50/C. Court procedure

Section 135 If a request for legal assistance for taking over the enforcement of an alternative sanction or rule of behaviour for probation period is received together with or following a request for legal assistance for enforcement to take over the enforcement of a sentence of imprisonment or a measure involving deprivation of liberty, the court competent to take over the enforcement of the sentence of imprisonment or measure involving deprivation of liberty shall proceed for the execution of the request for legal assistance for enforcement.

Section 135/A Provisions of sections 117 to 117/B shall apply to rendering legal assistance to take over the enforcement of an alternative sanction or a rule of behaviour for probation period with the proviso that the first instance court shall adopt its decision within thirty days of receipt of the certificate and the second instance court shall adopt its decision not later than within sixty days of receipt of the certificate.

Section 135/B The court shall, at a request, inform the Member State authority without delay about the maximum of the penalty range under Hungarian law for the criminal offence on which the Member State decision is based and the legal consequences under Hungarian law of a violation of the alternative sanction or rule of behaviour for probation period prescribed in the Member State decision.

Section 135/C The court may refuse to take over enforcement also if

- a) the conditions listed in section 133 are not met; or
- b) the Member State decision imposing an alternative sanction prescribes a medical treatment that cannot be enforced in Hungary, even after adaptation to Hungarian law.

Section 135/D (1) The court shall inform the Member State authority without delay if

- a) an obstacle exists to the commencement of enforcement, in particular, if the sentenced person no longer has a place of actual residence within the territory of Hungary;
- b) the recognised alternative sanction or rule of behaviour for probation period is modified in the course of enforcement;

c) after enforcement is taken over, a sentence of suspended imprisonment is ordered to be served or a similar legal consequence is applied due to a violation of a recognised alternative sanction or a rule of behaviour for probation period or for any other reason.

(2) The court shall notify without delay the Member State authority in accordance with the form in Annex 11 using the translated form in the official language or one of the official languages of, or the language specified by, the Member State of the violation of the recognised alternative sanction or the rule of behaviour for probation period.

Section 135/E The court shall terminate enforcement without delay if

a) the sentenced person cannot be found within the territory of Hungary after the enforcement commences and the measures taken to locate him were unsuccessful or the sentenced person no longer has a place of actual residence in Hungary;

b) a new criminal proceeding was launched against the sentenced person in the issuing Member State, the Member State authority requests the termination of enforcement and the new criminal proceeding may be considered a violation of the recognised alternative sanction or probation period or would justify their revocation also under Hungarian law.

51 Transferring enforcement

Section 136 (1) If the court

a) suspends the enforcement of a sentence of imprisonment; applies release on probation; releases on parole a person sentenced to imprisonment; orders probation supervision for the probation period or the parole period and imposes one or more of the following rules of behaviour:

aa) the sentenced person shall refrain from maintaining contact with a specific person who participated in the commission of the criminal offence;

ab) the sentenced person shall stay away from the aggrieved party of the criminal offence, the home or place of work of the aggrieved party, the upbringing-educational institution the aggrieved party attends, or another place frequently visited by the aggrieved party;

ac) the sentenced person shall not visit or attend public places, public events or certain public spaces;

ad) the sentenced person shall refrain from drinking alcoholic beverages in public places;

ae) the sentenced person shall present himself at a specified location at specified intervals, to a specified organ or person;

af) the sentenced person shall pursue specific studies;

ag) the sentenced person shall undergo a specified medical treatment or curative procedure if consenting to it,

ah) the sentenced person shall notify in advance the probation officer of any intention to change place of work or domicile;

ai) the sentenced person shall maintain regular contact with the probation officer or the prison probation officer and provide all information required for monitoring;

aj) the sentenced person shall provide compensation for the damage caused by the criminal offence;

ak) the sentenced person shall not leave the territory of the enforcing Member State;

al) the sentenced person shall not use specified objects that were used for committing the criminal offence;

b) imposes community service;

c) imposes a ban on visiting sports competitions;

d) postpones sentencing for a period of one year and orders the performance of reparation work;

the enforcement of the rules of behaviour for probation period or alternative sanctions may be transferred to the Member State of the place of actual residence of the sentenced person, provided that the sentenced person returned or intends to return to or intends to stay in that Member State.

(2) Enforcement may, at the request of the sentenced person, be transferred to a Member State other than that referred to in paragraph (1), subject to consent by the Member State authority, if doing so would promote the social rehabilitation of the sentenced person, taking into account his family, cultural or economic ties to Hungary.

(3) Enforcement of rules of behaviour for probation period and alternative sanctions may be transferred only if their period is not less than six months.

(4) In particularly justified cases, the enforcement of rules of behaviour for probation period and alternative sanctions the period of which is less than six months may also be transferred subject to prior consultation with the enforcing Member State.

(5) The court shall record in minutes the request by the sentenced person and his statement that he intends to return to or stay in the Member State of his place of actual residence.

Section 136/A (1) To request the transfer of enforcement, the court shall send the case documents referred to in section 133 (2) c) to the enforcing Member State.

(2) If transfer of enforcement is requested, the court shall, if justified, include in the certificate data relating to any pre-trial detention of and sentence of imprisonment or measure involving deprivation of liberty fully served by the defendant in addition to data relating to deprivation of liberty to be applied in case of a violation of a rule of behaviour for probation period or alternative sanction.

Section 136/B (1) The court may decide on withdrawing the certificate within ten days from receipt of the information and shall send the relevant decision to the Member State authority without delay if

a) the enforcement of the rule of behaviour for probation period or alternative sanction did not yet commence; and

b) the Member State authority

ba) adapted the Hungarian court decision to its national law; or

bb) informed, at a request, the court about the maximum of the penalty range under the law of the Member State for the criminal offence on which the decision is based and the legal consequences under the law of the Member State of a violation of the rule of behaviour for probation period or alternative sanction prescribed in the Hungarian court decision; and

c) the court does not deem appropriate the enforcement of the rule of behaviour for probation period or alternative sanction prescribed in the Hungarian court decision, taking into account information from the Member State.

(2) The court shall proceed with the enforcement in accordance with Hungarian law if

a) the court withdrew the certificate in accordance with paragraph (1) and informed the Member State authority accordingly;

b) the court terminated enforcement because the sentenced person could not be found within the territory of the Member State after the enforcement commenced and the measures taken to locate him were unsuccessful or he no longer has a place of actual residence in the Member State;

c) the Member State authority, when taking over enforcement, refused to enforce a suspended imprisonment to be enforced or terminate a parole to be terminated due to a violation of the rules of behaviour; to convert a sentence of community service imposed to be converted due to release on parole being terminated and a penalty being imposed or due to the obligation to perform community service being violated; to impose a penalty or apply a measure to be imposed or applied due to a violation of the rules of a ban on visiting sports competitions; or to impose penalty in a situation where reparation work is prescribed.

(3) If paragraph (2) c) applies, the court shall inform without delay the Member State authority about the decision on the violation of the rule of behaviour for probation period or the alternative sanction, and the expiry of the period of enforcement.

(4) If a new criminal proceeding is launched against the sentenced person, the court may put forward a request to the Member State authority to transfer back enforcement. If the Member State authority transfers back enforcement, the court shall proceed with the enforcement in accordance with Hungarian law from there on.

(5) If a new criminal proceeding, on the basis of which the termination of the probation period is justified, is launched against the sentenced person, the court shall request the taking back of enforcement.

(6) If the court took back enforcement, the full period of enforcement in the Member State shall be credited to the period set in a Hungarian court decision of the probation supervision on which the rules of behaviour for probation period are based or the alternative sanction.

Chapter IX/C

LEGAL ASSISTANCE FOR THE ENFORCEMENT OF FINANCIAL PENALTY OR OTHER FINANCIAL OBLIGATION

52. Interpretative provisions

Section 137 (1) For the purpose of this Chapter,

1. *Member State financial penalty* means

- a) an amount of money imposed for an act subject to penalty or punitive sanction under the law of the Member State;
- b) a fine imposed on a legal person for an act subject to penalty or punitive sanction under the law of the Member State;
- c) procedural costs determined in a Member State decision establishing, or based on, guilt for a criminal offence in a proceeding launched due to the commission of an act subject to penalty or punitive sanction under the law of the Member State;
- d) reparation to be paid to the aggrieved party or the public due to the commission of an act subject to penalty or punitive sanction under the law of the Member State;

2. *Member State decision imposing financial penalty* means a final and binding decision of the competent Member State authority imposing or setting a Member State financial penalty.

(2) For the purpose of this Chapter, Member State judgment shall be construed to mean also a Member State decision imposing or setting a Member State financial penalty.

52/A. Taking over enforcement

Section 138 (1) The enforcement of a financial penalty the amount of which exceeds seventy euro may be taken over if the defendant has a place of actual residence in Hungary, the legal person has its seat or an establishment in Hungary, or the defendant or the legal person has assets or income in Hungary, and the Member State authority sends

- a) the Member State decision imposing financial penalty; and
- b) the certificate under Annex 13 in Hungarian.

(2) The amount of Member State financial penalty shall be determined on the basis of the amount set in the Member State decision imposing financial penalty or that amount converted into euro at the exchange rate published by the Hungarian National Bank that is valid on the day of the Member State decision becoming final and binding.

52/B. Special rules of recognition

Section 139 (1) For recognition, the amount of the Member State financial penalty converted into forint at the exchange rate published by the Hungarian National Bank that is valid on the day of the Member State judgment becoming final and binding shall be taken into account accordingly.

(2) If an act on which the Member State judgment is based does not fall under Hungarian criminal jurisdiction or the act was committed within the territory of the issuing Member State, the amount of Member State financial penalty shall not be adapted in the course of recognition, even if it exceeds the maximum amount that can be imposed under the Criminal Code. In such a situation, the amount of a daily unit may be set to an amount higher than that specified in section 50 of the Criminal Code; however, the number of daily units of the financial penalty shall not exceed the number that can be set under the Criminal Code.

(3) The restriction under section 6 of Act CIV of 2001 on measures applicable to legal persons under criminal law shall not apply to a Member State financial penalty applied to a legal person.

52/C. Court procedure

Section 140 (1) The general rules of territorial jurisdiction for rendering legal assistance for enforcement shall apply with the proviso that the address of the defendant shall be construed to mean also the seat or establishment of a legal person.

(2) Where pursuant to section 113/A a) taking into account also paragraph (1) the court with territorial jurisdiction cannot be ascertained, the territorial jurisdiction of the district court functioning at the seat of the regional court of the location of the enforceable asset or, in Budapest, the Central District Court of Buda shall have precedence over territorial jurisdiction based on the ground for jurisdiction specified in section 113/A b) for rendering legal assistance.

(3) Where the request for legal assistance for taking over the enforcement of a Member State financial penalty was received together or following a request for legal assistance for enforcement for taking over the enforcement of

a) a sentence of imprisonment or a measure involving deprivation of liberty; or

b) an alternative sanction or a rule of behaviour for probation period;

the court competent to render legal assistance for enforcement under point a) or b) shall proceed for rendering legal assistance for enforcement.

Section 140/A (1) The court may refuse to take over the enforcement of a Member State financial penalty also if the conditions set under section 138 (1) are not met.

(2) The ground for refusal specified in section 114 (2) shall not apply if

a) in a written proceeding, the person concerned was informed in person or via his representative, competent according to the law of the Member State, about the right to legal remedy and the relevant time limit, and did not submit a legal remedy application within the relevant time limit; or

b) the person concerned received appropriate information about the proceeding and the possibility to attend the trial in person, and, subsequently, he waived his right to an oral hearing and declared that he does not contest the case.

(3) For an offence listed in Annex 12, the court shall not refuse to take over the enforcement of the Member State financial penalty on the ground that account cannot be taken of the Member State decision imposing financial penalty due to a breach of double criminality.

(4) Provisions of paragraph (3) shall apply accordingly if the Member State authority requested the takeover of the enforcement of a Member State financial penalty for an act that qualifies as an infraction in the Member State. In such an event, a junior judge may carry out the tasks of the court.

(5) The court shall not refuse to take over the enforcement of a Member State financial penalty on the ground that, having regard to the nature and content of the Member State decision imposing financial penalty, there is no Member State judgment of which account can be taken. In such a situation the rules of taking account shall apply accordingly to the Member State decision imposing financial penalty.

(6) Where the Member State authority puts forward a request for legal assistance for taking over the enforcement of financial penalty for an act that constitutes a criminal offence under the law of the Member State, but qualifies as an infraction or a traffic-related violation subject to administrative fine under Hungarian law, the court shall transmit the request to the central authority specified in the Act on legal assistance in infraction matters for execution and inform the Member State authority accordingly. In such a situation, the court shall not refuse to take over the enforcement of the Member State decision imposing financial penalty on the ground that account cannot be taken of the Member State decision imposing financial penalty due to a breach of double criminality.

(7) The court shall not refuse to take over the enforcement of a Member State financial penalty on the ground that the act qualifying as a criminal offence under Hungarian law constitutes an infraction under the law of the Member State and, consequently, account cannot be taken of the Member State decision imposing financial penalty due to a breach of double criminality.

Section 140/B (1) If the defendant provides proof that he paid the amount specified in the request in part or in full, the court shall suspend the proceeding and, at the same time, request the Member State authority to confirm within thirty days that the amount was paid. If the Member State authority confirms within the time limit set that the amount specified in the request was paid or the Member State authority does not respond to the request within the time limit set, the proceeding shall be terminated. If the Member State authority confirms that the specified amount was not paid, or was not paid in full, the court shall resume the proceeding.

(2) If the Member State authority withdraws the request for legal assistance for enforcement of a Member State financial penalty following the takeover of enforcement, the court shall terminate the enforcement without delay.

Section 140/C (1) If enforcement of a Member State financial penalty is taken over, the court finance office functioning within the organisational structure of the regional court shall be in charge of imposing and collecting the financial penalty.

(2) If the request concerns the payment of reparation to the aggrieved party or the public, the court shall provide for its enforcement in its decision ordering takeover in accordance with the law.

(3) If the enforcement of reparation to the aggrieved party or the public or of procedural costs determined in a criminal proceeding is taken over, the court shall provide for enforcement in accordance with the rules on the enforcement of criminal costs.

(4) The provisions of section 98 shall apply accordingly to coercive measures in criminal proceedings on enforceable assets.

Section 140/D (1) The financial penalty imposed by the Member State decision may be converted only subject to the issuing Member State giving consent to it in the certificate. The court ordering conversion shall inform the Member State authority of the conversion of the financial penalty.

(2) A financial penalty imposed by the judgment shall not be converted if

a) the Member State authority did not consent to conversion;

b) enforcement was taken over in accordance with section 140/A (3) or as regards an amount referred to in point 1 b) to d) of section 137 (1).

(2a) In a situation referred to in paragraph (2), if the financial penalty is not paid, enforcement shall be carried out by the national tax and customs authority in accordance with the Act on enforcement procedures to be effectuated by the tax authority.

(2b) Where the financial penalty cannot be converted, and the defendant did not pay the financial penalty voluntarily, enforcement did not yield any results or the debt cannot be collected in any other way, the court shall, specifying the relevant obstacle, inform the Member State authority that the Member State decision cannot be enforced in Hungary and terminate enforcement.

(3) Unless otherwise provided in an international agreement, the Hungarian State shall become the owner of any amount of money paid by or collected from the defendant in accordance with this Chapter.

52/D. Transferring enforcement

Section 141 (1) The enforcement of a financial penalty, a fine imposed on a legal person, an obligation to pay criminal costs in accordance with a final and binding guilty judgment or a prosecution service decision, and reparation to be paid to the aggrieved party or the public may be transferred to the Member State of the place of actual residence of the defendant or the seat or establishment of the legal person, or to the Member State in which the defendant or the legal person has assets or income, provided that its amount converted into euro at the exchange rate published by the Hungarian National Bank that is valid on the day of the decision becoming final and binding or reaching administrative finality exceeds seventy euro.

(2) To request the transfer of enforcement, the court shall send the case documents referred to in section 138 (1) to the enforcing Member State.

(3) Where a financial penalty, a fine imposed on a legal person, criminal costs or reparation can be enforced in more than one Member State at the same time, the court shall decide, assessing all circumstances, to which Member State it sends the request for legal assistance for enforcement.

(4) If transfer of enforcement is requested, the court shall, if justified, include in the certificate the following:

a) a reference to the fact that the financial penalty, fine imposed on a legal person, criminal costs or reparation was already paid in part;

b) a reference to the fact that it consents to the conversion of the penalty if the financial penalty cannot be enforced, specifying also the maximum period of imprisonment applicable for the purpose of conversion.

(5) Even after enforcement is taken over, the certificate may be withdrawn at any time.

Chapter IX/D

*LEGAL ASSISTANCE FOR THE ENFORCEMENT OF CONFISCATION AND
FORFEITURE OF ASSETS*

**52/E. Legal assistance for enforcement of a confiscation order in accordance with
Regulation (EU) 2018/1805 of the European Parliament and of the Council**

Section 141/A (1) The provisions of this subtitle shall apply to legal assistance relating to European Union Member States to which Regulation (EU) 2018/1805 of the European Parliament and of the Council applies.

(2) To an affected person within the meaning of Regulation (EU) 2018/1805 of the European Parliament and of the Council, the rules of the Code of Criminal Procedure on the defendant or the party with a pecuniary interest shall, as applicable, apply.

(3) After confiscation or forfeiture of assets is ordered, the Minister shall be authorised to enter into an agreement with the issuing or executing Member State as regards the transfer, use, division or return to the aggrieved party of a thing, assets or any consideration therefor.

(4) The prosecution service and the court shall annually collect, and send to the Minister, the statistical data specified in Article 35 of Regulation (EU) 2018/1805 of the European Parliament and of the Council.

Section 141/B (1) The enforcement of a Member State decision may be taken over if the Member State authority sends

a) the original or certified copy of the Member State decision with content specified in point 2 of Article 2 of Regulation (EU) 2018/1805 of the European Parliament and of the Council (for the purpose of this Chapter hereinafter “Member State decision”); and

b) the certificate in Annex II of Regulation (EU) 2018/1805 of the European Parliament and of the Council in Hungarian, English, French or German.

(2) The court may directly receive the Member State decision and certificate and the Member State authority and the court shall directly communicate with each other in the course of rendering legal assistance. A certificate shall be considered duly put forward in accordance with Article 14 (1) of Regulation (EU) 2018/1805 of the European Parliament and of the Council also if the Member State authority transmits it through the secure telecommunication system of the European Judicial Network or Eurojust.

(3) Competence to render legal assistance shall lie with the district court of the location of the thing or assets subject to confiscation or forfeiture of assets or, in the absence thereof, the court referred to in section 113/A.

(4) The general rules of territorial jurisdiction for rendering legal assistance for enforcement shall apply with the proviso that the place of actual residence of the defendant shall be construed to mean also the place of actual residence of the party with a pecuniary interest and the seat or establishment of a legal person.

(5) The court shall, immediately following the receipt of a certificate, examine whether the conditions for the enforcement of the Member State decision are met under Hungarian law. If enforcement cannot be refused, the court shall recognise the Member State decision in a conclusive order. The court shall, in its decision, provide information also about the fact that only in the ordering Member State may a Member State decision be challenged by legal remedy.

(6) Where the Member State authority indicated in the certificate that also assets of equivalent value are available for confiscation or forfeiture of assets, the court shall provide for forfeiture of assets determined in an amount of money in the course of recognition.

(7) The court shall take its decision referred to in paragraph (5) on the basis of the certificate. The Member State decision shall only be translated if the decision cannot be taken on the basis of the certificate.

(8) The court shall not refuse the enforcement of a Member State decision on the ground that

a) account cannot be taken of the Member State decision due to infancy;

b) there is no Member State judgment of which account can be taken, provided that the conditions for confiscation or forfeiture of assets under section 72 or sections 74 to 75 of the Criminal Code are met as regards the Member State decision.

(9) If paragraph (8) b) applies, the rules of taking account and recognition shall apply accordingly to the Member State decision.

(10) The court shall serve the decision referred to in paragraph (5) accompanied by the Member State decision.

(11) If no data indicating the refusal of taking over enforcement is found and the risk of the removal of a thing or assets covered by the certificate justifies doing so, the court may, in particular if the postponement of enforcement is in order, order seizure or sequestration to ensure the enforceability of the Member State decision even if no request for procedural legal assistance was received previously in this regard.

(12) In the course of the investigation the position of the prosecution office supervising or controlling the investigation, while following indictment, the position of the court shall be pivotal as regards whether the conditions for postponing enforcement are met in relation to a criminal proceeding pending. The court shall inform the Member State authority about the postponement of enforcement without adopting a specific decision.

(13) If the Member State authority notifies the court of the withdrawal of the certificate, the court shall set aside its decision recognising the Member State decision and provide for releasing, or reimbursing the value of, the confiscated thing or the assets subject to forfeiture of assets without delay.

Section 141/C (1) On the basis of Regulation (EU) 2018/1805 of the European Parliament and of the Council, the enforcement of court decisions ordering confiscation or forfeiture of assets may be transferred.

(2) In filling in point 3 of section F of the certificate, the court shall rely on the list of criminal offences in Annex 1.

(3) The court issuing the certificate shall

a) sign, and place its official stamp on, the certificate; or

b) authenticate the certificate by sealing it in a manner that does not allow for it to be altered unnoticed

to certify the content of the certificate as being accurate and correct

(4) Where a certificate is to be transmitted to more than one Member State, the court shall issue separate certificates for each enforcing Member State relating to the decision ordering confiscation or forfeiture of assets.

(5) Transmitting the certificate issued to enforce a forfeiture of assets determined in an amount of money to another Member State shall not prevent Hungarian authorities from taking measures to locate assets subject to forfeiture of assets and from performing further procedural acts.

(6) The court shall, where justified, modify or withdraw the certificate and inform accordingly the Member State enforcing authority without delay if

a) confiscation took place in a Member State in accordance with a certificate transmitted to more than one Member State at the same time; or

b) the measure taken by the Hungarian authorities pursuant to paragraph (5) was successful.

(7) The court shall withdraw the certificate and inform accordingly the Member State enforcing authority without delay if the decision ordering confiscation or forfeiture of assets was set aside.

(8) Where the Member State enforcing authority notifies the court about the postponement of enforcement, the court shall, at a request by the enforcing Member State, review whether withdrawing the certificate is justified. The certificate may be withdrawn after the enforceability of the decision ordering confiscation or forfeiture of assets ceases or if the objective of forfeiture of assets can be reached in another manner on the basis of a proceeding for the removal of assets under Chapter CVI of the Code of Criminal Procedure. The court may request from the prosecution service that a proceeding for the removal of assets under Chapter CVI of the Code of Criminal Procedure be conducted.

53. Interpretative provisions

Section 142 (1) For the purpose of this Chapter, Member State decision ordering forfeiture of assets means a Member State court decision adopted in a criminal proceeding conducted in the Member State that orders the final deprivation of ownership over a thing or assets

a) that were used or intended to be used as a means of committing a criminal offence, including a press product in which the criminal offence was committed, that were used to transport the subject of the criminal offence after completing the criminal offence, or that were given or intended for the purpose of providing the conditions necessary for or facilitating the commission of the criminal offence;

b) that originate from committing a criminal offence, that the perpetrator obtained in the course of or in relation to committing the criminal offence, or that replaced such a thing or asset; or that are the subject of the criminal offence, that were created by means of committing a criminal offence, or that constitute the given or promised material advantage;

c) that may be subject to extended forfeiture of assets.

(2) For the purpose of this Chapter, Member State judgment shall be construed to mean also a Member State decision ordering forfeiture of assets.

(3) The provisions of subtitles 53 to 54/C shall apply to legal assistance relating to European Union Member States to which Regulation (EU) 2018/1805 of the European Parliament and of the Council does not apply.

54. Taking over enforcement

Section 143 The enforcement of a Member State decision ordering forfeiture of assets may be taken over if

a) it is reasonable to assume that the assets or thing covered by the Member State decision ordering forfeiture of assets are in Hungary, the affected natural or legal person has assets or income in Hungary or the place of actual residence or seat or establishment of the affected natural or legal person is in Hungary; and

b) the Member State authority sends

ba) the Member State judgment or its authentic copy; and

bb) the certificate under Annex 14 in Hungarian.

54/A. Special rules of recognition

Section 144 (1) Where a specific asset is the subject of a Member State decision ordering forfeiture of assets and on the basis of the certificate the consent of the Member State authority can be ascertained, the court, when recognising the Member State judgment, may also order forfeiture of assets so that it is determined in an amount of money corresponding to the value of the asset.

(2) If the object of the Member State decision ordering forfeiture of assets is a specific amount of money, the court, when recognising the Member State judgment, may order forfeiture of assets also to forfeit assets of a value corresponding to the amount of money.

(3) For determining the amount of money, it shall be converted into forint at the exchange rate published by the Hungarian National Bank that is valid on the day of the Member State judgment becoming final and binding.

54/B. Court procedure

Section 145 (1) Territorial jurisdiction to render legal assistance for enforcement of a Member State decision ordering forfeiture of assets shall lie with the district court of the location of the assets or thing subject to forfeiture of assets or confiscation or, in the absence thereof, the court referred to in section 113/A.

(2) The general rules of territorial jurisdiction for rendering legal assistance for enforcement shall apply with the proviso that the place of actual residence of the defendant shall be construed to mean also the place of actual residence of a person affected by forfeiture of assets and the seat or establishment of a legal person.

(3) If the Member State authority, before the adoption of the Member State decision ordering forfeiture of assets, issued a decision to secure the thing or assets covered by the Member State decision ordering forfeiture of assets, to detect, collect, secure or use means of evidence or to secure confiscation or forfeiture of assets, and the Hungarian court or prosecution office enforced that decision in accordance with sections 93 to 100, territorial jurisdiction to take over enforcement of the Member State decision ordering forfeiture of assets shall lie with the district court operating at the seat of the regional court of the seat of the court or prosecution office that proceeded in accordance with sections 93 to 100.

(4) Where the request for legal assistance for taking over the enforcement of forfeiture of assets was received together or following a request for legal assistance for enforcement for taking over the enforcement of

a) a sentence of imprisonment or a measure involving deprivation of liberty;

b) an alternative sanction or a rule of behaviour for probation period;

c) a Member State financial penalty,

the court competent to render legal assistance for enforcement under points a) to c) shall proceed for rendering legal assistance for enforcement.

Section 145/A (1) The court may refuse to take over the enforcement of a Member State decision ordering forfeiture of assets also if

a) the conditions listed in section 143 are not met;

b) ordering confiscation is prohibited in accordance with section 72 (3) or (5) of the Criminal Code;

c) ordering forfeiture of assets is prohibited in accordance with section 74 (5) or 74/A (3) of the Criminal Code; or

d) in the case of a legal assistance for transferring the enforcement of extended forfeiture of assets, ordering extended forfeiture of assets would not be permissible under section 74/A (1) and (2) of the Criminal Code.

(2) The court shall not refuse to take over the enforcement of a Member State decision ordering forfeiture of assets

a) for an offence listed in Annex 1, on the ground that account cannot be taken of the Member State decision ordering forfeiture of assets due to a breach of double criminality;

b) on the ground that account cannot be taken of the Member State decision ordering forfeiture of assets due to infancy; or

c) on the ground that there is no Member State judgment of which account can be taken, provided that the conditions for confiscation or forfeiture of assets under section 72 or sections 74 to 75 of the Criminal Code are met as regards the Member State decision.

(3) If paragraph (2) c) applies, the rules of taking account and recognition shall apply accordingly to the Member State decision ordering forfeiture of assets.

(4) The court shall apply the provisions of section 114 (2) and (3) when rendering legal assistance for enforcement of a Member State decision ordering forfeiture of assets with the proviso that defendant shall be construed to mean also any other person affected by the Member State decision ordering forfeiture of assets.

(5) The court shall consult the issuing Member State authority also if a ground for refusal specified in paragraph (1) b) or c) arises.

(6) After enforcement of a Member State decision ordering forfeiture of assets is taken over, the court may order seizure or sequestration to secure enforcement even if no request to that effect under sections 93 to 100 was received previously.

Section 145/B

Section 145/C (1) If enforcement is taken over, the court shall, in its decision, provide that if the amount collected from the enforcement of forfeiture of assets or confiscation, observing the conversion rules under section 144 (3),

a) does not exceed a forint amount equivalent to ten thousand euro, the Hungarian State shall be entitled to it;

b) exceeds a forint amount equivalent to ten thousand euro, the Hungarian State shall be entitled to 50 per cent and the issuing Member State shall be entitled to the other 50 per cent of the amount collected from enforcement.

(2) Where more than one Member State decision ordering forfeiture of assets contain a provision

a) as regards the same thing or asset; or

b) determined in an amount of money as regards the same natural or legal person, and the natural or legal person does not have enough assets within the territory of Hungary to enforce all Member State decisions ordering forfeiture of assets,

the court shall, assessing all circumstances of the case, decide which Member State decision is to be enforced. In taking the decision, the court shall take into account, in particular, the material gravity of the criminal offence, the place where the criminal offence was committed, the date when the decision was issued.

