

Government Decree 74/2020 (31 March)
on certain procedural measures applicable during the period of state of danger

The Government,
acting within its original legislative power laid down in Article 53 (2) of the Fundamental Law, having regard to the provisions of Act XII of 2020 on the containment of coronavirus,
acting, with respect to section 96, within its original legislative power laid down in Article 53 (3) of the Fundamental Law, on the basis of authorisation by the National Assembly under section 3 (1) of Act XII of 2020 on the containment of coronavirus,
acting within its function laid down in Article 15 (1) of the Fundamental Law,
decrees as follows:

1. Derogation from the provisions on the submission of a service complaint or an application for excuse

Section 1 The time limit set out by an Act for the submission of a service complaint regarding service of documents, or of an application for excuse regarding an omission, that takes place during the period of state of danger declared by Government Decree 40/2020 (11 March) on the declaration of state of danger (hereinafter “state of danger”) shall not include the period of state of danger.

2. Derogation from the provisions on the validity of security clearances and expert opinions

Section 2 The validity period of a personal security clearance, a facility security clearance or a security expert opinion expiring during the period of state of danger shall be extended until the 90th day following the end of the period of state of danger.

3. Derogation from the provisions on making a declaration of assets

Section 3 With the exception of a declaration of assets by a person obliged to make a public declaration of assets, the time limit for the performance of an obligation to make a declaration of assets expiring during the period of state of danger shall be extended until the 90th day following the end of the period of state of danger.

4. Derogation from the provisions of Act LIII of 1994 on judicial enforcement

Section 4 During the period of state of danger, the provisions of Act LIII of 1994 on judicial enforcement (hereinafter “Vht.”) shall apply subject to the derogations laid down in this Decree.

Section 5 (1) During the period of state of danger no enforcement shall be ordered on the basis of Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 (hereinafter “Brussels IIa”) or of an application for return of a child wrongfully removed to Hungary.

(2) A time limit for ordering an enforcement under paragraph (1) shall recommence on the day following the end of the period of state of danger.

(3) During the period of state of danger, no procedural acts or measures shall be taken in enforcement cases ordered before the entry into force of this Decree on the basis of Brussels IIa or of an application for return of a child wrongfully removed to Hungary.

(4) A procedural act or measure under paragraph (3) may be taken after the end of the period of state of danger, with the proviso that the relevant time limit shall recommence on the day following the end of the period of state of danger.

5. Derogation from the provisions of Act LXVIII of 1997 on the service relationship of judicial employees

Section 6 During the period of state of danger, the provisions of Act LXVIII of 1997 on the service relationship of judicial employees (hereinafter “Iasz.”) shall apply subject to the derogations laid down in this Decree.

Section 7 (1) A time limit for a procedural act related to launching a tender for the position of a judicial employee expiring during the period of state of danger shall recommence on the first day following the end of the period of state of danger.

(2) If a tender procedure for the position of a judicial employee pending may not be conducted during the period of state of danger, the next procedural act shall be performed following the end of the period of state of danger. The starting date of the time limit set for the performance of the procedural act shall be the day following the end of the period of state of danger.

(3) With the exception set out in paragraph (4), a time limit for launching a procedure under the Iasz. that may not be launched due to the state of danger shall recommence on the day following the end of the period of state of danger.

(4) The time limit for ordering a disciplinary proceeding that may not be ordered due to the state of danger shall be suspended. The time limit for ordering an other proceeding for the launching of which the time limit is set in years that may not be launched due to the state of danger shall be suspended.

(5) The performance evaluation to be performed until 30th June each year shall be performed within 60 day following the end of the period of state of danger.

(6) The next procedural act in a pending proceeding under the Iasz. that may not be performed due to the state of danger shall be performed following the end of the period of state of danger. The starting day of the time limit set for the performance of the procedural act shall be the day following the end of the period of state of danger.

(7) If justified by the epidemiological situation, the president of the court exercising employer's rights may order any judicial employee to work at home, provided that doing so is enabled by the nature of his tasks.

6. Derogation from the provisions of Act L of 2009 on the order for payment procedure

Section 8 During the period of state of danger, the provisions of Act L of 2009 on the order for payment procedure (hereinafter “Fmhtv.”) shall apply subject to the derogations laid down in this Decree.

Section 9 (1) Submissions to a notary shall not be made orally until the day following the end of the period of state of danger.

(2) Until the end of the period of state of danger, orders for payment shall not be served by a bailiff, with the proviso that the time limit for service shall recommence on the day following the end of the period of state of danger.

7. Derogation from the provisions of Act CLXI of 2011 on the organisation and administration of the courts

Section 10 During the period of state of danger, the provisions of Act CLXI of 2011 on the organisation and administration of the courts (hereinafter “Bszi.”) shall apply subject to the derogations laid down in this Decree.

Section 11 (1) A fixed-term appointment of a judicial executive expiring during the period of state of danger shall be extended until the end of the period of state of danger. After the end of the period of state of danger the tender for the position of the judicial executive shall be launched without delay. Until a decision is made on the tender for the position of the judicial executive, the person with the right of appointment may fill the position of the judicial executive by way of a mandate.

(2) In a pending tender for the position of a judicial executive that may not be conducted during the period of state of danger, the next procedural act shall be performed after the end of the period of state of danger. The starting day of the time limit set for the performance of the procedural act shall be the day following the end of the period of state of danger.

(3) The fixed term of the fixed-term mandate of a member of a judicial body expiring during the period of state of danger shall be extended until a new member is elected to the body in an election held following the end of the period of state of danger without delay.

(4) The time limit for launching an investigation by an executive that may not be launched due to the state of danger shall be suspended.

(5) The next procedural act in an investigation by an executive pending that may not be performed due to the state of danger shall be performed following the end of the period of state of danger. The starting day of the time limit set for the performance of the procedural act shall be the day following the end of the period of state of danger.

Section 12 (1) By way of derogation from the restrictions on holding events, all-judges conferences and plenary sessions of the Curia may be held.

8. Derogation from the provisions of Act CLXII of 2011 on the legal status and remuneration of judges

Section 13 During the period of state of danger, the provisions of Act CLXII of 2011 on the legal status and remuneration of judges (hereinafter “Bjt.”) shall apply subject to the derogations laid down in this Decree.

Section 14 (1) A time limit for the performance of a procedural act relating to launching a tender for the position of a judge expiring during the period of state of danger shall recommence on the first day following the end of the period of state of danger.

(2) In a pending tender for the position of a judge that may not be conducted during the period of state of danger, the next procedural act shall be performed after the end of the period of state of danger. The starting day of the time limit set for the performance of the procedural act shall be the day following the end of the period of state of danger.

(3) With the exception set out in paragraph (4), a time limit for launching a procedure under the Bjt. that may not be launched due to the state of danger shall recommence on the day following the end of the period of state of danger.

(4) The time limit for initiating a disciplinary proceeding that may not be initiated due to the state of danger shall be suspended. The time limit for ordering an other proceeding for the launching of which the time limit is set in years that may not be launched due to the state of danger shall be suspended.

