

Act CIV of 2020

Laying down certain rules relating to epidemiological measures and amending certain Acts relating to epidemiological measures

The National Assembly, bearing in mind the priority protection of human life and health, with a view to taking epidemiological measures effectively and informing the persons concerned promptly thereof, and, through these measures, for taking more effective action against the epidemic and facilitating compliance with the law, adopts the following Act:

1. Scope of the Act

Section 1 This Act lays down certain provisions relating to ordering and implementing epidemiological measures under Title 6 of Chapter III of Act CLIV of 1997 on healthcare (hereinafter “Eütv.”) during the period of state of epidemiological preparedness introduced pursuant to section 228 (1) of the Eütv. (hereinafter “state of epidemiological preparedness”). The provisions of Eütv. shall apply subject to the derogations set out in this Act.

2. Quarantine obligation prescribed by law

Section 2 (1) If during the period of state of epidemiological preparedness a government decree sets out an official home quarantine obligation for those entering Hungary from certain countries, no specific administrative authority proceeding shall be conducted relating to ordering official home quarantine, provided that information was provided in accordance with paragraphs (2) and (3).

(2) In a situation under paragraph (1), the police organ performing border control shall inform the person subject to quarantine that following his entry into the territory of Hungary, he is obliged to stay for the period set out in a government decree in the home or a fenced area of it or any other place not qualifying as a healthcare institution (hereinafter jointly “quarantine flat”) specified by him.

(3) The quarantine subject shall inform the police organ performing border control of the exact address of the quarantine flat where he will reside during the official home quarantine period.

(4) If a quarantine subject fails to perform his information obligation under paragraph (3), further measures shall be determined in a proceeding conducted in accordance with subtitle 3.

Section 3 (1) The quarantine subject shall travel directly to the quarantine flat after entering Hungary; he shall only be allowed to interrupt his travel to the quarantine flat for health, technical or, if traveling by a means of public transportation, timetable-related reasons.

(2) The quarantine subject shall move into the quarantine flat immediately after arriving there and place the sign provided to him by the police organ performing border control on the front door of the quarantine flat in a manner that it is clearly visible to all.

(3) If the conditions for installing the software for monitoring compliance with official home quarantine within the meaning of section 74/B of the Eütv. (hereinafter “quarantine software”) are met and the quarantine subject possess the adequate device, then the quarantine subject shall be obliged to install the quarantine software to his telecommunications device upon arriving to the quarantine flat and to use it during the official home quarantine period. The quarantine subject may remove the quarantine software from his telecommunications device on the day following the date of expiry of the official home quarantine period at the earliest.

Section 4 (1) For monitoring compliance with the quarantine obligation with a view to preventing the spread of the epidemic and protecting the health of the people, the police organ performing border control shall record, upon the entry to Hungary of the quarantine subject, the

exact time of border crossing and, with the exception set out in paragraph (2), the following data of the quarantine subject:

- a)* name and name at birth,
- b)* place and date of birth,
- c)* mother's name,
- d)* domicile,
- e)* place of residence,
- f)* address of the quarantine flat as provided by the quarantine subject,
- g)* phone number,
- h)* electronic mail address,
- i)* nationality, and
- j)* the identification number of the document used for border crossing.

(2) In the manner specified on the official website of the organ established to carry out general policing tasks (hereinafter "police"), the quarantine subject may provide the data specified in paragraph (1) also 24 hours before entering Hungary at the latest and report also the address of the quarantine flat.

(3) If the quarantine subject provides the data under paragraph (1) and reports the address of the quarantine flat in accordance with paragraph (2), the police organ performing border control shall compare, upon the entry to Hungary of the quarantine subject, the previously provided data with the data in the document used for border crossing.

(4) The police organ performing border control shall transfer the data under paragraph (1) of the quarantine subject and the exact time and place of his entry to Hungary to the police department of the location of the quarantine flat within 8 hours following the entry to Hungary.

(5) If no proceeding was commenced due to violating the quarantine obligation, the police department of the location of the quarantine flat shall process the data under paragraph (1) of the quarantine subject

- a)* until the day following the date of expiry of the official home quarantine period,
- b)* until the day of the notification referred to in section 5 (3) or
- c)* until the time referred to in section 6 (6).

