

XXXVIII of 1996
law
international assistance in criminal matters ¹

Chapter I.

general rules

§ 1 The purpose of this Act is to regulate co-operation with other states in criminal matters.

§ ² A request for legal aid may not be complied with or submitted if it would violate the public policy or the fundamental national security interest of Hungary. The position of the Minister responsible for justice (hereinafter: the Minister) and the Prosecutor General shall prevail in this matter.

§ 3 This Act shall apply unless an international treaty provides otherwise.

§ 4. (1) ³ Forms of criminal legal aid:

- a) extradition,
- b) the transfer or receipt of criminal proceedings,
- (c) the taking over or release of a custodial sentence or measure,
- (d) taking over or transferring the execution of confiscation, confiscation or a penalty or measure having equivalent effect (hereinafter: confiscation or confiscation),
- (e) taking over or releasing the execution of electronic data or the imposition of a penalty or measure having equivalent effect (hereinafter referred to as "permanent non-disclosure"),
- f) legal aid,
- g) reporting to a foreign state.

(2) ⁴ Assistance in criminal matters shall be provided or requested by the Minister or the Attorney General.

§ 5. (1) Unless otherwise provided by this Act, a request for legal aid may be complied with or submitted if:

- a) the act is punishable under both Hungarian law and the law of a foreign state;
- (b) the legal aid relates to a non-political offense or to other closely related offenses and to non-military offenses.

2. For the purposes of paragraph 1, an act shall not be regarded as a political offense if, when committed, taking into account all the circumstances, including the purpose pursued, the motive for the offense, the means of committing the offense, the means used or envisaged, the offense its public law nature is overwhelming compared to its political one.

(3) The public law nature of intentional homicide or a crime involving intentional homicide is always overriding in relation to politics.

§ 6. (1) ⁵ The Minister may request a declaration of reciprocity from a foreign state and may make a declaration of reciprocity on the initiative of the foreign state.

(2) ⁶ In the absence of reciprocity, the execution of a foreign request for legal aid shall be decided by the Minister or the Attorney General in agreement with the Minister responsible for foreign policy.

(3) ⁷ Confiscation or the execution of confiscation may be taken over or transferred on the basis of an obligation entered into in an international treaty.

(4) ⁸ If a foreign authority submits a request for criminal assistance for an act which is a criminal offense under the law of its State but an offense under Hungarian law, the Central Authority shall notify the requesting foreign authority thereof. If the foreign authority

maintains its request for legal aid in its statement of notification, the Act on Legal Aid for Infringements² shall apply to the execution of the request .

(5) ^{10A} request for procedural legal aid may be complied with in the absence of the condition laid down in Section 5 (1) (a) , provided that the requested State also ensures reciprocity in this respect. In this case, the district prosecutor's office has the power to execute the request for procedural legal aid.

§ ^{11 11} The Minister or the Attorney General may make the execution of a request for legal aid subject to appropriate guarantees, and in the event of a refusal to provide a guarantee, refuse execution if it is presumed that the proceedings abroad, the expected sentence or its execution are not in accordance with the Basic Law; provisions and principles of international law relating to the protection of human rights.

§ ⁸ The conditions imposed by another state for the execution of a Hungarian request for legal aid, which may be made a condition for the execution of foreign requests for legal aid under this Act, may be accepted by the Minister or the Attorney General on behalf of Hungary. Other reasonable conditions, not inconsistent with the provisions of Section 2, may be assumed for the proper functioning of the judiciary. The conditions set by the foreign state for the execution of the request for legal aid and undertaken by Hungary must be met.

§ ⁹ If a request for legal aid is granted, the provisions of passport, visa, foreign exchange and customs legislation shall not constitute an obstacle to the entry and exit of persons and the transfer and receipt of objects.

§ ^{10 13} Unless otherwise provided in this Act, Act C of 2012 on the Criminal Code (hereinafter: the Criminal Code) and Act XC of 2017 on Criminal Procedure. (hereinafter: Be.) shall also be properly applied in international criminal legal aid traffic.

II. Chapter

The extradition

1. Title

Extradition from Hungary

§ ¹¹. (1) ^{14 A1} the request of a foreign state, a person residing in Hungary may be extradited for the purpose of conducting criminal proceedings, imprisonment or the execution of a measure involving deprivation of liberty.

(2) ¹⁵ Extradition shall be granted for the purpose of criminal proceedings if the act for which extradition is requested is punishable by a term of imprisonment of at least one year under both Hungarian law and the law of the requesting State; and imprisonment for the purpose of enforcing a penalty or measure involving deprivation of liberty if the part of the custodial sentence or measure still enforceable is more than six months.

12. § ¹⁶ (1) There is no place for extradition if

a) the offense or the sentence for which extradition is sought is time-barred, either in the requesting State or in Hungary,

b) the person to be extradited has been punished by the pardon or the execution of the sentence imposed on him is excluded by the pardon,

(c) no private motion or other motion having equivalent effect has been made or consent given in the requesting State;

d) the Hungarian court has finally ruled on the act on which the extradition is based,

(e) the requesting State requests the extradition of a person for the purpose of serving a custodial sentence or measure involving deprivation of liberty imposed on him or her and the rights of the defense have not been ensured in the pre-trial proceedings.