(5) The next procedural act in a pending proceeding under the Bjt. that may not be performed due to the state of danger shall be performed following the end of the period of state of danger. The starting day of the time limit set for the performance of the procedural act shall be the day following the end of the period of state of danger.

(6) Except for a case where the judge does not request in his statement his appointment to the position of a judge for indefinite term or the extension of his fixed-term appointment, the fixed term of a fixed-term appointment to the position of a judge expiring during the period of state of danger shall be extended until the measures and proceedings required for extending the term of the fixed-term appointment, or for indefinite appointment, are taken or completed after the end of the period of state of danger.

Section 15 If justified by the epidemiological situation, the president of the court exercising employer's rights may order any judge to work at the premises of the court only during a sitting in a court proceeding.

9. Derogation from the provisions of Act CLXIV of 2011 on the legal status of the Prosecutor General, prosecutors and other prosecution employees and the prosecution career

Section 16 During the period of state of danger, the provisions of Act CLXIV of 2011 on the legal status of the Prosecutor General, prosecutors and other prosecution employees and the prosecution career (hereinafter "Üjt.") shall apply subject to the derogations laid down in this Decree.

Section 17 (1) A time limit for a procedural act related to launching a tender for the position of a prosecution employee expiring during the period of state of danger shall recommence on the first day following the end of the period of state of danger.

(2) With the exceptions set out in paragraphs (3) and (4), a time limit for launching a procedure under the Üjt. that may not be launched due to the state of danger shall recommence on the day following the end of the period of state of danger. The next procedural act in a proceeding pending that may not be performed due to the state of danger shall be performed following the end of the period of state of danger. The starting day of the time limit set for the performance of the procedural act shall be the day following the end of the period of state of danger.

(3) The time limit for initiating a disciplinary proceeding that may not be initiated due to the state of danger shall be suspended. The time limit for a disciplinary proceeding pending shall be suspended for the period of state of danger.

(4) The time limit for ordering an other proceeding for the launching of which the time limit is set in years that may not be launched due to the state of danger shall be suspended for the period of state of danger.

(5) The fixed term of a fixed-term appointment to the position of a prosecution employee expiring during the period of state of danger shall be extended until the measures and proceedings required for indefinite appointment, or for a new fixed-term appointment, are taken or completed after the end of the period of state of danger.

(6) A fixed-term secondment under section 27 (1) of the Üjt. expiring during the period of state of danger shall be extended until the 60th day following the end of the period of state of danger.

(7) A qualification, performance evaluation or document examination to be performed during the period of state of danger shall be performed, or commenced, within 60 days following the end of the period of state of danger.

(8) The fixed term of the fixed-term mandate of a member of a prosecution body expiring during the period of state of danger shall be extended until a new member is elected to the body in an election held following the end of the period of state of danger without delay. All-prosecutors conferences shall not be held during the period of state of danger.

10. Derogation from the provisions on company registration and the court registration of non-governmental organisations

Section 18 With a view to complying with the prohibitions and restrictions prescribed during the period of state of danger, Act V of 2006 on public company information, company registration and winding-up and Act CLXXXI of 2011 on the court registration of non-governmental organisations and related procedural rules shall apply subject to the following derogations.

Section 19 (1) The court of registration shall take only documentary evidence.

(2) The Company Information and Electronic Company Registration Service shall provide any company information or other service exclusively by electronic means.

11. Derogation from the provisions on contentious civil proceedings and non-contentious civil court proceedings

Section 20 During the period of state of danger, the provisions of Act III of 1952 on the Code of Civil Procedure (hereinafter “Pp. of 1952”) and Act CXXX of 2016 on the Code of Civil Procedure (hereinafter “Pp.”) shall apply subject to the derogations laid down in this Decree.

Section 21 (1) Unless otherwise provided in this Decree, the state of danger shall have no effect on the passing of time limits.

(2) If the court acquired the statements determining the boundaries of the legal dispute that are necessary for closing the preparatory stage without a hearing in the period between the entry into force of this Decree and the entry into force of Government Decree 229/2020 (25 May) amending Government Decree 74/2020 (31 March) on certain procedural measures applicable during the period of state of danger and Government Decree 90/2020 (5 April) amending certain rules on sentence enforcement in connection with the declaration of state of danger (hereinafter “Amending Decree”), it shall close the preparatory stage without holding a preparatory hearing. Before closing the preparatory stage, the court shall notify the parties of this fact in writing and allow them to make further statements in writing. The court shall inform the parties of the closing of the preparatory stage in writing.

(3) If the court commenced the preparatory stage in the period between the entry into force of this Decree and the entry into force of the Amending Decree, but the parties did not make all the statements determining the boundaries of the legal dispute until the entry into force of the Amending Decree, the court shall continue with the preparatory stage with scheduling a preparatory hearing or with proceeding under section 197 (1) *b*) and *c*) of the Pp.

(4) If the court orders a provisional measure before bringing an action upon a request to that effect, the time limit set by the court for bringing the action shall commence on the day following the end of the period of state of danger.

Section 22 (1) With the exception specified in paragraph (3), during the period of state of danger, procedural acts that need to be performed at a location subjected to an epidemiological measure shall not be performed.

(2) A procedural act specified in paragraph (1) shall be performed after the epidemiological measure is lifted, with the proviso that the time limit for the performance of the procedural act shall recommence on the day following the lifting of the epidemiological measure.

(3) Procedural acts related to measures restricting personal freedom that can be performed in no other way shall be performed even at a location subjected to an epidemiological measure during the period of state of danger.

Section 23 (1) A hearing may be held also by way of an electronic communications network or other means suitable for electronic image and sound transmission if doing so is necessitated by epidemiological measures.

(2) The court may exclude the public from a hearing also if doing so enables compliance with epidemiological measures in the courtroom.

Section 24 During the period of state of danger, a party acting without a legal representative may submit a statement of claim, a document containing the statement of claim, a statement of counter-claim, a set-off document or a written statement of defence in writing without using the template form specified by law.

Section 25 If a statement of claim submitted by a party acting without a legal representative does not contain the mandatory content elements or does not meet the form-related requirements, the court shall specify all deficiencies of the statement of claim in its order to remedy deficiencies, and provide the party with detailed and complete information regarding the remedy of deficiencies having regard to the lack of legal knowledge of the party as appropriate. The statement of claim may be rejected only if the order remains unsuccessful.

Section 26

Section 27 If a document is to be served by public notice in a proceeding during the period of state of danger, the proceeding shall be interrupted until the ground for service by public notice ceases to exist or until the end of the period of state of danger.

Section 28 (1) If the court notified the parties of closing the hearing in writing in the period between the entry into force of this Decree and the entry into force of the Amending Decree and, upon a call by the court to that effect, the parties made their statements, or did not make any statements within the time limit set, the court shall adopt a judgment outside the hearing.

