

Government Decree 81/2020 (1 April)
on extraordinary measures relating to the state of danger declared for the protection
of health and lives and for the restoration of national economy

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 13, 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. Extraordinary measures

Section 1 (1) The Government hereby appoints the Prime Minister as the Government Member in charge of eliminating the state of danger during the period of state of danger under Government Decree 40/2020 (11 March) on the declaration of state of danger (hereinafter “state of danger”).

(2) The Prime Minister shall be assisted by the Operational Corps Responsible for the Containment of the Coronavirus Epidemic (hereinafter “Operational Corps”) in the performance of his responsibility laid down in paragraph (1).

Section 2 With the exceptions specified in section 4 (1), (2) and (5) and section 4/A, access to the territory of Hungary shall be denied to persons other than Hungarian citizens arriving from abroad by personal traffic.

Section 3 (1) With the exceptions specified in section 4 (1), (2) and (5) and section 4/A, Hungarian citizens arriving from abroad by personal traffic

a) shall undergo a health screening upon entry to Hungary, which they shall be required to tolerate,

b) whose health screening raises the suspicion of COVID-19 infection shall be placed in the designated quarantine facility,

c) whose health screening raises no suspicion of COVID-19 infection shall subject themselves to epidemiological observation at their place of domicile or residence (hereinafter “official home quarantine”) for 14 days, with the proviso that

ca) they shall be registered by the epidemiological authority,

cb) compliance with the rules on official home quarantine shall be monitored by the organ established to carry out general policing tasks (hereinafter “police”),

d) whose health screening raises no suspicion of COVID-19 infection, but who have no domicile or residence in Hungary shall

da) leave the territory of Hungary in compliance with the regulations of the authority, or

db) be placed in the designated quarantine facility.

(2) The measures under paragraph (1) *c)* and *d)* shall not be taken if a Hungarian citizen arriving from abroad produces credible evidence that

a) he recovered from COVID-19 infection and shows no symptoms of infection, or

b) he was subjected to epidemiological observation for at least 14 days before entry.

(2a) It shall also qualify as an official home quarantine under this Decree if the epidemiological authority requires, due to a COVID-19 infection or a suspicion of it, a person subject to epidemiological measure not to leave a home, a fenced area of it or a location other than a healthcare institution, designated for him.

(3) The mayor of the settlement local government shall be in charge of providing supplies to persons placed in official home quarantine or a designated quarantine facility in accordance with paragraph (1) *c*) and *d*) and paragraph (2a).

(4) For the purpose of contributing to the tasks of the police as an epidemiological authority, data controllers shall transmit, at the request of the police, personal data processed under section 5 (3) of Act XLVII of 1997 on the processing and protection of health data and related personal data without delay, free of charge, and as a matter of priority compared to other data transmission obligations.

(5) The epidemiological authority shall forward to the police, for the performance of its monitoring tasks, any decision on ordering official home quarantine or on epidemiological isolation, observation, quarantine or restriction under Act CLIV of 1997 on healthcare (hereinafter “Eütv.”) as a matter of priority.

(6) The police shall register data under paragraph (4) for monitoring compliance with rules on epidemiological containment and official home quarantine. Data not required for monitoring compliance with rules on epidemiological containment and official home quarantine shall not be registered. Registered data shall be deleted at the time when the official home quarantine, epidemiological isolation, observation, quarantine or restriction is lifted.

(7) Sections 2 and 3 of this Government Decree shall not apply to freight traffic.

4. § (1) With the exceptions set out in paragraphs (2) and (5) and section 4/A, in cases deserving special consideration, the deputy of the National Chief of Police in charge of law enforcement may grant exemption from the provisions in section 2 or section 3 (1), or may establish individual rules of behaviour if

a) no suspicion of COVID-19 infection has been established in the course of health screening, and

b) the person concerned has been registered for the duration of his placement in a designated quarantine facility under section 3 (1) *d*) *db*) or official home quarantine.