(6) The police department of the location of the quarantine flat shall delete the data under paragraph (1) of the quarantine subject at the time specified in paragraph (5) *a)* to *c)*.

Section 5 (1) Before the day following the date of expiry of the official home quarantine period, the quarantine subject may leave the quarantine flat only

a) after the police department of the location of the quarantine flat acknowledges the information provided under section 6 (1),

- b)* in accordance with instructions by a doctor,
- c)* due to being ill if accompanied by a person providing emergency healthcare treatment,
- d)* in a situation endangering life or threatening serious damage or
- e)* in a situation specified in a government decree.

(2) If the quarantine subject experiences during the official home quarantine period a symptom of the infectious disease serving as grounds for the introduction of the state of epidemiological preparedness, he shall be obliged to notify by phone his general practitioner or, in the absence of such, the general practitioner of the location of the quarantine flat.

(3) If the general practitioner or, in the absence of such, the general practitioner of the location of the quarantine flat suspects that the quarantine subject caught the infectious disease serving as grounds for the introduction of the state of epidemiological preparedness, he shall, after initiating epidemiological measures, notify the police department of the location of the quarantine flat accordingly.

Section 6 (1) If a government decree permits the quarantine subject to leave the quarantine flat before the expiry of the official home quarantine period for participating in a health screening enabling release from official home quarantine and the quarantine subject has an appointment at a healthcare institution for a health screening, the quarantine subject shall inform of the date and time of the health screening the police department of the location of the quarantine flat not later than 24 hours before the health screening by filling in and sending, in Hungarian or English,

a) the electronic form through the “cégkapu” (Company Gate) or “ügyfélkapu” (Client Gate) in the course of administering matters electronically,

b) the intelligent form available on the official website of the police if using the Company Gate or Client Gate is not possible.

(2) The police department of the location of the quarantine flat shall acknowledge the receipt of the information provided under paragraph (1) by sending an electronic confirmation certifying receipt.

(3) When leaving the quarantine flat for health screening, the quarantine subject shall only be allowed interrupt his travel to the location of the health screening or, following the health screening, to the quarantine flat for health, technical or, if traveling by a means of public transportation, timetable-related reasons.

(4) If, based on the health screening results, the quarantine subject is released from official home quarantine in accordance with a government decree, the quarantine subject shall submit to the police department of the location of the quarantine flat the results of the health screening by filling in and sending, in Hungarian or English,

a) the electronic form through the Company Gate or Client Gate in the course of administering matters electronically,

b) the intelligent form available on the official website of the police if using the Company Gate or Client Gate is not possible.

(5) In a situation under paragraph (4), the police department of the location of the quarantine flat shall acknowledge the receipt of health screening results by sending an electronic confirmation certifying receipt.

(6) The police department of the location of the quarantine flat shall delete the health screening results within 24 hours following the sending of the electronic confirmation certifying the receipt of the health screening results.

Section 7 (1) The police shall monitor the implementation of official home quarantine under this subtitle.

(2) The quarantine subject shall be obliged to facilitate monitoring by the police and, if an on-the-spot check cannot be carried out otherwise, to allow a police officer to enter his quarantine flat.

Section 8 (1) The police department of the location of the quarantine flat shall impose on the person committing the violation a fine ranging from HUF 5000 to HUF 150 000 for violating the rules

a) on transport, travel and sign placement as set out in section 3 (1) and (2),

b) on using the quarantine software as set out in section 3 (3),

c) on leaving a quarantine flat as set out in section 5 (1),

d) on transport and travel as set out in section 6 (3), and

e) facilitating monitoring and on entering a quarantine flat as set out in section 7 (2).

(2) In the course of multiple consecutive checks performed on the same day, the fine under paragraph (1) may be imposed multiple times repeatedly. The maximum amount of fines imposed for violations committed on the same day shall not exceed HUF 600 000.

(3) The fine imposed shall be paid to the bank account published on the official website of the police.

(4) The fine shall be paid pursuant to paragraph (3) within 15 days of the decision imposing the fine reaching administrative finality.