(2) If, in the period between the entry into force of this Decree and the entry into force of the Amending Decree, the court did not schedule a main hearing in a court action falling within the scope of the Pp., or a hearing in a court action falling within the scope of the Pp. of 1952, including the case where the court found that conducting a procedural act requiring participation in person was not possible outside the hearing in accordance with the provisions in force in the period between the entry into force of this Decree and the entry into force of the Amending Decree, and therefore, the proceeding came to a halt, and if the proceeding under paragraph (1) may not be conducted, the court shall continue the proceeding with scheduling a hearing.

(3) If the court scheduled a main hearing in a court action falling within the scope of the Pp., or a hearing in a court action falling within the scope of the Pp. of 1952, in accordance with the provisions in force between the entry into force of this Decree and the entry into force of the Amending Decree, the court shall, with the exception of the case under section 23 (1), determine the location of the hearing applying section 226 (3) of the Pp., or section 125 (5) of the Pp. of 1952, respectively, and shall notify those summoned to the hearing of this fact.

(4) If the court obtained the statements of the parties regarding the matter of settlement in accordance with the provisions in force in the period between the entry into force of this Decree and the entry into force of the Amending Decree, it may approve the settlement reached in the action, by means of an order, outside the hearing. An order approving a settlement shall be communicated to the parties by means of service. An appeal filed against an approving order adopted this way shall have suspensory effect on the enforcement of the settlement.

Section 29 (1) A court proceeding in an appeal or review procedure shall continue to proceed outside the hearing if it notified the parties of adjudicating the case outside the hearing in the period between the entry into force of this Decree and the entry into force of the Amending Decree.

(2) At a joint request by the parties filed after the parties are notified by the court of adjudicating the case outside the hearing in accordance with the provisions in force in the period between the entry into force of this Decree and the entry into force of the Amending Decree, the court shall schedule a hearing.

Section 30 Unless this Decree establishes different rules pertaining to the procedure concerned, the derogations laid down in this Decree relating to the Pp. of 1952 and the Pp. for the state of danger shall apply to non-contentious proceedings falling within the material jurisdiction of courts with derogations arising from the non-contentious nature of such proceedings.

12. Derogation from the provisions on non-contentious notarial proceedings

Section 31 (1) During the period of state of danger the legislation relating to non-contentious notarial proceedings, including non-contentious notarial proceedings under the Vht. and Act XLI of 1991 on notaries (hereinafter “Kjtv.”), shall apply subject to the derogations laid down in this subtitle. The provisions of subtitle 11 of this Decree shall not apply to non-contentious notarial proceedings.

(2) Unless otherwise provided in this Decree, the state of danger shall have no effect on the passing of time limits.

(3) With the exception of proceedings under the Kjtv., during the period of state of danger,

- a) applications shall not be submitted orally,
- b) the right to inspect documents shall not be exercised by way of attendance in person,
- c) if a personal interview is to be conducted, statements shall be obtained in writing.

(4) With the exception of proceedings under the Kjtv., registration into the security interest register (its modification, deletion) and making a statement of identity related to such registration, the notary may postpone a procedural act requiring attendance in person to be performed by a date falling within the period of state of danger and shall notify the persons concerned of this fact; if such a procedural act that was not postponed is missed, the legal consequences of omissions shall not apply.

(5) With the exception of a decision passed in the course of an on-site proceeding or at official premises other than the seat of the notary, on a decision passed by the notary by electronic means, the seat of the notary shall be recorded as place of the decision.

(6) With the exception of a notarial deed containing a testamentary disposition, during the period of state of danger, the notary may read out loud a notarial deed and perform his notification obligation by means of telecommunication suitable for maintaining continuous audio and video connection. The notary shall record in the deed the commencement and finishing time and the method of such reading. A request to draw up a notarial deed submitted as a paper-based document or orally may also be submitted after the notarial deed is read out loud or at the time of its signing. The provisions under this paragraph shall not prejudice any other obligations of the notary related to the preparation of notarial deeds.

(7) Reading out loud, or explaining, a deed required by law in the course of the attestation of the authenticity of a signature or initials, or the attestation of taking an oath or a vow outside a court action to be used in a proceeding abroad may be carried out also by means of telecommunication suitable for maintaining continuous sound and video connection.

(8) During the period of state of danger, a hearing shall not be scheduled in a probate proceeding. The notary shall postpone scheduling a hearing to a date following the end of the period of state of danger.

(9) With the exception of the cases specified in section 43/C (5) of Act XXXVIII on probate procedure, in the absence of a testamentary disposition, the probate may be granted also without a hearing.

(10) During the period of state of danger, the probate may be granted without a hearing also if

a) the notary sends the draft of the order on the grant of probate to every person to be summoned to the hearing under the Hetv., and

b) they make a statement within 15 days of receipt that they explicitly accept the draft of the order on the grant of probate.

(11) The statement specified in paragraph 10 *b)* shall be made in writing or by an other means suitable for evoking the unchanged content of the statement, identifying of the person making the statement and verifying the date of making the statement.

(12) During the period of state of danger, the president of the regional chamber of notaries may exempt a notary from his obligation to provide assistance at a request by the notary. A notary exempted shall not perform the activities of a notary during the period of exemption, and the office hours of the notary office shall be suspended. Time limits in cases affected by the exemption shall not include the period of exemption. The national chamber shall provide information about exempted notaries on its website.

(13) For the period of state of danger, the president of the national chamber shall issue instructions that are binding upon notaries and regional chambers regarding

a) the detailed rules on procedural acts that may be performed by means of telecommunication suitable for maintaining continuous audio and video connection under this paragraph,

b) the detailed rules on granting exemption,

c) the detailed rules on the opening, and office, hours of notary offices.

(14) Regarding disciplinary liability, an instruction under this Decree by the president of the Hungarian Chamber of Civil Law Notaries (hereinafter “MOKK”) shall be treated as guidelines by the MOKK.

(15) If the operation of a notary office can be supervised by the notary by means of electronic communication and none of the situations specified in section 34 (1) *b) ba)* or *bc)* occurs, only at the request of the notary absent for more than 5 working days shall a deputy be appointed in his place.

(16) Even during the period of state of danger, the MOKK shall be obliged to ensure

a) that public wills may be made,

b) that wills may be deposited,

c) the operation of the security interest register,

d) the operation of the MOKK system under section 1 (2) of the Fmhtv.

13. Derogation from the provisions of Act XLI of 1991 on notaries

Section 32 During the period of state of danger, the provisions of the Kjtv. shall apply subject to the derogations laid down in this Decree.

Section 33 (1) The president of the regional chamber of notaries may designate, from among notaries appointed to the territory of the regional chamber of notaries, notaries who shall have competence over the entire territory of the regional chamber of notaries, or over specific parts of it, during the period of state of danger. The notaries concerned and the president of the MOKK shall be notified of such designation as a matter of priority. The national chamber shall publish on its website the name, territory of competence, availability and office hours of notaries designated in accordance with this paragraph.