2. Extradition shall not be refused pursuant to paragraph 1 (e) if the requesting State provides adequate guarantees that the requested person will have the right to a retrial at the request of the requested person.

13. § 17 (1) If no exceptions are made to this Act, the extradition of a Hungarian citizen shall be valid only if

(a) the requested person is also a national of another State; and

b) ¹⁸ does not have a home address in Hungary.

(2) ¹⁹ If it is not possible to take criminal proceedings before a judicial authority of a foreign state against a person with extradition and Hungarian citizenship in the territory of Hungary pursuant to a decision of the Attorney General, the person to be extradited may be extradited for a criminal offense. imprisonment for at least one year under both Hungarian law and the law of the requesting state, provided that the foreign state consents to the execution in Hungary of a final custodial sentence or measure involving deprivation of liberty imposed on the accused at his request.

(3) Notwithstanding the provisions of subsection (1), a Hungarian citizen whose extradition has been authorized to Hungary may be transferred to a foreign state without conducting extradition proceedings on the condition that upon extradition of the criminal proceedings against him or her, shall be transmitted for the purpose of fulfilling the

14. § 20 (1) It is necessary to deny the extradition of a refugee, unless it requests a safe third country under the Act on Asylum.

(2) ²¹ An alien who has been recognized as an asylum seeker and a foreigner seeking recognition as a refugee or asylum seeker may not be extradited to the state from which he or she has fled.

(3) ²² In cases where the requested person is requested to be recognized as a refugee or asylum seeker or an asylum procedure is pending, the period of coercive action against the requested person shall be extended, taking into account the final termination of the asylum procedure, so that the refugee or at least forty days after the refusal of recognition as an asylum seeker to decide on the extradition and to surrender the extradited person. However, the total duration of the coercive measure may not in this case exceed twenty-four months from the beginning of the coercive measure.

14 / A. § 23 (1) Extradition shall be refused if its execution is in conflict with an international convention.

2. If the requested person lodges a human rights complaint with an international organization and the international organization requests an interim measure upon receipt of the complaint, the period of coercive measures against the requested person shall be extended to at least forty days after the complaint has been rejected. be available to decide on extradition or to surrender the person. In this case, the total duration of the coercive measure shall not exceed twenty-four months from the beginning of the coercive measure.

§ 15 ²⁴ If the law of the requesting State permits the imposition of the death penalty for the offense on which the request for extradition is based, the Minister may authorize extradition only if the requesting State provides sufficient assurance that if the extradited person is sentenced to death, it is not carried out against him.

§ 16. (1) Extradition may be granted even in the case of other conditions only if it is ensured that

(a) no other extraditable offense is committed against the requested person prior to his or her extradition, no criminal proceedings are taken in the requesting State or no measure restricting

his or her liberty is taken, and no extradition is granted or transferred to a third country; due to an act

(b) the extradited person may leave the territory of the Requesting State after the criminal proceedings against him or her have been completed or the execution of the sentence has been completed.

(2) ²⁵ The Minister may, at the request of the requesting State, agree to the lifting of the restrictions laid down in paragraph 1 (a) following the decision authorizing extradition, provided that the conditions for extradition also apply in this respect.

(3) ²⁶ Consent under paragraph 2 shall not be required for the lifting of restrictions under paragraph 1 (a) if the extradited person does not leave the territory of the requesting State within forty-five days of his or her release, or returns there after leaving. During the extradition procedure, the person requested to be extradited must be warned of this.

(4) ²⁷ If the requested person voluntarily waives the restrictions set out in paragraph 1 after being informed of the legal consequences of the waiver, the extradition shall not be subject to the conditions set out in paragraph 1.

§ 17 ²⁸ If several States apply for the extradition of the same person, the extradition decision shall take into account, in particular, the place of the offense, the nationality of the requested person, the order in which the requests are received and their material weight.

Section 18 (1) ²⁹ Requests for extradition shall be received by the Minister and, if Section 2 does not preclude their execution, shall be sent to the Metropolitan Court without delay.

(2) ³⁰ In cases falling within the jurisdiction of this Court under this Title, only the Metropolitan Court shall act as single Judge. An appeal against a non-decision-making order of the Metropolitan Court, unless precluded by this Act, shall be admissible and shall be adjudicated by the Metropolitan Court of Appeal at a panel meeting. The appeal shall not have suspensory effect.

§ 19. (1) ³¹ If the requested person is in an unknown place, the Metropolitan Court shall order the search of the requested person. If this measure leads to success, the police will order the detention of the requested person and bring it before the Metropolitan Court. Extradition detention may last for a maximum of seventy-two hours.

(2) ³² If the requesting State so requests, the Metropolitan Court shall order the search and seizure by the police of the objects specified in Section 30 (1).

(3) ³³ The seizure of objects indicated by the requesting State in the international arrest warrant or extradition request pursuant to Section 30 (1) may also be ordered by the authority acting upon the arrest of the requested person.