Section 145/D (1) The court shall suspend the proceeding and the enforcement

a) if the subject of the Member State decision ordering forfeiture of assets is a specific amount of money and on the basis of the certificate it can be ascertained that the decision was sent to more than one Member State at the same time, and the court finds it reasonable to assume that there is a risk of the full amount collected from enforcement in Hungary and the other Member States concerned exceeding the amount of money specified in the Member State decision;

b) until the conclusion of the criminal proceeding by a final and binding conclusive court decision or a non-conclusive court order with administrative finality or the adoption of a decision terminating the proceeding by the prosecution office or the investigating authority that cannot be challenged by further legal remedy if a criminal proceeding is pending within the territory of Hungary the success of which would be jeopardised by the enforcement of the Member State decision ordering forfeiture of assets;

c) if the person affected by the Member State decision ordering forfeiture of assets provides proof that the sanction imposed by the decision was fully or partially enforced; or

d) if it is reasonable to assume that the thing subject to confiscation or the asset subject to forfeiture of assets is protected cultural property.

(2) The court shall appropriately ensure, even during the period of suspension, the availability of the assets subject to forfeiture of assets and the thing subject to confiscation.

(3) After suspension in accordance with paragraph (1) a), the court shall

a) terminate the proceeding if it is notified by the Member State authority that the amount of money specified in the decision was collected in full as a result of enforcement within the territory of more than one Member State or if the Member State authority does not respond within thirty days after being informed about the suspension;

b) resume the proceeding and order the enforcement of the Member State decision ordering forfeiture of assets to the extent of the amount of money specified in the notification by the Member State authority if the Member State authority informs the court that the amount specified in the notification is required for the enforcement of the full amount specified in the decision.

(4) In the case of suspension in accordance with paragraph (1) b), after the criminal proceeding is concluded by a final and binding conclusive court decision or a non-conclusive court order with administrative finality, or after the prosecution service or the investigating authority adopts a decision terminating the proceeding which may not be challenged by further legal remedy, the court shall

a) order or resume the rendering of legal assistance for enforcement if in the criminal proceeding confiscation or forfeiture of assets was not ordered as regards the thing or assets specified in the Member State decision ordering forfeiture of assets;

b) refuse the rendering of legal assistance if confiscation or forfeiture of assets was ordered in the criminal proceeding as regards the thing or assets specified in the Member State decision ordering forfeiture of assets.

(5) Following suspension in accordance with paragraph (1) c), the court shall request that the Member State authority provide proof of the enforcement of the decision within thirty days. If the Member State authority provides proof of the enforcement of the decision, or does not respond within the time limit set, the court may refuse in its decision the enforcement of the Member State decision ordering forfeiture of assets. If the Member State decision provides proof that its decision was not enforced, or was not enforced in full, the court shall resume the proceeding.

(6) Following suspension in accordance with paragraph (1) d), the court shall request data provision from the cultural heritage protection authority in order to establish whether the thing subject to confiscation or the asset subject to forfeiture of assets is protected cultural property. If the cultural heritage protection authority establishes that the thing or asset concerned is protected cultural property, the court shall provide for the enforcement of confiscation or forfeiture of assets ensuring that the ownership of the object be acquired by the Hungarian State and ownership rights over the object be exercised by the Hungarian National Asset Management Inc. (*Magyar Nemzeti Vagyongazdálkodó Zrt.*) and, unless otherwise provided in an international treaty, shall notify the Member State authority of the measure taken at the same time. If the thing or the asset is not protected cultural property, the court shall resume the proceeding.

(7) Following the suspension of the proceeding or enforcement, the court shall inform the Member State authority of the measure taken in accordance with paragraphs (3) to (6).

54/C. Transferring enforcement

Section 146 (1) Enforcement of confiscation ordered in accordance with section 72 (1) a) to c) of the Criminal Code or section 72 (2) of the Criminal Code, forfeiture of assets ordered in accordance with section 74 of the Criminal Code, extended forfeiture of assets ordered in accordance with section 74/A of the Criminal Code, and forfeiture of assets determined in an amount of money ordered in accordance with section 75 of the Criminal Code may be transferred to a Member State if it is reasonable to assume that the asset or thing affected by forfeiture of assets or confiscation, or the assets or income of a natural or legal person affected by forfeiture of assets, or the place of actual residence, seat or establishment of the natural or legal person affected by forfeiture of assets is located within its territory.

(2) To request the transfer of enforcement, the court shall send the case documents referred to in section 143 b) to the enforcing Member State.

(3) A certificate may be transferred to the competent authority of more than one Member State at the same time if it is reasonable to assume that

a) different things subject to confiscation or different assets subject to forfeiture of assets are located in different Member States;

b) confiscation of a thing subject to confiscation or forfeiture of assets of an asset subject to forfeiture of assets requires action in the territory of more than one Member State;

c) the thing subject to confiscation or the asset subject to forfeiture of assets is in one of several specified Member States; or

d) the value of assets located within the territories of Hungary and of another Member State is not sufficient to cover the full amount of forfeiture of assets determined in an amount of money.

(4) The court shall, if justified, indicate

a) in point i) 1.1 of the certificate under Annex 14 that if forfeiture of assets was ordered for a specified value in accordance with section 74 (1) of the Criminal Code or forfeiture of assets was ordered as determined in an amount of money under section 75 (1) of the Criminal Code, forfeiture of assets shall be enforced for an amount of money;

b) in the certificate under Annex 14 that the court sent the certificate to more than one Member State, specifying the relevant reasons and circumstances;

c) in the certificate under Annex 14 if before the request for legal assistance for the transfer of confiscation or forfeiture of assets was put forward, a decision was issued to detect, collect, secure or use means of evidence in accordance with Chapter VI with a view to securing a thing or assets affected by the request; or to secure confiscation or forfeiture of assets;

d) in the certificate under Annex 14 whether, in case of forfeiture of assets, it consents to the enforcing Member State enforcing forfeiture of assets also as determined in an amount of money if the enforcement of forfeiture of assets ordered for a specified asset is unsuccessful;

e) in the certificate under Annex 14 that the court consents to the enforcing Member State enforcing forfeiture of assets by removing certain assets if forfeiture of assets is determined in an amount of money, or asset or assets of a specified value.

(5) Paragraph (4) d) and e) shall not apply to a request for transferring the enforcement of confiscation.

(6) The court shall indicate in point l) 1. of the certificate under Annex 14 that no alternative measures can be applied if the enforcement of confiscation or forfeiture of assets is not successful.

Chapter X

TRANSIT

Section 146/A (1) The rules on legal assistance on which transit is based shall apply accordingly to transit subject to the derogations laid down in this Chapter.

(2) If a person detained in a Member State is transferred to another Member State, the Minister shall, at a request by the requesting Member State, decide on authorising the transit of the detained person through the territory of Hungary within seven days of receipt of the request of the requesting Member State.

(3) The Minister may authorise transit if he was informed about the following:

- a) personal data of the detained person, including his nationality;
- b) legal assistance on which transit is based;
- c) legal assessment of the criminal offence on which legal assistance is based and facts of the case; and
- d) that the enforcing State authorised the rendering of legal assistance on which transit is based.

(4) The information referred to in paragraph (3) may be provided also by sending

- a) the European arrest warrant;
- b) the European Investigation Order; or
- c) the certificate for taking over the enforcement of a final and binding sentence of imprisonment or measure involving deprivation of liberty.

Section 146/B (1) The Minister shall inform the requesting Member State if an arrest warrant was issued against the detained person in Hungary.

(2) The Minister may, on the basis of consultation with the court, prosecutor or investigating authority issuing the arrest warrant, provide assurance that the arrest warrant will not be executed.

(3) If the Minister authorised the transit of a detained person, without permission from the requesting Member State, the person concerned may be detained within the territory of Hungary only for the purpose of transit; he may be deprived of personal freedom for any other reason only if he commits another criminal offence during transit within the territory of Hungary.

(4) Authorisation by the Minister shall not be required for transit planned by air without landing. The provisions of paragraph (3) shall apply accordingly also to such a situation.

(5) The ILECC, with cooperation of the police and in cooperation with the authorities of the requesting Member State, shall provide for transit within the territory of Hungary. The person concerned shall be in police custody during the period of transit.

(6) Custody of the person concerned shall be ordered if

b) transit is interrupted due to an unforeseen obstacle within the territory of Hungary, and the obstacle cannot be eliminated within reasonable time; or

b) unplanned landing takes place within the territory of Hungary in the course of transit by air.

(7) The ILECC shall inform without delay the requesting Member State about the ordering of the custody of the person concerned. The period of custody shall not be longer than seventy-two hours. Where the further transport of the person concerned cannot be ensured during the period of custody, the detention of the person concerned shall be ensured on the basis of a request for legal assistance to that effect, in cooperation with the requesting Member State from there on. If the requesting Member State does not put forward a request for legal assistance during the period of custody, the detained person shall be released.

(8) If no other principle of reciprocity applies between the requesting Member State and Hungary to the bearing of costs, the requesting Member State shall bear the costs accruing within the territory of Hungary during transit. The Minister shall provide for the reimbursement of costs by the requesting Member State.

Section 146/C (1) Putting forward a request for transit through the territory of another Member State of a person detained in Hungary or a Member State for the purpose of executing a request for legal assistance specified in this Act put forward by the Minister, the court or the prosecution service shall lie with the Minister.

(2) In the case of transit by air without landing, authorisation for putting forward a request for transit need not be requested.

(3) The ILECC shall prepare transit and perform it with cooperation from the police.

(4) If the requested Member State refuses transit, measures shall be taken to ensure that the legal assistance on which transit is based be rendered by the transit of the detained person through the territory of another Member State.

(5) If the requested Member State informs the Minister that the person concerned can be deprived of freedom in the Member State due to a criminal offence other than that on which the legal assistance is based or in order to conduct a criminal proceeding or enforce a sentence of imprisonment or measure involving deprivation of liberty imposed on him, the request shall be withdrawn and measures shall be taken to ensure that the legal assistance is rendered in a manner that the transit of the detained person takes place through the territory of another Member State. The request need not be withdrawn if the requested Member State provides assurance that the detained person will not be deprived of his personal freedom due to a criminal offence other than that on which the legal assistance is based.

(6) If transit is interrupted in the requested Member State, the Minister shall, without delay and with assistance from the ILECC as necessary, request consultation as regards the detention of the person concerned. At the request of the Member State, a request for legal assistance shall be put forward with a view to maintaining the detention of the person concerned.

(7) If in the course of transit by air, unplanned landing is carried out within the territory of a Member State, the Minister shall, without delay and with assistance from the ILECC as necessary, send the request referred to in paragraph (1) to the Member State affected by the landing. If an obstacle exists to transporting further the detained person on the basis of the request, paragraph (6) shall apply as appropriate to the detention of the person concerned.

(8) If no principle of reciprocity to the contrary applies between the requested Member State and Hungary, Hungary shall, at a request of the requested Member State, reimburse the costs accrued in relation to transit. Provisions as regards costs reimbursed by Hungary in relation to transit shall be taken in accordance with, as appropriate, the rules of the legal assistance on which transit is based.

Section 146/D The Minister shall put forward a request for transit to the Member State or Member States referred to in the information provided by the ILECC providing information on data listed in section 146/A (3); or in the case of a European arrest warrant, providing information on the European arrest warrant; or for taking over the enforcement of a final and binding sentence of imprisonment or measure involving deprivation of liberty, sending the certificate.

Section 146/E (1) The provisions of this Chapter shall apply accordingly to a request for transit through the territory of Hungary or another Member State of a person extradited by a third state to Hungary or another Member State.

(2) In a situation referred to in paragraph (1), information about data listed in section 146/A (3) may be provided by sending an extradition request.

Chapter XI

LEGAL ASSISTANCE IN THE EXECUTION OF THE EUROPEAN PROTECTION ORDER

55. Interpretative provisions

Section 147 For the purpose of this Chapter

1. *protected person* means a person to be protected specified in a European protection order or a request to issue a European protection order;
2. *person causing danger* means a person specified in a European protection order on whom a Member State authority imposes an obligation or a prohibition;
3. *third Member State* means a Member State other than Hungary putting forward or executing a European protection order to which the Member State decision relating to the person causing danger that orders a supervision measure within the meaning of Chapter V or sets out a rule of behaviour for probation period or alternative sanction within the meaning of Chapter IX/B is transmitted for enforcement;
4. *Member State decision on which the European protection order is based* means any decision by the competent Member State authority or any Member State judgment that is issued due to the commission of a criminal offence subject to a criminal proceeding conducted in the Member State that includes at least one of the following obligations and prohibitions:
 - a) a prohibition from entering certain localities, places or defined areas where the protected person resides or visits;
 - b) a prohibition on the person causing danger contacting, in any form, the protected person or an obligation relating to contact with the protected person including by phone, electronic or ordinary mail, fax or any other means;
 - c) a prohibition or obligation on the person causing danger approaching the protected person closer than a prescribed distance.
5. *European protection order* means legal assistance for implementing the protection of the protected person with a view to enforcing an obligation or prohibition specified in the Member State decision on which the European protection order is based.

55/A. Receipt of European protection order

Section 148 (1) The execution of a European protection order may be ordered if the place of actual residence of the protected person is in Hungary or the protected person intends to reside or stay in Hungary, and the Member State authority sent

- a) the Member State decision on which the European protection order is based; and
- b) the European protection order issued in accordance with the form under Annex 16 in Hungarian.

(2) The district court functioning at the seat of the regional court of the place of actual residence of the protected person, and in Budapest, the Central District Court of Buda shall have jurisdiction to render legal assistance in the execution of the European protection order.

(3) If a protected person does not yet have a place of actual residence in Hungary, the Central District Court of Buda shall have territorial jurisdiction to execute the European protection order.

(4) The general rules on rendering legal assistance in taking over enforcement under sections 113 to 118/C shall apply accordingly to rendering legal assistance in the execution of a European protection order, with the proviso that certificate shall be construed to mean the form to be used as regards the European protection order.

55/B. Request by the protected person

Section 149 (1) The protected person may put forward a request for the Member State authority to issue a European protection order and to put forward a request for legal assistance for its execution also in Hungary.

(2) The protected person shall put forward the request referred to in paragraph (1) in writing or in minutes recorded by the court, prosecution office or police department of the place of actual residence of the protected person. The court or the prosecution office shall, without delay, transmit the request to the Member State authority competent to issue the European protection order.

55/C. Grounds for refusal

Section 150 The court or the prosecution office may refuse the execution of a European protection order if

- a) the conditions listed in section 148 (1) are not met;
- b) a ground excluding taking account listed in section 109 (3) exists as regards to the criminal proceeding or Member State judgment on which the European protection order is based, observing also section 109 (4);
- c) a ground for refusal under section 114 (1) d), e) or f) exists as regards the European protection order;

d) the criminal offence on which the European protection order is based falls under Hungarian jurisdiction and, according to Hungarian law, liability to punishment became time-barred, or the statute of limitations expired for the sentence imposed or the penalty ordered.

55/D. Court decision

Section 151 (1) The court, after receipt of the European protection order without delay, but not later than within thirty days of receipt shall, taking into account the specific circumstances and the urgency of the case and the expected time of the arrival of the protected person in Hungary, and the extent of risk for the protected person,

a) order, and take the measures required for, the execution of the European protection order; or

b) refuse to render legal assistance in the execution of the European protection order.

(2) The court shall notify of the refusal to execute the European protection order also the protected person; when notifying the protected person, the court shall inform him that, in accordance with Hungarian legislation, the provisions of the European protection order can be enforced by other legal means in Hungary.

(3) When ordering execution, the court shall, in the decision, indicate

a) the Member State decision on which the European protection order is based and the procedural measure ordered, penalty imposed and measure applied by it;

b) obligations and prohibitions specified in the European execution order relating to the person causing danger and their period, including the start and end date;

c) the legal consequences applicable under this Act if the person causing danger breaches an obligation or prohibition specified in point b).

(4) The court shall determine the period of the obligation or prohibition

a) in accordance with the period set in the Member State decision for a procedural measure;

b) in accordance with the period determined in line with the recognition of the Member State judgment for a penalty imposed or measure applied.

(5) Where justified, the court may initiate that the protected person be granted protection in accordance with section 94 of the Code of Criminal Procedure.

(6) The protected person may request that his person data be processed confidentially, except for data that are indispensable for the execution of the European protection order.

Section 151/A (1) For a European protection order that is based on a Member State judgment, the court shall recognise the Member State judgment to the extent required for the execution of the European protection order and make arrangements in accordance with the recognised provisions of the Member State judgment on the obligation or prohibition relating to the person causing danger in the application of section 151.

(2) The court shall apply accordingly the special rules of recognition laid down in section 134 when recognising a Member State judgment.

(3) Recognition of a Member State judgment in itself does not result in the takeover of the enforcement of the alternative sanction or rule of behaviour for probation period imposed in the Member State judgment.

Section 151/B If the issuing Member State transferred to a third Member State the enforcement of a procedural measure, alternative sanction or rule of behaviour for probation period relating to the person causing danger that was set out in the European protection order, the court shall serve, at the same time, its decisions and any information transmitted to the issuing Member State also on the third Member State.

55/E. Execution and breach of a European protection order

Section 152 (1) The court shall send its final and binding conclusive order ordering the execution of the European protection order to the police department of the place of actual or foreseeable residence of the protected person.

(2) The court shall send to the protected person its final and binding conclusive decision ordering the execution of the European protection order, and request that the protected person inform, without delay, the police department referred to in paragraph (1) should he become aware that the person causing danger breaches an obligation or prohibition specified in the decision ordering execution.

(3) Should the police department referred to in paragraph (1) become aware, on the basis of a report by the protected person or in any other manner, that the person causing danger breached an obligation or prohibition specified in the decision ordering execution, it shall inform, without delay, the court ordering the execution of the European protection order.

Section 153 (1) If an obligation or prohibition specified in the decision ordering execution is breached,

a) a person causing danger who is caught in the act may be ordered to be taken into custody if his conduct qualifies as a criminal offence punishable by imprisonment;

b) a criminal proceeding shall be launched if the conduct of the person causing danger qualifies as a criminal offence;

c) an infraction proceeding shall be launched if the conduct of the person causing danger qualifies as an infraction;

d) a police measure may be applied in accordance with the Act on the police.

(2) If an obligation or prohibition is breached, the court ordering the execution of the European protection order shall be informed of the measure referred to in paragraph (1).

(3) The court shall inform the issuing Member State authority of the breach of the European protection order in accordance with the form in Annex 17 using the translated form in the official language or one of the official languages of, or the language specified by, the Member State.

(4) Where a third Member State took over the enforcement of a supervision measure, alternative sanction or rule of behaviour for probation period ordered in the Member State decision on which the European protection order is based, information referred to in paragraph (3) shall be provided to the enforcing third Member State.

55/F. Modification of a European protection order

Section 154 (1) If the Member State authority modifies the European protection order and informs the court accordingly, the court shall, applying sections 148 to 153 accordingly,

a) amend or supplement its decision ordering execution and, where necessary, set aside certain provisions thereof; or

b) refuse to execute the modified European protection order.

(2) If a change occurs to the living conditions of the protected person that justifies the partial or permanent modification of an obligation or prohibition specified in the decision ordering the execution of the European protection order, the court shall, at a request by the protected person, amend or supplement its decision ordering execution. This provision shall be without prejudice to the essence of the obligations and prohibitions specified in the European protection order.

55/G. Terminating the execution of a European protection order

Section 155 (1) The court shall terminate the execution of a European protection order without delay if

a) the Member State authority notifies the court that the European protection order was withdrawn;

b) following the commencement of execution, the protected person cannot be found within the territory of Hungary or he no longer has a place of actual residence in Hungary;

c) the period of the obligation or prohibition imposed expired;

d) the court refused to execute the modified European protection order and, accordingly, the European protection order cannot be executed from there on;

e) Hungary took over the enforcement of the supervision measure, alternative sanction or rule of behaviour for probation period ordered in the Member State decision on which the European protection order is based.

(2) The court shall inform the following about the termination of the execution of the European protection order:

- a) the person causing danger and the protected person;
- b) the issuing Member State authority; and
- c) where justified, the third Member State.

55/H. Issuing a European protection order

Section 156 (1) If the court

a) suspended the enforcement of a sentence of imprisonment, applied release on probation, released the person sentenced to imprisonment on parole; imposed reparation work and ordered probation supervision for the period of probation or parole or in addition to reparation work; and imposed one or more of the following rules of behaviour:

aa) the defendant shall stay away from a specified person, the home or place of work of that person, the upbringing-educational institution that person attends, or another place frequently visited by that person;

ab) prohibition on the defendant contacting a specified person in any manner or a related obligation;

ac) prohibition on the defendant approaching a specified person closer than a prescribed distance, or a related obligation;

b) issued a restraining order,

a European protection order maybe issued with a view to protecting the person specified in the decision provided that the place of actual residence of the protected person is within the territory of another Member State or the protected person intends to reside or stay in another Member State.

(2) A European protection order shall be issued subject to a written request by the protected person or the legal representative or authorised adult relative of the protected person. In assessing the request, account shall be taken of the following:

- a) extent to which protection is necessary; and
- b) period for which the protected person intends to stay in the other Member State.

(3) The request shall either be put forward in writing or the court competent to issue the European protection order shall record it in minutes.

(4) The European protection order shall be issued in accordance with the form under Annex 16.

(5) The court shall specify in the European protection order if

- a) the protected person or the person causing danger has a legal aid lawyer or an officially appointed defence counsel;
- b) a technical means facilitating the control of a rule of behaviour or coercive measure specified in the European protection order is available to the protected person; or the person causing danger is obliged to wear a technical tracking device; or
- c) the enforcement of a rule of behaviour or coercive measure specified in the European protection order was transmitted to a third Member State in accordance with Chapter V or IX.

(6) To request the execution of the European protection order, the court shall send the case documents specified in section 148 (1) to the Member State of the place of actual residence or intended domicile or place of residence of the protected person.

Section 157 (1) Competence to issue a European protection order shall lie with the following:

- a) in the case of release on parole, the sentence enforcement judge;
- b) with the exception of point a), in the case of probation supervision under section 156 (1), the court that proceeded at first instance in the main case or, if the sentence enforcement judge proceeded in connection with probation supervision, the sentence enforcement judge;
- c) in the case of a restraining order, the court issuing the restraining order.

(2) The rules of the Act on sentence enforcement shall apply accordingly to the proceeding of a sentence enforcement judge who proceeds in accordance with paragraph (1).

(3) A request to issue a European protection order may be submitted to also the following authorities:

- a) competent authority of the Member State of the place of actual residence of the protected person or within the territory of which the protected person intends to reside or stay; or
- b) prosecution office or investigating authority of the case in the case of a restraining order.

Section 158 The general rules on rendering legal assistance for transferring enforcement under sections 119 to 119/E shall apply accordingly to putting forward a request for legal assistance for the execution of a European protection order, with the proviso that certificate shall be construed to mean the form to be used as regards the European protection order.

Section 159 (1) The prosecution office, applying sections 156 to 158 as appropriate, may issue a European protection order to protect the protected person if it ordered probation supervision in addition to conditional suspension by a prosecutor and imposed one or more rules of behaviour specified in section 156 (1) a).

(2) The provisions on the court of this Chapter shall apply accordingly to the proceeding of the prosecution office as regards a European protection order issued by the prosecution office.

Section 160 (1) The protected person shall be informed that he may, in accordance with sections 156 and 159, submit a request for issuing a European protection order to the organ competent to issue a European protection order.

(2) For a protected person having no or limited capacity to act, the request shall be submitted by a statutory representative or guardian *ad litem*.

(3) On the basis of the request by the protected person, the court shall take a decision, taking into account the provisions of section 151 (1), on the following, within thirty days from receipt of the request at the latest:

a) issuing the European protection order; or

b) dismissing the request.

(4) If the protected person submitted his request in the Member State referred to in section 157 (3) a), the court shall decide on the request within thirty days from its receipt by the Hungarian court.

(5) No legal remedy shall lie against issuing a European protection order and dismissing a request.

55/I. Modifying or withdrawing a European protection order

Section 161 If the court, in accordance with Hungarian legislation, modifies the decision on which the European protection order is based or adopts a different decision affecting the enforcement of an obligation or prohibition imposed in the European protection order, the court shall modify or withdraw the European protection order accordingly.

Section 162 (1) A European protection order shall be withdrawn if the Member State executing the European protection order takes over the enforcement of the restraining order, rules of behaviour for probation period or alternative sanctions on which the European protection order is based.

(2) If a third Member State takes over the enforcement of a restraining order, rules of behaviour for probation period or alternative sanctions on which the European protection order is based,

a) sections 87 to 92 shall apply from there on to the enforcement of the restraining order, including a breach of a supervision measure;

b) sections 132 to 135/E shall apply to the enforcement of rules of behaviour for probation period and alternative sanctions, including a breach of rules of behaviour.

(3) In a situation referred to in paragraph (2), if the authority of the third Member State enforcing the restraining order, rule of behaviour of probation period or alternative sanction adopted a decision affecting an obligation or prohibition imposed by the European protection order and informed the court accordingly, the court shall, where justified, modify or withdraw the European protection order.

55/J. Breaching a European protection order

Section 163 (1) If the authority of the Member State executing the European protection order informs the court of a breach of an obligation or prohibition by the person causing danger taking into account measures taken by the executing Member State, except for if section 162 (2) applies, the Hungarian court shall, in accordance with Hungarian legislation, make provisions as regards the restraining order, penalty or measure on which the European protection order is based and withdraw or modify the European protection order, where justified.

(2) If section 162 (2) applies, the court shall inform the third Member State enforcing the restraining order, rule of behaviour for probation period or alternative sanction about the breach of the European protection order, provided that the Member State executing the European protection order did not make a provision to this effect.

(3) The court, following consultation with the executing Member State as necessary, shall proceed applying paragraphs (1) to (2) as appropriate if it becomes aware of a breach of the European protection order from the protected person or another source.

PART FIVE

EUROPOL AND EUROJUST

Chapter XII

EUROPOL

56. Interpretative provisions

Section 164 For the purpose of this Chapter

1. *competent authority* means all state organs of the Member States that are competent under their national law to prevent, detect and prosecute criminal offences;

2. *competent Hungarian authority* means an investigating authority within the meaning of the Code of Criminal Procedure, an authority operating as a Financial Intelligence Unit under the Act on the prevention and combating of money laundering and terrorism financing; a counter-terrorism police organ under the Police Act, an organ in charge of coordination against organised crime, and the Constitution Protection Office;

3. *national unit* means a law enforcement organ of a specific Member State designated to maintain contact with Europol or an organisational unit of a law enforcement organ of a specific Member State designated to maintain contact with Europol.

57. Status and mission of Europol

Section 165 Europol shall be a legal person.

Section 166 Europol shall assist the investigating authorities and the authority operating as a Financial Intelligence Unit of Member States in detecting and investigating organised crime, terrorism and criminal offences relating to more than one Member State listed in Annex 15 where joint Member State action is required due to the significance and consequences of the criminal offences.

58. Organ in charge of tasks relating to contact and information exchange with Europol and the competent Hungarian authority

Section 167 (1) In Hungary, the organ in charge of tasks relating to contact and information exchange with Europol shall be the ILECC.

(2) The competent Hungarian authority may maintain also direct contact with Europol. The head of the competent Hungarian authority shall designate the person authorised to maintain direct contact with Europol at the organ under his direction and inform the ILECC about that person, providing his name, position, place of service and contact details.

(3) The head of the ILECC shall provide for elaborating the conditions and manner of direct contact between the competent Hungarian authority and Europol and ensuring access thereto for the competent Hungarian authority and the person authorised to maintain direct contact at the authority.

(4) The head of the ILECC shall exercise professional supervision over information exchange and transmission of open and classified data between Europol, the ILECC and members authorised to maintain direct contact of the competent Hungarian authority.

(5) The competent Hungarian authority shall transmit to the ILECC all data directly received from Europol.

(6) The member authorised to maintain direct contact of the competent Hungarian authority shall inform the ILECC of requests from Europol for transmission of information and open and classified data and of the response to be given by the competent authority to the request. Within twenty-four hours from information provision, the ILECC shall prohibit the execution of the request if its execution would breach the law or if a condition for refusal of the execution of the request listed in paragraph (10) is met. The ILECC shall notify Europol without delay of any obstacle to the execution of the request and any refusal of the execution of the request in accordance with paragraph (10).

(7) To perform its tasks, the ILECC shall be authorised, in accordance with the provisions of the Act on cooperation and information exchange within the framework of the law enforcement information system of the European Union and the International Criminal Police Organization, to process, receive and transfer personal data and law enforcement data, including data and information subject to secret information gathering. The ILECC shall be entitled to receive these data from the data set in which they are included free of charge, also by direct access. The receipt request shall be executed by the data controller in charge of data provision without delay through the fastest data transfer channel.

(8) In addition to the provisions of paragraph (7), the ILECC may, to obtain information necessary for the performance of its tasks, request data provision from the competent Hungarian authority having relevant tasks. The competent Hungarian authority shall transmit, without delay, the data specified in the data request.

(9) In connection with national security services, the ILECC shall perform its tasks referred to in paragraphs (7) to (8) in accordance with a cooperation agreement entered into with the national security service concerned.

(10) The head of the ILECC may refuse to execute a request by Europol or the competent authority of another Member State for transmission of information or open or classified data if responding would

a) jeopardise the maintenance of public order or safety;

b) harm essential national security interests of Hungary;

c) jeopardise the success of a secret information gathering or investigation pending or the life, physical integrity of assets of natural persons; or

d) mean disclosing information relating to national security services or operational activities carried out by them.

59. Investigation requested by Europol

Section 168 The competent Hungarian authority shall send, through the ILECC, the response to a request from Europol to launch, conduct or coordinate an investigation, and information to the Europol about the outcome of the investigation.