(2) If an obstacle prevents the notary designated by the president of the regional chamber of notaries from conducting a proceeding, he shall notify of this fact the president of the regional chamber of notaries of his seat in writing without delay. The president of the regional chamber of notaries shall designate, from among the notaries having seat within the territory of the regional chamber of notaries, a notary not subject to any epidemiological measure to conduct the proceeding in the place of the notary who is prevented from doing so. The president of the regional chamber of notaries shall notify the president of the MOKK of the notary prevented from proceeding and the newly designated notary as a matter of priority, in order for this change to be published on the website.

14. Derogation from the provisions on administrative court procedures

Section 34 During the period of state of danger, the provisions of the Pp. of 1952, of Act XVII of 2005 amending Act III of 1952 on the Code of Civil Procedure and on rules applicable to certain non-contentious administrative procedures and of Act I of 2017 on the Code of Administrative Court Procedure (hereinafter “Kp.”) shall apply subject to the derogations laid down in this Decree.

Section 35 Unless otherwise provided in this Decree, the state of danger shall have no effect on the passing of time limits.

Section 36 In proceedings falling within the scope of the Pp. of 1952, enforcement shall not be suspended, while in proceedings falling within the scope of the Kp., interim relief shall not be granted if an administrative act is connected to the elimination of the consequences of the human epidemic endangering life and property and causing massive disease outbreaks or to the protection of the health and lives of Hungarian citizens.

Section 37 (1)

(2) If a statement of claim submitted by a party acting without a legal representative does not contain the mandatory content elements or does not meet the form-related requirements, the court shall specify all deficiencies of the statement of claim in its order to remedy deficiencies, and provide the party with detailed and complete information regarding the remedy of deficiencies having regard to the lack of legal knowledge of the party as appropriate. The statement of claim may be rejected only if the order remains unsuccessful.

Section 38 If a document is to be served by public notice in a proceeding during the period of state of danger, the proceeding shall be interrupted until the ground for service by public notice ceases to exist or until the end of the period of state of danger.

Section 39 (1) A hearing may be held also by way of an electronic communications network or other means suitable for electronic image and sound transmission if doing so is necessitated by epidemiological measures.

(2) The court may exclude the public from a hearing also if doing so enables compliance with epidemiological measures in the courtroom.

Section 40 (1) With the exception specified in paragraph (3), during the period of state of danger, procedural acts that need to be performed at a location subjected to an epidemiological measure shall not be performed.

(2) A procedural act specified in paragraph (1) shall be performed after the epidemiological measure is lifted, with the proviso that the time limit for the performance of the procedural act shall recommence on the day following the lifting of the epidemiological measure.

(3) Procedural acts related to measures restricting personal freedom that can be performed in no other way shall be performed even at a location subjected to an epidemiological measure during the period of state of danger.

Section 41 (1) At a request based on a provision of law by a party or interested person to that effect, a proceeding initiated by a statement of claim filed after the entry into force of the Amending Decree shall be conducted in a hearing.

(2) If the court notified the parties of adjudicating the case outside the hearing in the period between the entry into force of this Decree and the entry into force of the Amending Decree, it shall continue to proceed outside the hearing. At a request by a party or other interested person to hold a hearing filed within 15 days after the day following the end of the period of state of danger, the proceeding shall be continued in a hearing.

(3) If a plaintiff requested the hearing to be postponed to a date following the end of the period of state of danger instead of the case to be adjudicated outside the hearing in accordance with the provisions in force in the period between the entry into force of this Decree and the entry into force of the Amending Decree, the court shall arrange for scheduling the hearing within fifteen days after the day following the end of the period of state of danger.

(4) If a proceeding came to a halt due to a procedural act requiring participation in person in accordance with the provisions in force in the period between the entry into force of this Decree and the entry into force of the Amending Decree, the court shall arrange for scheduling the hearing or performing the procedural act within fifteen days after the day following the entry into force of the Amending Decree.

(5) If the court notified the parties of closing the hearing in writing in the period between the entry into force of this Decree and the entry into force of the Amending Decree and, upon a call by the court to that effect, the parties made their statements, or did not make any statements within the time limit set, the court shall adopt a judgement outside the hearing.

(6) If the court obtained the statements of the parties regarding the matter of settlement in accordance with the provisions in force in the period between the entry into force of this Decree and the entry into force of the Amending Decree, it may approve the settlement reached in the action, by means of an order, outside the hearing. An order approving a settlement shall be communicated to the parties by means of service. An appeal filed against an approving order adopted this way shall have suspensory effect on the enforcement of the settlement.

15. Derogation from the provisions of Act LXXVIII of 2017 on the professional activities of attorneys-at-law

Section 42 During the period of state of danger, the provisions of Act LXXVIII of 2017 on the professional activities of attorneys-at-law shall apply subject to the derogations laid down in this Decree.

Section 43 During the period of state of danger those obliged to take an attorney-at-law's oath may commence their activities as attorneys-at-law after signing the oath document electronically, with the proviso that they shall be required to take the oath within 30 days following the end of the period of state of danger, of which a signed oath document shall be drawn up.

16. Derogation from the provisions of Act XC of 2017 on the Code of Criminal Procedure

Section 44 (1) During the period of state of danger, the provisions of Act XC of 2017 on the Code of Criminal Procedure (hereinafter “Be.”) shall apply subject to the derogations laid down in this Decree.

(2) Unless otherwise provided in this Decree, the state of danger shall have no effect on the passing of time limits, the procedural tasks of a court, the prosecution service, an investigating authority or any other organ proceeding in a criminal procedure and the procedural obligations of persons participating in a criminal procedure; procedural acts, including trials, public sessions, sessions and panel sessions, shall be carried out in compliance with the rules set out in the Be. and in this Decree.

Section 45 In the course of a criminal proceeding, including specific proceedings, the court of first instance shall proceed as a sole judge. In the place of a court panel proceeding at first instance, the chair of the panel shall proceed as a sole judge.

Section 46 (1) For consultation with a detained defendant, an officially appointed defence counsel shall be entitled to an amount equal to seventy per cent of the hourly fee of officially appointed defence counsels for each hour or partial hour of the consultation even if it was conducted using a means of telecommunication. In the case of consultation with multiple detainees, the officially appointed defence counsel shall be entitled to such a fee after every detainee involved.

(2) In the case under section 47 (1) of the Be., the substitute defence counsel may proceed in consecutive procedural acts until the officially appointed defence counsel appears or contacts the proceeding prosecution service or investigating authority.

(3) If a substitute defence counsel is appointed, the evidentiary proceeding may be concluded; the substitute defence counsel may deliver a closing speech.

Section 47 (1) A court, prosecution service, or investigating authority shall appoint a guardian *ad litem* if

a) the defendant, the person under reasonable suspicion of having committed the criminal offence, the aggrieved party, the party with a pecuniary interest, or the other interested party does not have full capacity to act under civil law, and he does not have a statutory representative or the statutory representative cannot be identified,

b) the defendant, the person under reasonable suspicion of having committed the criminal offence, the aggrieved party, the party with a pecuniary interest, or the other interested party does not have a statutory representative not affected by a ground for disqualification,

c) the statutory representative is prevented from exercising his rights, or

d) the whereabouts of an aggrieved party, party with a pecuniary interest, or other interested party are unknown at the time of performing a procedural act that concerns him, and he does not have a statutory representative or an authorised representative.