§ 20. (1) ³⁴ The Metropolitan Court

(a) ³⁵ send the files relating to the requested person to the Public Prosecutor's Office for a motion;

(b) ³⁶ if the presence of a lawyer is mandatory in the proceedings and the requested person does not have an authorized lawyer, he or she shall appoint a lawyer and it shall be for the court to appoint a lawyer;

(c) ³⁷ holds a question of extradition which, in the case of compulsory defense, cannot be held without the participation of the defense counsel;

d) ³⁸ notifies the prosecutor's office of the hearing, in case of compulsory defense, summons the defense counsel, otherwise notifies.

(e) hear the person sought, in particular on his or her identity and nationality; and the circumstances affecting the conditions of extradition under this Act, if he so wishes;

f) ³⁹ inform the requested person about the rules specified in Section 16, the possibility of waiver, and declare the requested person in this regard, as well as record the training and the statement of the requested person in the minutes;

g) ⁴⁰

(h) if the conditions for extradition are met, order the extradition arrest of the person sought.

(1a) ⁴¹ The Metropolitan Court shall submit the final order ordering the extradition arrest, together with the case file, to the Minister for a decision on the issue of extradition.

(2) ⁴² If the requested person is not present in Hungary or the measure taken to search him or her has not been successful, the Minister shall be notified, who shall inform the requesting State thereof.

(3) ⁴³ The criminal costs incurred in the extradition proceedings shall be borne by the State.

21. § ⁴⁴

§ 22. (1) ⁴⁵ Extradition arrest may last for a maximum of six months, it may be extended by the Metropolitan Court for a maximum of six months at a time. If extradition is requested for the purpose of enforcing a custodial sentence or measure involving deprivation of liberty, the duration of the extradition arrest shall not exceed the duration of the custodial sentence or measure involving deprivation of liberty to be executed.

(2) ⁴⁶ The arrest of extradition shall be terminated immediately by the Metropolitan Court if

a) ⁴⁷ the extradition was refused by the Minister,

b) the extradition request has been withdrawn,

(c) the extradited person has not been received by the Requesting State within fifteen days from the date indicated.

(3) ⁴⁸ In the case of a person remanded in custody, the date of commencement of arrest shall be the date on which the request for extradition is received by the Minister. In this case, the temporary extradition arrest lasts until the extradition arrest is ordered.

(4) ⁴⁹ If the requested person is in custody at the time of the arrest or extradition detention order, is serving a custodial sentence or detention order or is subject to a custodial measure, the arrest or detention order shall be issued from that date. When the arrest ceases or the execution of the custodial sentence, the detention order or the custodial measure is completed.

§ 23 ⁵⁰ (1) ⁵¹ During the order of temporary extradition arrest, if the conditions of extradition can be established on the basis of the available data, the Metropolitan Court shall inform the person requested to extradite that if he consents to extradition, the Minister may consent to extradition upon receipt of the extradition request. even before; record the training and the statement of the person sought to be extradited (simplified extradition).

2. The consent provided for in paragraph 1 may not be withdrawn.

(3) ⁵² If the person requested to extradite consents to extradition, the court shall submit to the Minister, together with the case file, the final order ordering the temporary extradition arrest.

§ 24. (1) In cases of urgency, especially if there is a risk of absconding, the requesting State may request the temporary arrest of the person whose extradition it intends to request to be ordered before the extradition request is made.

(2) ⁵³ A request for provisional arrest for extradition may also be made through the International Criminal Cooperation Center (hereinafter referred to as NEBEK). NEBEK will arrange for the requested person to be remanded in custody for the purpose of extradition and brought before the Metropolitan Court. The period of detention may not exceed seventy-two hours.

§ 25. (1) Temporary extradition arrest shall be terminated if no request for extradition is received within forty days of its order. If the request for extradition is subsequently made, the termination of the temporary extradition arrest shall not preclude the ordering of extradition arrest pursuant to Section 20 (1) (h) .

(2) ⁵⁴ The Minister shall immediately notify the requesting State of the temporary arrest of extradition. The notification shall also indicate when the temporary custody arrest will cease in accordance with paragraph 1.

25 / A. § 55 (1) ⁵⁶ Except in the case specified in subsection (2), coercive measures affecting personal liberty other than temporary extradition arrest and extradition arrest shall not be applied. There is no place for bail during the extradition procedure.

(2) ⁵⁷ Temporary extradition arrest may be replaced by temporary extradition criminal supervision in which the court requires the accused not to leave a specified area, apartment, other room, institution or fenced space without permission if the extradition application against a person domiciled in Hungary

(a) was presented for an offense for which the sentence of the requesting State is punishable by a maximum term of imprisonment of five years or a custodial sentence, or

(b) *has* been submitted because he or she has been convicted of a custodial sentence or measure involving deprivation of liberty and the remainder of the custodial sentence or measure involving deprivation of liberty does not exceed three years,

and, in particular, the personal and family circumstances of the requested person and the circumstances in which he or she was apprehended may be achieved by a less coercive measure.

25 / B. § 58 (1) ⁵⁹ The Metropolitan Court shall § (2), it stipulates that the police shall also check the observance of the provisions of the coercive measure by means of a technical device monitoring the movement of the person requested to be extradited. The court shall clarify the technical conditions for the installation of a technical device to monitor the movement of the requested person prior to the order.