(2) The National Chief of Police may lay down rules also in a decision on the crossing of the border, residing within the territory of Hungary, passage through Hungary, routes, stopping possibilities and special transportation relating to humanitarian transit traffic, and in a case under point *c*) only, on workplace quarantine,

a) for citizens of neighbouring countries,

b) in the course of transit passage for a humanitarian purpose, and

c) for persons arriving from neighbouring countries for the purpose of satisfying the labour needs of the agricultural sector (TEÁOR and CPA 01, 02 and 03) who are citizens of a neighbouring country or Hungarian citizens without a domicile in Hungary (hereinafter “agricultural workers”).

(3) By way of derogation from section 89 (2) of Act CL of 2016 on the Code of General Administrative Procedure, the announcement relating to a decision under paragraph (2) shall be published in the “Hivatalos Értesítő” (Official Bulletin).

(4) No legal remedy shall lie against a decision under paragraph (2) and it may not be challenged before a court.

(5) Section 2, section 3 (1) and paragraph (1) shall not apply to the passage of military convoys through the territory of Hungary during the period of state of danger if in the course of troop movements, only technical devices, equipment and personnel are moved and authorisation to crossing the border is ensured by neighbouring countries, and if

a) it is carried out for the performance of a task arising from obligations of allies or international agreements,

b) it qualifies as troop movement already authorised by the National Assembly or the Government,

c) its sole purpose is passage through the territory of Hungary, and

d) it is secured by the Hungarian police or military police and carried out using a specific route and, except for refuelling if strictly necessary or rest at a location determined by those securing the passage, without stopping.

Section 4/A A Hungarian citizen arriving by personal traffic from the territory of

a) the Czech Republic,

b) the Republic of Poland,

c) the Republic of Korea,

d) the Federal Republic of Germany,

e) the Republic of Austria,

f) the Slovak Republic or

g) Japan

may, without being subjected to the restriction under section 3 and section 4 (1), enter the territory of Hungary after a trip for business reasons made in the territory of any of these countries, provided that the Hungarian citizen concerned is an executive officer or employee of a company registered in Hungary or in any of the states referred to in points *a)* to *g)* that has an affiliated relation within the meaning of point 23 of section 4 of Act LXXXI of 1996 on corporate tax and dividend tax with another company registered at least in one of the states referred to in points *a)* to *g)* (hereinafter “affiliated undertaking”).

(2) By way of derogation from section 2, in the event of a trip for the reason of business between affiliated undertakings, a person other than a Hungarian citizen arriving from abroad by personal traffic may, without being subjected to the restriction under section 4 (1), enter the territory of Hungary from the territory of any of the countries specified in paragraph (1) *a)* to *g)*, provided that the person concerned is a citizen of any of the countries specified in paragraph (1) *a)* to *g)*.

(3) When entering Hungary under paragraph (1) or (2), the trip for business reasons shall be required to be substantiated.

Section 4/B (1) Agricultural workers may enter the territory of Hungary only in groups and only at the border crossing designated by the National Chief of Police for this purpose.

(2) The employer of an agricultural worker (hereinafter “employer”) shall provide written information in the mother tongue of the agricultural worker to the agricultural worker on the conditions for, and planned date and time of, entry.

(3) An agricultural worker may enter if

a) the employer informs of the entry of the agricultural worker the competent border police office of the border crossing designated under paragraph (1) that they intend to use, at least 48 hours before the planned entry and in the electronic form specified by the National Chief of Police, by way of sending an account containing

aa) the name of the agricultural worker concerned,

ab) the document number of the document suitable for personal identification that the agricultural worker intends to use for crossing the border,

ac) the location of the planned place of work and accommodation and the planned date and time of work,

b) he has been subjected to a health screening, and it did not raise the suspicion of COVID-19 infection.

(4) In addition to compliance with the provisions of the law on the employment in Hungary of a citizen of a third country other than a member state of the European Economic Area, the entry of an agricultural worker shall also be conditional upon having a valid and effective

employment contract with the employer, or furnishing an original copy of a certification by the employer on the existence of the employment relationship specifying the sector and place of work and the duration of the employment relationship.

(5) The epidemiological authority shall register the agricultural worker.