(2) A court, prosecution service, or investigating authority shall appoint an attorney-at-law as guardian *ad litem*. To the scope of appointment, in the cases specified in paragraph (1) *a)* to *c)*, the provisions of section 48 (1) of the Be. and, in a situation specified in paragraph (1) *d)*, the provisions of section 49 (5) of the Be. shall apply.

(3) No legal remedy shall lie against the official appointment of a guardian *ad litem*. The person represented may move, providing reasons, for the appointment of another guardian *ad litem*. The court, prosecution office, or investigating authority before which the proceeding is pending shall decide on the motion.

(4) An officially appointed guardian *ad litem* may move for his discharge from the official appointment, if justified. The court, prosecution office, or investigating authority before which the proceeding is pending shall decide on the motion.

(5) The prosecution service, before indictment, or the court, after indictment, may disqualify the statutory representative from the proceeding if

a) there is reason to suspect that the statutory representative committed the criminal offence together with the represented defendant or person under reasonable suspicion of having committed the criminal offence, or

b) the interests of the statutory representative are in conflict with the interests of the represented person.

(6) In a situation described in paragraph (5) *a)*, before indictment, the investigating authority may also disqualify the statutory representative from the proceeding.

(7) If the reason for appointing a guardian *ad litem* ceases to exist in the course of the proceeding, the court, prosecution service, or investigating authority shall discharge the guardian *ad litem* from the appointment.

(8) In a criminal procedure, a guardian *ad litem* shall have the same status as a statutory representative. The provisions on the disqualification of statutory representatives shall apply to the disqualification of guardians *ad litem*. To the disqualification of a guardian *ad litem* representing the defendant or a person under reasonable suspicion of having committed the criminal offence, section 43 (1) of the Be. shall also apply accordingly.

(9) If the court, prosecution service or investigating authority discharges or disqualifies an officially appointed guardian *ad litem* and appoints a new guardian *ad litem* at the same time, section 48 (3) to (6) of the Be. shall apply accordingly.

(10) A guardian *ad litem* shall be entitled to a fee, and also to the reimbursement of his costs, in consideration of his assistance.

Section 48 A person who has attained the age of sixty-five years shall qualify as a person requiring special treatment even without a specific decision to that effect.

Section 49

Section 50 (1) The court, prosecution office or investigation authority shall postpone carrying out a procedural act if the procedural act involving the attendance in person of persons participating in the criminal proceeding would lead to a violation of the rules of an epidemiological isolation, observation, quarantine or monitoring ordered, provided that the postponement of a procedural act is not prevented by any obstacle.

(2) The court, prosecution office or investigating authority shall ensure attendance at a procedural act by a means of telecommunication if a procedural act involving the attendance in person of persons participating in the criminal proceeding would lead to a violation of the rules of an epidemiological isolation, observation, quarantine or monitoring ordered and the procedural act may not be postponed.

(3) Even if a procedural act involving the attendance in person of persons participating in the criminal proceeding does not lead to a violation of the rules of an epidemiological isolation, observation, quarantine or monitoring ordered, the court, prosecution service or investigating authority shall ensure attendance at the procedural act primarily via means of telecommunication.

(4) Having regard to section 120 (1) of the Be., if the technical conditions for doing so are met, the court shall ensure the attendance of the prosecutor at a procedural act primarily via a means of telecommunication.

Section 51 (1) Before commencing a procedural act, the court, prosecution office or investigating authority shall, *ex officio*, examine whether the procedural act planned may be carried out having regard to the rules of an epidemiological isolation, observation, quarantine or monitoring ordered or to any other reason in connection with the epidemiological situation.

(2) Before commencing a procedural act, a circumstance that might be an obstacle to the procedural act, or that need to be considered before commencing a procedural act, may be specified, having regard to the rules of an epidemiological isolation, observation, quarantine or monitoring ordered or to any other reason in connection with the epidemiological situation.

(3) If carrying out a procedural act is prevented by an obstacle, the court, prosecution office or investigating authority shall postpone the procedural act.

(4) If carrying out a procedural act is not prevented by any obstacle, with a view to the safe conduct of a procedural act and having regard to the epidemiological situation, the court, prosecution office or investigating authority may order individual measures to be applied related to the order of the procedural act, and, in particular, lay down obligations regarding personal distancing and wearing protective equipment provided by the proceeding organ or in the possession of the participants. The court, prosecution office or investigating authority shall advise the persons present in the procedural act that the violation of the individual measures ordered constitutes a grave disturbance for which

a) a disciplinary fine, or

b) the consequences specified in section 440 (2) of the Be. may be imposed.

Section 52 (1) An eligible person who is not present when a decision under section 480 (2) of the Be. is announced may file an appeal within five working days following the date of the session.

(2) A defence counsel may file his motion under section 499 (3) of the Be. within five working days following the date of receipt of the indictment document.

(3) A person entitled to dispose of the electronic data may file an appeal under section 337 (5) of the Be. within fifteen days.

(4) A person entitled to apply for legal remedy may file a complaint under section 369 (1) of the Be. within fifteen days following the date of the communication of the decision.

(5) A defence counsel who is not present when the suspicion, or any change to the suspicion, is communicated may file a complaint under section 372 (1) of the Be. within fifteen days following the date of the interrogation of the suspect.

(6) The time limit for filing a motion for revision under section 374 (2) of the Be. shall be fifteen days.

Section 53

Section 54. § (1) In the case of paper-based communication, a summons or notification shall primarily be issued

a) to an electronic mail address or other electronic address, or

b) by electronic means ensuring voice transmission,

that is specified by the person summoned or notified or that has become officially known to the court, prosecution office or investigating authority.

(2) In the case under paragraph (1), the court, prosecution office or investigating authority shall indicate on the summons or notification its electronic address or voice transmission contact details using which the person summoned or notified can verify the authenticity of the summons or notification.

Section 55 The consequences of omission regarding a summons or notification shall not apply if receipt of a summons or notification issued using a means specified in section 54 cannot be verified.

Section 56 (1) When using a means of telecommunication, connection between the location set for a procedural act, or the location specified by the prosecution office or investigating authority, and the person required to be present may be ensured by the transmission of a continuous sound recording.

(2) When using a means of telecommunication, the attendance of persons specified in section 123 (1) and (2) of the Be. shall not be required at the separate location.

(3) When using a means of telecommunication, the recording may be produced by any electronic means. If the recording is produced in a format that may not be uploaded to the Central Media Storage, the recording shall be kept among the case documents.

(4) The use of means of telecommunication may be ordered even without consent of the defendant. If the use of means of telecommunication is ordered and the accused moves for ensuring his attendance in person at the location set for the trial, the court shall examine whether the procedural act may be postponed under section 50.