(2) ⁶⁰ A 25 / A. § (2), the rules of temporary extradition arrest shall apply accordingly for the duration of the temporary extradition criminal supervision.

(3) ⁶¹ The detention of the requested person shall be ordered if

a) ⁶² a 25 / A. § (2) violates the rules of temporary extradition criminal supervision,

(b) does not appear in the pleading despite the summons and does not save it in advance with good reason or does not give good reason immediately after the impediment has ceased to exist,

(c) during the installation of a technical device to monitor the movement of the requested person, it is established that the conditions for the use of the technical device are not met.

(4) In the cases specified in subsection (3), the court shall order the temporary extradition arrest of the requested person, but there is no place to impose a fine.

§ 26. (1) ⁶³ The Minister shall decide on the issue of extradition. If, according to a court order, the conditions for extradition laid down by law do not apply, the Minister shall refuse extradition by reference to a court order.

(2) ⁶⁴ The Minister shall notify the requesting foreign State of his decision.

(3) ⁶⁵ In the case of a simplified extradition, if the Minister consents to the extradition in such a way that the person requested to extradite in accordance with Article 25 / A. § (2) is subject to temporary extradition criminal supervision, the arrest of the accused and the arrest of extradition shall be ordered. In this case, the starting date of the extradition arrest is the date of detention with the consent of the Minister.

§ 27. (1) ⁶⁶ NEBEK shall ensure the transfer of the extradited person with the assistance of the police.

(2) ⁶⁷ If the extradition of the extradited person was not possible due to an unavoidable obstacle outside any of the determining authorities, the period of arrest or detention shall be extended so that the extradited person has at least twenty days after the unavoidable obstacle has ceased to exist. to transfer. The extradited person shall be released immediately after the expiry of this period.

§ 28 ⁶⁸ If extradition has been refused by the Minister or the extradited person has not been taken over by the requesting State, the Minister shall send the case files to the Attorney General for the purpose of instituting criminal proceedings or other measures.

§ 29. (1) ⁶⁹ If the extradited person is being prosecuted in Hungary for another criminal offense, or the extradited person is serving a custodial sentence or detention order, the Minister may postpone his or her transfer until the end of the proceedings or the execution of the sentence.

(2) ⁷⁰ If the surrender of the extradited person has been postponed by the Minister pursuant to the provisions of paragraph (1), he may, at the request of the requesting State, authorize his temporary transfer to the requesting State for the purpose of carrying out an urgent procedural act. The requested person may be surrendered on a temporary basis if it is ensured that he or she is detained in the requesting State and returned within a specified period.

(3) ⁷¹ According to the rules of the Criminal Code on the calculation of pre-trial detention and criminal supervision, the total duration of foreign detention shall be included in the penalty or custodial measure imposed by the court, taking into account the nature of the foreign imprisonment or custodial measure.

§ 30. (1) ⁷² In the course of extradition proceedings, the Metropolitan Court may authorize the transfer to the requesting State of objects which have served as a means of the criminal offense on which the request for extradition is based or have been acquired by the offender through such criminal offenses. replaced or may serve as a means of physical evidence.

(2) The transfer of these objects may be authorized even if the extradition has been authorized but the person requested to be extradited has not been transferred.

(3) If the transfer of objects is authorized, the transfer

(a) may be deferred for as long as is necessary for the purpose of official proceedings in Hungary, or

(b) may be made conditional on their being returned within a specified period.

(4) ⁷³ If the State requesting extradition is likely that the property referred to in paragraph (1) the person or another sought to hide, destroy or otherwise withdraw from the process, On. 302–338. §, a coercive measure may be ordered to prevent this.

(5) The provisions of this Section shall not affect the right of ownership and other rights existing in these objects.

2. Title

Applying for a foreign state for extradition

§ 31. ^{74 A} request for extradition may be submitted to a foreign state in order to conduct criminal proceedings, impose a custodial sentence or a measure involving deprivation of liberty.

§ ⁷⁵. (1) The court may issue an international arrest warrant against the accused, provided that the material gravity of the offense justifies it, for the purpose of conducting criminal proceedings or the execution of a custodial sentence or measure involving deprivation of liberty.).

(2) ^{76 An} international arrest warrant may be issued for the purpose of conducting criminal proceedings after indictment, even if the condition set out in subsection (1) is met, if the prosecution or in the amendment or extension of the charge prosecutes a custodial sentence or correctional education. .

(3) ⁷⁷ Prior to indictment, the international arrest warrant shall be issued by the investigating judge. If a custodial sentence or measure involving deprivation of liberty is to be executed, the international arrest warrant shall be issued by the sentencing judge.

(4) The court shall send the international arrest warrant and, in the case of an international arrest warrant issued for the purpose of enforcing a custodial sentence or measure involving deprivation of liberty, the final judgment to the Minister.

