

Government Decree 60/2021 (12 February) **on certifying immunity to coronavirus**

The Government,
acting within its original legislative power laid down in Article 53 (2) of the Fundamental Law, having regard to section 51/A of Act CXXVIII of 2011 on disaster management and amending certain related Acts,
acting within its function laid down in Article 15 (1) of the Fundamental Law,
decrees as follows:

1. Certifying immunity to coronavirus

Section 1 (1) Immunity to SARS-CoV-2 coronavirus (hereinafter “coronavirus”) shall be certified (hereinafter the “existence of immunity”) by certifying the fact of having been vaccinated in the territory of Hungary with a COVID-19 vaccine that is authorised in the European Union or Hungary and used for the vaccination of the population (hereinafter “vaccinated status”), with the exception specified in section 3 (2a).

(2) Immunity to coronavirus shall be certified by either an official verification card (hereinafter “immunity certificate”) or an IT application specified in this Decree.

2. Immunity certificate

Section 2 (1) The immunity certificate shall include the following:

- a) name of the person concerned,
- b)
- c)
- d) number of the immunity certificate,
- e) date of vaccination,
- f)
- g) data storage code generated from the data under points a) to e) that is readable optically by information technology devices,
- h) the following texts as written indications:
 - ha) “This immunity certificate is valid only with an official verification card with photograph suitable for verifying the identity of its holder.”,
 - hb) “It is non-transferable.”,
 - hc) “Rights associated with this card can be checked on the <https://koronavirus.gov.hu> website.”

(1a)

(1b)

(1c)

(1d) For certifying the authenticity of data indicated in the immunity certificate, the data specified in paragraph (1) a) and e) shall appear also on the online electronic platform by way of reading the data specified in paragraph (1) g).

(1e) When certifying vaccinated status, the data of a vaccination certificate within the meaning of Article 5 of Regulation (EU) 2021/953 of the European Parliament and of the Council of 14 June 2021 on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (EU Digital COVID Certificate) to facilitate free movement during the COVID-19 pandemic shall be displayed on the online electronic platform by way of reading the data specified in paragraph (1) g).

- (2)
- (3)
- (3a)
- (4)
- (4a)
- (4b)
- (4c)

(5) The immunity certificate shall include the specification of data also in English.

(6) With the exception specified in paragraph (7), the Government Office of the Capital City Budapest (hereinafter “the authority”) shall *ex officio* issue the immunity certificate to an eligible natural person

- a)
- b)
- c)

d) within 8 days if that person has received the shot after 1 March 2021.

- (6a)
- (7)
- (7a)
- (8)
- (9)

(10) An application for the replacement or exchange of an immunity certificate may be submitted

a) by electronic means using the electronic form introduced by the capital and county government office or

b) in person at any government window.

(10a) For applications submitted under paragraph (10), the government authority shall proceed on behalf of the authority pursuant to section 48 (1) of Government Decree 86/2019 (23 April) on capital and county government offices and district (capital district) offices.

(11) Immunity certificates shall be issued free of charge, with the exception of their replacement or exchange referred to in paragraph (10). For the replacement or exchange of an immunity certificate as laid down in paragraph (10), an administrative service fee of 3000 forints shall be paid, 2000 forints of which are the production costs of the immunity certificate.

(11a) In an application submitted to the authority, the person concerned may request that an immunity certificate be issued free of charge, provided that the applicant did not receive the immunity certificate within 30 days of its issuance as provided for under paragraph (6) d). In such a situation, a new immunity certificate shall be issued to the applicant even if an immunity certificate was already issued to him, but it can be presumed, based on a notification by the person concerned, that it was not served on him.

(12) The immunity certificate shall be valid only if produced together with an official verification card with photograph suitable for verifying the identity of its holder.

(13) The administrative service fee under paragraph (11) shall be paid via bank transfer to the bank account of the Government Office of the Capital City Budapest with account number 10023002-00301253-00000000.