(5) If the procedural act may not be postponed, the court shall dismiss a motion by the accused under paragraph (4) also if

a) it would lead to a violation of the rules of an epidemiological isolation, observation, quarantine or monitoring ordered, or

b) it would endanger the physical integrity or health of the defendant or a person in contact with the defendant.

(6) No legal remedy shall lie against a decision

a) on dismissing a motion for the use of a means of telecommunication,

b) on ordering the use of a means of telecommunication, or

c) relating to a motion for ensuring attendance in person.

(7) When using a means of telecommunication, the court, prosecution office or investigating authority shall verify the identity of a person present at a separate location by looking into his personal data or by any other method suitable for identifying the person concerned.

(8) If in the course of a procedural act reasonable doubt arises concerning

a) the identity of,

b) the voluntary nature of participation at the procedural act by, or

c) the uninfluenced nature of a testimony or other statement provided by a person concerned, the procedural act shall not be continued.

Section 57 (1) In the case of paper-based communication, the court, prosecution service or investigating authority shall serve case documents, with the exception of conclusive decisions, primarily to the electronic mail address or other electronic address of the addressee.

(2) If in a criminal proceeding forms A/3, A/4 or A/5 are to be used for notification of service of documents by post, but service to the addressee is not possible due to an epidemiological measure ordered, the court, prosecution service or investigating authority shall serve as regular mail by post, and simultaneously also to the electronic mail address or other electronic address of the addressee, the case document to be served. In this case, the addressee shall be informed of the fact of the service of the document, and the conditions for the regularity of service set out in paragraph (3), using any available address of the addressee that is suitable for expedited communication.

(3) In a case under paragraph (1) or (2), legal consequences relating to the regularity of service of documents may only be applied if the service of the case document to the addressee can be verified, either by a notification from the addressee or by contacting the proceeding organ.

(4) The public notice shall be published on the website for providing information electronically of the court, prosecution service or investigating authority in accordance with the law.

(5) If a case document is to be served by public notice on a defendant whose whereabouts are unknown, then the public notice shall be published also on the website of the local government of the last known address or actual place of residence in Hungary of the defendant, or operated jointly by associations of such local governments, or maintained by the organs supervising them, or performing their professional control, or coordinating their operation.

(6) The case document shall be considered served on the fifteenth day following the publication of the public notice under paragraph (4).

Section 58

Section 59

Section 60 (1) To communication by electronic means the provisions of Act CCXXII of 2015 on the general rules on electronic administration and trust services and of the Be. shall apply with the derogations specified in the section.

(2) Instead of communication by electronic means, in the course of a criminal proceeding, organs providing electronic administration services and organs designated by the Government for the performance of public duties may communicate using an other electronic method, if justified. The form of communication shall be determined jointly.

(3) Upon a motion by a person participating in the criminal proceeding who is obliged, or who chooses, to communicate by electronic means, the proceeding court, prosecution office or investigating authority shall communicate with the person participating in the criminal proceeding using an other electronic method specified by that person. A motion to this effect may be filed by using an other electronic method.

(4) A person participating in the criminal proceeding who is not obliged to communicate by electronic means may opt for communicating using an other electronic method.

(5) Section 161 (1) to (3) of the Be. shall not apply.

Section 61 Communication using an other electronic method shall qualify as paper-based communication.

Section 62 The court, prosecution service or investigating authority may extend the time limit set out in section 189 (6) of the Be. by up to three months.

Section 63 (1) To carry out his tasks, a probationary supervisor may use electronic means to communicate with the persons obliged to cooperate.

(2) Information heard in the course of communication under paragraph (1) shall be recorded by any electronic means, if possible.

(3) In the course of communication under paragraph (1), the probationary supervisor shall verify the identity of a person concerned by looking into his personal data or by any other method suitable for identifying the person concerned.

(4) If in the course of communication under paragraph (1) reasonable doubt arises concerning the identity of the person concerned or the voluntary or uninfluenced nature of the assistance provided by him, communication with him shall not be continued.

Section 64 An investigating authority, a police organ performing internal crime prevention and prime detection tasks and a counter-terrorism police organ may request the provision of data from the tax and the customs authority, even without a permission of the prosecution service.

Section 65 (1) The prosecution office or the investigating authority shall ensure that the person participating in the criminal proceeding attending the procedural act familiarises himself with the content of a minutes before its authentication. If a person participating in the criminal proceeding attending a procedural act refuses to familiarise himself with the content of the minutes, he shall be deemed to have refused to assist in the authentication of the minutes.

(2) A minutes that is closed in a way that prevents its unnoticed modification shall be authenticated, directly following its closing, by a statement made by the prosecutor, or the member of the investigating authority, conducting the procedural act jointly with the person participating in the criminal proceeding attending the procedural act that is recorded

a) in writing, or

b) by any electronic means

and verifies that he familiarised himself with, and accepted, the contents of the minutes after its closing.

(3) If a person participating in the criminal proceeding and attending a procedural act refuses to assist in the authentication of the minutes, the fact of, and known reason for, the refusal shall be recorded.

Section 66 (1) The prosecution service may extend the time limit specified in section 351 (4) of the Be. by up to six months.

(2) The prosecution service may extend the time limit specified in section 687 of the Be. by a period of no more than three months. In exceptionally justified cases the time limit may be extended once for an additional period of up to three months.

(3) No complaint may be filed against a decision passed on the basis of paragraph (1) or (2).

Section 67

Section 68 (1) The prosecution office or investigating authority shall suspend the proceeding for a period of up to six months if an unavertable obstacle prevents continuing the proceeding having regard to the rules of an epidemiological isolation, observation, quarantine or monitoring ordered or to any other reason in connection with the epidemiological situation. No complaint may be filed against this decision.

(2) Paragraph (1) shall not apply if the proceeding in the case is pending against a defendant subjected to a coercive measure affecting personal freedom subject to judicial permission

(3)

(4) The period of the suspension of the proceeding under section 395 (1) and (3) of the Be. shall not include the period of the state of danger.

Section 69 The period of the suspension of the proceeding for the purpose of conducting a mediation procedure, or performing an agreement reached in a mediation procedure, shall not include the period of the state of danger. Continuing the mediation procedure or performing an agreement reached in a mediation procedure shall not be prevented by this provision.

Section 70 (1) The period of conditional suspension by a prosecutor shall not include the period of the state of danger if

a) conditional suspension by a prosecutor was applied on the basis of section 417 (1) of the Be., or

b) conditional suspension by a prosecutor was applied on the basis of section 416 (1), and the prosecution office required the suspect, by way of prescribing a rule of behaviour or an obligation to

ba) pay for the damages, pecuniary loss, tax revenue loss, or customs revenue loss caused by his criminal offence, or the value for which the criminal offence was committed, or

bb) provide reparation to the aggrieved party in another way.