(5) ⁷⁸The international arrest warrant shall be revoked immediately if the reason for issuing it has ceased to exist. The court may also withdraw the arrest warrant ex officio before the indictment. If an international arrest warrant has been issued prior to the indictment but the prosecution has not filed a motion to impose a custodial sentence or correctional facility to be executed in the indictment, the international arrest warrant must be revoked immediately. If the accused is arrested on the basis of an international arrest warrant and the conditions for issuing an international arrest warrant are otherwise met, the international arrest warrant may be revoked only after the defendant has been handed over to Hungary, except as provided in Section 33 (2).

33. § ⁷⁹ (1) The Minister shall decide on the submission of a request for extradition; notify the court issuing the international arrest warrant of its decision.

(2) If the Minister does not submit the extradition request, the international arrest warrant shall be revoked immediately, subject to the Minister being informed.

§ 34. ⁸⁰ (1) ⁸¹ Imprisonment in case of extradition for execution of a sentence or measure involving deprivation of liberty, if a collective punishment has been imposed and the extradition is not requested by the Minister for execution of a sentence or measure imposed on the basis of all acts to enforce a sentence or measure, the court of first instance shall determine the part of the sentence or measure relating to the act in respect of which extradition is requested by the Minister or authorized by the foreign State.

(1a) ⁸² Save as otherwise provided in this Act,

(a) the proceedings are instituted of their own motion or on application by the public prosecutor's office, the accused or the defense counsel,

(b) the court acts as a single judge without the assistance of the presidents,

(c) the court decides on the basis of the documents and, if necessary, hears the prosecutor, the accused and the defense counsel at a hearing; hold a trial if evidence is taken,

(d) the court of second instance shall also hear an appeal against the judgment of the court of first instance; and

(e) there is no need for third-party proceedings.

2. The part of the penalty or measure referred to in paragraph 1 shall be determined on the basis of the proportion of the upper limits of the punishment items for the offenses on which the collective punishment is based.

(3) If a custodial sentence or measure involving deprivation of liberty for which extradition is requested by the Minister or for which extradition is authorized by a foreign State has been included in the custodial sentence, the custodial sentence or measure involving deprivation of liberty for which extradition is requested shall be enforced, or authorized. Paragraphs 1 and 2 shall apply mutatis mutandis where a collective penalty has been imposed in the basic judgment.

(4) If extradition is requested or authorized for the execution of any custodial sentence or measure involving deprivation of liberty included in the total sentence, the custodial sentence or measure involving deprivation of liberty provided for in the total sentence shall be executed.

34 / A. § ⁸³ (1) No criminal proceedings may be instituted, convicted or otherwise deprived of liberty against the accused for any other criminal offense committed before his or her extradition which is the basis for his or her extradition.

Paragraph 1 shall not apply if:

(a) the accused does not leave the territory of Hungary, although he would have had the opportunity to do so, within forty-five days after his release, or returns here after leaving;

(b) the accused waived the application of the specialty rule in the extradition proceedings;

(c) the defendant has expressly waived his or her right to the application of the specialty rule in respect of the offenses committed after his or her extradition; or

(d) the requested State consents to the prosecution or execution of the sentence.

3. In the event of a waiver pursuant to paragraph 2 (c) , the declaration of waiver shall be made in court and shall be recorded in minutes, which shall be signed by both the representative of the judicial authority and the declarant. The waiver must be worded in such a way as to make it clear that it was made voluntarily by the accused and in full knowledge of the consequences thereof. You can use a loaded protector.

4. A request for consent under paragraph 2 (d) shall be made to the requested State in accordance with the rules applicable to the issue and transmission of the international arrest warrant.

§ 35. ⁸⁴ § 24 (1), § 27, § 29 (2) and § 30 (1) and (4) shall also apply mutatis mutandis in the case of a foreign state's request for extradition. may.

§ 36. In the case of execution of a request for extradition, the period of detention abroad on the basis of the request for extradition shall be included in the sentence established by the court.

III. Chapter

Transfer and receipt of criminal proceedings; report to a foreign state

1. Title

Transfer of criminal proceedings

37. § ⁸⁵ (1) ⁸⁶ Criminal proceedings may be transferred if, in particular in view of the place of the offense, the actual place of residence of the accused or the interests of the victim, it is expedient that it be conducted by an authority of another state.

2. The transfer of criminal proceedings or a request for the transfer of criminal proceedings shall not be precluded by the fact that criminal proceedings are already pending in the requested State in respect of the offense which is the subject of the criminal proceedings.

37 / A. § ⁸⁷ The transfer of criminal proceedings is obligatory if, in a matter falling under Hungarian criminal jurisdiction, by a foreigner

(a) domestically, and

b) on a Hungarian ship or Hungarian aircraft outside the borders of Hungary

Hungary waived the prosecution of a criminal offense in an international treaty promulgated by law.

38. § ⁸⁸ (1) ⁸⁹ On the basis of the submission of the court or prosecutor's office conducting the criminal proceedings (hereinafter: Hungarian judicial authority) and the sending of the documents of the proceedings - the Chief Prosecutor, then the Minister shall contact the foreign state .

(2) The Attorney General or the Minister may also examine the justification for submitting a request for legal aid for the transfer of criminal proceedings at the initiative of a foreign state.

