

**Government Decree 176/2021 (15 April)**  
**on certain state-of-danger measures**

The Government,  
acting within its original legislative power laid down in Article 53 (2) of the Fundamental Law, having regard to section 47 (1) of Act CXXVIII of 2011 on disaster management and amending certain related Acts,  
acting, with respect to section 9, within its original legislative power laid down in Article 53 (3) of the Fundamental Law, on the basis of an authorisation by the National Assembly pursuant to section 2 (1) of Act CIX of 2021 on the containment of the second wave of the coronavirus pandemic,  
acting within its function laid down in Article 15 (1) of the Fundamental Law, decrees as follows:

**Section 1** For the purposes of this Decree

- a) public space* means a public space within the meaning of point 13 of section 2 of Act LXXVIII of 1997 on the development and protection of the built environment,
- b) catering facility* means premises suitable for the pursuit of activities under point 30 of section 2 of Act CLXIV of 2005 on trade,
- c) press product* means a press product within the meaning of point 6 of section 1 of Act CIV of 2010 on the freedom of the press and the fundamental rules of media contents, with the exception of an online journal or news portal.

**Section 2** (1) From the day of the entry into force of Government Decree 484/2020 (10 November) on the second phase of protective measures applicable during the period of state of danger (hereinafter “Government Decree 484/2020”) until 31 December 2021, the operator, lessee or owner of a catering facility directly connected to a public space (hereinafter jointly “user”) shall be entitled to use, in compliance with this Decree, the public space free of charge, without paying contribution for the use of public space.

(2) For the purpose of operating the terrace of the catering facility in a public space, the user may use the part of the public space in front of the catering facility directly connected to the public space to the extent of the width of the building boundary between the catering facility and the public space.

(3) A user holding a valid permit or contract for public space use may use the public space to the extent set out in the permit or the contract.

(4) The right of use under paragraph (2) may be exercised

- a)* in equal shares by all catering facilities in the same building, unless agreed otherwise,
- b)* up to the centre line of the area concerned by catering facilities facing each other in an area not intended for road traffic (square or pedestrian street).

(5) Paragraph (2) shall not be applied

- a)* to the area of a prominent national heritage site,
- b)* to a public park or green space within the meaning of Government Decree 253/1997 (20 December) on national settlement planning and building requirements (hereinafter the “OTÉK”),
- c)* to a road for vehicle traffic or an area designated for waiting by vehicles,
- d)* to an area in a public space dedicated for waiting for a means of public transportation,

e) in a way that blocks entering and leaving a residential building, condominium or other building or access to a fire hydrant, the control unit of a traffic control device; disturbs or jeopardises pedestrian traffic on a sidewalk; obstructs the vision of drivers; impedes the recognition of road traffic signs; jeopardises public road traffic; hinders the placement, operation or maintenance of public utilities, and

f) to an operational area for firefighting.

**Section 3** (1) The user shall be responsible for ensuring smooth road and pedestrian traffic in the area in a public space designated for traffic in accordance with the regulations adopted by the settlement local government as in force on 31 December 2020 or, in the absence thereof, Section 41 (2) of the OTÉK. In the application of Section 39 (2) a) of the OTÉK, the useable width of a sidewalk (pedestrian lane) shall be 1.50 metres.

(2) To the opening hours of a catering facility, the rules adopted by the settlement local government as in force on 31 December 2020 shall apply, with the proviso that rules laying down more favourable conditions for catering facilities may be established, subject to the provisions on the curfew period set out in Government Decree 484/2020 (10 November).

**Section 4** (1) The police shall be authorised to check compliance with section 3 (1) and to take measures. If so instructed by a police officer, the user shall immediately cease obstructing road and pedestrian traffic.

(2) If a user violates the provisions under section 3 (1) for the first time, the police officer shall warn him to comply with his obligations, provided that he ceases obstructing road and pedestrian traffic upon instruction. If the user fails to remove the obstacle upon an instruction by a police officer, or if road or pedestrian traffic is obstructed significantly, the police may, for violating the obligation under section 3 (1),

a) impose on the operator a fine ranging from 100 000 forints to 500 000 forints, by way of derogation from section 38/B of Act CXCV of 2011 on the economic stability of Hungary, and

b) order the catering facility to be temporarily closed for a period of maximum six months for a repeated violation of the obligation.

(3) The police may impose the sanctions under paragraph (2) also together.

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

(5) The decision imposing a fine shall reach administrative finality upon communication. The fine shall be paid within 15 days of the decision reaching administrative finality.

(6) No appeal shall lie against a decision imposing a fine. Pursuant to section 114 (1) of Act CL of 2016 on the Code of General Administrative Procedure, the user may bring an administrative court action against a decision with administrative finality.

(7) The police department of the location of the check shall be authorised to take the measures under paragraphs (2) and (3).

**Section 5** If the police ordered the temporary closure of a catering facility, for the duration of the temporary closure,

a) the licence for catering activities granted to the catering facility user, or a notification by him to that effect, shall cease to be valid,

b) no licence for catering activities shall be granted to the catering facility user, and no notification to that effect shall be valid,

c) the catering facility user shall be prohibited from carrying out any catering activities.

**Section 6** (1) The owner or lessee of a newsstand, kiosk, building or store for the sale of press products that had the right to sell press products at the time of entry into force of this Decree need not seek consent to public space use if he only sells press products containing public interest communications and information concerning the epidemiological situation.

(2) For the purposes of this Decree, occasional and itinerant sales shall be considered the sale of press products.

(3) No consent to public space use needs to be sought for distributing a press product within the meaning of paragraph (1) in a public space.

(4) Public space use under paragraphs (1) to (3) shall not be exercised in an area specified in section 2 (5).

(5) Public space use shall be exercised subject to section 3 (1).

**Section 7** (1) The police shall be authorised to check compliance with section 6 and to take measures.

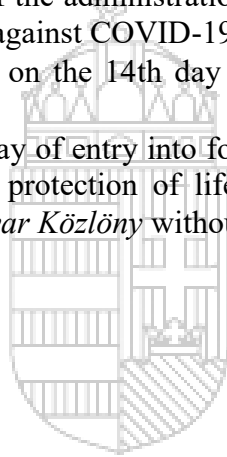
(2) If the owner or lessee of a newsstand, kiosk, building or store for the sale of press products uses a public space without consent to public space use in a way that does not comply with section 6, the police may impose on him a fine ranging from 100 000 forints to 500 000 forints, by way of derogation from section 38/B of Act CXCV of 2011 on the economic stability of Hungary. To the proceeding of the police, section 4 (4) to (7) shall apply.

**Section 8** (1) With the exception specified in paragraph (2), this Decree shall enter into force on the day following the day of the administration of the first dose of the three million five hundred thousandth vaccination against COVID-19.

(2) Section 9 shall enter into force on the 14th day following the entry into force of this Decree.

(3) After it becoming known, the day of entry into force of this Decree shall be established by the Minister responsible for the protection of life and property in a specific decision published in the official gazette *Magyar Közlöny* without delay.

**Section 9**



MINISTRY OF JUSTICE  
HUNGARY