60. Liaison officer

Section 169 (1) The minister in charge of law enforcement shall designate at least one liaison officer to be attached to Europol from the personnel of the law enforcement organs under his supervision. Subject to consent from the minister in charge of law enforcement, a liaison officer to be attached to Europol may be sent also by another minister from the personnel of the law enforcement organ or civilian national security service under his supervision, and by the minister controlling the National Tax and Customs Administration from the personnel of the National Tax and Customs Administration.

(2) The liaison officer shall perform service in the national liaison bureau of Europol in accordance with instructions by the head of the ILECC, Hungarian legislation and provisions on the operation of Europol.

61. Europol Information System

Section 170 If there is an obvious contradiction between data entered into the Europol Information System by the ILECC and supplementary data relating to such data entered by the national unit of another Member State, the ILECC and the national unit entering the supplementary data shall consult each other and reach agreement. The same procedure shall apply if the ILECC enters into the Europol Information System supplementary data that relates to, but is in obvious contradiction with, data entered into by the national unit of another Member State.

Section 171 In accordance with provisions of this Act, the ILECC shall, at a request by Europol or at its own initiative, transfer to Europol all information which may be required for the purpose of the relevant Analysis Work File. The member of the competent Hungarian authority authorised to maintain direct contact shall route the requested data also directly to the Analysis Work Files in line with section 167 (3).

Section 172 (1) To learn whether Europol processes any data relating to him, any natural person may file his request also with the head of the ILECC.

(2) The head of the ILECC shall send the request, translated to the working language of Europol, to Europol not later than within thirty days from receipt. Where Europol sends the response to the request through the ILECC, the head of the ILECC shall, within thirty days, provide for translating the response of Europol into Hungarian and serving it on the requesting party.

62. National supervisory body

Section 173 The National Authority for Data Protection and Freedom of Information shall supervise, by conducting data protection authority proceedings, the activity of the ILECC involving personal data processing under this Act. The National Authority for Data Protection and Freedom of Information shall inform the joint supervisory body of Europol about the findings and measures included in its decision taken in a data protection authority proceeding.

Chapter XIII

EUROJUST

63. Proceedings of Eurojust

Section 174 Eurojust shall proceed either through its Hungarian national member or as a body consisting of national members representing Member States.

Section 175

64.

Section 176

65. Information exchange between Eurojust and the Hungarian judicial authority

Section 177 Information exchange between Eurojust and the Hungarian judicial authority shall be performed through the Hungarian national member.

PART SIX

FINAL PROVISIONS

66. Entry into force

Section 178 (1) With the exception specified in paragraph (2), this Act shall enter into force on the eighth day following promulgation.

(2) Sections 1 to 177, section 179, section 180 (3) to (10) and (13) to (16), sections 182 to 183 and Annexes 1 to 15 shall enter into force on 1 January 2013.

66/A. Transitional provisions

Section 178/A (1) With the exceptions specified in paragraphs (2) to (4), the provisions of this Act as introduced by Act XXXIX of 2017 amending Acts regulating cooperation within the European Union and international cooperation in criminal matters, and other related Acts with a view to legal approximation (hereinafter the “Amending Act”) shall apply to also proceedings pending at the time of entry into force of the Amending Act.

(2) Where, pursuant to section 111/A, the repeated recognition of a Member State judgment already recognised before the entry into force of the Amending Act is in order, the court decision recognising the Member State judgment that is in accordance with the provisions of the Act in force at the time of recognition may be amended pursuant to section 111/H only if a provision of the Act in force at the time of adjudication is more favourable for the defendant.

(3) Paragraph (2) shall not apply if, pursuant to section 122/B (1), application of the provisions on release on parole of a Member State law is in order, but the defendant was already released on parole previously.

(4) No review or legal remedy submitted on the ground of legality shall be available if, pursuant to paragraph (2) a court decision recognising, taking into account section 111/E, the Member State judgment as imprisonment to be served is amended.

(5) Rules of this Act set out in section 140/D (2a) on enforcement in the case of non-payment of a financial penalty shall apply to enforcements ordered after 31 December 2019. For an enforcement launched before 1 January 2020, financial penalty shall be considered public due to be collected as taxes the collection of which shall constitute a task of the national tax and customs authority.

Section 178/B Chapter VIII of this Act shall apply to proceedings launched as regards the United Kingdom following 31 December 2020.

67. Compliance with the law of the European Union

Section 179 This Act serves the purpose of compliance with the following:

1. Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union;
2. Protocol of 16 October 2001 to the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union;
3. Protocol of 28 November 2002 to the Convention on the establishment of a European Police Office;
4. Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence;
5. Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime;
6. Council Framework Decision 2002/465/JHA of 13 June 2002 on joint investigation teams;
7. Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States;
8. Council Framework Decision 2002/946/JHA of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence;
9. Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence;
10. Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties;
11. Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders;
12. Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union;
13. Council Decision 2007/845/JHA of 6 December 2007 concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to, crime;
14. Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union;

15. Council Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions;
16. Council Framework Decision 2009/299/JHA of 26 February 2009 amending Framework Decisions 2002/584/JHA, 2005/214/JHA, 2006/783/JHA, 2008/909/JHA and 2008/947/JHA, thereby enhancing the procedural rights of persons and fostering the application of the principle of mutual recognition to decisions rendered in the absence of the person concerned at the trial;
17. Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol);
18. Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust and amending Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime;
19. Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention;
20. Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings;
21. Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order;
22. Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA;
23. Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty;
24. Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters;
25. Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA;
26. Directive (EU) 2022/211 of the European Parliament and of the Council of 16 February 2022 amending Council Framework Decision 2002/465/JHA, as regards its alignment with Union rules on the protection of personal data;

27. Directive (EU) 2022/228 of the European Parliament and of the Council of 16 February 2022 amending Directive 2014/41/EU, as regards its alignment with Union rules on the protection of personal data.

Section 179/A This Act contains provisions for the implementation of Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA.

Section 179/B This Act contains provisions for the implementation of Regulation (EU) 2018/1805 of the European Parliament and of the Council of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders.

Section 179/C Chapter VIII of this Act contains provisions for the implementation of Part Three of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part.

68. Amending provisions

Section 180 (1) to (2)

(3) to (10)

(11) to (12)

(13) to (16)

Section 181

69. Repealing provisions

Section 182

70. Compliance with the requirement of the Fundamental Law on cardinality

Section 183 Section 180 (4) of this Act qualifies as cardinal on the basis of Article 46 (6) of the Fundamental Law.

Annex 1 to Act CLXXX of 2012

The following table shows in relation to the offences referred to in section 3 (2) to (3), section 25 (5), section 41 (2) a), section 71/A (3), section 71/B (4), and section 145/A (2) a) the corresponding criminal offences defined in the Criminal Code:

	A	B	C	D	E
	Offences specified in the framework decision:	Criminal offences under the Criminal Code as specified in Act C of 2012 in force from 1 July 2013 relating to a specific form of offence		Criminal offences under the Criminal Code as specified in Act IV of 1978 in force until 30 June 2013 relating to a specific offence	
1.	participation in a criminal organisation	felony of participation in a criminal organisation	section 321 (1)	felony of participation in a criminal organisation	section 263/C (1)
2.		criminal offences committed in a criminal organisation	section 459 (1) 1.	criminal offences committed in a criminal organisation	section 137 8
3.	terrorism	felony of terrorist act	section 314, section 315 except for paragraph (3), section 316, section 316/A	felony of terrorist act	section 261 except for paragraph (6)
4.		felony of failure to report a terrorist act	section 317		
5.		felony of terrorism financing	section 318, section 318/A, section 331 (2)		
6.	trafficking in human beings	felony of trafficking in human beings and forced labour	section 192	felony of trafficking in human beings	section 175/B
7.		felony of people	section 353 (2) a)	felony of people smuggling	section 218 (2) a)

		smuggling committed for financial gain		committed for financial gain	
8.		felony of people smuggling committed regularly for generating income	section 353 (3) d), (5) and (6)	felony of people smuggling committed regularly for generating income	section 218 (3) c)
9.	sexual exploitation of children and child pornography	felony of sexual coercion	section 196		
10.		felony of sexual violence	section 197	felony of rape felony of sexual assault	section 197 section 198
11.		felony of sexual abuse	section 198	felony of sexual abuse of children	sections 201 to 202/A
12.		felony of procuring	section 200	felony of procuring against a person who has not attained the age of eighteen years	section 207 (3) a)
13.		felony of facilitating prostitution	section 201	felony of promotion of prostitution committed by maintaining a brother employing a minor	section 205 (3) a)
14.		felony of exploitation of child prostitution	section 203		
15.		felony of child pornography	sections 204 to 204/A	felony of crimes with illegal pornographic material	section 204
16.	illicit trafficking in narcotic drugs and psychotropic	felony of drug trafficking	section 176 (1) to (4), (5) b) and (6)	felony of misuse of narcotic drugs (offers, hands over, places on the market, trades	section 282/A section 282/B (1) to (4),

	substances		section 177	in) felony of misuse of narcotic drugs committed using a minor (imports to, exports from or transports through the territory of the country, offers, hands over, places on the market, trades in)	(6), (7) b)
17.		certain forms of the felony of drug possession (imports to, exports from or transports through the territory of the country)	section 178 (1) to (4), (5) b) section 179 (1) to (5), (6) b)	certain forms of misuse of narcotic drugs: felony of misuse of narcotic drugs committed regularly for generating income or for a significant quantity of drugs (imports to, exports from or transports through the territory of the country)	section 282 (2), (5) b)
18.		felony of facilitating drug production	section 182 (1) to (3)	felony of misuse of narcotic drugs committed for a substance required for producing drugs felony of misuse of narcotic drugs committed by providing material means	section 282 (3) b) section 282 (4)
19.		felony of abuse of drug precursors	section 183 (1)	felony of criminal misuse of substances used for the production of narcotic drugs (places on the market, trades	section 283/A (1)

				in, imports to, exports from or transports through the territory of the country, hands over)	
20.				felony of misuse of narcotic drugs committed by a drug-addicted person	section 282/C (2) to (4)
21.		felony of abuse of new psychoactive substances	section 184 except for paragraph (4) a) and paragraph (5), section 184/A except for paragraph (5), section 184/B except for paragraphs (4) and (5), and section 184/C except for paragraph (4) and paragraph (5) a)	felony of abuse of new psychoactive substances	section 283/B
22.	illicit trafficking in weapons, munitions and explosives	felony of abuse of explosives or detonating equipment	section 324	felony of abuse of explosives or detonating equipment	section 263
23.		felony of abuse of firearms or ammunition	section 325 except for paragraph (4)	felony of abuse of firearms or ammunition	section 263/A
24.		felony of abuse of a weapon prohibited by an international treaty	section 326 except for paragraph (7)	felony of abuse of a weapon prohibited by an international treaty	section 264/C except for paragraph (4)
25.		felony of violation of an international economic restriction (guns, ammunition, explosives, detonating equipment, appliances serving for	section 327 (3) a), section 327 (4)	felony of violation of an international economic restriction in connection with trading in goods for military use	section 261/A (3) a)

		using such items or other goods for military use)			
26.		felony of abuse of military products or services	section 329	felony of abuse of military products	section 263/B (1) b)
27.	corruption	felony of active bribery	section 290 except for paragraph (5)	felony of bribery	section 254 except for paragraph (1)
28.		felony of passive bribery	section 291 except for paragraph (5)	felony of bribery	section 252, section 255/A (1)
29.		felony of active bribery regarding a public officer	section 293 (1) to (4)	felony of bribery bribery in international relations	section 253, section 255/A (2) section 258/B
30.		felony of passive bribery regarding a public officer	section 294 (1) to (4)	felony of bribery bribery in international relations	section 250, section 255/A (1) section 258/D
31.		felony of active bribery in court or in authority proceedings	section 295 (1) to (2)	felony of bribery	section 255, section 255/A (2)
32.		felony of passive bribery in court or in authority proceedings	section 296 (1) to (2)	felony of bribery	section 255, section 255/A (1)
33.		felony of active trading in influence	section 298 except for paragraphs (2) and (4)	felony of active trading in influence	section 256/A (1)
34.		felony of passive trading in influence	section 299 (1), (2), (4) and (5)	felony of passive trading in influence	section 256

35.		felony of failure to report a corruption criminal offence	section 300	felonies of failure to report bribery and failure to report bribery in international relations	section 255/B section 258/F
36.	fraud, including that affecting the financial interests of the European Communities within the meaning of the Convention of 26 July 1995 on the protection of the European Communities' financial interests	felony of budget fraud	section 396 (2) to (7)	felony of budget fraud	section 310 (2) to (7)
37.		felony of failure to comply with the supervisory or control obligation related to budget fraud, including felony of violation of the financial interests of the European Communities in force until 31 December 2011	section 397	felony of failure to comply with the supervisory or control obligation related to budget fraud, including felony of violation of the financial interests of the European Communities in force until 31 December 2011	section 310/A
38.	laundering of the proceeds of crime	felony of accessory after the fact if committed by participating in securing any gain from the criminal offence	section 282 (2)	felony of accessory after the fact if committed by participating in securing any gain from the criminal offence	section 244 (2)
39.		felony of handling stolen goods as in force until 31 December 2020	section 379 (3) to (6)	felony of handling stolen goods	section 326 (3) to (6)
40.		felony of money laundering	section 399 (1) to (7)	felony of money laundering	section 303 (1) to (4)
41.		qualified forms of the misdemeanour of money laundering	section 400 (2)	qualified forms of the misdemeanour of money laundering	section 303/A (2)
42.	counterfeiting currency, including of	felony of money counterfeiting	section 389 except for paragraph (4)	felony of money	section 304 (1) to (3)

	the euro			counterfeiting	section 306 (2)
43.		felony of facilitating money counterfeiting	section 390 (2)	felony disbursement of counterfeit money	
44.	computer-related crime	felony of information system fraud	section 375	criminal conduct for breaching computer systems and computer data abuse of non-cash payment instruments	section 300/C (3) to (4) section 313/C (1) to (6)
45.		felony of illegal data acquisition	section 422 (1) d), (3) to (4)	illicit possession of private information	section 178/A
46.		felony of violation of information systems or related data breach	section 423 (2) to (4)	felony for breaching computer systems and computer data	section 300/C (3) to (4)
47.	environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties	felony of damaging the environment	section 241 (1)	felony of damaging the environment	section 280 (1) to (2)
48.		misdemeanour of damaging the environment causing irreparable damage	section 241 (2) 3rd part	misdemeanour of damaging the environment causing irreparable damage	section 280 (3) 3rd part

49.		felony of damaging natural values	section 242 (1) to (2) section 243 (1) to (2)	felony of damaging natural values	section 281 (1) to (3)
50.		felony of animal cruelty	section 244 (2)	felony of animal cruelty	section 266/B
51.		felony of game poaching	section 245	animal cruelty	section 266/B (2)
52.		felony of organising illegal animal fights	section 247 (1)	animal cruelty	section 266/B (2)
53.		felony of violation of waste management regulations	section 248 (1) to (2)	felony of violation of waste management regulations	section 281/A (1) to (2)
54.		felony of abuse of ozone-depleting substances	section 249 (1)	damaging the environment	section 280 (2)
55.	facilitation of unauthorised entry and residence	felony of people smuggling	section 353 (2) a) and (3) except for point d)	felony of people smuggling	section 218 (2) a) and (3) except for point c)
56.	murder, grievous bodily injury	felony of homicide	section 160 except for paragraph (4)	felony of homicide	section 166 except for paragraph (4)
57.		felony of homicide in the heat of passion	section 161	felony of homicide in the heat of passion	section 167
58.		felony of causing bodily harm	section 164 except for paragraphs (2), (4), (7) and (9)	felony of causing bodily harm	section 170 except for paragraphs (1), (5) and (7)
59.		felony of endangering by professional misconduct except for the result under paragraph (1)	section 165 (3)	felony of endangering by professional misconduct except for the result under paragraph (1)	section 171 (3)
60.		felony against traffic	section 232 (2)	felony against traffic safety	section 184 (2)

		safety			
61.		felony of endangering rail, air or waterway traffic	section 233 (2)	felony of endangering rail, air or waterway traffic	section 185 (2)
62.		felony of endangering road traffic	section 234 (2)	felony of endangering road traffic	section 186 (2)
63.		felony of driving under the influence of alcohol	section 236 (2) to (3)	felony of driving under the influence of alcohol or other psychoactive substances	section 188 (2) to (3)
64.		felony of driving under the influence of intoxicants	section 237 (2) to (3)	felony of driving under the influence of alcohol or other psychoactive substances	section 188 (2) to (3)
65.	illicit trade in human organs and tissue	felony of illegal use of a human body	section 175 (1) to (3)	felony of illegal use of a human body	section 173/I (1) to (3)
66.	kidnapping, illegal restraint and hostage-taking	felony of kidnapping	section 190 except for paragraph (6)	felony of kidnapping	section 175/A except for paragraph (6)
67.		felony of failure to report kidnapping	section 191	felony of kidnapping	section 175/A (7)
68.		felony of violation of personal freedom	section 194	felony of violation of personal freedom	section 175
69.		felony of coercion	section 195	felony of coercion	section 174
70.		felony of unlawful detention	section 304	felony of unlawful detention	section 228
71.	racism and xenophobia	felony of violation of the freedom of conscience and religion	section 215	felony of violation of the freedom of conscience and religion	section 174/A
72.		felony of violence against	section 216 except for	felony of violence against a	section 174/B except for

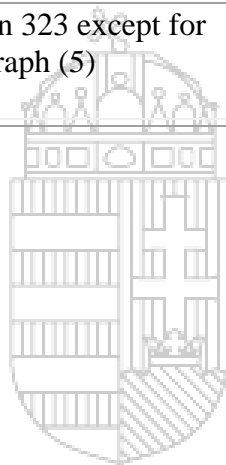
		a member of a community	paragraph (4)	member of a community	paragraph (3)
73.		felony of incitement against a community	section 332	felony of agitation against a community	section 269
74.		felony of public denial of the crimes of national socialist and communist regimes	section 333	public denial of the crimes of national socialist and communist regimes	section 269/C
75.	organised or armed robbery	felony of robbery	section 365 (3) a) to d) (4) b) to c)	felony of robbery	section 321 (3) a) and c), (4) a), c) and d) and (5)
76.		felony of robbery of a vulnerable person	section 366 (2) b) to c), (3) b)	felony of robbery of a vulnerable person	section 322 (2) b), (3) b)
77.		felony of theft committed in a criminal conspiracy	section 370 (3) b) b) ba), (4) b), 5 b), 6 b)	felony of theft committed in a criminal conspiracy	section 316 (4) b) 1., (5) b), (6) b), (7) b)
78.	illicit trafficking in cultural goods, including antiques and works of art	felony of abuse of protected cultural goods	section 358	illegal use of cultural goods	section 216/B
79.		certain forms of the felony of handling stolen goods as in force until 31 December 2020	section 379 (3) b) to c)	certain forms of the felony of handling stolen goods	section 326 (3) b) to d)
80.	swindling	felony of fraud	section 373 except for paragraph (2)	felony of fraud	section 318 (1), (4) to (7)
81.		felony of economic fraud	section 374 except for		

			paragraph (2)		
82.		felony of information system fraud	section 375	criminal conduct for breaching computer systems and computer data abuse of non-cash payment instruments	section 300/C (3) to (4) section 313/C (1) to (6)
83.		felony of budget fraud including the felony of tax fraud in force until 31 December 2011 and the felony of tax fraud committed in connection with providing employment	section 396 (2) to (7)	felony of budget fraud including the felony of tax fraud in force until 31 December 2011 and the felony of tax fraud committed in connection with providing employment	section 310 (2) to (7)
84.		felony of failure to comply with the supervisory or control obligation related to budget fraud	section 397	felony of failure to comply with the supervisory or control obligation related to budget fraud	section 310/A
85.	racketeering and extortion	felony of coercion	section 195	felony of coercion	section 174
		felony of extortion	section 367	felony of extortion	section 323
86.	(counterfeiting and piracy of products)	felony of counterfeiting of medical products (felony of intellectual property infringement)	section 186 (section 384)	(felony of intellectual property infringement)	(section 329)
87.		felony of violation of copyright or related rights	section 385 (3) to (4)	felony of violation of copyright or related rights	section 329/A (3) to (4)

88.		felony of circumventing technical measures protecting intellectual property	section 386 (3)	compromising or defrauding the integrity of technological measures for the protection of copyright and certain rights related to copyright	section 329/B (3)
89.		felony of violation of industrial property rights	section 388 (2) to (3)	felony of violation of industrial property rights	section 329/D (2) to (3)
90.	forgery of administrative documents and trafficking therein	felony of public deed forgery	section 342 (1)	felony of public deed forgery	section 274 (1)
91.		felony of public deed forgery committed by a public officer	section 343	felony of public deed forgery committed by a public officer	section 275
92.		felony of abuse of unique identification mark	section 347	felony of counterfeiting of individual identification marks	section 277/A
93.		felony of facilitating excise fraud (produces, places on the market)	section 398 (2)	felony of facilitating excise fraud (produces, places on the market)	section 311/B (2)
94.	forgery of means of payment	felony of money counterfeiting	section 389 (1) to (3)	felony of money counterfeiting	section 304 (1) to (3)
95.		felony of facilitating money counterfeiting	section 390 (2)		
96.		felony of abuse of non-cash payment instruments	section 393 (2) to (3)	felony of abuse of non-cash payment instruments	section 313/C except for paragraphs (2) and (7)
97.	illicit trafficking in hormonal substances and other growth	felony of abuse of performance-enhancing substance	section 185 (1) to (3)		

98.	promoters	felony of counterfeiting of medicinal products	section 185/A		
99.	illicit trafficking in nuclear or radioactive materials	felony of abuse of radioactive materials	section 250 except for paragraph (4)	felony of abuse of radioactive materials	section 264 except for paragraph (4)
100.	trafficking in stolen vehicles	felony of handling stolen goods as in force until 31 December 2020	section 379 except for paragraph (2)	felony of handling stolen goods	section 326 except for paragraph (2)
101.		felony of budget fraud including felony of smuggling as in force until 31 December 2011	section 396 (2) to (7)	felony of budget fraud including felony of smuggling as in force until 31 December 2011	section 310 (2) to (7)
102.	rape	felony of sexual coercion	section 196		
		felony of sexual violence	section 197	felony of rape	section 197
				felony of sexual assault	section 198
103.	arson	felony of causing public danger	section 322 except for paragraphs (5) to (6)	felony of causing public danger	section 259
104.		felony of vandalism committed using explosives or detonating equipment	section 371 (4) c)	felony of vandalism committed using explosives/detonating equipment	section 324 (4) c)
105.	crimes within the jurisdiction of the International Criminal Court	criminal offences listed in Chapters XIII and XIV of the Criminal Code	except for sections 152 and 158	criminal offences listed in Chapter XI of the Criminal Code	except for sections 154 and 165
106.	unlawful seizure of aircraft/ships	felony of unlawful seizure of a vehicle	section 320 except for paragraph (4)	felony of seizure of aircraft, any means of railway, water or	section 262

				road transport or any means of freight transport	
107.	sabotage	felony of destruction	section 257	felony of destruction	section 142
108.		felony of prisoner mutiny	section 284 (1) to (4)	prisoner mutiny	section 246
109.		felony of causing public danger	section 322 except for paragraphs (5) to (6)	felony of causing public danger	section 259 (1) to (3)
110.		felony of disturbing the operation of public interest facilities	section 323 except for paragraph (5)	felony of disturbing the operation of public interest facilities	section 260 (1) to (4)



MINISTRY OF JUSTICE
HUNGARY

Annex 2 to Act CLXXX of 2012

EUROPEAN ARREST WARRANT

This warrant has been issued by a competent judicial authority. I request that the person mentioned below be arrested and surrendered for the purposes of conducting a criminal prosecution or executing a custodial sentence or detention order.

(a) Information regarding the identity of the requested person:

.....

Name:

.....

.....

Forename(s):

.....

Maiden name, where applicable:

.....

Aliases, where applicable:

Sex:

.....

.....

Nationality:

.....

..

Date of birth:

.....

.....

Place of birth:

.....

.....

Residence and/or known address:

.....

Language(s) which the requested person understands (if known):

.....

Distinctive marks/description of the requested person:

.....

Photo and fingerprints of the requested person, if they are available and can be transmitted, or contact details of the person to be contacted in order to obtain such information or a DNA profile (where this evidence can be supplied but has not been included).

(b) Decision on which the warrant is based

1. Arrest warrant or judicial decision having the same effect:.....

Type:

.....

2. Enforceable judgement:

.....

Reference:

.....

(c) Indications on the length of the sentence:

1. Maximum length of the custodial sentence or detention order which may be imposed for the offence(s):

.....

2. Length of the custodial sentence or detention order imposed:

Remaining sentence to be served:

.....

.....

.....

(d) Indicate if the person appeared in person at the trial resulting in the decision:

1. ☐ Yes, the person appeared in person at the trial resulting in the decision.

2. ☐ No, the person did not appear in person at the trial resulting in the decision.

3. If you have ticked the box under point 2, please confirm the existence of one of the following:

☐ 3.1a. the person was summoned in person on ... (day/month/year) and thereby informed of the scheduled date and place of the trial which resulted in the decision and was informed that a decision may be handed down if he or she does not appear for the trial;

OR

☐ 3.1b. the person was not summoned in person but by other means actually received official information of the scheduled date and place of the trial which resulted in the decision, in such a manner that it was unequivocally established that he or she was aware of the scheduled trial, and was informed that a decision may be handed down if he or she does not appear for the trial;

OR

☐ 3.2. being aware of the scheduled trial, the person had given a mandate to a legal counsellor, who was either appointed by the person concerned or by the State, to defend him or her at the trial, and was indeed defended by that counsellor at the trial;

OR

☐ 3.3. the person was served with the decision on ... (day/month/year) and was expressly

informed about the right to a retrial or appeal, in which he or she has the right to participate and which allows the merits of the case, including fresh evidence, to be re-examined, and which may lead to the original decision being reversed, and

☐ the person expressly stated that he or she does not contest this decision;

OR

☐ the person did not request a retrial or appeal within the applicable timeframe;

OR

☐ 3.4. the person was not personally served with the decision, but

– the person will be personally served with this decision without delay after the surrender; and
– when served with the decision, the person will be expressly informed of his or her right to a retrial or appeal, in which he or she has the right to participate and which allows the merits of the case, including fresh evidence, to be re-examined, and which may lead to the original decision being reversed; and

– the person will be informed of the timeframe within which he or she has to request a retrial or appeal, which will be days.

4. If you have ticked the box under point 3.1b, 3.2 or 3.3 above, please provide information about how the relevant condition has been met:

.....
.....
.....
.....

(e) Offences:

This warrant relates to in total: offences.

Description of the circumstances in which the offence(s) was (were) committed, including the time, place and degree of participation in the offence(s) by the requested person

.....

Nature and legal classification of the offence(s) and the applicable statutory provision/code:

.....
.....

1. If applicable, tick one or more of the following offences punishable in the issuing Member State by a custodial sentence or detention order of a maximum of at least 3 years as defined by the laws of the issuing Member State:

☐ participation in a criminal organisation;

☐ terrorism;

☐ trafficking in human beings;

☐ sexual exploitation of children and child pornography;

☐ illicit trafficking in narcotic drugs and psychotropic substances;

☐ illicit trafficking in weapons, munitions and explosives;

☐ corruption;

☐ fraud, including that affecting the financial interests of the European Communities within the meaning of the Convention of 26 July 1995 on the protection of European Communities' financial interests;

☐ laundering of the proceeds of crime;

☐ counterfeiting of currency, including the euro;

- ☐ computer-related crime;
- ☐ environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties;
- ☐ facilitation of unauthorised entry and residence;
- ☐ murder, grievous bodily injury;
- ☐ illicit trade in human organs and tissue;
- ☐ kidnapping, illegal restraint and hostage-taking;
- ☐ racism and xenophobia;
- ☐ organised or armed robbery;
- ☐ illicit trafficking in cultural goods, including antiques and works of art;
- ☐ swindling;
- ☐ racketeering and extortion;
- ☐ counterfeiting and piracy of products;
- ☐ forgery of administrative documents and trafficking therein;
- ☐ forgery of means of payment;
- ☐ illicit trafficking in hormonal substances and other growth promoters;
- ☐ illicit trafficking in nuclear or radioactive materials;
- ☐ trafficking in stolen vehicles;
- ☐ rape;
- ☐ arson;
- ☐ crimes within the jurisdiction of the International Criminal Court;
- ☐ unlawful seizure of aircraft/ships;
- ☐ sabotage.

II. Full descriptions of offence(s) not covered by section I above:

.....

.....

(f) Other circumstances relevant to the case (optional information):

(NB: This could cover remarks on extraterritoriality, interruption of periods of time limitation and other consequences of the offence)

.....

MINISTRY OF JUSTICE

.....

.....

(g) This warrant pertains also to the seizure and handing over of property which may be required as evidence:

This warrant pertains also to the seizure and handing over of property acquired by the requested person as a result of the offence:

Description of the property (and location) (if known):

.....

.....

.....

(h) The offence(s) on the basis of which this warrant has been issued is(are) punishable by/has(have) led to a custodial life sentence or lifetime detention order:

– the legal system of the issuing Member State allows for a review of the penalty or measure imposed – on request or at least after 20 years – aiming at a non-execution of such penalty or

measure,
and/or

– the legal system of the issuing Member State allows for the application of measures of clemency to which the person is entitled under the law or practice of the issuing Member State, aiming at non execution of such penalty or measure.

(i) The judicial authority which issued the warrant:

Official name:

Name of its representative

.....

Post held (title/grade):

.....