§ ⁹⁰ (1) In order to transfer criminal proceedings, the Attorney General or the Minister may, in justified cases, also hold consultations with the foreign state before submitting the request, in particular:

(a) the transmission of the documents or of certain parts of them, the method of transmission and the need to translate the documents,

b) the objects seized in criminal proceedings or treated as criminal offenses, their transfer and the method of transfer,

(c) property seized in criminal proceedings.

(2) In the case of transfer of criminal proceedings, procedural acts in Hungary shall be deemed to have been performed on the basis of a request for legal aid submitted by the receiving country. The provisions on legal aid shall apply *mutatis mutandis* to the transfer of documents, objects or property.

40. § ⁹¹ (1) ⁹² If the accused is arrested in the Hungarian criminal proceedings on which the request for the transfer of criminal proceedings is based or is subject to other coercive measures affecting personal liberty, the Attorney General or the Minister shall consult with the requested State on the transfer of the accused.

(2) The transfer of the accused may take place only after the receipt of the Hungarian criminal proceedings.

(3) ⁹³ If a defendant who is under arrest in Hungarian criminal proceedings or is subject to another coercive measure affecting personal liberty is transferred in order to transfer the criminal proceedings, the coercive measure shall last until the transfer to the accused foreign authority.

(4) ⁹⁴ If the accused is subject to criminal supervision and cannot be transferred by any other means after the consultation pursuant to paragraph 3, the trial court or public prosecutor's office may order the arrest of the accused for the purpose of transfer. The imposition of transfer custody shall not affect any coercive measure affecting personal liberty applied. The custody of the accused in transit may last until the accused is handed over to the foreign authority, but for a maximum of seventy-two hours. Transfer custody shall be lifted if, during its duration, the transfer of the laden cannot be carried out due to an unavoidable obstacle. In this case, the custody of the defendant may be re-ordered for transfer.

(5) NEBEK shall arrange the transfer of the accused with the assistance of the police in consultation with the foreign authority.

(6) ⁹⁵ If the transfer of the criminal proceedings takes place in such a way that the accused is under arrest in the Hungarian criminal proceedings or is subject to other coercive measures affecting less severe personal liberty, § 13 (2), § 15 and 16 The provisions of § shall be applied accordingly.

§ 41. ⁹⁶ (1) Following the submission of a request for legal aid for the transfer of criminal proceedings, criminal proceedings may be continued, but may not take place

- a) ⁹⁷ to terminate the proceedings,
- b) ⁹⁸ indictments, conditional prosecution suspensions,
- (c) to refer the matter to mediation, or
- (d) to take a final decision.

(2) An application for legal aid for the transfer of criminal proceedings may be withdrawn until the foreign state decides on the transfer.

42. § ⁹⁹ (1) ¹⁰⁰ The court or prosecutor's office conducting the proceedings - taking into account the transfer of the accused and the transfer of the items seized in the criminal proceedings - shall establish after the decision of the foreign state to take over the criminal proceedings. an authority of a foreign state and, in view of this, terminates the proceedings in Hungary.

(2) There is no appeal against a decision terminating the proceedings.

(3) The transferred criminal proceedings may not be continued in Hungary, with the exception specified in paragraph (4).

(4) ¹⁰¹ The court or the public prosecutor 's office shall order the continuation of the transferred criminal proceedings if

- a) the decision of the receiving foreign state to take over the criminal proceedings is revoked,
- (b) the receiving foreign State establishes, upon receipt of the criminal proceedings, that the criminal proceedings could not have been taken over,

c) Hungary will take over the conduct of the transferred criminal proceedings.

2. Title

Receipt of criminal proceedings

43. § ¹⁰² (1) ¹⁰³ Criminal proceedings pending in a foreign state may be taken over if, especially in view of the place of the offense, the actual place of residence of the accused or the interests of the victim, it is expedient to conduct it in Hungary.

(2) The fact that criminal proceedings are already pending in Hungary due to the criminal offense which is the subject of the criminal proceedings shall not preclude the receipt of criminal proceedings pending in a foreign state.

(3) If the receipt of criminal proceedings pending in a foreign state is justified, the Attorney General may contact the foreign state in order to transfer the criminal proceedings.

44. § ¹⁰⁴ (1) The Attorney General shall decide on the acceptance of criminal proceedings.

(2) Section 39 and Section 40 (1) shall apply mutatis mutandis to the conciliation related to the acceptance of criminal proceedings.

(3) ¹⁰⁵ The taking over of a defendant who is the subject of a coercive measure affecting personal liberty in criminal proceedings pending in a foreign state may take place only after a decision has been taken concerning the taking over of the criminal proceedings.

(4) ¹⁰⁶ If the accused is arrested in the criminal proceedings related to the transfer or is subject to other coercive measures affecting personal liberty and his transfer took place in connection with the transfer of the criminal proceedings, if the legal conditions exist, the prosecutor's office shall order the accused to take charge of the accused.

(5) NEBEK shall arrange for the transfer of the accused in accordance with the provisions of the agreement with the foreign state or in consultation with the foreign authority.

(6) ¹⁰⁷ If the criminal proceedings have been taken over in such a way that the accused is under arrest in foreign criminal proceedings or is subject to other lesser coercive measures affecting personal liberty, Article 34 / A. § shall be applied accordingly.