(13a) The authority shall aggregate on a quarterly basis the parts of administrative service fee received under paragraph (11) that are allocated to the production costs of the immunity certificate and shall send the amount to the Ministry of Interior. The Ministry of Interior shall use the amount thus received in accordance with a public service contract entered into with the central service provider referred to in section 7 (2) b) to cover the production costs of immunity certificates issued.

(14) The fee shall be paid even if the applicant withdrew his application or if the authority rejected it or terminated the proceeding.

(15) In case of repeated applications, the fee shall be payable for each application. If an application is submitted anew after being returned for remedy of deficiencies, the fee shall not be payable again.

(16) In case of overpayment, the overpaid fee amount shall be returned *ex officio* or upon application.

(17) If the overpaid fee is returned upon application, the application shall include the reason for return payment, the name of the account holder and the payment account number or postal address specified by the applicant to which the return payment is to be transferred. The authority shall return the fee by transferring it to the payment account number specified by the applicant or remitting it to the postal address.

(18) *Ex officio* returns shall be made by the authority by bank transfer to the bank account number, or by remitting to the address, indicated on the account statement for the day when the payment account was debited, on the cheque stub certifying sending the postal cash transfer order or on a copy of such a statement or cheque stub.

Section 2/A

Section 3 (1) In a situation under section 2 (6) d), the healthcare service provider shall record in the EESZT, and immediately transfer to the authority by way of the EESZT and with the exception of the type of vaccine used, the following:

- a) vaccinated status, date of vaccination, type of vaccine used,
- b) mail address of the person concerned if he indicates that it is different from his address as recorded in the register of the personal data and address of citizens,
- c) name of the person concerned and the number of his official verification card suitable for verifying identity that has been issued by a foreign authority if he does not hold an official verification card suitable for verifying identity that has been issued by a Hungarian authority,
- d) if the person concerned requests the immunity certificate to be sent to him as an official document, a reference to this fact.

(1a)

(2)

(2a) If the vaccination under section 1 (1) was administered

- a) in a Member State or EU candidate country,
- b) in a member country of the Organisation for Economic Cooperation and Development,
- c) in a member country of the North Atlantic Treaty Organisation,
- d) in the Russian Federation,
- e) in the People's Republic of China,
- f) in the United Arab Emirates,
- g) in the Kingdom of Bahrain,
- h) in a member state of the Cooperation Council of Turkic-Speaking States: the Republic of Azerbaijan, the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Turkey, the Republic of Uzbekistan,
- i) in Ukraine or

j) in a country specified in a decree issued by the Minister responsible for foreign policy in agreement with the Minister responsible for public safety,

the authority shall issue an immunity certificate to a Hungarian citizen and a non-Hungarian citizen staying legally within the territory of Hungary for more than 90 days in any 180-day period who received vaccination abroad within 15 days, upon an application submitted in person at any government window or by electronic means within the meaning of the Act on the general rules on electronic administration and trust services.

(2b) To an application under paragraph (2a), a certificate of vaccination in Hungarian or English language issued by the foreign authority or the healthcare service provider administering the vaccination shall be attached, or in the absence thereof, a Hungarian certified translation of his certificate in any other foreign language, with the proviso that the certificate shall include the type of coronavirus vaccine (hereinafter “vaccine type”) and the time and place of vaccination.

(2c) For an application under paragraph (2a), the applicant shall provide

- a) his natural identification data,
- b) the document identifier of his official verification card suitable for verifying identity,
- c) his postal address (delivery address of immunity certificate) and
- d) his social security number if he has one.

(2d) In the application, the person concerned may request that the immunity certificate be delivered as an official document.

(2e) In the case of an application under section 2 (8), if the certificate is appropriate, the authority shall record in the EESZT the name of the person concerned, the data under paragraph (2c) b) and c), the vaccine type, the date of vaccination, the fact that the application was submitted pursuant to paragraph (2d), if applicable, and the social security number, if any, of the person concerned for the purpose of generating the code under section 2 (1) g).

(2f) For a person concerned without social security number, the operator of the EESZT shall generate a technical identifier, to which it assigns his data under paragraphs (2c) to (2e).

(2g) To applications under paragraph (2a), the provisions of section 2 (10a) shall apply accordingly.