File reference:

.....

.....

Address:

.....

.....

Tel. No.: (country code) (area/city code) (...)

.....

Fax No. (country code) (area/city code) (...)

.....

E-mail:

.....

.....

Contact details of the person to contact to make necessary practical arrangements for the surrender:

.....

.....

.....

Where a central authority has been made responsible for the transmission and administrative reception of European arrest warrants:

Name of the central authority:

.....

Contact person, if applicable (title/grade and name):

.....
Address:

.....
.....

Tel. No.: (country code) (area/city code) (...)

.....

Fax No.: (country code) (area/city code) (...)

.....

E-mail:

.....
.....
.....
.....

Signature of the issuing judicial authority and/or its representative:

Name:

.....
.....

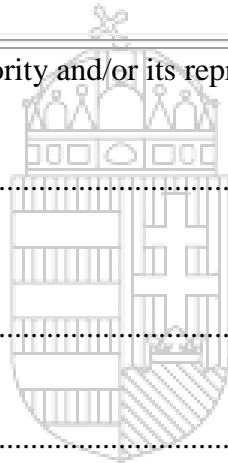
Post held (title/grade):

.....

Date:

.....
.....

Official stamp (if available)



MINISTRY OF JUSTICE
HUNGARY

Annex 3 to Act CLXXX of 2012

The form referred to in section 71/A (1), section 71/B (1), section 71/C (2) and section 138 (1) b) of this Act shall include the following data:

**INFORMATION EXCHANGE UNDER COUNCIL FRAMEWORK DECISION
2006/960/JHA REQUEST FORM FOR INFORMATION AND INTELLIGENCE TO
BE USED BY THE REQUESTING MEMBER STATE**

This form shall be used when requesting information and intelligence under Framework Decision 2006/960/JHA

I - Administrative information

Requesting authority (name, address, telephone, fax, e-mail, Member State):					
Details of the handling agent (optional):					
To the following Member State:					
Date and time of this request:					
Reference number of this request:					
Previous requests					
<input type="checkbox"/> This is the first request on this case					
<input type="checkbox"/> The request follows previous requests in the same case					
Previous request(s)				Answer(s)	
	Date	Reference number (in the requesting Member State)		Date	Reference number (in the requested Member State)
1.					
2.					
3.					
4.					
If the request is sent to more than one authority in the requested Member State, please specify each of the channels used:					
<input type="checkbox"/> ENU/Europol liaison officer	<input type="checkbox"/> For information <input type="checkbox"/> For execution				
<input type="checkbox"/> Interpol NCB	<input type="checkbox"/> For information <input type="checkbox"/> For execution				
<input type="checkbox"/> Sirene	<input type="checkbox"/> For				

	information <input type="checkbox"/> For execution	
<input type="checkbox"/> Liaison Officer	<input type="checkbox"/> For information <input type="checkbox"/> For execution	
<input type="checkbox"/> Other (please specify):	<input type="checkbox"/> For information <input type="checkbox"/> For execution	

If the same request is sent to other Member States, please the other Member States and the channel used (optional)

II - Time limits

Reminder: time limits under Article 4 of Framework Decision 2006/960/JHA

A - The offence falls under Article 2 (2) of Framework Decision 2002/584/JHA

and

the requested information or intelligence is held in a database directly accessible by a law enforcement authority

→ The request is urgent

→ Time limit: 8 hours with possibility to postpone

→ The request is not urgent

→ Time limit: 1 week

B - Other cases: time limit: 14 days

☐ Urgency is requested

☐ Urgency is NOT requested

Grounds for urgency (e.g.: suspects are being held in custody, the case has to go to court before a specific date):

Information or intelligence requested:

Type of crime(s) or criminal activity(ies) being investigated

Description of the circumstances in which the offence(s) was (were) committed, including the time, place and degree of participation in the offence(s) by the person who is the subject of the request for information or intelligence:

Nature of the offence(s)	
A - Application of Article 4(1) or 4(3) of the Framework Decision 2006/960/JHA	
<input type="checkbox"/> A.1. The offence is punishable by a maximum term of imprisonment of at least three years in the requesting Member State	
AND	
A.2. The offence is one (or more) of the following:	
<input type="checkbox"/> Participation in a criminal organisation	<input type="checkbox"/> Laundering of the proceeds of crime
<input type="checkbox"/> Terrorism	
<input type="checkbox"/> Trafficking in human beings	<input type="checkbox"/> Counterfeiting of currency, including of the euro
<input type="checkbox"/> Sexual exploitation of children and child pornography	<input type="checkbox"/> Computer-related crime
	<input type="checkbox"/> Environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties;
<input type="checkbox"/> Illicit trafficking in narcotic drugs and psychotropic substances	
<input type="checkbox"/> Illicit trafficking in weapons, munitions and explosives	<input type="checkbox"/> Facilitation of unauthorised entry and residence
<input type="checkbox"/> Corruption	<input type="checkbox"/> Murder, grievous bodily injury
<input type="checkbox"/> Fraud, including that affecting the financial interests of the European Communities within the meaning of the Convention of 26 July 1995 on the protection of the European Communities' financial interests	<input type="checkbox"/> Illicit trade in human organs and tissue
<input type="checkbox"/> Organised or armed robbery	<input type="checkbox"/> Kidnapping, illegal restraint and hostage-taking
<input type="checkbox"/> Illicit trafficking in cultural goods, including antiques and works of art	
	<input type="checkbox"/> Racism and xenophobia
<input type="checkbox"/> Swindling	<input type="checkbox"/> Illicit trafficking in nuclear or radioactive materials
<input type="checkbox"/> Racketeering and extortion	<input type="checkbox"/> Trafficking in stolen vehicles
<input type="checkbox"/> Counterfeiting and piracy of products	<input type="checkbox"/> Rape
<input type="checkbox"/> Forgery of administrative documents and trafficking therein	<input type="checkbox"/> Arson
	<input type="checkbox"/> Crimes within the jurisdiction of the

<input type="checkbox"/>		<input type="checkbox"/>	International Criminal Court
<input type="checkbox"/>	Forgery of means of payment	<input type="checkbox"/>	
<input type="checkbox"/>	Illicit trafficking in hormonal substances and other growth promoters	<input type="checkbox"/>	Unlawful seizure of aircraft/ships
<input type="checkbox"/>		<input type="checkbox"/>	Sabotage
<input type="checkbox"/>		<input type="checkbox"/>	
<input type="checkbox"/>		<input type="checkbox"/>	
<input type="checkbox"/>		<input type="checkbox"/>	
<input type="checkbox"/>		<input type="checkbox"/>	
→ The offence therefore falls under Article 2(2) of Framework Decision 2002/584/JHA → Article 4(1) (urgent cases) and 4(3) (non urgent cases) of Framework Decision 2006/960/JHA are therefore applicable as regards time limits for responding to this request			

<input type="checkbox"/> B - The offence(s) is(are) not covered under A.
In this case, description of the offence(s):
Purpose for which the information or intelligence is requested
Connection between the purpose for which the information or intelligence is requested and the person who is the subject of the information or intelligence
Identity(ies) (as far as known) of the person(s) being the main subject(s) of the criminal investigation or criminal intelligence operation underlying the request for information or intelligence
Reasons for believing that the information or intelligence is in the requested Member State
Restrictions on the use of information contained in this request for purposes other than those for which it has been supplied or for preventing an immediate and serious threat to public security
<input type="checkbox"/> use granted
<input type="checkbox"/> use granted, but do not mention the information provider
<input type="checkbox"/> do not use without authorisation of the information provider
<input type="checkbox"/> do not use

Annex 4 to Act CLXXX of 2012

The form referred to in section 71/B (2), section 71/B (5) and (6) of this Act shall include the following data:

**INFORMATION EXCHANGE UNDER COUNCIL FRAMEWORK DECISION
2006/960/JHA FORM TO BE USED BY THE REQUESTED MEMBER STATE IN
CASE OF TRANSMISSION/DELAY/REFUSAL OF INFORMATION**

This form shall be used to transmit the requested information and/or intelligence, to inform the requesting authority of the impossibility of meeting the normal deadline, of the necessity of submitting the request to a judicial authority for an authorisation, or of the refusal to transmit the information.

This form may be used more than once during the procedure (e.g. if the request has first to be submitted to a judicial authority and it later transpires that the execution of the request has to be refused).

Requested authority (name, address, telephone, fax, e-mail, Member State)		
Details of the handling agent (optional):		
Reference number of this answer		
Date and reference number of previous answer		
Answering to the following requesting authority		
Date and time of the request		
Reference number of the request		
Normal time limit under Article 4 of Framework Decision 2006/960/JHA		
The offence falls under Article 2 (2) of Framework Decision 2002/584/JHA and	Urgency requested	→ <input type="checkbox"/> 8 hours
the requested information or intelligence is held in a database directly accessible by a law enforcement authority in the requested Member State	Urgency not requested	→ <input type="checkbox"/> 1 week
Other cases		→ <input type="checkbox"/> 14 days
Information transmitted under Framework Decision 2006/960/JHA: information and intelligence provided		
1. Use of transmitted information or intelligence		
<input type="checkbox"/> may be used solely for the purposes for which it has been supplied or for preventing an immediate and serious threat to public security;		
<input type="checkbox"/> is authorised also for other purposes, subject to the following conditions (optional):		
2. Reliability of the source		
<input type="checkbox"/> Reliable		
<input type="checkbox"/> Mostly reliable		
<input type="checkbox"/> Not reliable		
<input type="checkbox"/> Cannot be assessed		
3. Accuracy of the information or intelligence		
<input type="checkbox"/> Certain		
<input type="checkbox"/> Established by the source		
<input type="checkbox"/> Hearsay - confirmed		

<input type="checkbox"/> Hearsay - not confirmed						
4. The result of the criminal investigation or criminal intelligence operation within which the exchange of information has taken place has to be reported to the transmitting authority						
<input type="checkbox"/> No						
<input type="checkbox"/> Yes						
5. In case of spontaneous exchange, reasons for believing that the information or intelligence could assist in the detection, prevention or investigation of offences referred to in Article 2(2) of Framework Decision 2002/584/JHA:						
DELAY - It is not possible to respond within the applicable time limit under Article 4 of Framework Decision 2006/960/JHA						
The information or intelligence cannot be provided within the given time-limit for the following reasons:						
It is likely to be given within:						
<input type="checkbox"/>	1 day	<input type="checkbox"/>	2 days	<input type="checkbox"/>	3 days	
<input type="checkbox"/>	... weeks					
<input type="checkbox"/>	1 month					
<input type="checkbox"/>	The authorisation of a judicial authority has been requested.					
	The procedure leading up to the granting/refusal of the authorisation is expected to last ... weeks.					
REFUSAL - The information or intelligence						
<input type="checkbox"/> could not be provided and requested at national level; or						
<input type="checkbox"/> cannot be provided, for one or more of the following reasons:						
A - Reason related to judicial control which prevents the transmission or requires the use of mutual legal assistance						
<input type="checkbox"/>	<input type="checkbox"/>	the competent judicial authority has not authorised the access or exchange of information or intelligence				
<input type="checkbox"/>	<input type="checkbox"/>	the requested information or intelligence has previously been obtained by means of coercive measures and its provision is not permitted under the national law				
<input type="checkbox"/>	<input type="checkbox"/>	the information or intelligence is not held				
<input type="checkbox"/>		<input type="checkbox"/>	by law enforcement authorities; or			
<input type="checkbox"/>		<input type="checkbox"/>	by public authorities or by private entities in a way which makes it available to law enforcement authorities without the taking of coercive measures			
<input type="checkbox"/>	B - The provision of the requested information or intelligence would harm essential national security interests or would jeopardise the success of a current criminal investigation or a criminal intelligence operation or the safety of individuals or would clearly be disproportionate or irrelevant with regard to the purposes for which it has been requested.					
If case A or B is used, provide, if deemed necessary, additional information or reasons for refusal (optional):						
<input type="checkbox"/>	D - The requested authority decides to refuse execution because the request pertains, under the law of the requested Member State, to the following offence (nature of the offence and its legal qualification to be specified) which is punishable by one year or less of imprisonment					
<input type="checkbox"/>	E - The requested information or intelligence is not available					
<input type="checkbox"/>	F - The requested information or intelligence has been obtained from another Member State or from a third country and is subject to the rule of speciality and that Member State or third country has not given its consent to the transmission of the information or intelligence.					

Annex 5 to Act CLXXX of 2012

CERTIFICATE

referred to in Article 10 of Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention

(a) Issuing State:
Executing State:
(b) Authority which issued the decision on supervision measures:
Official name:
Please indicate whether any additional information concerning the decision on supervision measures is to be obtained from:
<input type="checkbox"/> the authority specified above
<input type="checkbox"/> the central authority; if you ticked this box, please provide the official name of this central authority:
<input type="checkbox"/> another competent authority; if you ticked this box, please provide the official name of this authority:
Contact details of the issuing authority/central authority/other competent authority
Address:
Tel. No: (country code) (area/city code)
Fax No: (country code) (area/city code)
Details of the person(s) to be contacted
Surname:
Forename(s):
Position (title/grade):
Tel. No: (country code) (area/city code)
Fax No: (country code) (area/city code)
E-mail (if any):
Languages that may be used for communication:
(c) Please indicate which authority is to be contacted if any additional information is to be obtained for the purposes of monitoring the supervision measures:
<input type="checkbox"/> the authority referred to in point (b)
<input type="checkbox"/> another authority; if you ticked this box, please provide the official name of this authority:
Contact details of the authority, if this information has not yet been provided under point (b)
Address:
Tel. No: (country code) (area/city code)
Fax No: (country code) (area/city code)
Details of the person(s) to be contacted
Surname:

Forename(s):
Position (title/grade):
Tel. No: (country code) (area/city code)
Fax No: (country code) (area/city code)
E-mail (if any):
Languages that may be used for communication:
(d) Information regarding the natural person in respect of whom the decision on supervision measures has been issued:
Surname:
Forename(s):
Maiden name, where applicable:
Aliases, where applicable:
Sex:
Nationality:
Identity number or social security number (if any):
Date of birth:
Place of birth:
Addresses/residences:
- in the issuing State:
- in the executing State:
- elsewhere:
Language(s) understood (if known):
If available, please provide the following information:
- Type and number of the identity document(s) of the person (ID card, passport):
- Type and number of the residence permit of the person in the executing State:
(e) Information regarding the Member State to which the decision on supervision measures, together with the certificate are being forwarded
The decision on supervision measures, together with the certificate are being forwarded to the executing State indicated in point (a) for the following reason:
<input type="checkbox"/> the person concerned has his/her lawful and ordinary residence in the executing State and, having been informed about the measures concerned, consents to return to that State
<input type="checkbox"/> the person concerned has requested to forward the decision on supervision measures to the Member State other than that in which the person is lawfully and ordinarily residing, for the following reason(s):
(f) Indications regarding the decision on supervision measures:
The decision was issued on (date: DD-MM-YYYY):
The decision became enforceable on (date: DD-MM-YYYY):
If, at the time of transmission of this certificate, a legal remedy has been introduced against the decision on supervision measures, please tick this box ... <input type="checkbox"/>

File reference of the decision (if available):

The person concerned was in provisional detention during the following period (where applicable):

1. The decision covers in total: ... alleged offences.

Summary of the facts and description of the circumstances in which the alleged offence(s) was (were) committed, including the time and place, and the nature of the involvement of the person concerned:

Nature and legal classification of the alleged offence(s) and applicable statutory provisions on the basis of which the decision was issued:

2. If the alleged offence(s) referred to in point 1 constitute(s) one or more of the following offences, as defined in the law of the issuing State which are punishable in the issuing State by a custodial sentence or measure involving deprivation of liberty of a maximum of at least three years, please confirm by ticking the relevant box(es):

☐ participation in a criminal organisation;

☐ terrorism

☐ trafficking in human beings

☐ sexual exploitation of children and child pornography;

☐ illicit trafficking in narcotic drugs and psychotropic substances

☐ illicit trafficking in weapons, munitions and explosives

☐ corruption

☐ fraud, including that affecting the financial interests of the European Communities within the meaning of the Convention of 26 July 1995 on the protection of the European Communities' financial interests

☐ laundering of the proceeds of crime;

☐ counterfeiting of currency, including the euro

☐ computer-related crime

☐ environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties

☐ facilitation of unauthorised entry and residence

☐ murder, grievous bodily injury

☐ illicit trade in human organs and tissue

☐ kidnapping, illegal restraint and hostage-taking

☐ racism and xenophobia

☐ organised or armed robbery

☐ illicit trafficking in cultural goods, including antiques and works of art

☐ swindling

☐ racketeering and extortion

<input type="checkbox"/> counterfeiting and piracy of products
<input type="checkbox"/> forgery of administrative documents and trafficking therein
<input type="checkbox"/> forgery of means of payment
<input type="checkbox"/> illicit trafficking in hormonal substances and other growth promoters
<input type="checkbox"/> illicit trafficking in nuclear or radioactive materials
<input type="checkbox"/> trafficking in stolen vehicles
<input type="checkbox"/> rape
<input type="checkbox"/> arson
<input type="checkbox"/> crimes within the jurisdiction of the International Criminal Court
<input type="checkbox"/> unlawful seizure of aircraft/ships
<input type="checkbox"/> sabotage
3. To the extent that the alleged offence(s) identified under point 1 is (are) not covered by point 2 or if the decision, as well as the certificate are forwarded to a Member State, which has declared that it will verify the double criminality (Article 14(4) of the Framework Decision), please give a full description of the alleged offence(s) concerned:
(g) Indications regarding the duration and nature of the supervision measure(s)
1. Length of time to which the decision on supervision measures applies and whether a renewal of this decision is possible (where applicable):
2. Provisional length of time for which the monitoring of the supervision measures is likely to be needed, taking into account all the circumstances of the case that are known when the decision on supervision measures is forwarded (indicative information)
3. Nature of the supervision measure(s)(it is possible to tick multiple boxes):
<input type="checkbox"/> an obligation for the person to inform the competent authority in the executing State of any change of residence, in particular for the purpose of receiving a summons to attend a hearing or a trial in the course of criminal proceedings;
<input type="checkbox"/> an obligation not to enter certain localities, places or defined areas in the issuing or executing State;
<input type="checkbox"/> an obligation to remain at a specified place, where applicable during specified times;
<input type="checkbox"/> an obligation containing limitations on leaving the territory of the executing State;
<input type="checkbox"/> an obligation to report at specified times to a specific authority;
<input type="checkbox"/> an obligation to avoid contact with specific persons in relation with the offence(s) allegedly committed;
<input type="checkbox"/> other measures that the executing State is prepared to supervise in accordance with a notification under Article 8(2) of the Framework Decision:
If you ticked the box regarding 'other measures', please specify which measure is concerned by ticking the appropriate box(es):
<input type="checkbox"/> an obligation not to engage in specified activities in relation with the offence(s) allegedly committed, which may include involvement in a specified profession or field of employment;

<input type="checkbox"/> an obligation not to drive a vehicle;
<input type="checkbox"/> an obligation to deposit a certain sum of money or to give another type of guarantee, which may either be provided through a specified number of instalments or entirely at once;
<input type="checkbox"/> an obligation to undergo therapeutic treatment or treatment for addiction;
<input type="checkbox"/> an obligation to avoid contact with specific objects in relation with the offence(s) allegedly committed;
<input type="checkbox"/> other measure (please specify):
4. Please provide a detailed description of the supervision measure(s) indicated under 3:
(h) Other circumstances relevant to the case, including specific reasons for the imposition of the supervision measure(s) (optional information):
 The text of the decision is attached to the certificate.
Signature of the authority issuing the certificate and/or of its representative to confirm the accuracy of the content of the certificate:
Name:
Position (title/grade):
Date:
File reference (if any):
(Where appropriate) Official stamp:



MINISTRY OF JUSTICE
HUNGARY

Annex 6 to Act CLXXX of 2012

FORM

referred to in Article 19 of Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention

REPORT OF A BREACH OF A SUPERVISION MEASURE AND/OR ANY OTHER FINDINGS WHICH COULD RESULT IN TAKING ANY SUBSEQUENT DECISION

(a) Details of the identity of the person subject to supervision:
Surname:
Forename(s):
Maiden name, where applicable:
Aliases, where applicable:
Sex:
Nationality:
Identity number or social security number (if any):
Date of birth:
Place of birth:
Address:
Language(s) understood (if known):
(b) Details of the decision on supervision measure(s):
Decision issued on:
File reference (if any):
Authority which issued the decision
Official name:
Address:
Certificate issued on:
Authority which issued the certificate:
File reference (if any):
(c) Details of the authority responsible for monitoring the supervision measure(s):
Official name of the authority:
Name of the person to be contacted:
Position (title/grade):
Address:
Tel. No: (country code) (area code)
Fax (country code) (area code)
E-mail:

Languages that may be used for communication:
(d) Breach of supervision measure(s) and/or other findings which could result in taking any subsequent decision:
The person referred to in (a) is in breach of the following supervision measure(s):
<input type="checkbox"/> an obligation for the person to inform the competent authority in the executing State of any change of residence, in particular for the purpose of receiving a summons to attend a hearing or a trial in the course of criminal proceedings;
<input type="checkbox"/> an obligation not to enter certain localities, places or defined areas in the issuing or executing State;
<input type="checkbox"/> an obligation to remain at a specified place, where applicable during specified times;
<input type="checkbox"/> an obligation containing limitations on leaving the territory of the executing State;
<input type="checkbox"/> an obligation to report at specified times to a specific authority;
<input type="checkbox"/> an obligation to avoid contact with specific persons in relation with the offence(s) allegedly committed;
<input type="checkbox"/> other measure (please specify):
Description of the breach(es) (place, date and specific circumstances):
- other findings which could result in taking any subsequent decision
Description of the findings:
(e) Details of the person to be contacted if additional information is to be obtained concerning the breach:
Surname:
Forename(s):
Address:
Tel. No: (country code) (area/city code)
Fax No: (country code) (area/city code)
E-mail:
Languages that may be used for communication:
Signature of the authority issuing the form and/or its representative, to confirm that the contents of the form are correct:
Name:
Position (title/grade):
Date:
Official stamp (where applicable):

Annex 7 to Act CLXXX of 2012

The certificate referred to in section 101 of this Act shall include the following:

(a) The judicial authority which issued the freezing order:

Official name:

.....

.....
Name of its representative:

.....

Post held (title/grade):

.....

File reference:

.....

Address:

.....

.....

Tel: (country code) (area/city code) (...)

.....

Fax: (country code) (area/city code) (...)

.....

E-mail:

.....

.....

Languages in which it is possible to communicate with the issuing judicial authority

.....

.....

Contact details (including languages in which it is possible to communicate with the person(s)) of the person(s) to contact if additional information on the execution of the order is necessary or to make necessary practical arrangements for the transfer of evidence (if applicable):

.....

.....

.....

(b) The authority competent for the enforcement of the freezing order in the issuing State

Official name:

.....

.....

Name of its representative:

.....

.....

Post held (title/grade):

.....

File reference:

.....

.....

Address:

.....

.....

.....

.....

Tel: (country code) (area/city code) (...)

.....

Fax: (country code) (area/city code) (...)

.....

E-mail:

.....

.....

Languages in which it is possible to communicate with the authority competent for the enforcement:

.....

.....

Contact details (including languages in which it is possible to communicate with the person(s) of the person(s) to contact if additional information on the execution of the order is necessary or to make necessary practical arrangement for the transfer of evidence (if applicable):

.....

.....

.....

.....

(c) In the case where points (a) and (b) have been filled, this point must be filled in order to indicate which/or both of these two authorities must be contacted:

.....

☐ Authority mentioned under point (a)

☐ Authority mentioned under point (b)

(d) Where a central authority has been made responsible for the transmission and administrative reception of freezing orders (only applicable for Ireland and the United Kingdom):

Name of the central authority:

.....

.....

.....

Contact person, if applicable (title/grade and name):

.....

.....

.....

Address:

.....

.....

..... File reference Tel: (country code) (area/city code) Fax (country code) (area code) E-mail:
(e) The freezing order:
1. Date and if applicable reference number
2. State the purpose of the order
2.1. Subsequent confiscation
2.2. Securing evidence
3. Description of formalities and procedures to be observed when executing a freezing order concerning evidence (if applicable)
(f) Information regarding the property or evidence in the executing State covered by the freezing order:
Description of the property or evidence and location:
1. (a) Precise description of the property and, where applicable, the maximum amount for which recovery is sought (if such maximum amount is indicated in the order concerning the value of proceeds)
(b) Precise description of the evidence
2. Exact location of the property or evidence (if not known, the last known location)
3. Party having custody of the property or evidence or known beneficial owner of the property or evidence, if different from the person suspected of the offence or convicted (if applicable under the national law of the issuing State):
(g) Information regarding the identity of the (1) natural or (2) legal person(s), suspected of the offence or convicted (if applicable under the national law of the issuing State) or/and the person(s) to whom the freezing order related (if available):
1. Natural persons
Name:
Forename(s):

Maiden name, where applicable:

.....

Aliases, where applicable:

.....

Sex:

.....
.....

Nationality:

.....
.....

Date of birth:

.....
.....

Place of birth:

.....
.....

Residence and/or known address: if not known state the last known address:

.....
.....
.....

Language(s) which the person understands (if known):

.....
.....
.....

2. Legal persons

Name:

.....
.....

Form of legal person:

.....
.....

Registration number:

.....
.....

Registered seat:

.....
.....
.....
.....

(h) Action to be taken by the executing State after executing the freezing order:

Confiscation

1.1. The property is to be kept in the executing State for the purpose of subsequent
confiscation of the property

1.1.1. Find enclosed request regarding enforcement of a confiscation order issued in the issuing State on (date)
1.1.2. Find enclosed request regarding confiscation in the executing State and subsequent enforcement of that order
1.1.3. Estimated date for submission of a request referred to in 1.1.1 or 1.1.2.
or
Securing of evidence
2.1. The property is to be transferred to the issuing State to serve as evidence
2.1.1. Find enclosed a request for the transfer
or
2.2. The property is to be kept in the executing State for the purpose of subsequent use as evidence in the issuing State
2.2.2. Estimated date for submission of a request referred to in 2.1.1.
(i) Offences:
Description of the relevant grounds for the freezing order and a summary of facts as known to the judicial authority issuing the freezing order and certificate:
Nature and legal classification of the offence(s) and the applicable statutory provision/code on basis of which the freezing order was made:
1. If applicable, tick one or more of the following offences to which the offence(s) identified above relate(s), if the offence(s) are punishable in the issuing State by a custodial sentence of a maximum of at least three years:
<input type="checkbox"/> participation in a criminal organisation;
<input type="checkbox"/> terrorism;
<input type="checkbox"/> trafficking in human beings;
<input type="checkbox"/> sexual exploitation of children and child pornography;
<input type="checkbox"/> illicit trafficking in narcotic drugs and psychotropic substances;

<input type="checkbox"/> illicit trafficking in weapons, munitions and explosives;
<input type="checkbox"/> corruption;
<input type="checkbox"/> fraud, including that affecting the financial interests of the European Communities within the meaning of the Convention of 26 July 1995 on the Protection of European Communities' Financial Interests;
<input type="checkbox"/> laundering of the proceeds of crime;
<input type="checkbox"/> counterfeiting currency, including of the euro;
<input type="checkbox"/> computer-related crime;
<input type="checkbox"/> environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties;
<input type="checkbox"/> facilitation of unauthorised entry and residence;
<input type="checkbox"/> murder, grievous bodily injury;
<input type="checkbox"/> illicit trade in human organs and tissue;
<input type="checkbox"/> kidnapping, illegal restraint and hostage-taking;
<input type="checkbox"/> racism and xenophobia;
<input type="checkbox"/> organised or armed robbery;
<input type="checkbox"/> illicit trafficking in cultural goods, including antiques and works of art;
<input type="checkbox"/> swindling;
<input type="checkbox"/> racketeering and extortion;
<input type="checkbox"/> counterfeiting and piracy of products;
<input type="checkbox"/> forgery of administrative documents and trafficking therein;
<input type="checkbox"/> forgery of means of payment;
<input type="checkbox"/> illicit trafficking in hormonal substances and other growth promoters;
<input type="checkbox"/> illicit trafficking in nuclear or radioactive materials;
<input type="checkbox"/> trafficking in stolen vehicles;
<input type="checkbox"/> rape;
<input type="checkbox"/> arson;
<input type="checkbox"/> crimes within the jurisdiction of the International Criminal Court;
<input type="checkbox"/> unlawful seizure of aircraft/ships;
<input type="checkbox"/> sabotage.
2. Full description of offence(s) not covered by section 1 above:
(j) Legal remedies against the freezing order for interested parties, including bona fide third parties, available in the issuing State:
Description of the legal remedies available including necessary steps to take
Court before which the action may be taken

Information as to those for whom the action is available

Time limit for submission of the action

Authority in the issuing State who can supply further information on procedures for submitting appeals in the issuing State and on whether legal assistance and translation is available:

Name

Contact person (if applicable):

.....

Address:

.....
.....

Tel.: (country code) (area/city code)

.....

Fax (country code) (area code)

.....

E-mail:

.....
.....

(k) Other circumstances relevant to the case (optional information):

.....
.....
.....
.....
.....

(l) The text of the freezing order is attached to the certificate.

Signature of the issuing judicial authority and/or its representative certifying the content of the certificate as accurate:

.....
.....

Name:

.....
.....

Post held (title/grade):

.....

Date:

.....
.....

Official stamp (if available)

.....