44 / A. § ¹⁰⁸ (1) Procedural acts performed in received criminal proceedings shall be deemed to have been performed on the basis of procedural legal aid for the acquisition, transfer of a means of proof or the performance of a procedural act.

(2) ¹⁰⁹ If the receipt of the criminal proceedings takes place after the indictment in the foreign state, the prosecutor's office shall § 391, in justified cases the Be. Acting in accordance with Section 538.

(3) ¹¹⁰ If, in the received criminal proceedings, the foreign authority has questioned the accused as a suspect or has been charged against him, the date of the questioning of the accused as a suspect shall be deemed to be the decision to take over the criminal proceedings. If the criminal proceedings have been taken over in such a way that the accused is under arrest in criminal proceedings pending in a foreign state or is subject to other coercive measures affecting the lesser personal liberty, the date of the coercive measure affecting the personal liberty shall be deemed to be the date of the foreign order.

(4) If, according to Hungarian law, the criminal offense is to be prosecuted only on a private motion, and in the foreign proceedings the private motion was filed in accordance with the legislation governing it, it shall be deemed to have been duly filed in the received proceedings. If no private motion has been made in criminal proceedings pending in a foreign state because the law of the country of the requesting authority does not require a private motion, the claimant shall be summoned to file a private motion. The time limit for submitting a private motion shall run from the date of service of the call.

44 / B. § 111 (1) ¹¹² At the request of a foreign authority, the termination of the received criminal proceedings by a final court decision or a non-final order of the court, or by the prosecutor's office or the investigating authority for suspension for the purpose of conditional prosecution or mediation proceedings or further appeal the Attorney General shall notify the requesting foreign authority of the decision to terminate the challengeable proceedings.

(2) ¹¹³ If, in the course of the received criminal proceedings, the court imposes a penalty or a custodial measure on the accused, the entire duration of the foreign detention or criminal supervision ordered against the accused in the criminal proceedings pending in the foreign state shall be taken into account.

3. Title

Report to a foreign state

45. § 114 (1) ¹¹⁵ Ha

a) the Criminal Code. According to § 3, Hungary has no jurisdiction, or the opening of criminal proceedings is not ordered by the Attorney General, or

b) in the event of termination of the criminal proceedings, the jurisdiction of a foreign State in respect of the offense which is the subject of the criminal proceedings may be established, and

in a foreign state with jurisdiction to adjudicate the case, the prosecution is expected to be successful;

(2) If the criminal proceedings have been transferred, no report may be lodged with the foreign state pursuant to subsection (1) (*b*) after the termination of the criminal proceedings.

(3) ¹¹⁶ It is for the Attorney General or the Minister to make the report. The prosecutor's office or the court must be informed of the report.

(4) A report to a foreign state shall not in itself prevent the subsequent continuation of criminal proceedings.

ARC. Chapter

ENFORCEMENT ASSISTANCE ¹¹⁷

General rules ¹¹⁸

§ 46. ¹¹⁹ (1) Notices serving as the basis for the recognition of a final judgment rendered by a court of a foreign state (hereinafter: foreign judgment) or the permanent inaccessibility of a custodial sentence, a measure involving deprivation of liberty, confiscation or confiscation of property and electronic data requests for the transfer of the execution of a foreign order shall be received by the Minister and, if Section 2 does not preclude its execution, shall be sent to the court. The Metropolitan Court has jurisdiction and jurisdiction to recognize a foreign judgment and to examine whether the conditions for the execution of a custodial sentence, a measure involving deprivation of liberty, confiscation or confiscation of property and final disclosure of electronic data exist.

(2) ¹²⁰ Unless otherwise provided by this Act,

a) the proceedings are instituted of their own motion or on application by the public prosecutor's office, the accused or the defense counsel,

b) the court acts as a single judge without the assistance of the presidents,

c) the court decides on the basis of the documents and, if necessary, hears the prosecutor, the accused and the defense counsel at a hearing; hold a trial if evidence is taken,

(d) the court of second instance shall also hear an appeal against the judgment of the court of first instance; and

(e) there is no need for third-party proceedings.

(3) ¹²¹ There is no need to review the final decision of the court.

(4) ¹²² A court clerk may also act in connection with the recognition of a foreign judgment, the taking over of the execution of confiscation of property or confiscation, and the taking over of the execution of the final disclosure of electronic data.

1. Title

RECOGNITION OF FOREIGN JUDGMENT ¹²³

§ 47. ¹²⁴ (1) A foreign judgment has the same validity as a judgment of a Hungarian court if the foreign judgment has been recognized by a Hungarian court on the basis of this Act. An unrecognized foreign judgment cannot be taken into account in criminal proceedings.

2. The provisions of this Title shall not apply to a judgment given by a court of a Member State of the European Union.

(3) A foreign judgment may be recognized if the perpetrator has been prosecuted abroad and the sentence imposed or the measure applied is not contrary to the principles of the Hungarian legal system.

(4) ¹²⁵ If an act under Hungarian jurisdiction has already been tried by a foreign court, but the foreign judgment cannot be recognized, the time spent in detention, pre-trial detention and criminal supervision abroad shall be included in the sentence imposed by the Hungarian court.