(2) If, with the exception of those specified in paragraph (1) *b)*, a rule of behaviour is violated or an obligation is not complied with due to

a) rules of an epidemiological isolation, observation, quarantine or monitoring ordered, or

b) due to another reason in connection with the state of danger deserving consideration, then the proceeding shall not be continued under section 420 (2) *c)* of the Be. and the suspect shall be deemed to have demonstrated the behaviour or to have performed the obligation required under the conditional suspension by a prosecutor.

(3) Provisions of paragraphs (1) and (2) shall not be an obstacle to demonstrating a behaviour resulting in the termination of liability to punishment or prescribed, by way of a rule of behaviour, under a conditional suspension by a prosecutor.

(4) With the exception of the situations under paragraph (1) and (2), the period of the state of danger shall be included in the period of conditional suspension by a prosecutor.

Section 71 (1) By passing a reasoned decision *ex officio*, the court shall exclude the public from a trial, or any part of a trial, if the court is not open to the public having regard a provision in connection with the epidemiological situation.

(2) In other cases, by passing a reasoned decision *ex officio* or upon a motion by a prosecutor, an accused, a defence counsel, an aggrieved party, a party with pecuniary interest, or an other interested party, the court may exclude the public if the presence of an audience or a media content provider, or a person in an employment relationship or any other employment-related relationship with a media content provider would endanger the physical integrity or health of persons participating in the proceeding, having regard to the rules of an epidemiological isolation, observation, quarantine or monitoring or any other reason in connection with the epidemiological situation.

(3) In the cases specified in paragraphs (1) and (2), the court shall announce the decision adopted in the trial with the public being excluded.

(4) If the public is excluded for a reason specified in paragraphs (1) to (3), the defendant or the defence counsel shall be allowed, upon his motion, to turn on an electronic device that he has with him and to record the events of the trial with it. When permitting such recording, the court shall advise the defendant of his obligations relating to the processing of personal data. Such recording shall not be allowed if the court produces an audio-visual recording of the trial or a closed trial is to be ordered for another reason specified in an Act. A copy of the audio-visual recording produced by the court shall be sent, or made available, to the defendant filing the motion and the defence counsel within eight days following the date of the trial.

(5) The recording under paragraph (4) shall not disturb the order or regular course, or violate the dignity of, the trial. In the case of such disturbance or violation, the court shall prohibit continuing the recording and shall apply the consequences of disturbance.

(6) A person shall not be liable to punishment for committing the criminal offence under section 280 (2) of Act C of 2012 on the Criminal Code, if he discloses the things said in a closed trial ordered in accordance with paragraphs (1) and (2).

Section 72

Section 73 With the exception of the case specified in section 484 (1).f) of the Be., the court shall examine whether a measure set out in section 484 (1) is necessary, or possible, within three months after the receipt of the case documents by the court.

Section 74 (1) The court shall suspend the proceeding for a period of up to six months if an unavertable obstacle prevents continuing the proceeding having regard to the rules of an epidemiological isolation, observation, quarantine or monitoring or to any other reason in connection with the epidemiological situation.

(2) Paragraph (1) shall not apply if the proceeding in the case is pending against a defendant subjected to a coercive measure affecting personal freedom subject to judicial permission.

(3)

(4) The period of the suspension of a proceeding set out in section 488 (2) shall not include the period of the state of danger.

Section 75 The court shall serve the indictment document on the accused and the defence counsel no later than upon the expiry of a period of three months after the receipt of the case documents by the court.

Section 76

Section 77

Section 78 If more than a year passed since the last trial due date, the trial shall be repeated, by having the essence of earlier trial materials presented, if a motion to that effect is filed by the prosecutor, the accused or the defence counsel. This provision shall not apply if the time limit specified in section 518 (3) of the Be. expired before the declaration of state of danger.

Section 79 (1) The sole judge or the chair of the panel may, *ex officio* or upon a motion by the prosecutor, the accused or the defence counsel, present or read out loud the substance of a testimony made by a witness earlier during the proceeding if the witness testimony is necessary for the purpose of taking of evidence, but the interrogation of the witness at the trial is not justified, the court finds it unnecessary and neither the prosecutor, nor the accused, nor the defence counsel files a motion for such interrogation.

(2)

Section 80

Section 81 (1) If the court declares the process for taking of evidence to be concluded, it may invite the eligible persons to submit their closing speeches and closing addresses in writing within fifteen days of the due date of the trial or the services of the invitation.

(2) The court shall serve the closing speeches and closing addresses submitted in writing on the prosecution service, the accused, the defence counsel, the aggrieved party, the civil party and the party with a pecuniary interest, and inform them that a rejoinder to the closing speeches and closing address may be submitted in writing within fifteen days. When serving the rejoinder on the prosecution service, the accused, the defence counsel, the aggrieved party, the civil party or the party with a pecuniary interest, the court shall inform them that any possible further rejoinders may be presented orally during the trial.

(3) The accused may submit to the court in writing the observations and motions he wishes to make when exercising his right to the last word during the trial, but no later than before the conclusive decision is adopted. The accused shall be advised accordingly in the summons to the trial.

(4) The essence of a written closing speech or rejoinder, or the observations and motions made when exercising the right to the last word, shall be presented during the trial only upon a motion to this effect by the prosecution service, the accused, the defence counsel, the aggrieved party, the civil party or the party with a pecuniary interest.

(5) On the basis of section 550 (1) of the Be., the court may postpone a trial for up to one month having regard, in particular, to a reason in connection with the epidemiological situation. The court shall notify the accused, the defence counsel and the prosecution service of the due date of the announcement of the conclusive decision. In the notification, the court shall advise the accused and the defence counsel that the conclusive decision may be announced also in their absence and that no excuse may be granted if the due date is missed.

(6) The court may inform the accused, the defence counsel and the prosecutor that, if they jointly consent to such proceeding, instead of postponing the trial under section 550 (1) of the Be., the court is to adopt the decision in a panel session and instead of being announced, the decision is to be communicated by way of service in a written copy. The court may provide such information even if the trial was postponed on the basis of section 550 (1) of the Be. before the entry into force of this Decree.

(7) If the accused, the defence counsel and the prosecutor jointly consent to it, the court shall adopt the conclusive decision in a panel session. The court shall record the conclusive decision in writing in accordance with section 452 (1) of the Be., including all the elements specified in section 561 (3) of the Be. The court shall communicate the conclusive decision by way of service.

(8) In a situation specified in paragraph (7), the period of a coercive measure affecting personal freedom subject to judicial permission ordered or maintained by the court of first instance after indictment shall extend until the panel session of the court of first instance held for the purpose of passing a conclusive decision, with the exception specified in section 298 of the Be. in the case of an arrest.

Section 82 (1) If the court of second instance shall administer an appeal in a public session under section 599 (1) of the Be., but the data required for adjudication may be acquired from a written statement by the person concerned, the chair of the panel shall take the measures necessary to this effect.

(2) In the case under paragraph (1), if based on the data acquired, no trial needs to be held or if, based on data available, adjudicating the case in a panel session is not prevented by any obstacle and scheduling a public session is not moved for by an accused, a defence counsel, a prosecutor or an appellant, the court of second instance shall decide on an appeal in a panel session.