Annex 8 to Act CLXXX of 2012

CERTIFICATE

referred to in Article 4 of Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union

a) * Issuing State:

.....
.....

* Executing State:

.....
.....

(b) The court which delivered the judgment imposing the sentence that became final:

Official name:

.....

The judgment was delivered on (give date: dd-mm-yyyy):

.....

The judgment became final on (give date: dd-mm-yyyy):

.....

Reference number of the judgment (if available):

.....

(c) Information related to the authority that may be contacted for any question related to the certificate:

1. Type of authority: Please tick the relevant box:

☐ Central authority

.....

☐ Court

.....

☐ Other authority

.....

...

2. Contact details of the authority indicated under point (c) 1:

Official name:

.....

Address:

.....

.....

Tel.: (country code) (area/city code)

.....

Fax (country code) (area/city code)

.....
E-mail address (if available):

.....
3. Languages in which it is possible to communicate with the authority:

4. Contact details of person(s) to be contacted to obtain additional information for the purposes of enforcement of the judgment or agreement on the transfer procedures (name, title/grade, telephone No, fax, e-mail address), if different from

2:.....
.....
.....

.....
(d) Information regarding the person on whom the sentence has been imposed:

Name:

.....
Forename(s):

.....
Maiden name, where applicable:

.....
Aliases, where applicable:

.....
Sex:

.....
Nationality:

.....
Identity number or social security number (if available):

Date of birth:

.....
Place of birth:

.....
Last known addresses/residences:

.....
Language(s) which the person understands (if known):

.....
The sentenced person is:

- ☐ in the issuing State and is to be transferred to the executing State.
☐ in the executing State and enforcement is to take place in that State.

Additional information to be provided, if available and appropriate:

1. Photo and fingerprints of the person, and/or contact details of the person to be contacted in order to obtain such information:

.....

2. Type and reference number of the sentenced person's identity card or passport:

.....

3. Type and reference number of the sentenced person's residence permit:

.....

4. Other relevant information about the sentenced person's family, social or professional ties to the executing State:

.....

.....

(e) Request for provisional arrest by the issuing State (where the sentenced person is in the executing State):

☐ The issuing State requests the executing State to arrest the sentenced person, or to take any other measure to ensure that the sentenced person remains in its territory, pending a decision to recognise and enforce the sentence.

☐ The issuing State has already requested the executing State to arrest the sentenced person, or to take any other measure to ensure that the sentenced person remains in its territory, pending a decision to recognise and enforce the sentence. Please provide the name of the authority in the executing State that has taken the decision on the request to arrest the person (if applicable and available):

.....

.....

(f) Relation to any earlier European Arrest Warrant (EAW):

☐ An EAW has been issued for the purpose of the execution of a custodial sentence or detention order and the executing Member State undertakes to execute the sentence or detention order (Article 4(6) of the EAW Framework Decision).

Date of issue of the EAW and, if available, reference number:

.....

Name of the authority that issued the EAW:

.....

Date of decision to undertake execution and, if available, reference number:

.....

Name of the authority that issued the decision to undertake execution of the sentence:

.....

.....

☐ An EAW has been issued for the purpose of prosecution of a person who is a national or resident of the executing State and the executing State has surrendered the person under the condition that the person is to be returned to the executing State in order to serve there the custodial sentence or detention order passed against him or her in the issuing Member State (Article 5(3) of the EAW Framework Decision).

Date of the decision to surrender the person:

Name of the authority that issued the decision to surrender:

.....

Reference number of the decision, if available:

.....

Date of the surrender of the person, if available:

.....

(g) Reasons for forwarding the judgment and the certificate (if you have filled in Box (f), there is no need to fill in this box):

The judgment and the certificate are forwarded to the executing State because the issuing authority is satisfied that the enforcement of the sentence by the executing State would serve the purpose of facilitating the social rehabilitation of the sentenced person and:

☐ (a) The executing State is the State of nationality of the sentenced person in which he or she lives.

☐ (b) The executing State is the State of nationality of the sentenced person, to which the sentenced person will be deported, once he or she is released from the enforcement of the sentence on the basis of an expulsion or deportation order included in the judgment or in a judicial or administrative decision or any other measure taken consequential to the judgment. If the expulsion or deportation order is not included in the judgment, please provide the name of the authority that issued the order, the date of issue, and, if available, the reference number:

.....

☐ (c) The executing State is a State, other than a State referred to in (a) or (b), the competent authority of which consents to the forwarding of the judgment and the certificate to that State.

☐ (d) The executing State has given a notification under Article 4(7) of the Framework Decision, and:

☐ it is confirmed that, to the knowledge of the competent authority of the issuing State, the sentenced person lives and has been legally residing continuously for at least five years in the executing State and will retain a permanent right of residence in that state, or

☐ it is confirmed that the sentenced person is a national of the executing State.

(h) Judgment imposing the sentence:

1. The judgment covers offences in total.

Summary facts and a description of the circumstances in which the offence(s) was (were) committed, including time and place; and the nature of the involvement of the sentenced person:

.....
.....
.....

.....
.....
.....
.....
.....
Nature and legal classification of the offence(s) and the applicable statutory provisions on the basis of which the judgment was made:
.....
.....
.....
.....
.....

2. To the extent that the offence(s) identified under point (h) 1 constitute(s) one or more of the following offences, as defined in the law of the issuing State, which are punishable in the issuing State by a custodial sentence or detention order of a maximum of at least three years, please confirm by ticking the relevant box(es):

- ☐ participation in a criminal organisation;
- ☐ terrorism;
- ☐ trafficking in human beings;
- ☐ sexual exploitation of children and child pornography;
- ☐ illicit trafficking in narcotic drugs and psychotropic substances;
- ☐ illicit trafficking in weapons, munitions and explosives;
- ☐ corruption;
- ☐ fraud, including that affecting the financial interests of the European Communities within the meaning of the Convention of 26 July 1995 on the Protection of European Communities' financial interests;
- ☐ laundering of the proceeds of crime;
- ☐ counterfeiting of currency, including the euro;
- ☐ computer-related crime;
- ☐ environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties;
- ☐ facilitation of unauthorised entry and residence;
- ☐ murder, grievous bodily injury;
- ☐ illicit trade in human organs and tissue;
- ☐ kidnapping, illegal restraint and hostage-taking;
- ☐ racism and xenophobia;
- ☐ organised or armed robbery;
- ☐ illicit trafficking in cultural goods, including antiques and works of art
- ☐ swindling;
- ☐ racketeering and extortion;
- ☐ counterfeiting and piracy of products;
- ☐ forgery of administrative documents and trafficking therein;
- ☐ forgery of means of payment;
- ☐ illicit trafficking in hormonal substances and other growth promoters;
- ☐ illicit trafficking in nuclear or radioactive materials;
- ☐ trafficking in stolen vehicles;
- ☐ rape;
- ☐ arson;

- ☐ crimes within the jurisdiction of the International Criminal Court;
- ☐ unlawful seizure of aircraft/ships;
- ☐ sabotage.

3. To the extent that the offence(s) identified under point 1 is (are) not covered by point 2 or if the judgment and the certificate is forwarded to the Member State, which has declared that it will verify the double criminality (Article 7(4) of the Framework Decision), please give a full description of the offence(s)

concerned:.....
.....
.....
.....
.....

(i) Status of the judgment imposing the sentence:

1. Indicate, if the judgment was rendered in absentia:

1. ☐ Yes, the person appeared in person at the trial resulting in the decision.

2. ☐ No, the person did not appear in person at the trial resulting in the decision.

3. If you have ticked the box under point 2, please confirm the existence of one of the following:

☐ 3.1a. the person was summoned in person on ... (day/month/year) and thereby informed of the scheduled date and place of the trial which resulted in the decision and was informed that a decision may be handed down if he or she does not appear for the trial;

OR

☐ 3.1b. the person was not summoned in person but by other means actually received official information of the scheduled date and place of the trial which resulted in the decision, in such a manner that it was unequivocally established that he or she was aware of the scheduled trial, and was informed that a decision may be handed down if he or she does not appear for the trial;

OR

☐ 3.2. being aware of the scheduled trial, the person had given a mandate to a legal counsellor, who was either appointed by the person concerned or by the State, to defend him or her at the trial, and was indeed defended by that counsellor at the trial;

OR

☐ 3.3. the person was served with the decision on ... (day/month/year) and was expressly informed about the right to a retrial or appeal, in which he or she has the right to participate and which allows the merits of the case, including fresh evidence, to be re-examined, and which may lead to the original decision being reversed, and

☐ the person expressly stated that he or she does not contest this decision;

OR

☐ the person did not request a retrial or appeal within the applicable timeframe;

4. If you have ticked the box under point 3.1b, 3.2 or 3.3 above, please provide information about how the relevant condition has been met:

.....
.....
.....
.....

2. Details of the length of the sentence:

2.1. Total length of the sentence (in days):

.....

2.2. The full period of deprivation of liberty already served in connection with the sentence in respect of which the judgment was issued (in days):

..... as per (...) (give date on which calculation

was made: dd-mm-yyyy):

.....

2.3. Number of days to be deducted from total length of the sentence for reasons other than the one referred to under 2.2 (e.g. amnesties, pardons or clemencies, etc. already granted with respect to the sentence):

..... as per (...) (give date on which calculation

was made: dd-mm-yyyy):

.....

2.4. Sentence expiry date in the issuing State:

☐ Not applicable because the person is currently not in custody

☐ The person is currently in custody and the sentence, under the law of the issuing State, would be fully served by (give date: dd-mm-yyyy)¹³⁶:

3. Type of sentence:

☐ custodial sentence

☐ measure involving deprivation of liberty (please specify):.....
.....

136 Please insert here the date by which the sentence would be fully served (not taking into account the possibilities of any form of early and/or conditional release) if the person were to stay in the issuing State.

(j) Information related to early or conditional release:

1. Under the law of the issuing State the sentenced person is entitled to early or conditional release, having served:

- ☐ half of the sentence
- ☐ two-thirds of the sentence
- ☐ another portion of the sentence (please indicate):

2. The competent authority of the issuing State requests to be informed of:

☐ The applicable provisions of the law of the executing State on early or conditional release of the sentenced person;

☐ The beginning and the end of the period of early or conditional release.

(k) Opinion of the sentenced person:

1. ☐ The sentenced person could not be heard because he/she is already in the executing State.

2 ☐ The sentenced person is in the issuing State and:

a. ☐ he requested the forwarding of the judgment and the certificate

☐ consented to the forwarding of the judgment and the certificate

☐ did not consent to the forwarding of the judgment and the certificate (state reasons given by the sentenced person):

.....
.....
.....
.....

b. ☐ Opinion of the sentenced person is attached.

☐ Opinion of the sentenced person was forwarded to the executing State on (give date: dd-mm-yyyy):

.....
.....

: (l) Other circumstances relevant to the case (optional information):

.....
.....
.....
.....

m) Final information:

The text of the judgment(s) is (are) attached to the certificate¹³⁷

Signature of the authority issuing the certificate and/or its representative certifying the content of the certificate as

accurate.....
.....

Name:

.....
.....

Post held (title/grade):

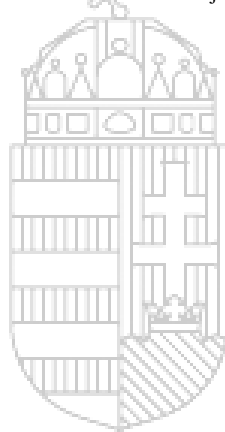
.....

Date:

.....
.....

Official stamp (if
available).....

137 The competent authority of the issuing State must attach all judgments related to the case which are necessary to have all the information on the final sentence to be enforced. Any available translation of the judgment(s) may also be attached.



MINISTRY OF JUSTICE
HUNGARY

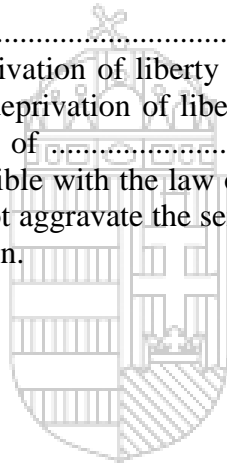
Annex 9 to Act CLXXX of 2012

NOTIFICATION OF THE SENTENCED PERSON

You are hereby notified of the decision of (competent authority of the issuing State) to forward the judgment of (competent court of the issuing State) dated (date of judgment) (reference number; if available) to (executing State) for the purpose of its recognition and enforcement of the sentence imposed therein in accordance with the national law implementing Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition of judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union.

The enforcement of the sentence will be governed by the law of (executing State). The authorities of that State will be competent to decide on the procedures for enforcement and to determine all the measures relating thereto, including the grounds for early or conditional release.

The competent authority of (executing State) has to deduct the full period of deprivation of liberty already served in connection with the sentence from the total duration of deprivation of liberty to be served. An adaptation of the sentence by the competent authority of (executing State) may take place only if it is incompatible with the law of that State in terms of its duration or nature. The adapted sentence must not aggravate the sentence passed in (issuing State) by its nature or duration.



MINISTRY OF JUSTICE
HUNGARY

Annex 10 to Act CLXXX of 2012

The certificate referred to in section 133 (2) c) cb) of this Act shall include the following:

(a) Issuing State:

Executing State:

(b) Court which issued the judgment imposing a suspended sentence, conditional sentence or alternative sanction

Official name:

Please indicate whether any additional information concerning the judgment is to be obtained from:

☐ the court specified above

☐ the central authority; if you ticked this box, please provide the official name of this central authority:

☐ another competent authority; if you ticked this box, please provide the official name of this authority:

Contact details of the court/central authority/other competent authority

Address:

Tel. (country code) (area/city code)

Fax (country code) (area/city code)

Details of the person(s) to be contacted

Surname:

Forename(s):

Position (title/grade):

Tel. (country code) (area/city code)

Fax (country code) (area/city code)

E-mail (if any):

Languages that may be used for communication:

(c) Authority which issued the probation decision (where applicable)

Official name:

Please indicate whether any additional information concerning the probation decision is to be obtained from

☐ the authority specified above

☐ the central authority; if you ticked this box, please provide the official name of this central authority if this information has not yet been provided under point (b):

☐ another competent authority, if you ticked this box, please provide the official name of this authority:

Contact details of the authority, the central authority or the competent authority, if this information has not yet been provided under point (b)

Address:

Tel. (country code) (area/city code)

Fax (country code) (area/city code)

Details of the person(s) to be contacted

Surname:

Forename(s):

Position (title/grade):

Tel. (country code) (area/city code)

Fax (country code) (area/city code)

E-mail (if any):

Languages that may be used for communication:

(d) Competent authority for supervision of the probation measures or alternative sanctions
Authority which has competence in the issuing State for supervising the probation measures or alternative sanctions:

- ☐ the court/authority referred to in point (b)
- ☐ the authority referred to in point (c)
- ☐ another authority (please provide its official name):

Please indicate which authority is to be contacted if any additional information is to be obtained for the purposes of supervising the probation measures or alternative sanctions:

- ☐ the authority specified above
- ☐ the central authority; if you ticked this box, please provide the official name of this central authority if this information has not yet been provided under point (b) or (c):

Contact details of the authority, or of the central authority if this information has not yet been provided under point (b) or (c).

Address:

Tel. (country code) (area/city code)

Fax (country code) (area/city code)

Details of the person(s) to be contacted

Surname:

Forename(s):

Position (title/grade):

Tel. (country code) (area/city code)

Fax (country code) (area/city code)

E-mail (if any):

Languages that may be used for communication:

(e) Information regarding the natural person in respect of whom the judgment and, where applicable, the probation decision has been issued

Surname:

Forename(s):

Maiden name, where applicable:

Aliases, where applicable:

Sex:

Nationality:

Identity number or social security number (if any):

Date of birth:

Place of birth:

Last known addresses/residences (if any):

- in the issuing State:
- in the executing State:
- elsewhere:

Language(s) understood (if known):

If available, please provide the following information:

- Type and number of the identity document(s) of the sentenced person (ID card, passport):
- Type and number of the residence permit of the sentenced person in the executing State:

(f) Information regarding the Member State to which the judgment and, where applicable, the

probation decision, together with the certificate are being forwarded

The judgment and, where applicable, the probation decision, together with the certificate are being forwarded to the executing State indicated in point (a) for the following reason:

- ☐ the sentenced person has his/her lawful and ordinary residence in the executing State and has returned or wants to return to that State
- ☐ the sentenced person has moved or intends to move to the executing State for the following reason(s) (please tick the relevant box):
- ☐ the sentenced person has been granted an employment contract in the executing State;
- ☐ the sentenced person is a family member of a lawful and ordinary resident person of the executing State;
- ☐ the sentenced person intends to follow a study or training in the executing State;
- ☐ other reason (please specify):

(g) Indications regarding the judgment and, where applicable, the probation decision

The judgment was issued on (date: DD-MM-YYYY):

Where applicable, the probation decision was issued on (date: DD-MM-YYYY):

The judgment became final on (date: DD-MM-YYYY):

Where applicable, the probation decision became final on (date: DD-MM-YYYY):

The execution of the judgment started on (if different from the date on which the judgment became final) (date: DD-MM-YYYY):

Where applicable, the execution of the probation decision started on (if different from the date on which the probation decision became final) (date: DD-MM-YYYY):

File reference of the judgment (if available):

Where applicable, file reference of the probation decision (if available):

1. The judgment covers in total offences.

Summary facts and a description of the circumstances in which the offence(s) was (were) committed, including the time and place; and the nature of the involvement of the sentenced person:

Nature and legal classification of the offence(s) and the applicable statutory provisions on the basis of which the judgment was issued:

2. If the offence(s) referred to in point 1 constitute(s) one or more of the following offences, as defined in the law of the issuing State, which are punishable in the issuing State by a custodial sentence or measure involving deprivation of a liberty of a maximum of at least three years, please confirm by ticking the relevant box(es):

- ☐ participation in a criminal organisation
- ☐ terrorism
- ☐ trafficking in human beings
- ☐ sexual exploitation of children and child pornography
- ☐ illicit trafficking in narcotic drugs and psychotropic substances
- ☐ illicit trafficking in weapons, munitions and explosives
- ☐ corruption
- ☐ fraud, including that affecting the financial interests of the European Communities within the meaning of the Convention of 26 July 1995 on the protection of the European Communities' financial interests
- ☐ laundering of the proceeds of crime
- ☐ counterfeiting of currency, including of the euro
- ☐ computer-related crime
- ☐ environmental crime, including illicit trafficking in endangered animal species and in

endangered plant species and varieties

- ☐ facilitation of unauthorised entry and residence
- ☐ murder, grievous bodily injury
- ☐ illicit trade in human organs and tissue
- ☐ kidnapping, illegal restraint and hostage-taking
- ☐ racism and xenophobia
- ☐ organised or armed robbery
- ☐ illicit trafficking in cultural goods, including antiques and works of art
- ☐ swindling
- ☐ racketeering and extortion
- ☐ counterfeiting and piracy of products
- ☐ forgery of administrative documents and trafficking therein
- ☐ forgery of means of payment
- ☐ illicit trafficking in hormonal substances and other growth promoters
- ☐ illicit trafficking in nuclear or radioactive materials
- ☐ trafficking in stolen vehicles
- ☐ rape
- ☐ arson
- ☐ crimes within the jurisdiction of the International Criminal Court
- ☐ unlawful seizure of aircraft/ships
- ☐ sabotage

3. To the extent that the offence(s) identified under point 1 is (are) not covered by point 2 or if the judgment and, where applicable, the probation decision, as well as the certificate are forwarded to a Member State, which has declared that it will verify the double criminality (Article 10(4) of the Framework Decision), please give a full description of the offence(s) concerned:

(h) Please indicate whether the sentenced person appeared in person in the proceeding which resulted in the judgment:

1. ☐ Yes, the person appeared in person at the trial resulting in the decision.
2. ☐ No, the person did not appear in person at the trial resulting in the decision.
3. If you have ticked the box under point 2, please confirm the existence of one of the following:

☐ 3.1a. the person was summoned in person on ... (day/month/year) and thereby informed of the scheduled date and place of the trial which resulted in the decision and was informed that a decision may be handed down if he or she does not appear for the trial;

OR

☐ 3.1b. the person was not summoned in person but by other means actually received official information of the scheduled date and place of the trial which resulted in the decision, in such a manner that it was unequivocally established that he or she was aware of the scheduled trial, and was informed that a decision may be handed down if he or she does not appear for the trial;

OR

☐ 3.2. being aware of the scheduled trial, the person had given a mandate to a legal counsellor, who was either appointed by the person concerned or by the State, to defend him or her at the trial, and was indeed defended by that counsellor at the trial;

OR

☐ 3.3. the person was served with the decision on ... (day/month/year) and was expressly informed about the right to a retrial or appeal, in which he or she has the right to participate and which allows the merits of the case, including fresh evidence, to be re-examined, and which may lead to the original decision being reversed, and

☐ the person expressly stated that he or she does not contest this decision;

OR

☐ the person did not request a retrial or appeal within the applicable timeframe;

4. If you have ticked the box under point 3.1b, 3.2 or 3.3 above, please provide information about how the relevant condition has been met:

.....
.....
.....
.....

(i) Indications regarding the nature of the sentence imposed by the judgment or, where applicable, the probation decision

1. This certificate is related to a:

☐ suspended sentence (= custodial sentence or measure involving deprivation of liberty, the execution of which is conditionally suspended, wholly or in part, when the sentence is passed)

☐ conditional sentence:

☐ the imposition of a sentence has been conditionally deferred by imposing one or more probation measures

☐ one or more probation measures have been imposed instead of a custodial sentence or measure involving deprivation of liberty

☐ alternative sanction

☐ the judgment contains a custodial sentence or measure involving deprivation of liberty to be enforced in case of non-compliance with the obligation(s) or instruction(s) concerned

☐ the judgment does not contain a custodial sentence or measure involving deprivation of liberty to be enforced in case of non-compliance with the obligation(s) or instruction(s) concerned

☐ conditional release (= early release of a sentenced person after part of the custodial sentence or measure involving deprivation of liberty has been served)

2. Additional information

2.1. The sentenced person was in pre-trial detention during the following period:

2.2. The person was serving a custodial sentence or measure involving deprivation of liberty during the following period (to be filled in only in case of conditional release):

2.3. In case of a suspended sentence

– duration of the custodial period imposed that was conditionally suspended:

– duration of the period of suspension:

2.4. If known, length of deprivation of liberty to be served upon

– revocation of suspension of the execution of the judgment;

– revocation of the decision on conditional release; or

– breach of the alternative sanction (if the judgment contains a custodial sentence or measure involving deprivation of liberty to be enforced in case of such a breach):

(j) Indications regarding the duration and nature of the probation measure(s) or alternative sanction(s)

1. Total duration of the supervision of the probation measure(s) or alternative sanction(s):
2. Where applicable, duration of each individual obligation imposed as part of the probation measure(s) or alternative sanction(s):
3. Duration of the total probation period (if different from the duration indicated under point 1):
4. Nature of the probation measure(s) or alternative sanction(s) (it is possible to tick multiple boxes):
 - ☐ an obligation for the sentenced person to inform a specific authority of any change of residence or working place
 - ☐ an obligation not to enter certain localities, places or defined areas in the issuing or executing State
 - ☐ an obligation containing limitations on leaving the territory of the executing State
 - ☐ instructions relating to behaviour, residence, education and training, leisure activities, or containing limitations on or modalities of carrying out a professional activity
 - ☐ an obligation to report at specified times to specific authority
 - ☐ an obligation to avoid contact with specific persons
 - ☐ an obligation to avoid contact with specific objects, which have been used or are likely to be used by the sentenced person with a view to committing a criminal offence
 - ☐ an obligation to compensate financially for the prejudice caused by the offence and/or an obligation to provide proof of compliance with such an obligation
 - ☐ obligation to carry out community service
 - ☐ obligation to cooperate with a probation officer or with a representative of a social service having responsibilities in respect of sentenced persons
 - ☐ obligation to undergo therapeutic treatment or treatment for addiction
 - ☐ other measures that the executing State is prepared to supervise in accordance with a notification under Article 4(2) of the Framework Decision:
5. Please provide a detailed description of the probation measure(s) or alternative sanction(s) indicated under 4:
6. Please tick the following box if relevant probation reports are available:
 - ☐ If you ticked this box, please indicate in which language(s) these reports are drawn up¹³⁹:

(k) Other circumstances relevant to the case, including relevant information on previous convictions or specific reasons for the imposition of the probation measure(s) or alternative sanction(s) (optional information):

The text of the judgment and, where applicable, the probation decision is attached to the certificate.

Signature of the authority issuing the certificate and/or of its representative to confirm the accuracy of the content of the certificate:

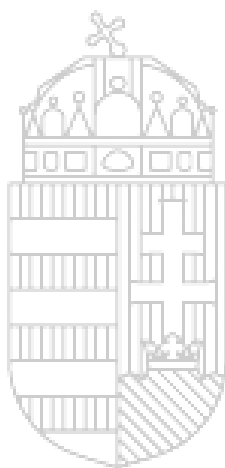
Name:

Position (title/grade):

Date:

File reference (if any):
(Where appropriate) Official stamp:

139 The issuing State is not obliged to provide translations of these reports.



MINISTRY OF JUSTICE
HUNGARY

Annex 11 to Act CLXXX of 2012

The report referred to in section 135/D (2) of this Act shall include the following data:

(a) Details of the identity of the person subject to supervision:

Surname:

Forename(s):

Maiden name, where applicable:

Aliases, where applicable:

Sex:

Nationality:

Identity number or social security number (if any):

Date of birth:

Place of birth:

Address:

Language(s) understood (if known):

(b) Details of the judgment and, where applicable, the probation decision concerning the suspended sentence, conditional sentence, alternative sanction or conditional release:

Judgment issued on:

File reference (if any):

Where applicable, probation decision issued on:

File reference (if any):

Court which issued the judgment

Official name:

Address:

Where applicable, authority which issued the probation decision

Official name:

Address:

Certificate issued on:

Authority which issued the certificate:

File reference (if any):

(c) Details of the authority responsible for supervising the probation measure(s) or alternative sanction(s): Official name of the authority:

Name of the person to be contacted:

Position (title/grade):

Address:

Tel. (country code) (area code)

Fax (country code) (area code)

E-mail:

(d) Probation measure(s) or alternative sanction(s):

The person referred to in (a) is in breach of the following obligation(s) or instruction(s):

☐ an obligation for the sentenced person to inform a specific authority of any change of residence or working place

☐ an obligation not to enter certain localities, places or defined areas in the issuing or executing State

- ☐ an obligation containing limitations on leaving the territory of the executing State
- ☐ instructions relating to behaviour, residence, education and training, leisure activities, or containing limitations on or modalities of carrying out a professional activity
- ☐ an obligation to report at specified times to a specific authority
- ☐ an obligation to avoid contact with specific persons
- ☐ an obligation to avoid contact with specific objects, which have been used or are likely to be used by the sentenced person with a view to committing a criminal offence
- ☐ an obligation to compensate financially for the prejudice caused by the offence and/or an obligation to provide proof of compliance with such an obligation
- ☐ obligation to carry out community service
- ☐ obligation to cooperate with a probation officer or with a representative of a social service having responsibilities in respect of sentenced persons
- ☐ obligation to undergo therapeutic treatment or treatment for addiction
- ☐ other measures:

(e) Description of the breach(es) (place, date and specific circumstances):

(f) Other findings (if any)

Description of the findings:

Details of the person to be contacted if additional information is to be obtained concerning the breach:

Surname:

Forename(s):

Address:

Tel. (country code) (area/city code)

Fax (country code) (area/city code)

E-mail (if any):

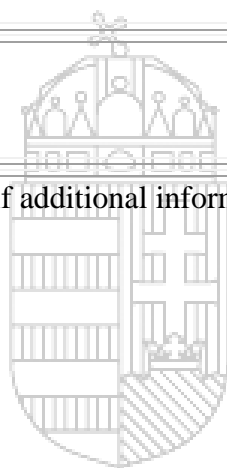
Signature of the authority issuing the form and/or its representative, to confirm that the contents of the form are correct:

Name:

Position (title/grade):

Date:

Official stamp (where applicable):



MINISTRY OF JUSTICE
HUNGARY

Annex 12 to Act CLXXX of 2012

The following table shows in relation to the offences referred to in section 140/A (3) the corresponding criminal offences defined in the Criminal Code:

	A	B	C	D	E
	Offences specified in the framework decision:	Criminal offences under the Criminal Code as specified in Act C of 2012 in force from 1 July 2013 relating to a specific offence		Criminal offences under the Criminal Code as specified in Act IV of 1978 in force until 30 June 2013 relating to a specific offence	
1.	participation in a criminal organisation	felony of participation in a criminal organisation	section 321 (1)	felony of participation in a criminal organisation	section 263/C (1)
2.		criminal offences committed in a criminal organisation	section 459 (1) 1.	criminal offences committed in a criminal organisation	section 137 8
3.	terrorism	felony of terrorist act	section 314, section 315 except for paragraph (3), section 316	felony of terrorist act	section 261 except for paragraph (6)
4.		felony of failure to report a terrorist act	section 317	felony of terrorist act	section 261 (8)
5.		felony of terrorism financing	section 318	felony of terrorist act	section 261
6.	trafficking in human beings	misdemeanour and felony of trafficking in human beings and forced labour	section 192	felony of trafficking in human beings	section 175/B
7.		felony of people smuggling committed for financial gain	section 353 (2) a)	felony of people smuggling committed for financial gain	section 218 (2) a)
8.		felony of people smuggling committed	section 353 (3) d)	felony of people smuggling committed regularly for	section 218 (3) c)

		regularly for generating income		generating income	
9.	sexual exploitation of children and child pornography	felony of sexual coercion	section 196		
10.		felony of sexual violence	section 197	felony of rape felony of sexual assault	section 197 section 198
11.		felony of sexual abuse	section 198	felony of sexual abuse of children	sections 201 to 202/A
12.		felony of procuring	section 200	felony of procuring against a person who has not attained the age of eighteen years	section 207 (3) a)
13.		felony of facilitating prostitution	section 201	felony of promotion of prostitution committed by maintaining a brother employing a minor	section 205 (3) a)
14.		felony of exploitation of child prostitution	section 203		
15.		felony of child pornography	sections 204 to 204/A	felony of crimes with illegal pornographic material	section 204
16.	illicit trafficking in narcotic drugs and psychotropic substances	misdemeanour and felony of drug trafficking	sections 176 to 177	felony of misuse of narcotic drugs (offers, hands over, places on the market, trades in) felony of misuse of narcotic drugs committed using a minor (imports	section 282/A section 282/B (1) to (4), (6), (7) b)

				to, exports from or transports through the territory of the country, offers, hands over, places on the market, trades in)	
17.		certain forms of the misdemeanour and the felony of drug possession (imports to, exports from or transports through the territory of the country)	sections 178 to 179	certain forms of misuse of narcotic drugs: felony of misuse of narcotic drugs committed regularly for generating income or for a significant quantity of drugs (imports to, exports from or transports through the territory of the country)	section 282 (2), (5) b)
18.		misdemeanour and felony of facilitating drug production	section 182 (1) to (4)	felony of misuse of narcotic drugs committed for a substance required for producing drugs felony of misuse of narcotic drugs committed by providing material means	section 282 (3) b) section 282 (4)
19.		misdemeanour and felony of abuse of drug precursors	section 183	felony of criminal misuse of substances used for the production of narcotic drugs (places on the market, trades in, imports to, exports from or transports	section 283/A (1)

				through the territory of the country, hands over)	
20.				felony of misuse of narcotic drugs committed by a drug-addicted person	section 282/C
21.		felony of abuse of new psychoactive substances	sections 184 to 184/C	felony of abuse of new psychoactive substances	section 283/B
22.	illicit trafficking in weapons, munitions and explosives	felony of abuse of explosives or detonating equipment	section 324	felony of abuse of explosives or detonating equipment	section 263
23.		misdemeanour and felony of abuse of firearms or ammunition	section 325	felony of abuse of firearms or ammunition	section 263/A
24.		felony of abuse of a weapon prohibited by an international treaty	section 326 except for paragraph (7)	felony of abuse of a weapon prohibited by an international treaty	section 264/C
25.		felony of violation of an international economic restriction (guns, ammunition, explosives, detonating equipment, appliances serving for using such items or other goods for	section 327 (3) a)	felony of violation of an international economic restriction in connection with trading in goods for military use	section 261/A (3) a)

		military use)			
26.		felony of abuse of military products or services	section 329	felony of abuse of military products	section 263/B (1) b)
27.	corruption	felony of active bribery	section 290	felony of bribery	section 254 except for paragraph (1)
28.		felony of passive bribery	section 291	felony of bribery	section 252, section 255/A (1)
29.		felony of active bribery regarding a public officer	section 293	felony of bribery bribery in international relations	section 253, section 255/A (2) section 258/B
30.		felony of passive bribery regarding a public officer	section 294	felony of bribery bribery in international relations	section 250, section 255/A (1) section 258/D
31.		felony of active bribery in court or in authority proceedings	section 295	felony of bribery	section 255, section 255/A (2)
32.		felony of passive bribery in court or in authority proceedings	section 296	felony of bribery	section 255, section 255/A (1)
33.		misdemeanour and felony of active trading in influence	section 298	felony of active trading in influence	section 256/A (1)
34.		misdemeanour and felony of passive trading in influence	section 299 (1) to (5)	felony of passive trading in influence	section 256
35.		felony of failure to report a corruption criminal offence	section 300	felonies of failure to report bribery and failure to report bribery in international relations	section 255/B section 258/F
36.	fraud, including that affecting the financial interests of the European Communities within the meaning of the	misdemeanour and felony of budget fraud	section 396	felony of budget fraud	section 310 (2) to (7)
37.		felony of failure to comply with the	section 397	failure to comply with the supervisory or control	section 310/A

	Convention of 26 July 1995 on the protection of the European Communities' financial interests	supervisory or control obligation related to budget fraud, including felony of violation of the financial interests of the European Communities in force until 31 December 2011		obligation related to budget fraud, including felony of violation of the financial interests of the European Communities in force until 31 December 2011	
38.	laundering of the proceeds of crime	felony of accessory after the fact if committed by participating in securing any gain from the criminal offence	section 282 (2)	felony of accessory after the fact if committed by participating in securing any gain from the criminal offence	section 244 (2)
39.		misdemeanour and felony of handling stolen goods as in force until 31 December 2020	section 379	misdemeanour and felony of handling stolen goods	section 326 (2) to (6)
40.		misdemeanour and felony of money laundering	sections 399 to 400	misdemeanour and felony of money laundering	section 303, section 303/A
41.		misdemeanour of failure to comply with the notification obligation regarding money laundering	section 401	misdemeanour of failure to comply with the notification obligation regarding money laundering	section 303/B
42.	counterfeiting currency, including of the euro	felony of money counterfeiting	section 389	misdemeanour and felony of money	section 304 section 306

				counterfeiting misdemeanour and felony of disbursement of counterfeit money	
43.		misdemeanour and felony of facilitating money counterfeiting	section 390	misdemeanour of facilitating money counterfeiting	section 304/A
44.	computer-related crime	felony of information system fraud	section 375	criminal conduct for breaching computer systems and computer data abuse of non-cash payment instruments	section 300/C (3) to (4) section 313/C (1) to (6)
45.		felony of illegal data acquisition	section 422 (1) d), (3) to (4)	illicit possession of private information	section 178/A
46.		misdemeanour and felony of violation of information systems or related data breach	section 423	misdemeanour and felony for breaching computer systems and computer data	section 300/C
47.		misdemeanour of circumvention of technical security measures protecting information systems	section 424 (1)	misdemeanour of circumvention of technical security measures protecting computer systems	section 300/E
48.	environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties,	misdemeanour and felony of damaging the environment	section 241	misdemeanour and felony of damaging the environment	section 280
49.		misdemeanour and felony of damaging	sections 242 to 243	misdemeanour and felony of damaging natural	section 281

		natural values		values	
50.		misdeemeanour and felony of animal cruelty	section 244	misdeemeanour of animal cruelty	section 266/B (1)
51.		felony of game poaching	section 245	felony of animal cruelty	section 266/B (2)
52.		felony of fish poaching	section 246	felony of animal cruelty	section 266/B (2)
53.		misdeemeanour and felony of organising illegal animal fights	section 247	misdeemeanour and felony of organising illegal animal fights	section 266/A
54.		misdeemeanour and felony of violation of waste management regulations	section 248	misdeemeanour and felony of violation of waste management regulations	section 281/A
55.		misdeemeanour and felony of abuse of ozone-depleting substances	section 249	damaging the environment	section 280 (2)
56.	facilitation of unauthorised entry and residence	misdeemeanour and felony of people smuggling	section 353 (2) a) and (3) except for point d)	misdeemeanour and felony of people smuggling	section 218 (2) a) and (3) except for point c)
57.	murder, grievous bodily injury	felony of homicide	section 160 except for paragraph (4)	felony of homicide	section 166 except for paragraph (4)
58.		felony of homicide in the heat of passion	section 161	felony of homicide in the heat of passion	section 167
59.		felony of causing bodily harm	section 164 except for paragraphs (2), (4) and (7)	felony of causing bodily harm	section 170 except for paragraphs (1), (5) and (7)
60.		felony of endangering by professional misconduct	section 165 (3)	felony of endangering by professional misconduct except for the	section 171 (3)

		except for the result under paragraph (1)		result under paragraph (1)	
61.		felony against traffic safety	section 232 (2)	felony against traffic safety	section 184 (2)
62.		felony of endangering rail, air or waterway traffic	section 233 (2)	felony of endangering rail, air or waterway traffic	section 185 (2)
63.		felony of endangering road traffic	section 234 (2)	felony of endangering road traffic	section 186 (2)
64.		felony of driving under the influence of alcohol	section 236 (2) to (3)	felony of driving under the influence of alcohol or other psychoactive substances	section 188 (2) to (3)
65.		felony of driving under the influence of intoxicants	section 237 (2) to (3)	felony of driving under the influence of alcohol or other psychoactive substances	section 188 (2) to (3)
66.	illicit trade in human organs and tissue	misdemeanour and felony of illegal use of a human body	section 175	misdemeanour and felony of illegal use of a human body	section 173/I
67.	kidnapping, illegal restraint and	felony of kidnapping	section 190	felony of kidnapping	section 175/A
68.	hostage-taking	felony of failure to report kidnapping	section 191	kidnapping	section 175/A (7)
69.		felony of violation of personal freedom	section 194	felony of violation of personal freedom	section 175
70.		felony of coercion	section 195	felony of coercion	section 174
71.		felony of unlawful detention	section 304	felony of unlawful detention	section 228
72.	racism and	felony of	section 215	felony of	section 174/A

	xenophobia	violation of the freedom of conscience and religion		violation of the freedom of conscience and religion	
73.		felony of violence against a member of a community	section 216	felony of violence against a member of a community	section 174/B except for paragraph (3)
74.		felony of incitement against a community	section 332	felony of agitation against a community	section 269
75.		felony of public denial of the crimes of national socialist and communist regimes	section 333	public denial of the crimes of national socialist and communist regimes	section 269/C
76.	organised or armed robbery	felony of robbery	section 365 (3) a) to d), (4) b) to c)	felony of robbery	section 321 (3) a) and c), (4) b) to c)
77.		felony of robbery of a vulnerable person	section 366 (2) b) to c), (3) b)	felony of robbery of a vulnerable person	section 322 (2) b), (3) b)
78.		felony of theft committed in a criminal conspiracy	section 370 (3) b) a), (4) b), (5) b), (6) b)	felony of theft committed in a criminal conspiracy	section 316 (4) b) 1, (5) b), (6) b), (7) b)
79.	illicit trafficking in cultural goods, including antiques and works of art	felony of abuse of protected cultural goods	section 358	felony of abuse of cultural goods	section 216/B
80.		certain forms of the felony of handling stolen goods as in force until 31 December 2020	section 379 (3) b) to c)	certain forms of handling stolen goods	section 326 (3) b) to c)

81.	swindling	misdemeanour and felony of fraud	section 373	misdemeanour and felony of fraud	section 318
82.		misdemeanour and felony of economic fraud	section 374		
83.		felony of information system fraud	section 375	criminal conduct for breaching computer systems and computer data abuse of non-cash payment instruments	section 300/C (3) to (4) section 313/C (1) to (6)
84.		misdemeanour and felony of budget fraud including the misdemeanour and felony of tax fraud in force until 31 December 2011 and the misdemeanour and felony of tax fraud committed in connection with providing employment	section 396	misdemeanour and felony of budget fraud including the misdemeanour and felony of tax fraud in force until 31 December 2011 and the misdemeanour and felony of tax fraud committed in connection with providing employment	section 310
85.		felony of failure to comply with the supervisory or control obligation related to budget fraud	section 397	failure to comply with the supervisory or control obligation related to budget fraud	section 310/A
86.	racketeering and extortion	felony of coercion	section 195	felony of coercion	section 174
87.		felony of extortion	section 367	felony of extortion	section 323

88.	counterfeiting and piracy of products	felony of counterfeiting of medical products (felony of intellectual property infringement)	section 186 (section 384)	(felony of intellectual property infringement)	(section 329)
89.		misdemeanour and felony of violation of copyright or related rights	section 385	misdemeanour and felony of violation of copyright or related rights	section 329/A
90.		misdemeanour and felony of circumventing technical measures protecting intellectual property	section 386 except for paragraph (4)	misdemeanour and felony of compromising or defrauding the integrity of technological measures for the protection of copyright and certain rights related to copyright	section 329/B
91.		misdemeanour of falsifying rights management information	section 387	misdemeanour of falsifying rights management information	section 329/C
92.		misdemeanour and felony of violation of industrial property rights	section 388	misdemeanour and felony of violation of industrial property rights	section 329/D
93.	forgery of administrative documents and trafficking therein	misdemeanour and felony of public deed forgery	section 342	misdemeanour and felony of public deed forgery	section 274
94.		felony of public deed forgery committed by a public officer	section 343	felony of public deed forgery committed by a public officer	section 275
95.		felony of security	section 344		

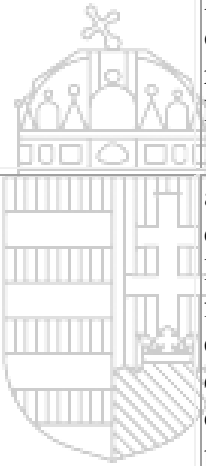
		document forgery			
96.		misdemeanour of abuse of a deed	section 346	misdemeanour of abuse of a deed	section 277
97.		felony of abuse of unique identification mark	section 347	felony of counterfeiting of individual identification marks	section 277/A
98.		misdemeanour and felony of facilitating excise fraud (produces, places on the market)	section 398	misdemeanour and felony of facilitating excise fraud (produces, places on the market)	section 311/B
99.	forgery of means of payment	misdemeanour and felony of money counterfeiting	section 389	misdemeanour and felony of money counterfeiting	section 304
100.		misdemeanour and felony of facilitating money counterfeiting	section 390	misdemeanour of facilitating money counterfeiting	section 304/A
101.		misdemeanour of counterfeiting non-cash payment instruments	section 392	misdemeanour of counterfeiting non-cash payment instruments	section 313/B
102.		misdemeanour and felony of abuse of non-cash payment instruments	section 393	misdemeanour and felony of abuse of non-cash payment instruments	section 313/C except for paragraph (7)
103.	illicit trafficking in hormonal substances and other growth promoters	misdemeanour and felony of abuse of performance-enhancing substance	section 185		
104.		felony of counterfeiting of medicinal	section 185/A		

		products			
105.	illicit trafficking in nuclear or radioactive materials	felony of abuse of radioactive materials	section 250 except for paragraph (4)	felony of abuse of radioactive materials	section 264
106.	trafficking in stolen vehicles	felony of handling stolen goods as in force until 31 December 2020	section 379 except for paragraph (2)	felony of handling stolen goods	section 326 (3) to (6)
107.		felony of budget fraud including felony of smuggling as in force until 31 December 2011	section 396 (2) to (7)	felony of budget fraud including felony of smuggling as in force until 31 December 2011	section 310 (2) to (7)
108.	rape	felony of sexual coercion	section 196		
		felony of sexual violence	section 197	felony of rape felony of sexual assault	section 197 section 198
109.	arson	felony of causing public danger	section 322 except for paragraphs (5) to (6)	misdemeanour and felony of causing public danger	section 259
110.		felony of vandalism committed using explosives or detonating equipment	section 371 (4) c)	felony of vandalism committed using explosives/detonating equipment	section 324 (4) c)
111.	crimes within the jurisdiction of the International Criminal Court	criminal offences listed in Chapters XIII and XIV of the Criminal Code	except for sections 152 and 158	criminal offences listed in Chapter XI of the Criminal Code	except for sections 154 and 165
112.	unlawful	felony of	section 320	felony of seizure	section 262

	seizure of aircraft/ships	unlawful seizure of a vehicle		of aircraft, any means of railway, water or road transport or any means of freight transport	
113.	sabotage	felony of destruction	section 257	felony of destruction	section 142
114.		felony of prisoner mutiny	section 284	felony of prisoner mutiny	section 246
115.		felony of causing public danger	section 322 except for paragraphs (5) to (6)	felony of causing public danger	section 259 (1) to (3)
116.		misdemeanour and felony of disturbing the operation of public interest facilities	section 323 except for paragraph (5)	felony of disturbing the operation of public interest facilities	section 260 (1) to (4)
117.	conduct which infringes road traffic regulations, including breaches of regulations pertaining to driving hours and rest periods and regulations on hazardous goods	traffic-related criminal offences	Chapter XXII	traffic-related criminal offences	Chapter XIII
118.	smuggling of goods	misdemeanour and felony of budget fraud including misdemeanour and felony of smuggling as in force until 31 December 2011	section 396	misdemeanour and felony of budget fraud including misdemeanour and felony of smuggling as in force until 31 December 2011	section 310
119.	infringements of intellectual property rights	misdemeanour and felony of violation of copyright or	section 385	misdemeanour and felony of violation of copyright or	section 329/A

		related rights		related rights	
120.	threats and acts of violence against persons, including violence during sport events,	misdemeanour and felony of disorderly conduct	section 340	misdemeanour and felony of disorderly conduct	section 271/A
121.		criminal offences listed in the row for intentional homicide and causing grievous bodily harm in this Annex		criminal offences listed in the row for intentional homicide and causing grievous bodily harm in this Annex	
122.	criminal damage	criminal offences the statutory elements of which include value, damage, pecuniary loss or loss of revenue		criminal offences the statutory elements of which include value, damage, pecuniary loss or loss of revenue	
123.	theft	misdemeanour and felony of theft	section 370	misdemeanour and felony of theft	section 316
124.	offences established by the issuing State and serving the purpose of implementing obligations arising from instruments adopted under the EC Treaty or under Title VI of	felony of damaging natural values	section 242	damaging natural values	section 281

	the EU Treaty				
125.		criminal offence against justice before an international tribunal	section 289	criminal offence against justice before an international tribunal	section 249/B
126.		felony of violation of an international economic restriction	section 327	violation of an international economic restriction	section 261/A
127.		felony of abuse of military products or services	section 329	abuse of military products or services or dual-use products	section 263/B
128.		felony of abuse of dual-use products	section 330	abuse of military products or services or dual-use products	section 263/B
129.		misdemeanour of facilitating illegal residence	section 354	facilitating illegal residence in Hungary	section 214/A
130.		misdemeanour and felony of budget fraud including misdemeanour and felony of smuggling as in force until 31 December 2011	section 396	misdemeanour and felony of budget fraud including misdemeanour and felony of smuggling as in force until 31 December 2011	section 310
131.		felony of failure to comply with the supervisory or control obligation related to budget fraud	section 397	felony of failure to comply with the supervisory or control obligation related to budget fraud	section 310/A
132.		including the felony of		including the felony of	

		violation of the financial interests of the European Communities in force until 31 December 2011		violation of the financial interests of the European Communities in force until 31 December 2011	
133.		misdeemeanour and felony of money laundering	sections 399 to 400	misdeemeanour and felony of money laundering	section 303, section 303/A
134.		misdeemeanour of failure to comply with the notification obligation regarding money laundering	section 401	misdeemeanour of failure to comply with the notification obligation regarding money laundering	section 303/B
135.		as well as criminal offences listed in the row for sexual exploitation of children and child pornography		as well as criminal offences listed in the row for sexual exploitation of children and child pornography	

MINISTRY OF JUSTICE
HUNGARY

Annex 13 to Act CLXXX of 2012

CERTIFICATE

**referred to in Article 4 of Council Framework Decision 2005/214/JHA on the application
of the principle of mutual recognition to financial penalties**

(a)		
	*	Issuing State:
	*	Executing State:
(b)		The authority which issued the decision imposing the financial penalty:
		Official name:
		Address:
	
		File reference (...)
		Tel. No: (country code) (area/city code)
		Fax No (country code) (area/city code)
		E-mail (when available)
		Languages in which it is possible to communicate with the issuing authority
	
		Contact details for person(s) to contact to obtain additional information for the purpose of the enforcement of the decision or, where applicable, for the purpose of the transfer to the issuing State of monies obtained from the enforcement

		(name, title/grade, tel. No., fax No., and, when available, E-mail).....
	
(c)		The authority competent for the enforcement of the decision imposing the financial penalty in the issuing State (if the authority is different from the authority under point (b)):
		Official name:
	
		Address:
	
		Tel. No: (country code) (area/city code)
		Fax No (country code) (area/city code)
		E-mail (when available)
		Languages in which it is possible to communicate with the authority competent for the enforcement
	
		Contact details for person(s) to contact to obtain additional information for the purpose of the enforcement of the decision or, where applicable, for the purpose of the transfer to the issuing State of monies obtained from the enforcement (name, title/grade, tel. No., fax No., and, when available, E-mail):
	
	

(d)		Where a central authority has been made responsible for the administrative transmission of decisions imposing financial penalties in the issuing State:
		Name of the central authority:
	
		Contact person, if applicable (title/grade and name):
	
		Address:
	
		File reference
		Tel. No: (country code) (area/city code)
		Fax No: (country code) (area/city code)
		E-mail (when available):
(e)		The authority or authorities which may be contacted (in the case where point (c) and/or (d) has been filled):
	<input type="checkbox"/>	Authority mentioned under point (b)
		Can be contacted for questions concerning:
	<input type="checkbox"/>	Authority mentioned under point (c)
		Can be contacted for questions concerning:
	<input type="checkbox"/>	Authority mentioned under point (d)
		Can be contacted for questions concerning:

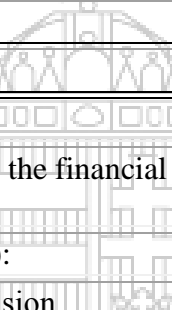
(f)		Information regarding the natural or legal person on which the financial penalty has been imposed:
		1. In case of a natural person
		Name:
		Forename(s):
		Maiden name, where applicable:
		Aliases, where applicable:
		Sex:
		Nationality:
		Identity number or social security number (when available):
		Date of birth:
		Place of birth:
		Last known address:
	
		Language(s) which the person understands (if known):
	
		(a) If the decision is transmitted to the executing State because the person against whom the decision has been passed is normally resident, add the following information:
		Normal residence in the executing State:
	
	

		(b) If the decision is transmitted to the executing State because the person against whom the decision has been passed has property in the executing State, add the following information:
		Description of the property of the person:
		Location of the property of the person:
		(c) If the decision is transmitted to the executing State because the person against whom the decision has been passed has income in the executing State, add the following information:
		Description of the source(s) of income of the person:
		Location of the source(s) of income of the person:
		2. In case of a legal person:
		Name:
		Form of legal person:
		Registration number (if available) ⁽⁷⁾ :
		Registered seat (if available) ⁽¹⁾ :
		Address of the legal person:
		(a) If the decision is transmitted to the executing State because the legal person against whom the decision has been passed has property in the executing State, add the following information:
		Description of the property of the legal person:
		Location of the property of the legal person:
	
		(b) If the decision is transmitted to the executing State because the legal person against whom the decision has been passed has income in the executing State, add the following information:
		Description of the source(s) of income of the legal person:
		Location of the source(s) of income of the legal person:

	
	
(g)		The nature of the decision imposing the financial penalty (tick the relevant box):
	<input type="checkbox"/>	(i) Decision of a court of the issuing State in respect of a criminal offence under the law of the issuing State
	<input type="checkbox"/>	(ii) Decision of an authority of the issuing State other than a court in respect of a criminal offence under the law of the issuing State. It is confirmed that the person concerned has had an opportunity to have the case tried by a court having jurisdiction in particular in criminal matters.
	<input type="checkbox"/>	(iii) Decision of an authority of the issuing State other than a court in respect of acts which are punishable under the national law of the issuing State by virtue of being infringements of the rules of law. It is confirmed that the person concerned has had an opportunity to have the case tried by a court having jurisdiction in particular in criminal matters.
		(iv) Decision of a court having jurisdiction in particular in criminal matters regarding a decision as referred to in point iii.
		The decision was made on (date)
		The decision became final on (date)
		Reference number of the decision (if available):
		The financial penalty constitutes an obligation to pay (tick the relevant box(es) and indicate the amount(s) with indication of currency):
	<input type="checkbox"/>	(i) A sum of money on conviction of an offence imposed in a decision.
		Amount:
	<input type="checkbox"/>	(ii) Compensation imposed in the same decision for the benefit of victims, where the victim may not be a civil party to the proceedings and the court is acting in its exercise of its criminal jurisdiction.
		Amount:
	<input type="checkbox"/>	(iii) A sum of money in respect of the costs of court or administrative proceedings leading to the decision.
		Amount:

	<input type="checkbox"/>	(iv) A sum of money to a public fund or a victim support organisation, imposed in the same decision.
		Amount:
		The total amount of the financial penalty with indication of currency:
	
		2. A summary of facts and a description of the circumstances in which the offence(s) has(have) been committed, including time and place:
	
	
	
	
	
		Nature and legal classification of the offence(s) and the applicable statutory provision/code on basis of which the decision was made:
	
	
	
		3. To the extent that the offence(s) identified under point 2 above constitute(s) one or more of the following offences, confirm that by ticking the relevant box(es):
	<input type="checkbox"/>	participation in a criminal organisation;
	<input type="checkbox"/>	terrorism;
	<input type="checkbox"/>	trafficking in human beings;
	<input type="checkbox"/>	sexual exploitation of children and child pornography;
	<input type="checkbox"/>	illicit trafficking in narcotic drugs and psychotropic substances;
	<input type="checkbox"/>	illicit trafficking in weapons, munitions and explosives;
	<input type="checkbox"/>	corruption;
	<input type="checkbox"/>	fraud, including that affecting the financial interests of the European

		Communities within the meaning of the Convention of 26 July 1995 on the protection of the European Communities' financial interests;
	<input type="checkbox"/>	laundering of the proceeds of crime;
	<input type="checkbox"/>	counterfeiting currency, including of the euro;
	<input type="checkbox"/>	computer-related crime;
	<input type="checkbox"/>	environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties;
	<input type="checkbox"/>	facilitation of unauthorised entry and residence;
	<input type="checkbox"/>	murder, grievous bodily injury;
	<input type="checkbox"/>	illicit trade in human organs and tissue;
	<input type="checkbox"/>	kidnapping, illegal restraint and hostage-taking;
	<input type="checkbox"/>	racism and xenophobia;
	<input type="checkbox"/>	organised or armed robbery;
	<input type="checkbox"/>	illicit trafficking in cultural goods, including antiques and works of art;
	<input type="checkbox"/>	swindling;
	<input type="checkbox"/>	racketeering and extortion;
	<input type="checkbox"/>	counterfeiting and piracy of products;
	<input type="checkbox"/>	forgery of administrative documents and trafficking therein;
	<input type="checkbox"/>	forgery of means of payment;
	<input type="checkbox"/>	illicit trafficking in hormonal substances and other growth promoters;
	<input type="checkbox"/>	illicit trafficking in nuclear or radioactive materials;
	<input type="checkbox"/>	trafficking in stolen vehicles;
	<input type="checkbox"/>	rape;
	<input type="checkbox"/>	arson;
	<input type="checkbox"/>	crimes within the jurisdiction of the International Criminal Court;
	<input type="checkbox"/>	unlawful seizure of aircraft/ships;
	<input type="checkbox"/>	sabotage;
	<input type="checkbox"/>	conduct which infringes road traffic regulations, including breaches of regulations pertaining to driving hours and rest periods and regulations on hazardous goods;
	<input type="checkbox"/>	smuggling of goods;
	<input type="checkbox"/>	infringements of intellectual property rights;
	<input type="checkbox"/>	threats and acts of violence against persons, including violence during sport events;
	<input type="checkbox"/>	criminal damage;
	<input type="checkbox"/>	theft;
	<input type="checkbox"/>	offences established by the issuing State and serving the purpose of implementing obligations arising from instruments adopted under the EC Treaty or under Title VI of the EU Treaty;

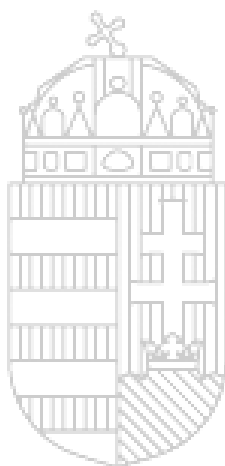


			OR
			<input type="checkbox"/> 3.1b. the person was not summoned in person but by other means actually received official information of the scheduled date and place of the trial which resulted in the decision, in such a manner that it was unequivocally established that he or she was aware of the scheduled trial, and was informed that a decision may be handed down if he or she does not appear for the trial; OR
			<input type="checkbox"/> 3.2. being aware of the scheduled trial, the person had given a mandate to a legal counsellor, who was either appointed by the person concerned or by the State, to defend him or her at the trial, and was indeed defended by that counsellor at the trial; OR
			<input type="checkbox"/> 3.3. the person was served with the decision on (day/month/year) and was expressly informed about the right to a retrial or appeal, in which he or she has the right to participate and which allows the merits of the case, including fresh evidence, to be re-examined, and which may lead to the original decision being reversed, and
			<input type="checkbox"/> the person expressly stated that he or she does not contest this decision; OR
			<input type="checkbox"/> the person did not request a retrial or appeal within the applicable timeframe; OR
			<input type="checkbox"/> 3.4. the person concerned received appropriate information about the proceeding and the possibility to attend the trial in person, and, subsequently, he waived his right to an oral hearing and declared that he does not contest the case.
		4. If you have ticked the box under point 3.1b, 3.2, 3.3 or 3.4 above, please provide information about how the relevant condition has been met:	
		
		
		5. Partial payment of the penalty	
		If any part of the penalty has already been paid to the issuing State, or, to the knowledge of the authority issuing the Certificate, to any other State, indicate the amount which has been paid:	
		
		

(i)		Alternative sanctions, including custodial sanctions
		1. State whether the issuing State allows for the application by the executing State of alternative sanctions in case it is not possible to enforce the decision imposing a penalty, either totally or in part:
		<input type="checkbox"/> yes
		<input type="checkbox"/> no
		2. If yes, state which sanctions may be applied (nature of the sanctions, maximum level of the sanctions):
		<input type="checkbox"/> Custody. Maximum period:
		<input type="checkbox"/> Community service (or equivalent). Maximum period
		<input type="checkbox"/> Other sanctions. Description:
	
	
(j)		Other circumstances relevant to the case (optional information):
	
	
	
(k)		The text of the decision imposing the financial penalty is attached to the certificate.
		Signature of the authority issuing the certificate and/or its representative certifying the content of the certificate as accurate:
	
		Name:
		Post held (title/grade):
		Date:

	
		Official stamp (if available)

7 Where a decision is transmitted to the executing State because the legal person against whom the decision has been passed has its registered seat in that State, Registration number and Registered seat must be completed.