Section 5 (1) Persons other than Hungarian citizens who violate the rules specified in section 2 and section 4 (2) c) shall be subject to expulsion or forced removal from the territory of Hungary.

(2) It shall not constitute a criminal offence, but an infraction if the criminal offence defined in section 361 of the Btk. is committed by violating the rules on epidemiological isolation, observation, quarantine or monitoring ordered due to a COVID-19 infection or a suspicion of it.

(3) By way of derogation from section 11 (1) of Act II of 2012 on infractions, infraction procedure and the infraction records system (hereinafter “Szabstv.”), the lowest amount of fine for an infraction under paragraph (2) shall be five thousand forints, while its highest amount shall be five hundred thousand forints.

(4) By way of derogation from section 99 (2) of the Szabstv., the lowest amount of spot fine for an infraction under paragraph (2) shall be five thousand forints, while its highest amount shall be one hundred thousand forints or, if committed repeatedly, one hundred and fifty thousand forints; by way of derogation from section 100/A of the Szabstv., no oral reprehension may be applied.

(5) If during the on-the-spot measure taken with regard to an infraction under paragraph (2) the person subjected to the procedure does not admit committing the infraction, the infraction authority shall make its decision in a procedure without hearing. If a hearing is requested then, by way of derogation from section 12 (1) of Government Decree 85/2020 (5 April) on certain rules related to home affairs and public administration to be applied during the period of state of danger, permission to testify in writing shall be granted mandatorily, provided that the hearing cannot be conducted by means of a telecommunications device.

(6) By way of derogation from section 1 (1) of the Szabstv., a person who violates

a) an individual rule of behaviour laid down in accordance with section 4 (1), or
b) a rule on crossing borders, residence, traffic, health protection, routes and stopping possibilities, or on residence within the territory of Hungary or workplace quarantine, set out in a decision adopted on the basis of section 4 (2)
commits an infraction.

(7) By way of derogation from section 11 (1) of the Szabstv., the lowest amount of fine for an infraction under paragraph (6) shall be five thousand forints, while its highest amount shall be five hundred thousand forints.

(8) By way of derogation from section 99 (2) of the Szabstv., the lowest amount of spot fine for an infraction under paragraph (6) shall be five thousand forints, while its highest amount shall be one hundred thousand forints or, if committed repeatedly, one hundred and fifty thousand forints.

Section 6 (1) Official documents of Hungarian citizens valid in the territory of Hungary expiring during the period of state of danger shall remain valid for 15 days after the end of the period of state of danger.

(2) Students shall be prohibited from entering higher education institutions.

(3) With the exception set out in paragraph (4), for the purpose of coordinated protection, no extraordinary break may be ordered in public upbringing institutions by their heads, the local government clerk or the Educational Authority

(4)

(5) Eligibility to health insurance and family benefits granted under a separate government decree with regard to caring for and raising children shall be extended until the end of the period of state of danger.

(6) The Language Learning Program Abroad shall be suspended.

(7) School trips abroad shall be forbidden, and school trips abroad previously booked shall be cancelled.

Section 7 EEA citizens entitled to permanent residence and proving this right with a permanent residence card shall receive the same treatment as Hungarian citizens.

Section 8 (1) The following may leave the territory of Hungary only with special permission by the Minister responsible for direction of the respective sector:

- a)* healthcare workers as defined in Act CLIV of 1997 on healthcare,
- b)* professional or contracted soldiers and volunteer reserve soldiers performing active military service as defined in Act CCV of 2012 on the legal status of soldiers,
- c)* national defence employees as defined in Act CXIV of 2018 on the legal status of national defence employees,
- d)* persons in official service relationship and law enforcement administration employees as defined in Act XLII of 2015 on the service relationship of the professional personnel of organs performing law enforcement duties,
- e)* employees as defined in Act CXXII of 2010 on the National Tax and Customs Administration, and
- f)* government officials as defined in Act CXXV of 2018 on government administration

(2) Foreign missions from the ministries and the Prime Minister's Government Office may only be ordered with special permission by the Minister and the Prime Minister, respectively.