(3) In a situation under section 2 (6) d), the authority shall consult, by way of automatic information transfer, and if required, through a service connected to the data link register,

a) the operator of the EESZT for the social security number of the person concerned and data under section 2 (1) e) and g) and paragraph (1),

b) the organ keeping register of the personal data and address of citizens for the name, number of passport and permanent personal identification card and address of the person concerned.

(4) The authority

a)

b)

c) for issuing an immunity certificate, may request from the organ keeping the register of the personal data and address of citizens the natural identification data, sex, nationality, personal identifier and address of a vaccinated natural person and the data on the reasons for and time of his removal from the personal data and address register.

(5) For personalising the immunity certificate and transferring it to the person concerned, the authority shall transfer data under paragraph (3) to the organ responsible for the personalisation of permanent personal identification cards.

(6) Government Decree 86/1996 (14 June) on the order of security document protection shall not apply to immunity certificates, but the organ under paragraph (5) shall be obliged to issue an immunity certificate applying the security elements determined with the involvement of the authority and the minister responsible for the register of the personal data and address of citizens.

(7) By way of derogation from section 29 (1) of Government Decree 335/2012 (4 December) on detailed rules on offering postal services and on postal services relating to official documents, on the general terms and conditions of postal service providers, and on items excluded from postal services and items that can be delivered subject to conditions, an immunity certificate shall be delivered to the hands of the person concerned only if he so requests; otherwise, the immunity certificate shall be delivered to the mailbox.

(8) In the event of a possible return delivery, on registered mail containing immunity certificates sent as official document and to be delivered, based on a request by the person concerned (addressee), to the hand of the person concerned, sender details to be observed by the postal service provider need not be indicated, provided that they are included in the electronic document verifying posting.

3. IT application certifying vaccination against coronavirus

Section 4 (1) The operator of the EESZT shall provide the persons concerned with an IT application certifying vaccination.

(2) After the identification of the person concerned, the IT application certifies the vaccinated status of the person concerned relying on data from the EESZT.

(3) The IT application shall indicate the following:

- a) name of the person concerned,
- b) social security number of the person concerned,
- c) the type of vaccine and the date of administering each dose of vaccination,
- d)

(4) In the event of an application under section 3 (2a), the operator of the EESZT shall not provide an IT application.

4. Data processing

Section 5 For issuing an immunity certificate certifying vaccination, a healthcare provider obliged to join the EESZT shall process data under section 2 (1) d) and e) and section 3 (1) of the person concerned for a year after vaccination.

Section 6 For issuing an immunity certificate, the authority shall process data under section 3 (3) of a person concerned for a year after the reception of such data.

Section 7 (1) The authority shall involve, as processor, in issuing the immunity certificate the minister responsible for the register of the personal data and address of citizens.

(2) For the system relating to immunity certificates,

a) application development and application operation tasks, and the related tasks of a processor shall be performed by IdomSoft Informatikai Zártkörűen Működő Részvénytársaság as central service provider,

b) infrastructure development and infrastructure operation tasks, tasks connected to document logistics and the related tasks of a processor shall be performed by NISZ Nemzeti Infokommunikációs Szolgáltató Zártkörűen Működő Részvénytársaság as central service provider.

(3) For the identification of the person concerned, the authority may transmit to the organ under paragraph (2) *a*) the identification code within the meaning of section 6 (3) of Act XX of 1996 on means of identification replacing the personal identification number and the use of identification codes.

4/A. Immunity certificate of persons without social security number

Section 7/A (1) To persons without social security number, the provisions of this Decree shall apply subject to the derogations set out in this paragraph-

(2)

(3)

(4)

(5) For persons without social security number who are eligible for an immunity certificate due to vaccination, the operator of the EESZT shall generate in the EESZT a technical identifier to which it assigns the name and data of the person concerned to be recorded in the EESZT, provided that the person concerned does not already have such a technical identifier.

(6)

(7)

(8)

(9) By way of derogation from section 3 (3), the operator of the EESZT shall transmit to the authority the technical identifier of the person concerned.

(10) To a person concerned without social security number, the operator of the EESZT shall not provide an IT application.