MINISTRY OF JUSTICE
HUNGARY

Annex 14 to Act CLXXX of 2012

The certificate referred to in section 143 b) bb) of this Act shall include the following:

(a) Issuing and executing States

Issuing State:

.....

Executing State:

.....

(b) Court which issued the confiscation order:

Official name:

.....

.....

Address:

.....

.....

.....

File reference:

.....

.....

Tel. (country code) (area/city code):

Fax (country code) (area/city code):

E-mail (when available):

Languages in which it is possible to communicate with the Court:

.....

.....

.....

Contact details for person(s) to contact in order to obtain additional information for the purpose of the execution of the confiscation order, or, where applicable, for the purpose of coordination of the execution of a confiscation order transmitted to two or more executing States, or for the purpose of the transfer to the issuing State of monies or properties obtained from the execution (name, title/grade, tel., fax, and, when available, e-mail):

.....

.....

.....

.....

.....

.....

(c) Authority competent for the execution of the confiscation order in the issuing State (if the authority is different from the Court under point (b)):

Official name:

.....

.....

.....

.....

Address:

.....
.....
.....
.....

Tel. (country code) (area/city code):

Fax (country code) (area/city code):

E-mail (when available):

.....

Languages in which it is possible to communicate with the authority competent for the execution:

.....
.....
.....
.....

Contact details for person(s) to contact in order to obtain additional information for the purpose of the execution of the confiscation order or, where applicable, for the purpose of coordination of the execution of the confiscation order transmitted to two or more executing States, or for the purpose of the transfer to the issuing State of monies or properties obtained from the execution, (name, title/grade, tel., fax, and, when available, e-mail):

.....
.....
.....
.....

(d) Where a central authority has been made responsible for the administrative transmission and reception of confiscation orders in the issuing State:

Name of the central authority:

.....
.....
.....
.....

Contact person, if applicable (title/grade and name):

.....

Address:

.....
.....
.....
.....

File reference:

.....

Tel. (country code) (area/city code):

Fax (country code) (area/city code):

E-mail (when available):

(e) Authority or authorities which may be contacted (if point (c) and/or (d) has(have) been completed):

☐ Authority mentioned under point (b) can be contacted for questions concerning:

.....
.....
.....

☐ Authority mentioned under point (c) can be contacted for questions concerning:

.....
.....
.....

☐ Authority mentioned under point (d) can be contacted for questions concerning:

.....
.....
.....

(f) Where the confiscation order is a follow up to a freezing order transmitted to the executing State pursuant to Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence, provide relevant information to identify the freezing order (the date of issue and transmission of the freezing order, the authority to which it was transmitted, reference number, if available):

.....
.....
.....
.....

(g) Where the confiscation order has been transmitted to more than one executing State, provide the following information:

1. The confiscation order has been transmitted to the following other executing State(s) (country and authority):

.....
.....
.....

2. The confiscation order has been transmitted to more than one executing State for the following reason (tick the relevant box):

2.1. Where the confiscation order concerns one or more specific items of property:

☐ Different specific items of property covered by the confiscation order are believed to be located in different executing States.

☐ The confiscation of a specific item of property involves action in more than one executing State.

☐ A specific item of property covered by the confiscation order is believed to be located in one of two or more specified executing States.

2.2. Where the confiscation order concerns an amount of money:

☐ The property concerned has not been frozen under Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence.
☐ The value of property which may be confiscated in the issuing State and any one executing State is not likely to be sufficient for the execution of the full amount covered by the confiscation order.

☐ Other reason(s) (to be specified):

.....
.....
.....
.....
.....

(h) Information regarding the natural or legal person against whom the confiscation order has been issued:

1. In the case of a natural person:

Name:

.....
.....

Forename(s):

.....

Maiden name, (where applicable):

.....

Aliases, (where applicable):

.....

Sex:

.....
.....

Nationality:

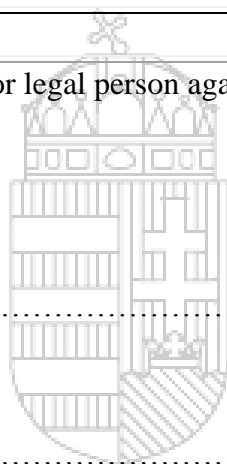
.....

Identity number or social security number (when possible):

Date of birth:

.....

Place of birth:



MINISTRY OF JUSTICE
HUNGARY

.....
Last known address:
.....
.....
.....

Language(s) which the person understands (if known):
.....
.....

1.1. If the confiscation order concerns an amount of money:

The confiscation order is transmitted to the executing State because (tick the relevant box):

☐ (a) the issuing State has reasonable grounds to believe that the person against whom the confiscation order has been issued has property or income in the executing State.

Add the following information:

	Grounds for believing that the person has property/income:
	Description of the property of the person/source of income: MINISTRY OF JUSTICE HUNGARY
	Location of the property of the person/source of income (if not known, the last known location):
<input type="checkbox"/> (b)	there are no reasonable grounds, as referred under (a), which would allow the issuing State to determine the Member State to which the confiscation order may be sent, but the person against whom the confiscation order has been issued is normally resident in the executing State. Add the following information:
	Normal residence in the executing State:

1.2. If the confiscation order concerns specific item(s) of property	
The confiscation order is transmitted to the executing State because (tick the relevant box):	
<input type="checkbox"/> (a)	the specific item(s) of property is(are) located in the executing State. (See point (i))
<input type="checkbox"/> (b)	the issuing State has reasonable grounds to believe that all or part of the specific item(s) of property covered by the confiscation order is (are) located in the executing State. Add the following information:
	Grounds for believing that the specific item(s) of property is located in the executing State:
<input type="checkbox"/> (c)	there are no reasonable grounds, as referred to in (b), which would allow the issuing State to determine the Member State to which the confiscation order may be transmitted, but the person against whom the confiscation order has been issued is normally resident in the executing State. Add the following information:
	Normal residence in the executing State:
2. In the case of a legal person:	
Name:	
Form of legal person ⁸ :	
Registration number (if available):	
Registered seat (if available):	
Address of the legal person:	
2.1. If the confiscation order concerns an amount of money:	

The confiscation order is transmitted to the executing State because (tick the relevant box):	
<input type="checkbox"/> (a)	the issuing State has reasonable grounds to believe that the legal person against whom the confiscation order has been issued has property or income in the executing State. Add the following information:
	Grounds for believing that the person has property/income:

	Description of the property of the person/source of income:

	Location of the property of the person/source of income (if not known, the last known location):

<input type="checkbox"/> (b)	there are no reasonable grounds, as referred to in (a), which would allow the issuing State to determine the Member State to which the confiscation order may be sent but the legal person against whom the confiscation order has been issued has its registered seat in the executing State. Add the following information:
	Registered Seat in the executing State:

2.2. If the confiscation order concerns specific item(s) of property:	
The confiscation order is transmitted to the executing State because (tick the relevant box):	
<input type="checkbox"/> (a)	The specific item(s) of property is (are) located in the executing State. (See point (i)).
<input type="checkbox"/> (b)	the issuing State has reasonable grounds to believe that all or part of the specific item(s) of property covered by the confiscation order is (are) located in the executing State. Add the following information:
	Grounds for believing that the specific item(s) of property is (are) located in the executing State:

<input type="checkbox"/> (c)	there are no reasonable grounds, as referred to in (b), which would allow the issuing State to determine the Member State to which the confiscation order may be transmitted but the legal person against whom the confiscation order has been issued has its registered seat in the executing State. Add the following information:
	Registered seat in the executing State:
(i) The confiscation order	
The confiscation order was issued on (date):	
The confiscation order became final on (date):	
Reference number of the confiscation order (if available):	
1. Information on the nature of the confiscation order	
1.1. Indicate (by ticking the relevant box(es)) if the confiscation order concerns:	
<input type="checkbox"/> an amount of money	
The amount for execution in the executing State with indication of currency (in figures and words):	
The total amount covered by the confiscation order with indication of currency (in figures and words):	
<input type="checkbox"/> specific item(s) of property	
Description of the specific item(s) of property:	

Location of the specific item(s) of property (if not known, the last known location):

.....
.....
.....
.....

Where the confiscation of the specific item(s) of property involves action in more than one executing State, description of the action to be taken:

.....
.....
.....

1.2. The Court has decided that the property (tick the relevant box(es)):

☐ (i) is the proceeds of an offence, or is equivalent to either the full value or part of the value of such proceeds,

☐ (ii) constitutes the instrumentalities of such an offence,

☐ (iii) is liable to confiscation resulting from the application in the issuing State of extended powers of confiscation as specified in (a), (b) and (c). The basis for the decision is that the Court, based on specific facts, is fully convinced that the property in question has been derived from:

☐ (a) criminal activities of the convicted person during a period prior to conviction for the offence concerned which is deemed to be reasonable by the Court in the circumstances of the particular case,

☐ (b) similar criminal activities of the convicted person during a period prior to conviction for the offence concerned which is deemed to be reasonable by the Court in the circumstances of the particular case, or

☐ (c) the criminal activity of the convicted person, and it has been established that the value of the property is disproportionate to the lawful person of that person.

--	--	--

	<input type="checkbox"/> (iv) is liable to confiscation under any other provision relating to extended powers of confiscation under the law of the issuing State.
--	---

If two or more categories of confiscation are involved, provide details on which property is confiscated in relation to which category:

.....

.....
.....

2. Information on the offence(s) resulting in the confiscation order

2. A summary of facts and a description of the circumstances in which the offence(s)
1. resulting in the confiscation order has(have) been committed, including time and place:

.....
.....

.....

2.	Nature and legal classification of the offence(s) resulting in the confiscation order and
2.	the applicable statutory provision/code on basis of which the decision was made:

2.	If applicable, indicate one or more of the following offences to which the offence(s)
3.	identified under point 2.2 relate(s), if the offence(s) are punishable in the issuing State by a custodial sentence of a maximum of at least 3 years (tick the relevant box(es)):
<input type="checkbox"/>	participation in a criminal organisation;
<input type="checkbox"/>	terrorism;
<input type="checkbox"/>	trafficking in human beings;
<input type="checkbox"/>	sexual exploitation of children and child pornography;
<input type="checkbox"/>	illicit trafficking in narcotic drugs and psychotropic substances;
<input type="checkbox"/>	illicit trafficking in weapons, munitions and explosives;
<input type="checkbox"/>	corruption;
<input type="checkbox"/>	fraud, including that affecting the financial interests of the European Communities within the meaning of the Convention of 26 July 1995 on the protection of the European Communities' financial interests;
<input type="checkbox"/>	laundering of the proceeds of crime;
<input type="checkbox"/>	counterfeiting currency, including of the euro;
<input type="checkbox"/>	computer related crime;
<input type="checkbox"/>	environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties;
<input type="checkbox"/>	facilitation of unauthorised entry and residence;
<input type="checkbox"/>	murder, grievous bodily injury;

Contact: jogszabford@im.gov.hu

1. ☐ The person concerned appeared personally in the proceedings.

2. ☐ The person concerned did not appear personally in the proceedings, but was represented by a legal counsellor.

3. If you have ticked the box under point 2, please confirm the existence of one of the following:

☐ 3.1a. the person was summoned in person on ... (day/month/year) and thereby informed of the scheduled date and place of the trial which resulted in the decision and was informed that a decision may be handed down if he or she does not appear for the trial;

OR

☐ 3.1b. the person was not summoned in person but by other means actually received official information of the scheduled date and place of the trial which resulted in the decision, in such a manner that it was unequivocally established that he or she was aware of the scheduled trial, and was informed that a decision may be handed down if he or she does not appear for the trial;

OR

☐ 3.2. being aware of the scheduled trial, the person had given a mandate to a legal counsellor, who was either appointed by the person concerned or by the State, to defend him or her at the trial, and was indeed defended by that counsellor at the trial;

OR

☐ 3.3. the person was served with the decision on ... (day/month/year) and was expressly informed about the right to a retrial or appeal, in which he or she has the right to participate and which allows the merits of the case, including fresh evidence, to be re-examined, and which may lead to the original decision being reversed, and

☐ the person expressly stated that he or she does not contest this decision;

OR

☐ the person did not request a retrial or appeal within the applicable timeframe;

4. If you have ticked the box under point 3.1b, 3.2 or 3.3 above, please provide information about how the relevant condition has been met:

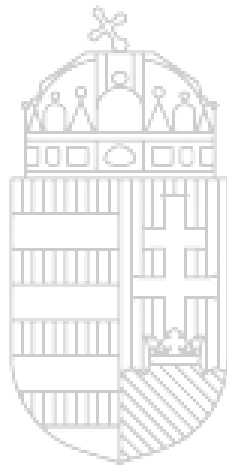
.....
.....
.....
.....

(k)	Conversion and transfer of property
-----	-------------------------------------

Contact: jogszabford@im.gov.hu

.....
Name:
Post held (title/grade):
Date:
Official stamp (if available):

8 Where a confiscation order is transmitted to the executing State because the legal person against whom the confiscation order has been issued has its registered seat in that State, Registration number and Registered seat must be completed.

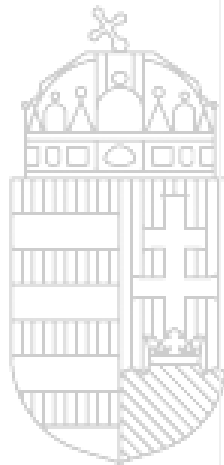


MINISTRY OF JUSTICE
HUNGARY

Annex 15 to Act CLXXX of 2012

Forms of crime specified in Annex I to Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA

	A	B	C	D	E
1	Forms of crime specified in Annex I to Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA	Criminal offences under the Criminal Code as specified in Act C of 2012 in force from 1 July 2013 relating to a specific form of crime		Criminal offences under the Criminal Code as specified in Act IV of 1978 in force until 30 June 2013 relating to a specific form of crime	



MINISTRY OF JUSTICE
HUNGARY

2	murder and grievous bodily injury	felony of genocide	section 142	felony of genocide	section 155
		felony of homicide	section 160 (1) to (3), (5)	felony of homicide	section 166 (1) to (3)
		felony of homicide in the heat of passion	section 161	felony of homicide in the heat of passion	section 167
		felony of participating in suicide	section 162	felony of participating in suicide	section 168
		felony of illegal abortion	section 163 (2) c)	felony of illegal abortion	section 169 (2) c)
		misdemeanour and felony of causing bodily harm	section 164 (3) to (6), (8) to (9)	misdemeanour and felony of causing bodily harm	section 170 (2) to (6)
3	illicit trade in human organs and tissue	felony of illegal use of a human body	section 175	felony of illegal use of a human body	section 173/I
		felony of trafficking in human beings and forced labour	section 192 (4) to (6), (8) b)	felony of trafficking in human beings	section 175/B (2) e), (3) b), (4), (5) a)
4	kidnapping, illegal restraint and hostage-taking	felony of kidnapping	section 190 except for paragraph (6)	felony of kidnapping	section 175/A (1) to (5) and (7)
		felony of violation of personal freedom	section 194	felony of violation of personal freedom	section 175
		felony of coercion	section 195	felony of coercion	section 174
		felony of unlawful detention	section 304	felony of unlawful detention	section 228
5	racism and xenophobia	felony of apartheid	section 144		section 157
		felony of violation of the freedom of conscience and religion	section 215	felony of violation of the freedom of conscience and religion	section 174/A
		felony of violence	section 216 except for paragraph (4)	felony of violence	section 174/B (1) to (2)

		against a member of a community		against a member of a community	
		felony of incitement against a community	section 332	felony of agitation against a community	section 269
		felony of public denial of the crimes of national socialist and communist regimes	section 333	felony of public denial of the crimes of national socialist and communist regimes	section 269/C
6	robbery and aggravated theft	felony of robbery	section 365 (3) to (4)	felony of robbery	section 321 (3) to (5)
		felony of robbery of a vulnerable person	section 366 (2) to (3)	felony of robbery of a vulnerable person	section 322 (2) to (3)
		felony of theft	section 370 (3) to (6)	felony of theft	section 316 (4) to (7)
		felony of arbitrary taking of a vehicle	section 380 (2) to (3)	certain forms of arbitrary taking of a vehicle	section 327 (2) to (3)
7	illicit trafficking in cultural goods, including antiques and works of art	felony of abuse of protected cultural goods	section 358	felony of illegal use of cultural goods	section 216/B
		certain forms of the felony of handling stolen goods as in force until 31 December 2020	section 379 (3) b) to c)	certain forms of the felony of handling stolen goods	section 326 (3) b) to c)
8	swindling	felony of budget fraud including felony of obtaining unauthorised economic advantage in	section 288 of Act IV of 1978	felony of budget fraud including felony of obtaining unauthorised economic advantage in	

		force until 31 December 2011		force until 31 December 2011	
		misdemeanour and felony of bankruptcy fraud	section 404	misdemeanour and felony of bankruptcy fraud	section 290 (1) to (4)
		felony of placing poor- quality products on the market	section 415 (1) to (2)	felony of placing poor- quality products on the market	section 292 (1) to (2), section 293
		felony of false certification of conformity	section 416 (1) to (2)	felony of false attestation of quality	section 295 (1)
		misdemeanour and felony of deceiving consumers	section 417	misdemeanour of deceiving consumers	section 296/A
		felony of impairing equity	section 407	felony of impairing equity	section 298/B
		felony of insider trading	section 410	felony of insider trading	section 299/A
		felony of capital investment fraud	section 411	felony of capital investment fraud	section 299/B
		felony of organising a pyramid scheme	section 412	felony of organising a pyramid scheme	section 299/C
		budget fraud	section 396	budget fraud	section 310
		misdemeanour and felony of tax fraud as in force until 31 December 2011		misdemeanour and felony of tax fraud as in force until 31 December 2011	
		misdemeanour and felony of tax fraud committed in connection with providing		misdemeanour and felony of tax fraud committed in connection with providing	

		employment as in force until 31 December 2011		employment as in force until 31 December 2011	
		misdemeanour and felony of smuggling as in force until 31 December 2011		misdemeanour and felony of smuggling as in force until 31 December 2011	
		misdemeanour and felony of violation of the financial interests of the European Communities as in force until 31 December 2011		misdemeanour and felony of violation of the financial interests of the European Communities as in force until 31 December 2011	
		misdemeanour and felony of embezzlement	section 372	misdemeanour and felony of embezzlement	section 317
		misdemeanour and felony of fraud	section 373	misdemeanour and felony of fraud	section 318
		misdemeanour and felony of economic fraud	section 374		
		felony of information system fraud	section 375	criminal conduct for breaching computer systems and computer data abuse of non- cash payment instruments	section 300/C (3) to (4) section 313/C (1) to (6)
		misdemeanour and felony of misappropriation	section 376	misdemeanour and felony of misappropriati on	section 319
				felony of credit fraud	section 297/A
				misdemeanour of illegal	section 298/A

				conduct by executive employees of economic operators	
9	racketeering and extortion	felony of coercion	section 195	felony of coercion	section 174
		felony of extortion	section 367	felony of extortion	section 323
		felony of self-administered justice	section 368 (1) to (2)	felony of self-administered justice	section 273 (1) to (2)
10	(counterfeiting and product piracy)	felony of counterfeiting of medical products	section 186		
		(misdemeanour and felony of violation of copyright or related rights)	[section 385 (1) to (4)]	(misdemeanour and felony of violation of copyright or related rights)	(section 329/A)
		(misdemeanour and felony of circumventing technical measures protecting intellectual property)	[section 386 (1) to (3)]	(misdemeanour and felony of compromising or defrauding the integrity of technological measures for the protection of copyright and certain rights related to copyright)	[section 329/B (1) to (3)]
		(misdemeanour of falsifying rights management information)	(section 387)	(misdemeanour of falsifying rights management information)	(section 329/C)
		(misdemeanour and felony of violation of industrial property rights)	(section 388)	(misdemeanour and felony of violation of industrial property rights)	(section 329/D)
		(felony of imitation of competitors)	[section 419 (2)]	(felony of false marking of goods)	(section 296)

11	forgery of administrative documents and trafficking therein	misdemeanour and felony of public deed forgery	section 342	misdemeanour and felony of public deed forgery	section 274
		felony of public deed forgery committed by a public officer	section 343	felony of public deed forgery committed by a public officer	section 275
		misdemeanour of abuse of a deed	section 346 (1)	misdemeanour of abuse of a deed	section 277 (1)
		felony of abuse of unique identification mark	section 347	felony of counterfeiting of individual identification marks	section 277/A
		misdemeanour and felony of facilitating excise fraud (produces, places on the market)	section 398	certain forms of misdemeanour and felony of facilitating excise fraud (produces, places on the market)	section 311/B
12	forgery of money and means of payment	felony of money counterfeiting	section 389 (1) to (3)	felony of money counterfeiting misdemeanour and felony of disbursement of counterfeit money	section 304 (1) to (3) section 306
		misdemeanour and felony of facilitating money counterfeiting	section 390	misdemeanour of facilitating money counterfeiting	section 304/A
		felony of stamp counterfeiting	section 391 (1) to (3), (5)	felony of stamp counterfeiting	section 307 (1) to (3), section 308

		misdemeanour of counterfeiting non-cash payment instruments	section 392	misdemeanour of counterfeiting non-cash payment instruments	section 313/B
		misdemeanour of facilitating the counterfeiting of non-cash payment instruments	section 394	misdemeanour of facilitating the counterfeiting of non-cash payment instruments	section 313/D to 313/E
13	computer crime	felony of information system fraud	section 375	criminal conduct for breaching computer systems and computer data abuse of non-cash payment instruments	section 300/C (3) to (4) section 313/C (1) to (6)
		felony of illegal data acquisition	section 422 (1) d), (3) to (4)	illicit possession of private information	section 178/A
		misdemeanour and felony of violation of information systems or related data breach	section 423	misdemeanour and felony of criminal conduct for breaching computer systems and computer data	section 300/C
		misdemeanour of circumvention of technical security measures protecting information systems	section 424 (1)	misdemeanour of circumvention of technical security measures protecting computer systems	section 300/E (1) and (2)
14	corruption	felony of active bribery	section 290 except for paragraph (5)	felony of bribery	section 254 except for paragraph (1)
		felony of passive bribery	section 291 except for paragraph (5)	felony of bribery	section 252, section 255/A (1)

		felony of active bribery regarding a public officer	section 293 (1) to (5)	felony of bribery bribery in international relations	section 253, section 255/A (2), section 258/B
		felony of passive bribery regarding a public officer	section 294 (1) to (4)	felony of bribery bribery in international relations	section 250, section 255/A (1) section 258/D
		felony of active bribery in court or in authority proceedings	section 295 (1) to (2)	felony of bribery	section 255, section 255/A (2)
		felony of passive bribery in court or in authority proceedings	section 296 (1) to (2)	felony of bribery	section 255, section 255/A (1)
		misdemeanour and felony of active trading in influence	section 298	felony of active trading in influence	section 256/A (1)
		misdemeanour and felony of passive trading in influence and felony of failure to report a corruption criminal offence	sections 299 to 300	felony of passive trading in influence	section 256
15	illicit trafficking in arms, ammunition and explosives	felony of abuse of explosives or detonating equipment	section 324	felony of abuse of explosives or detonating equipment	section 263
		misdemeanour and felony of abuse of firearms or ammunition	section 325	felony of abuse of firearms or ammunition	section 263/A
		misdemeanour and felony of abuse of a	section 326	misdemeanour and felony of abuse of a	section 264/C (1) to (4) and (7)

		weapon prohibited by an international treaty		weapon prohibited by an international treaty	
		felony of violation of an international economic restriction (guns, ammunition, explosives, detonating equipment, appliances serving for using such items or other goods for military use)	section 327 (3) a)	felony of violation of an international economic restriction (guns, ammunition, explosives, detonating equipment, appliances serving for using such items or other goods for military use)	section 261/A (3) a)
		felony of abuse of military products or services	section 329	felony of abuse of military products or services or dual-use products	section 263/B (1) to (4)
16	illicit trafficking in endangered animal species	felony of damaging natural values	section 242 (1) to (2)	felony of damaging natural values	section 281 (1) to (3)
17	illicit trafficking in endangered plant species and varieties	felony of damaging natural values	section 242 (1) to (2)	felony of damaging natural values	section 281 (1) to (3)
18	environmental crime, including ship- source pollution	misdemeanour and felony of damaging the environment	section 241 (1) to (2)	misdemeanour and felony of damaging the environment	section 280 (1) to (3)
		misdemeanour and felony of damaging	sections 242 to 243	felony of damaging natural values	section 281 (1) to (3)

		natural values			
		misdemeanour and felony of animal cruelty	section 244	misdemeanour and felony of animal cruelty	section 266/B
		felony of game poaching	section 245	animal cruelty	section 266/B (2)
		felony of fish poaching	section 246	animal cruelty	section 266/B (2)
		misdemeanour and felony of organising illegal animal fights	section 247	misdemeanour and felony of organising illegal animal fights	section 266/A
		misdemeanour and felony of violation of waste management regulations	section 248	misdemeanour and felony of violation of waste management regulations	section 281/A (1) to (3)
		felony of abuse of ozone-depleting substances	section 249 (1)		
19	(illicit trafficking in hormonal substances and other growth promoters)	(felony of abuse of performance-enhancing substance)	[section 185 (1) to (3)]		
		felony of counterfeiting of medicinal products	section 185/A		
20	terrorism	felony of terrorist act	section 314 section 315 except for paragraph (3) section 316	felony of terrorist act	section 261 (except for paragraphs (3), (6) and (9))
		felony of failure to report a terrorist act	section 317	terrorist act	section 261 (8)
		felony of terrorism financing	section 318	terrorist act	section 261
		felony of	section 320	felony of	section 262 (1) to (3)

		unlawful seizure of a vehicle		seizure of aircraft, any means of railway, water or road transport or any means of freight transport	
21	trafficking in human beings, immigrant smuggling	felony of trafficking in human beings and forced labour	section 192 (1) to (6) and (8)	felony of trafficking in human beings	section 175/B (1) to (5)
		felony of people smuggling	section 353 (1) to (3)	felony of people smuggling	section 218 (1) to (3)
		misdemeanour of facilitating illegal residence	section 354	misdemeanour of facilitating illegal residence in Hungary	section 214/A
				misdemeanour of violation of restriction of entry and stay	section 214
22	drug trafficking	felony of drug trafficking	section 176 (1) to (4), (5) b section 177 (1) to (4)	felony of misuse of narcotic drugs (offers, hands over, places on the market, trades in) felony of misuse of narcotic drugs committed using a minor (imports to, exports from or transports through the territory of the country, offers, hands over, places on the market, trades	section 282/A section 282/B (1) to (4), (6), (7) b)