(3) The permission laid down in paragraphs (1) and (2) may also be granted to a specific group of employees.

Section 9 (1) Subject to the provisions of the law, the Hungarian Defence Forces shall contribute to the implementation of law enforcement measures related to the state of danger and shall support the police and the disaster management organ in the performance of their responsibilities. The Hungarian Defence Forces shall carry out its tasks related to such contribution on their own or jointly with the police, in accordance with guidelines by the persons specified in paragraph (3).

(2) The Defence Health Care Institutes of the Health Care Centre of the Hungarian Defence Forces, in cooperation with the NATO Centre of Excellence for Military Medicine, shall send recommendations for measures to the Head of the Operational Corps on an ongoing basis.

(3) In a situation not regulated in a specific government decree adopted based on an authorisation by Act CXIII of 2011 on the Hungarian Defence Forces and measures applicable during special legal order (hereinafter "Hvt."), the Hungarian Defence Forces shall carry out the static force protection activities set out in section 36 (1) *e)* of the Hvt. on the basis of

- a)* a decision by the Member of the Government in charge of eliminating the state of danger,
- b)* a decision by the Member of the Government responsible for national defence,
- c)* a call by the Operational Corps, or
- d)* a call by the Member of the Government responsible for disaster management concerning a facility specified in a decision under point *a)* or *b)*, or a call under point *c)* or *d)* having regard to its capacities and the feasibility of its other tasks to be performed during the period of state of danger.

(4) Without prejudice to the authority of a military police officer, a member of the Hungarian Defence Forces as defined in section 1 (1) of Act CCV of 2012 on the legal status of soldiers (hereinafter "soldier") shall have the right to apply

a) the measures and coercive means specified in section 54/D of the Hvt., and
b) the measures specified in sections 33 and 39 of Act XXXIV of 1994 on the Police (hereinafter “Rtv.”),

to carry out its tasks related to contribution under paragraph (1), to perform its static force protection activities under paragraph (3), and to monitor the restrictive measures taken in connection with the state of danger; in the course of doing so, he shall be obliged to observe the requirement of necessity and proportionality.

(5) If a soldier takes, or assists in taking, a police measure under paragraph (4), his proceeding shall be governed by the provisions laid down in the Rtv. The provisions laid down in the Hvt. shall apply to reviewing the legality of measures by a soldier.

Section 10 (1) If the period of the registration of a healthcare worker in the operational register (hereinafter “registration”) referred to in section 113 (1) of Act CLIV of 1997 on healthcare expires during the period of the state of danger, upon the entry into force of this Decree, the expiry period of registration shall be extended until the 90th day following the end of the state of danger.

(2) During the extended period of registration, as provided for in paragraph (1), the performance of healthcare activities shall not be suspended.

Section 11 The Government requests the cooperation of citizens in implementing the measures connected to the special legal order.

2. Final provisions

Section 12 (1) With the exception specified in paragraph (2), this Decree shall enter into force on the day following its promulgation.

(2) Section 13 shall enter into force on the fifteenth day following the promulgation of this Decree.

Section 13 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 14 Authorisation shall be given to

a) the Minister without portfolio responsible for national asset management to adopt special rules guaranteeing the operability of state-owned companies constituting part of critical infrastructure,

b) the Minister vested with the relevant functions and powers to suspend international mobility programmes falling within his functions and powers.

Section 15 (1) The provisions of section 10 shall apply also to pending registration renewal cases.

(2) The provisions of section 10 shall not apply to cases where the period of registration of a healthcare worker expires between 1 January 2020 and 31 December 2020, provided that the organ keeping the register has, based on a registration renewal application, already renewed it before the entry into force of this Decree.

Section 16 (1) Decisions adopted by the healthcare state administration organ under section 74 (2) of the Eütv. may also be repealed by the Government by means of a decree.

(2) The Government hereby repeals the decision of 26 March 2020 of the National Public Health Centre prescribing prohibitions and obligations by the Chief Medical Officer having regard to the epidemiological situation.