(5) No appeal shall lie against a decision imposing a fine.

3. Quarantine obligation prescribed by an authority

Section 9 Section 3 (3), section 5 (1), section 6 (1) to (3), section 7, section 8 (1) *b*) to *d*), section 8 (2) to (5) shall apply also to official home quarantines ordered by the healthcare state administration organ.

Section 10 Act CL of 2016 on the Code of General Administrative Procedure (hereinafter “Ákr.”) shall apply to making decisions ordering, modifying or terminating

a) official home quarantine under section 67/A (1) of the Eütv., provided that it does not fall under subtitle 2,

b) epidemiological isolation under section 64 (3) of the Eütv.,

c) epidemiological observation, and

d) epidemiological quarantine

(for the purposes of this subtitle hereinafter jointly “quarantine”) subject to the derogations laid down in this subtitle.

Section 11 (1) A decision establishing quarantine obligation shall include the following:

a) data relating to the proceeding authority and the parties or necessary for the identification of the case, with the exception of confidentially processed or protected data,

b) provisions on quarantine obligation, the location and, if it can be determined, the duration of the quarantine,

c) reference to the direct enforceability of the quarantine obligation or to the non-application of direct enforceability,

d) grounds underlying the quarantine obligation,

e) legal provisions upon which the decision is based, and

f) information about section 14 (3) and (4).

(2) A decision concerning modifying or terminating a quarantine obligation shall not include the elements specified in paragraph 1 *c*) and *d*).

(3) All members of the personnel of the proceeding authority performing tasks related to quarantine shall be authorised to issue the decision.

Section 12 (1) A decision concerning quarantine shall be immediately enforceable.

(2) By way of derogation from paragraph (1), the proceeding authority, having regard to the circumstances of the case and to the epidemiological risk being minor, may decide to not apply the immediate enforceability of the decision.

Section 13 (1) A decision concerning quarantine shall be communicated in person or in an electronic form not qualifying as written.

(2) The decision may be communicated in writing only if

a) communication in accordance with paragraph (1) is expected to be ineffective, or

b) the proceeding authority finds that, based on the circumstances of the case, the success of written communication is more probable.

(3) A decision communicated in accordance with paragraph (1) may be put in writing subsequently with the contents set out in section 81 (1) of the Ákr. and communicated in accordance with the Ákr. only in the situation under section 14 (3).

Section 14 (1) No appeal shall lie in cases relating to quarantine.

(2) Administrative court actions relating to quarantine shall fall within the exclusive jurisdiction of the Budapest-Capital Regional Court.

(3) If a party finds a decision to be unlawful, he may request, within 15 days of its communication, it to be put in writing with the contents set out in section 81 (1) of the Ákr. and communicated in accordance with the provisions of the Ákr.

(4) A statement of claim may be submitted only against a decision put in writing and within 15 days of its communication.

4. Final provisions

Section 15 (1) A violation of the rules

a) on transport, travel and sign placement as set out in section 3 (1) and (2),

b) on using the quarantine software as set out in section 3 (3),

c) on leaving a quarantine flat as set out in section 5 (1),

d) on transport and travel as set out in section 6 (3), and

e) facilitating monitoring and on entering a quarantine flat as set out in section 7 (2)

shall not constitute a criminal offence.

(2) In addition to paragraph (1), a violation of the rules on leaving a quarantine flat, the rules facilitating monitoring and the rules on entering a quarantine flat set out pursuant to section 9 shall not constitute a criminal offence.

Section 16 (1) With the exceptions specified in paragraphs (2) to (4), this Act shall enter into force on the day following its promulgation.

(2) Section 25 (1) to (5) and (7) to (8), section 26 (1) and section 27 shall enter into force on the 3rd day following the promulgation of this Act.

(3) Section 8, section 15, section 23 and section 25 (6) shall enter into force on the 16th day following the promulgation of this Act.

(4) Section 26 (2) shall enter into force on 1 January 2021.

Section 17

Section 18

Section 19

Section 20

Section 21

Section 22

Section 23

Section 24

Section 25 (1)

(2)

(3)

(4)

(5)

(6)

(7)

(8)

Section 26 (1)

(2)

Section 27