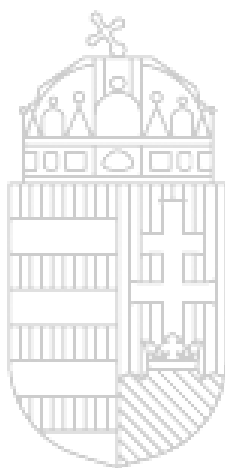
				in)	
		certain forms of the felony of drug possession (imports to, exports from or transports through the territory of the country)	section 178 (1) to (3), section 179 (2) to (4), (5) b)	certain forms of misuse of narcotic drugs: felony of misuse of narcotic drugs committed regularly for generating income or for a significant quantity of drugs (imports to, exports from or transports through the territory of the country)	section 282 (2), (5) b)
		felony of facilitating drug production	section 182 (1) to (3)	felony of misuse of narcotic drugs committed for a substance required for producing drugs felony of misuse of narcotic drugs committed by providing material means	section 282 (3) b) section 282 (4)
		abuse of drug precursors	section 183 (1) a)	felony of criminal misuse of substances used for the production of narcotic drugs (places on the market, trades in, imports to, exports from or transports through the territory of the	section 283/A (1)

				country, hands over)	
		felony of abuse of new psychoactive substances	section 184 except for paragraph (4) a) and paragraph (5), section 184/A except for paragraph (5), section 184/B except for paragraphs (4) to (5), section 184/C except for paragraph (4) and paragraph (5) a)	felony of abuse of new psychoactive substances	section 283/B
23	crime connected with nuclear and radioactive substances	misdemeanour and felony of abuse of radioactive materials	section 250	misdemeanour and felony of abuse of radioactive materials	section 264
		felony of unlawful operation of a nuclear facility	section 251	felony of unlawful operation of a nuclear facility	section 264/A
		felony of abuse related to the application of atomic energy	section 252	felony of abuse related to the application of atomic energy	section 264/B
24	money-laundering activities	misdemeanour and felony of money laundering	section 399, section 400 except for paragraph (3)	misdemeanour and felony of money laundering	sections 303 to 303/A
		misdemeanour of failure to comply with the notification obligation regarding money laundering	section 401	misdemeanour of failure to comply with the notification obligation regarding money laundering	section 303/B
25	motor vehicle crime	if committed for a vehicle or vehicles			
		a) misdemeanour	section 370	a) misdemeanour	section 316

		and felony of theft		and felony of theft	
		b) misdemeanour and felony of embezzlement	section 372	b) misdemeanour and felony of embezzlement	section 317
		c) misdemeanour and felony of fraud	section 373	c) misdemeanour and felony of fraud	section 318
		d) misdemeanour and felony of handling stolen goods as in force until 31 December 2020	section 379	d) misdemeanour and felony of handling stolen goods	section 326
		e) felony of arbitrary taking of a vehicle	section 380	e) felony of arbitrary taking of a vehicle	section 327
				f) misdemeanour of concealment of assets	section 330
26	organised crime	felony of participation in a criminal organisation	section 321	felony of participation in a criminal organisation	section 263/C (1)
		criminal offences committed in a criminal organisation	section 459 (1) 1.	criminal offences committed in a criminal organisation	section 137 8
27	sexual abuse and sexual exploitation, including child abuse material and solicitation of children for sexual purposes	felony of sexual coercion	section 196		
		felony of sexual violence	section 197	felony of rape, felony of sexual assault	section 197 section 198
		felony of sexual abuse	section 198	felony of sexual abuse of children	sections 201 to 202/A
		felony of procuring	section 200	felony of procuring	section 207
		felony of	section 201	felony of	section 205

		facilitating prostitution		promotion of prostitution	
		felony of exploitation of child prostitution	section 203		
		felony of child pornography	sections 204 to 204/A	felony of crimes with illegal pornographic material	section 204
28	genocide, crimes against humanity and war crimes	criminal offences listed in Chapters XIII and XIV of the Criminal Code	except for sections 152 and 158	criminal offences listed in Chapter XI of the Criminal Code	except for sections 154 and 165
29	crime against the financial interests of the Union	felony of budget fraud	section 396	felony of budget fraud	section 310
		felony of failure to comply with the supervisory or control obligation related to budget fraud, including felony of violation of the financial interests of the European Communities in force until 31 December 2011	section 397	felony of failure to comply with the supervisory or control obligation related to budget fraud, including felony of violation of the financial interests of the European Communities in force until 31 December 2011	section 310/A
30	insider dealing and financial market manipulation	felony of insider trading	section 410	felony of insider trading	section 299/A
		misdemeanour of unauthorised disclosure of inside information	section 410/A		
		felony of illegal market	section 411	felony of capital investment	section 299/B

		manipulation		fraud	
		felony of organising a pyramid scheme	section 412	felony of organising a pyramid scheme	section 299/C



MINISTRY OF JUSTICE HUNGARY

Annex 16 to Act CLXXX of 2012

European protection order

Issuing State:
Executing State:
(a) Information regarding the protected person:
Surname:
Forename(s):
Maiden or previous name, where applicable:
Sex:
Nationality:
Identity number or social security number (if any):
Date of birth:
Place of birth:
Addresses/residences:
– in the issuing State:
– in the executing State:
– elsewhere:
Language(s) understood (if known):
Has the protected person been granted free legal aid in the issuing State (if information is available without further enquiry):
<input type="checkbox"/> Yes.
<input type="checkbox"/> No.
<input type="checkbox"/> Unknown.
Where the protected person is a minor or is legally incapacitated, information regarding the person's guardian or representative:
Surname:
Forename(s):
Maiden name or previous name, where applicable:
Sex:
Nationality:
Office/Address:
(b) The protected person has decided to reside or already resides in the executing State, or has decided to stay or already stays in the executing State.
Date from which the protected person intends to reside or stay in the executing State (if known):
Period(s) of stay (if known):
(c) Have any technical devices been provided to the protected person or the person causing

danger to enforce the protection measure:
<input type="checkbox"/> Yes; Please give a short summary of the devices used:
<input type="checkbox"/> No.
(d) Competent authority which issued the European protection order:
Official name:
Full address:
Tel. No (country code) (area/city code) (number):
Fax No (country code) (area/city code) (number):
Details of the person(s) to be contacted
Surname:
Forename(s):
Position (title/grade):
Tel. No (country code) (area/city code) (number):
Fax No (country code) (area/city code) (number):
E-mail (if any):
Languages that may be used for communication: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
(e) Identification of the protection measure on the basis of which the European protection order has been issued:
The protection measure was adopted on (date: DD-MM-YYYY):
The protection measure became enforceable on (date: DD-MM-YYYY):
File reference of the protection measure (if available):
Authority that adopted the protection measure:
(f) Summary of the facts and description of the circumstances – including, where applicable, the classification of the offence – which have led to the imposition of the protection measure mentioned under (e) above:
(g) Indications regarding the prohibition(s) or restriction(s) that have been imposed by the protection measure on the person causing danger:
– Nature of the prohibition(s) or restriction(s): (more than one box may be ticked):
<input type="checkbox"/> a prohibition from entering certain localities, places or defined areas where the protected person resides or visits;
– if you ticked this box, please indicate precisely which localities, places or defined areas the person causing danger is prohibited from entering:
<input type="checkbox"/> a prohibition or regulation of contact, in any form, with the protected person, including by phone, electronic or ordinary mail, fax or any other means;
– if you ticked this box, please provide any relevant details:
<input type="checkbox"/> a prohibition or regulation on approaching the protected person closer than a prescribed distance:

– if you ticked this box, please indicate precisely the distance which the person causing danger has to observe in respect of the protected person:
– Please indicate the length of time during which the abovementioned prohibition(s) or restriction(s) are imposed on the person causing danger:
– Indication of the penalty (if any) in the event of the breach of the prohibition or restriction:
(h) Information regarding the person causing danger on whom the prohibition(s) or restriction(s) mentioned under (g) have been imposed:
Surname:
Forename(s):
Maiden or previous name, where applicable:
Aliases, where applicable:
Sex:
Nationality:
Identity number or social security number (if any):
Date of birth:
Place of birth:
Addresses/residences:
– in the issuing State:
– in the executing State:
– elsewhere:
Language(s) understood (if known):
If available, please provide the following information:
– Type and number of the identity document(s) of the person (ID card, passport):
Has the person causing danger been granted free legal aid in the issuing State (if information is available without further enquiry)?
<input type="checkbox"/> Yes.
<input type="checkbox"/> No.
<input type="checkbox"/> Unknown.
(i) Other circumstances that could have an influence on the assessment of the danger that could affect the protected person (optional information):
(j) Other useful information (such as, where available and necessary, information on other States where protection measures have been previously adopted with respect to the same protected person):
(k) Please complete:
<input type="checkbox"/> a judgment within the meaning of Article 2 of Framework Decision 2008/947/JHA, has already been transmitted to another Member State
– If you ticked this box, please provide the contact details of the competent authority to whom

the judgment has been forwarded:

☐ a decision on supervision measures within the meaning of Article 4 of Framework Decision 2009/829/JHA has already been transmitted to another Member State

– If you ticked this box, please provide the contact details of the competent authority to whom the decision on supervision measures have been forwarded:

Signature of the authority issuing the European protection order and/or of its representative to confirm the accuracy of the content of the order:

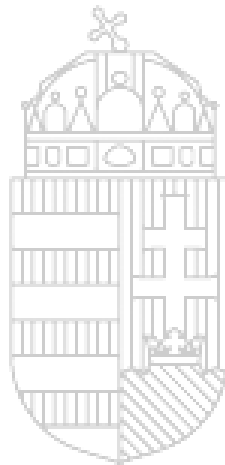
Name:

Position (title/grade):

Date:

File reference (if any):

(Where appropriate) Official stamp:



MINISTRY OF JUSTICE
HUNGARY

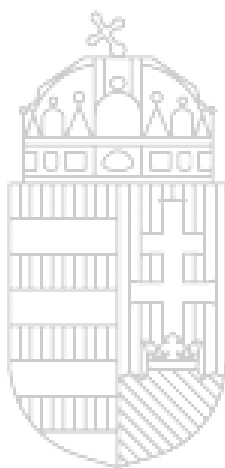
Annex 17 to Act CLXXX of 2012

Notification of a breach of the measure taken on the basis of the European protection order

(a) Details of the identity of the person causing danger:
Surname:
Forename(s):
Maiden or previous name, where applicable:
Aliases, where applicable:
Sex:
Nationality:
Identity number or social security number (if any):
Date of birth:
Place of birth:
Address:
Language(s) understood (if known):
(b) Details of the identity of the protected person:
Surname:
Forename(s):
Maiden or previous name, where applicable:
Sex:
Nationality:
Date of birth:
Place of birth:
Address:
Language(s) understood (if known):
(c) Details of the European protection order:
Order issued on:
File reference (if any):
Authority which issued the order:
Official name:
Address:
(d) Details of the authority responsible for the execution of the protection measure, if any, which was taken in the executing State in line with the European protection order:
Official name of the authority:
Name of the person to be contacted:
Position (title/grade):
Address:

Tel. No (country code) (area code) (number):
Fax No (country code) (area code) (number):
E-mail:
Languages that may be used for communication:
(e) Breach of the prohibition(s) or restriction(s) imposed by the competent authorities of the executing State following recognition of the European protection order and/or other findings which could result in taking any subsequent decision:
The breach concerns the following prohibition(s) or restriction(s) (more than one box may be ticked):
<input type="checkbox"/> a prohibition from entering certain localities, places or defined areas where the protected person resides or visits;
<input type="checkbox"/> a prohibition or regulation of contact, in any form, with the protected person, including by phone, electronic or ordinary mail, fax or any other means;
<input type="checkbox"/> a prohibition or regulation on approaching the protected person closer than a prescribed distance:
<input type="checkbox"/> any other measure, corresponding to the protection measure at the basis of the European protection order, taken by the competent authorities of the executing State following recognition of the European protection order
Description of the breach(es) (place, date and specific circumstances):
In accordance with Article 11 (2):
– measures taken in the executing State as of consequence of the breach:
– possible legal consequence of the breach in the executing State:
Other findings which could result in taking any subsequent decision
Description of the findings:
(f) Details of the person to be contacted if additional information is to be obtained concerning the breach:
Surname:
Forename(s):
Address:
Tel. No (country code) (area/city code) (number):
Fax No (country code) (area/city code) (number):
E-mail:
Languages that may be used for communication:
Signature of the authority issuing the form and/or its representative, to confirm that the contents of the form are correct:
Name:
Position (title/grade):
Date:

Official stamp (where applicable):



MINISTRY OF JUSTICE
HUNGARY

Annex 18 to Act CLXXX of 2012

EUROPEAN INVESTIGATION ORDER (EIO)

This EIO has been issued by a competent authority. The issuing authority certifies that the issuing of this EIO is necessary and proportionate for the purpose of the proceedings specified within it taking into account the rights of the suspected or accused person and that the investigative measures requested could have been ordered under the same conditions in a similar domestic case. I request that the investigative measure or measures specified below be carried out taking due account of the confidentiality of the investigation and that the evidence obtained as a result of the execution of the EIO be transferred

SECTION A

Issuing State:

Executing State:

SECTION B: Urgency

Please indicate if there is any urgency due to

☐ Evidence being concealed or destroyed

☐ Imminent trial date

☐ Any other reason

Please specify below:

Time limits for execution of the EIO are laid down in Directive 2014/41/EU. However, if a shorter or specific time limit is necessary, please provide the date and explain the reason for this:

.....
.....
.....

SECTION C: Investigative measure(s) to be carried out

1. Describe the assistance/investigative measure(s) required AND indicate, if applicable, if it is one of the following investigative measures:

.....
.....
.....
.....
.....
.....
.....
.....
.....

☐ Obtaining information or evidence which is already in the possession of the executing authority

☐ Obtaining information contained in databases held by police or judicial authorities

☐ Hearing

☐ witness

☐ expert

☐ suspected or accused person

☐ victim

☐ third party

☐ Identification of persons holding a subscription of a specified phone number or IP address

☐ Temporary transfer of a person held in custody to the issuing State

☐ Temporary transfer of a person held in custody to the executing State

- ☐ Hearing by videoconference or other audiovisual transmission
 - ☐ witness
 - ☐ expert
 - ☐ suspected or accused person
- ☐ Hearing by telephone conference
 - ☐ witness
 - ☐ expert
- ☐ Information on bank and other financial accounts
- ☐ Information on banking and other financial operations
- ☐ Investigative measure implying the gathering of evidence in real time, continuously and over a certain period of time
 - ☐ monitoring of banking or other financial operations
 - ☐ controlled deliveries
 - ☐ other
- ☐ Covert investigation
- ☐ Interception of telecommunications
- ☐ Provisional measure(s) to prevent the destruction, transformation, moving, transfer or disposal of an item that may be used as evidence

SECTION D: Relation to an earlier EIO

Indicate whether this EIO supplements an earlier EIO. If applicable, provide information relevant to identify the previous EIO (the date of issue of the EIO, the authority to which it was transmitted and, if available, the date of transmission of the EIO, and reference numbers given by the issuing and executing authorities):

.....
.....

If relevant please indicate if an EIO has already been addressed to another Member State in the same case:

.....

SECTION E: Identity of the person concerned

1. State all information, as far as known, regarding the identity of the (i) natural or (ii) legal person(s) concerned by the investigative measure (if more than one person is concerned, please provide the information for each person):

(i) In the case of natural person(s)

Name:

First name(s):

Other relevant name(s), if applicable:

Aliases, if applicable:

Sex:

Nationality:

Identity number or social security number:

Type and number of the identity document(s) (ID card, passport), if available:

Date of birth:

Place of birth:

Residence and/or known address; if address not known, state the last known address:

Language(s) which the person understands:

(ii) In the case of legal person(s)

Name:

Form of legal person:

Shortened name, commonly used name or trading name, if applicable:

.....

Registered seat:

Registration number:

Address of the legal person:

Name of the legal person's representative:

Please describe the position the concerned person currently holds in the proceedings:

☐ suspected or accused person

☐ victim

☐ witness

☐ expert

☐ third party

☐ other (please specify)

2. If different from the address above, please give the location where investigative measure is to be carried out:

.....

.....

3. Provide any other information that will assist with the execution of the EIO:

.....

.....

SECTION F: Type of proceedings for which the EIO is issued:

☐ (a) with respect to criminal proceedings brought by, or that may be brought before, a judicial authority in respect of a criminal offence under the national law of the issuing State; or

☐ (b) proceedings brought by administrative authorities in respect of acts which are punishable under the national law of the issuing State by virtue of being infringements of the rules of law, and where the decision may give rise to proceedings before a court having jurisdiction in particular in criminal matters; or

☐ (c) proceedings brought by judicial authorities in respect of acts which are punishable under the national law of the issuing State by virtue of being infringements of the rules of law, and where the decision may give rise to proceedings before a court having jurisdiction in particular in criminal matters;

☐ (d) in connection with proceedings referred to in points (a), (b), and (c) which relate to offences or infringements for which a legal person may be held liable or punished in the issuing State.

SECTION G: Grounds for issuing the EIO

1. Summary of the facts

Set out the reasons why the EIO is issued, including a summary of the underlying facts, a description of offences charged or under investigation, the stage the investigation has reached, the reasons for any risk factors and any other relevant information.

.....

.....

.....

2. Nature and legal classification of the offence(s) for which the EIO is issued and the applicable statutory provision/code:

.....

.....

.....

3. Is the offence for which the EIO is issued punishable in the issuing State by a custodial sentence or detention order of a maximum of at least three years as defined by the law of the issuing State and included in the list of offences set out below? (please tick the relevant box)

- ☐ participation in a criminal organisation
- ☐ terrorism
- ☐ trafficking in human beings
- ☐ sexual exploitation of children and child pornography
- ☐ illicit trafficking in narcotic drugs and psychotropic substances
- ☐ illicit trafficking in weapons, munitions and explosives
- ☐ corruption
- ☐ fraud, including that affecting the financial interests of the European Union within the meaning of the Convention of 26 July 1995 on the protection of the European Communities' financial interests
- ☐ laundering of the proceeds of crime
- ☐ counterfeiting currency, including of the euro
- ☐ computer-related crime
- ☐ environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties
- ☐ facilitation of unauthorised entry and residence
- ☐ murder, grievous bodily injury
- ☐ illicit trade in human organs and tissue
- ☐ kidnapping, illegal restraint and hostage-taking
- ☐ racism and xenophobia
- ☐ organised or armed robbery
- ☐ illicit trafficking in cultural goods, including antiques and works of art
- ☐ swindling
- ☐ racketeering and extortion
- ☐ counterfeiting and piracy of products
- ☐ forgery of administrative documents and trafficking therein
- ☐ forgery of means of payment
- ☐ illicit trafficking in hormonal substances and other growth promoters
- ☐ illicit trafficking in nuclear or radioactive materials
- ☐ trafficking in stolen vehicles
- ☐ rape
- ☐ arson
- ☐ crimes within the jurisdiction of the International Criminal Court
- ☐ unlawful seizure of aircraft/ships
- ☐ sabotage

SECTION H: Additional requirements for certain measures

Fill out the sections relevant to the investigative measure(s) requested:

SECTION H1: Transfer of a person held in custody

(1) If a temporary transfer to the issuing State of a person held in custody for the purpose of the investigation is requested, please indicate whether the person consented to this measure:

☐ Yes ☐ No ☐ I request that the person's consent is sought

(2) If a temporary transfer to the executing State of a person held in custody for the purpose of investigation is requested, please indicate whether the person consented to this measure:

☐ Yes ☐ No

SECTION H2: Video or telephone conference or other audiovisual transmission

If hearing by videoconference or telephone conference or other audiovisual transmission is requested:

Please indicate the name of the authority that will conduct the hearing (contact details/language):

.....

Please indicate reasons for requesting this measure:

.....

☐ (a) hearing by videoconference or other audiovisual transmission:

☐ the suspected or accused person has given his/her consent

☐ (b) hearing by telephone conference

SECTION H3: Provisional measures

If a provisional measure to prevent the destruction, transformation, moving, transfer or disposal of an item that may be used as evidence, is requested, please indicate whether:

☐ the item is to be transferred to the issuing State

☐ the item is to remain in the executing State; please indicate an estimated date:

for lifting of provisional measure:

for the submission of a subsequent request concerning the item:

SECTION H4: Information on bank and other financial accounts

(1) If information on bank accounts or other financial accounts that the person holds or controls is requested, please indicate, for each of them, the reasons why you consider the measure relevant for the purpose of the criminal proceedings and on what grounds you presume that banks in the executing State hold the account:

☐ information on bank accounts that the person holds or in respect of which he or she has the power of attorney

☐ information on other financial accounts that the person holds or in respect of which he or she has the power of attorney

.....

.....

.....

.....

(2) If information on banking operations or other financial operations is requested, please indicate, for each of them, the reasons why you consider the measure relevant for the purpose of the criminal proceedings:

- ☐ information on banking operations
☐ information on other financial operations

.....
.....
.....
.....

Indicate the relevant period of time and the related accounts:

.....
.....

SECTION H5: Investigative measures implying the gathering of evidence in real time, continuously and over a certain period of time

If such investigative measure is requested please indicate the reasons why you consider the requested information relevant for the purpose of the criminal proceedings:

.....
.....

SECTION H6: Covert investigations

If covert investigation is requested please indicate the reasons why you consider the investigative measure likely to be relevant for the purpose of the criminal proceedings:

.....
.....

SECTION H7: Interception of telecommunications

(1) If interception of telecommunications is requested please indicate the reasons why you consider the investigative measure relevant for the purpose of the criminal proceedings:

.....
.....

(2) Please provide following information:

(a) information for the purpose of identifying the subject of the interception:

.....
.....

(b) the desired duration of the interception:

.....
.....

(c) technical data (in particular the target identifier — such as mobile telephone, landline telephone, email address, internet connection), to ensure that the EIO can be executed:

.....
.....

(3) Please indicate your preference concerning the method of execution:

- ☐ immediate transmission
☐ recording and subsequent transmission

Please indicate if you also require transcription, decoding or decrypting of the intercepted material (*):

.....
.....

(*) Please be aware that the costs of any transcription, decoding or decrypting must be met by the issuing State.

SECTION I: Formalities and procedures requested for the execution

1. Tick and complete, if applicable

☐ It is requested that the executing authority comply with the following formalities and procedures (...):

.....
.....

2. Tick and complete, if applicable

☐ It is requested that one or several officials of the issuing State assist in the execution of the EIO in support of the competent authorities of the executing State.

Contact details of the officials:

.....
.....

Languages that may be used for communication:

.....

SECTION J: Legal remedies

1. Please indicate if a legal remedy has already been sought against the issuing of an EIO, and if so please provide further details (description of the legal remedy, including necessary steps to take and deadlines):

.....
.....

2. Authority in the issuing State which can supply further information on procedures for seeking legal remedies in the issuing State and on whether legal assistance and interpretation and translation is available:

Name:

Contact person (if applicable):

Address:

Tel. No: (country code) (area/city code)

Fax No: (country code) (area/city code)

E-mail:

SECTION K: Details of the authority which issued the EIO

Tick the type of authority which issued the EIO:

☐ judicial authority

☐ (*) any other competent authority as defined by the law of the issuing State

(*) Please also complete section (L)

Name of authority:

.....

Name of representative/contact point:

.....

File No:

Address:

Tel. No: (country code) (area/city code)

Fax No: (country code) (area/city code)

E-mail:

Languages in which it is possible to communicate with the issuing authority:

.....

If different from above, the contact details of the person(s) to contact for additional information or to make practical arrangements for the transfer of evidence:

Name/Title/Organisation:

Address:

E-mail/Contact Phone No:

Signature of the issuing authority and/or its representative certifying the content of the EIO as accurate and correct:

Name:

Post held (title/grade):

Date:

Official stamp (if available):

SECTION L Details of the judicial authority which validated the EIO

Please indicate the type of judicial authority which has validated this EIO:

- ☐ (a) judge or court
☐ (b) investigating judge
☐ (c) public prosecutor

Official name of the validating authority:

Name of its representative:

Post held (title/grade):

File no:

Address:

Tel. No: (country code) (area/city code)

Fax No: (country code) (area/city code)

E-mail:

Languages in which it is possible to communicate with the validating authority:

Please indicate if the main contact point for the executing authority should be the:

- ☐ issuing authority
☐ validating authority

Signature and details of the validating authority

Name:

Post held (title/grade):

Date:

Official stamp (if available):

Annex 19 to Act CLXXX of 2012

CONFIRMATION OF THE RECEIPT OF AN EIO

This form has to be completed by the authority of the executing State which received the EIO referred to below.

<p>(A) THE EIO CONCERNED</p> <p>Authority which issued the EIO:</p> <p>.....</p> <p>File reference:.....</p> <p>Date of issuing:</p> <p>Date of receipt:</p>
<p>(B) THE AUTHORITY WHICH RECEIVED THE EIO (¹)</p> <p>Official name of the competent authority:</p> <p>.....</p> <p>Name of its representative:</p> <p>.....</p> <p>Post held (title/grade):</p> <p>.....</p> <p>Address:</p> <p>.....</p> <p>.....</p> <p>Tel. No: (country code) (area/city code)</p> <p>Fax No: (country code) (area/city code)</p> <p>E-mail:.....</p> <p>File reference:.....</p> <p>Languages in which it is possible to communicate with the authority:</p> <p>.....</p>
<p>(C) (WHERE APPLICABLE) THE COMPETENT AUTHORITY TO WHOM THE EIO IS TRANSMITTED BY THE AUTHORITY UNDER (B)</p> <p>Official name of the authority:</p> <p>.....</p> <p>Name of its representative:</p> <p>.....</p> <p>Post held (title/grade):</p> <p>.....</p> <p>Address:</p> <p>.....</p> <p>.....</p> <p>Tel. No: (country code) (area/city code)</p> <p>Fax No: (country code) (area/city code)</p> <p>E-mail:.....</p> <p>Date of transmission:</p> <p>File reference:.....</p> <p>Language(s) that may be used for communication:</p> <p>.....</p>

(¹) This section is to be completed by each authority which received the EIO. This obligation falls upon the authority competent to recognise and execute the EIO and, where applicable, upon the central authority or the authority which transmitted the EIO to the competent authority.

(D) ANY OTHER INFORMATION WHICH MAY BE RELEVANT FOR THE ISSUING AUTHORITY:

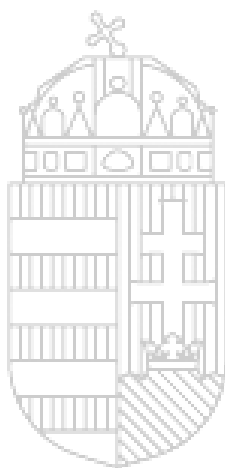
.....
.....
.....

(E) SIGNATURE AND DATE

Signature:

Date:

Official stamp (if available):



MINISTRY OF JUSTICE
HUNGARY

Annex 20 to Act CLXXX of 2012

NOTIFICATION

This form is used in order to notify a Member State about the interception of telecommunication that will be, is or has been carried out on its territory without its technical assistance. I hereby inform ... (notified Member State) of the interception.

(A) ⁽¹⁾ THE COMPETENT AUTHORITY

Official name of the competent authority of intercepting Member State:

.....

Name of its representative:

.....

Post held (title/grade):

.....

Address:

.....

.....

Tel. No: (country code) (area/city code)

Fax No: (country code) (area/city code)

E-mail:

File reference:

Date of issuing:

Languages in which it is possible to communicate with the authority:

.....

(B) INFORMATION CONCERNING THE INTERCEPTION

(I) Information about state of play: This notification takes place (please tick)

☐ prior to the interception

☐ during the interception

☐ after the interception

(II) The (anticipated) duration of the interception (as known to the issuing authority):

....., starting from

(III) Target of the interception: (telephone number, IP number or e-mail)

.....

(IV) Identity of the persons concerned

State all information, as far as they are known, regarding the identity of the (i) natural or (ii) legal person(s) against whom the proceedings are/may be/is taking place:

(i) In the case of natural person(s)

Name:

First name(s):

Other relevant name(s), if applicable:

Aliases, if applicable:

Sex:

Nationality:

Identity number or social security number:

⁽¹⁾ The authority which is referred to here is the one which should be contacted in further correspondence with the issuing State.

Date of birth:

Place of birth:

Residence and/or known address; if address not known, state the last known address:

.....

Language(s) which the person understands:

.....

(ii) In the case of legal person(s)

Name:

Form of legal person:

Shortened name, commonly used name or trading name, if applicable:

.....

Registered seat:

Registration number:

Address of the legal person:

Name and contact details of the representative of the legal person:

(V) Information regarding the purpose of this interception:

State all information necessary, including a description of the case, legal classification of the offence(s) and the applicable statutory provision/code, in order to enable the notified authority to assess the following:

- ☐ whether the interception would be authorised in a similar domestic case; and whether the material obtained can be used in legal proceedings
- ☐ where the interception has already occurred, whether that material can be used in legal proceedings

.....
.....
.....
.....
.....

Please note that any objection to the interception or the use of already intercepted material must be made no later than 96 hours after the reception of this notification.

(C) SIGNATURE AND DATE

Signature:

Date:

Official stamp (if available):

APPENDIX
to the English translation
of
Act CLXXX of 2012
on cooperation in criminal matters with Member States of the European Union

In line with the legislative technique applied in *Act CLXXX of 2012 on cooperation in criminal matters with Member States of the European Union*, under which the text of the Annexes to this Act, excluding Annexes 1, 12 and 15, corresponds to the Hungarian language version of the respective annexes to the relevant EU legislative acts, the English translation of the Annexes concerned corresponds to the English language version of the same respective annexes. The terminology of the EU instruments in question is not fully homogeneous; therefore, in the English translation of the main body and the Annexes of the Act, certain Hungarian terms have different equivalents. To clarify terminological discrepancies, the following table shows the differences:

Term in Hungarian	Term in English as used in the main body	Term in English as used in the Annexes
cselekvőképtelen	having no capacity to act	incapacitated (<i>Annex 16</i>)
elévülés	statute of limitations	time limitation (<i>Annex 2</i>)
elfogni	to apprehend	to arrest (<i>Annex 2</i>)
feltételes szabadságra bocsátás	release on parole	conditional release (<i>Annexes 8, 10 and 11</i>)
kártérítés	damages	compensation (<i>Annex 13</i>)
kiterjesztett vagyonekobzás	extended forfeiture of assets	extended powers of confiscation (<i>Annex 14</i>)
letartóztatás	pre-trial detention	arrest (<i>Annex 8</i>)
		custody (<i>Annex 14</i>)
próbaidő alatti magatartási szabály	rule of behaviour for probation period	probation measure (<i>Annexes 10 and 11</i>)
próbára bocsátás	release on probation	conditional sentence (<i>Annexes 10 and 11</i>)
sértett	aggrieved party	victim (<i>Annex 13</i>)
szabadságelvonás	deprivation of liberty	custody (<i>Annex 13</i>)
szabadságelvonással járó intézkedés	measure involving deprivation of liberty	detention order (<i>Annexes 2, 5 and 8</i>)
szabadságvesztés büntetés	sentence of imprisonment	custodial sentence (<i>Annexes 2, 5, 7 and 8</i>)
vagyonekobzást elrendelő határozat	decision ordering forfeiture of assets	confiscation order (<i>Annex 14</i>)
végrehajtás felfüggesztése	suspension of enforcement	non-execution (<i>Annex 2</i>)