(3) If no public session was held after the submission in writing of a motion or observation by an officially appointed defence counsel, because the court of second instance decides on the appeal in a panel session under paragraph (2), the officially appointed defence counsel shall be regarded as if he participated in a procedural act lasting for an hour.

(4) If the judgment of the court of first instance is found to be partially groundless and the conditions specified in section 599 (2) *a*) of the Be. are met, the court of second instance may establish the facts of the case in a complete and correct manner also in a panel session.

(5) The chair of a panel of a court of second instance shall take the measures specified in section 596 (2) of the Be. within three months after the receipt of the case documents.

(6) The prosecution service, the accused, the defence counsel and the appellant may make an observation under section 598 (4) of the Be. within fifteen days.

(7) To the proceeding of a court of third instance, the provision on the proceeding of a court of second instance of this Decree shall apply accordingly.

Section 83 (1) If the panel of the Curia shall decide on a motion for revision in a public session under section 660 (2) *b*) of the Be., but the data required for adjudication may be acquired from a written statement by the person concerned by the motion for revision, the chair of the panel shall take the measures necessary to this effect.

(2) In the case under paragraph (1), the written statements acquired shall be sent to the persons concerned by the motion for revision for making further observations and if, based on data available, the adjudication of the case in a panel session is not prevented by any obstacle, the panel of the Curia shall decide on a motion for revision in a panel session.

(3) The panel of the Curia shall adjudicate a legal remedy submitted on the ground of legality in a panel session, unless the chair of the panel finds holding a public session necessary.

(4) If the panel of the Curia adjudicates a legal remedy in a panel session, the availability for inspection of motions and observations by the persons concerned, and the opportunity for the persons concerned to file observations in connection therewith, shall be ensured.

Section 84 If retrial investigation is ordered by the court, its time limit shall be six months that can be extended by the court two times, for up to two months each time.

Section 85 The prosecution service shall send a motion for retrial filed by another eligible person to the court, together with its observations, within three months.

Section 86 If a motion for retrial is filed with the court, the court shall send the motion, together with the court case documents of the underlying case, to the prosecution service, for making observations. The prosecution service shall send back the case documents of the underlying case, together with its statement, to the court within three months.

Section 87 If the conditions specified in Chapter C of the Be. are met, the court may adopt a punishment order against a juvenile for any criminal offence, regardless of whether the defendant confesses his guilt.

Section 88 (1) If the conditions set out in section 723 of the Be. are met, the prosecution service may proceed against a defendant in an immediate summary procedure within three months after the commission of a criminal offence, provided that the time limit set out in section 723 of the Be. did not expire before the declaration of state of danger.

(2) If the conditions set out in section 724 of the Be. are met, the prosecution service may proceed against a defendant in an immediate summary procedure within three months after his interrogation as a suspect, provided that the time limit set out in section 723 of the Be. did not expire before the declaration of state of danger.

(3) After indictment, the court may send back the case documents to the prosecution service for reasons specified in section 728 (4) *c*) and *d*) or if the time limit set out in paragraph (1) or (2) expired before the commencement of the immediate summary procedure before the court.

(4) The court of second instance shall adjudicate an appeal against a judgment or conclusive order of the court of first instance within six months following the receipt of the case.

Section 89 (1) The court shall adopt the punishment order within three months after the receipt of the case.

(2) In a proceeding under Chapter C of the Be, the court may, adopt a punishment order for a criminal offence punishable by not more than eight years of imprisonment, regardless of whether the defendant confesses his guilt.

(3) If no preparatory session was held, the court may adopt a punishment order in a case pending in accordance with paragraph (2).

Section 90 (1) No proceeding may be conducted in the absence of a defendant staying at a known location in another country; the proceeding pending shall be suspended for the period of the state of danger; no legal remedy shall lie against a decision on suspension.

(2) No European or international arrest warrant may be issued against a defendant staying at a known location in another country.

Section 91

Section 92

Section 93 (1) In a proceeding under Chapter CVII of the Be., a defendant subjected to an immediate summary procedure shall be proceeded against in an immediate summary procedure by the prosecution service within one month after the commission of a criminal offence or his interrogation as a suspect.

(2) In a proceeding under Chapter CVII of the Be., a punishment order shall be adopted by the court within one month after the receipt of the case documents by the court.

Section 94

19. Final provisions

Section 95 (1) With the exception specified in paragraph (2), this Decree shall enter into force at 3 p.m. on the day of its promulgation.

(2) Section 96 shall enter into force on the fifteenth day following the promulgation of this Decree.

Section 96 The Government extends the temporal scope of this Decree until the end of the period of state of danger under Government Decree 40/2020 (11 March) on the declaration of state of danger.

Section 97 (1) This Decree shall apply also to proceedings pending on the day of its entry into force.

(2) Time limits in contentious and non-contentious civil proceedings and in contentious and non-contentious administrative proceedings, and in other administrative court proceedings expiring in the period between ordering extraordinary court vacation under Section 1 of Government Decree 45/2020 (14 March) on the measures to be taken during the state of danger declared for the prevention of the human epidemic endangering life and property and causing massive disease outbreaks, for the elimination of its consequences, and for the protection of the health and lives of Hungarian citizens (II) [hereinafter “extraordinary court vacation under Government Decree 45/2020 (14 March)”] and the 15th day following the entry into force of this Decree shall be extended until the 30th day following the entry into force of this Decree.

(3) The interruption of the proceeding shall be terminated on the day of the entry into force of this Decree in contentious or non-contentious civil proceedings, in contentious or non-contentious administrative proceedings, and in other administrative court proceedings that were interrupted due to the extraordinary court vacation under Government Decree 45/2020 (14 March). Following the entry into force of this Decree, to adopting decisions concerning interruption, the provisions of Acts shall apply, subject to the derogations laid down in this Decree.

(4) If the court passed a decision on the closure of the hearing in a contentious civil, or administrative, proceeding before the extraordinary court vacation under Government Decree 45/2020 (14 March), and postponed delivering and announcing a judgment with statement of reasons, the court shall communicate the written judgment to the parties by way of service.

(5) The provisions derogating from the provisions of the Iasz., the Bszi., the Bjt. and the Üjt. set out in this Decree shall apply also to time limits that expired, and to definite-term appointments or elected offices the term of which ended, before the entry into force of this Decree, but after the declaration of state of danger.

(6) Unless otherwise provided in paragraphs (2) to (5), the provisions of this Decree shall apply to also time limits that expired before the entry into force of this Decree, but after the declaration of state of danger.

Section 98 The provisions of this Decree amended by the Amending Decree shall apply also to proceedings pending on the day of entry into force of the Amending Decree.

Section 99 (1) Time limits running in criminal proceedings at the time of entry into force of the Amending Decree shall be calculated in accordance with the former law.

(2) If no preparatory session was held in a criminal proceeding until the time of entry into force of the Amending Decree, the court shall hold a preparatory session within six months following the service of the indictment document.

HUNGARY