(11) Upon a request to that effect by the person concerned, the immunity certificate shall be delivered to the hands of the person concerned through a diplomatic mission.

(12) For the performance of the tasks under paragraph (11), the Ministry of Foreign Affairs and Trade and a foreign mission shall process the data necessary for delivery until delivery is made.

5. Final provisions

Section 8 This Decree shall enter into force on the day following its promulgation.

Section 9 Sending immunity certificates under this Decree to eligible persons shall commence following 1 March 2021.

Section 10 (1) On the basis of the result of a laboratory examination carried out by a healthcare service provider operating in Hungary for the issuance of immunity certificate in accordance with section 2 (4) prior to the entry into force of the provisions of section 2 (4a) and (4b) of this Decree as introduced by Government Decree 108/2021 (5 March) amending Government Decree 60/2021 (12 February) on certifying immunity to coronavirus (hereinafter the “Amending Decree 1”), an immunity certificate may be issued only if the diagnostic report showed a positive result regarding one or more coronavirus antibodies.

(2) Where prior to the entry into force of the Amending Decree 1, basic immunisation required the administration of two shots, the provisions of section 1 (1) *b*) and section 2 (6) *c*) and *d*) shall apply also to those persons who received their first shot prior to the entry into force of the Amending Decree 1.

Section 10/A (1) Within 8 days following the entry into force of Government Decree 479/2020 (3 November) on further protective measures applicable during the period of state of danger and Government Decree 334/2021 (10 June) amending Government Decree 60/2021 (12 February) on certifying immunity to coronavirus (hereinafter the “Amending Decree 2”), the authority shall issue an immunity certificate to a person

a) who does not hold a valid immunity certificate,

b) the date of whose last positive molecular biological examination or rapid antigen test for detecting coronavirus recorded in the EESZT was before 1 May 2021, and

c) who is not in an in-patient care institution on the day of the entry into force of Amending Decree 2.

(2) In a situation under paragraph (1), the date of recovery shall be the twentieth day following the date of the last positive molecular biological examination or rapid antigen test for detecting coronavirus recorded in the EESZT.

(3) By way of derogation from paragraph (1), the authority shall not issue an immunity certificate if it would expiry within ten days following the entry into force of Amending Decree 2.

Section 10/B An immunity certificate issued before the entry into force of Government Decree 164/2022 (28 April) amending government decrees on certifying immunity to coronavirus (hereinafter the “Amending Decree 3”) shall be valid if produced together with any official verification card with photograph suitable for verifying identity, regardless of any document identifier indicated on the immunity certificate after the entry into force of Amending Decree 3, unless the law provides for other conditions.

Section 10/C (1) The provisions of this Decree introduced by Amending Decree 3 shall apply to immunity certificates issued before 1 May 2022 subject to the derogations provided for in this section.

(2) Notwithstanding the date of expiry physically indicated on them, immunity certificates issued with regard to section 2 (4) or section 2 (6) b) of this Decree as in force on 30 April 2022 shall become invalid on 1 May 2022.

Section 10/D (1) If for the exercise of a right or an exemption from an obligation, the law requires immunity to be certified, only persons with existing immunity shall be entitled to exercise that right or be exempt from that obligation. If the law requires immunity to be certified, where immunity certificate is produced, the person checking the immunity certificate shall, in order to establish the existence of immunity and identity, be required to also check the data under section 2 (1) g), in particular, by comparing the date of birth indicated on the vaccination certificate referred to in section 2 (1e) to that indicated on the official verification card with photograph suitable for verifying identity.

(2) Notwithstanding paragraph (1), the existence of immunity need not be checked where for an occupational relationship of an employment nature the law required vaccinated status and the employee complied with the vaccination obligation provided for by the law.

Section 11 Authorisation shall be given to the minister responsible for foreign policy to determine, in agreement with the ministry responsible for public safety, the countries not specified in section 3 (2a) in which administering vaccination to a Hungarian citizen and a non-Hungarian citizen staying legally within the territory of Hungary for more than 90 days in any 180-day period places him within the scope of section 3 (2a) to (2g).