(5) A foreign judgment shall mean a final judgment of an international criminal tribunal established by an international treaty promulgated by law and by a binding decision of the United Nations Security Council.

48. § ¹²⁶ (1) ¹²⁷ The court shall be bound by the facts established by the foreign court when making the order of the court.

(2) ¹²⁸ In the course of the proceedings, the court shall determine the legal consequences of the conviction under Hungarian law. If the penalty or measure imposed in the judgment of the foreign court is not fully compatible with Hungarian law, the court shall determine the applicable penalty or measure in a final order in accordance with Hungarian law so as to correspond as closely as possible to the penalty or measure imposed by the court. imposed by a foreign court and, in the case of an application for enforcement, provide for the enforcement of that sentence or measure accordingly.

(3) In determining the applicable penalty or measure, the law in force at the time the criminal offense was committed shall be followed; if, according to the Hungarian law in force at the time of the determination of the applicable penalty or measure, the act is no longer a criminal offense or is to be judged more leniently, the new law shall apply.

(4) ¹²⁹ If a foreign court has imposed a cumulative punishment for several criminal offenses in its judgment and one of the acts adjudicated by the judgment is not a criminal offense or cannot be recognized under Hungarian law, the court shall, in the order of the court, omit such act. taking into account additional fact (s), establish the penalty in accordance with the rules of the Criminal Code on the imposition of a penalty.

(5) If the manner or duration of imprisonment imposed by a foreign court is not compatible with Hungarian law, the court shall, in accordance with Hungarian law, apply the Hungarian Criminal Code to the criminal offense on which the judgment is based. within the framework of the sentence provided for in this Regulation, shall determine the sentence, its duration, including the rules on the method of enforcement and the conditions of conditional release, taking into account the rules on the imposition of a sentence. If the duration of imprisonment

imposed by a foreign court is shorter than what could be determined on the basis of Hungarian law, taking into account the rules of the Criminal Code on mitigation of punishment, the duration of imprisonment imposed by the court is the same as that imposed by a foreign court.

(6) ¹³⁰ A court shall recognize a sentence imposed in a foreign judgment as a suspended sentence in the execution of a probation order if the foreign court has imposed a custodial sentence which has ordered the execution of a certain part of its duration and suspended the execution of the remaining part for a probation period. In this case, the court shall determine the sentence to be served in the foreign judgment as a sentence served from a suspended custodial sentence, the probationary period being, subject to paragraph 5, the probationary period of the foreign judgment.

(7) ¹³¹ The court shall notify the criminal record body of the recognition of the validity of the foreign judgment.

(8) ¹³² The criminal costs incurred in recognizing a foreign judgment are borne by the State.

(9) ¹³³ Termination of parole imposed by a foreign court, ordering the execution of a suspended custodial sentence, and termination of temporary dismissal or probation from a correctional institution applied in a foreign judgment may take place only upon receipt of the execution of the sentence or measure.

2. Title

RECEIPT OF IMPLEMENTATION OF A CUSTODY IMPOSED BY A FOREIGN COURT ¹³⁴

§ 49. ¹³⁵ (1) ¹³⁶ The execution of an enforceable custodial sentence imposed by a foreign court may be taken over if the convicted detainee abroad has consented to the taking over of the execution and the sentenced person has at least six months to serve his sentence upon receipt of the request for takeover, or if the punishment is for an indefinite period of time, provided that the convicted Hungarian citizen and address are in Hungary, or a non-Hungarian citizen who has immigrated to Hungary, settled in Hungary or is recognized as a refugee by Hungary.

(2) If the conditions specified in subsection (1) are met, the execution of a custodial sentence or measure involving deprivation of liberty imposed in a foreign judgment may be taken without the convict's consent if the convicted foreign detainee is deported to Hungary or another decision is made that the convicted person may no longer reside in the sentencing State if released.

(3) If the conditions specified in subsection (1) are met, the execution of a custodial sentence or measure involving deprivation of liberty imposed in a foreign judgment may be taken over if the convicted person has returned to Hungary before the execution of the sentence. In this case, the execution of the sentence can be taken over without the consent of the convicted person.

(4) Paragraph (3) shall not apply to a convicted person who has been sentenced by a foreign court to a custodial sentence to be executed in absentia or to whom the execution of a suspended custodial sentence has been ordered by a foreign court because he or she has returned to Hungary before serving the sentence.

(5) In case of application of subsection (2), in respect of a criminal offense transferred to Hungary for the purpose of enforcement other than a criminal offense committed before the transfer, which is the basis of a foreign sentence imposing a final custodial sentence or a custodial sentence, 34 / A. The provisions relating to the specialty rule set out in § 1 shall be applied mutatis mutandis by the fact that the convicted person may make a statement on the waiver of the specialty rule before the penitentiary judge competent according to the place of detention.

(6) The Minister may make the taking over of enforcement conditional on the foreign judicial authority giving its prior consent to the conduct of criminal proceedings for the commission of an offense other than that on which the foreign judgment is based.

(7) If the Minister refuses to accept the enforcement, he shall act in accordance with the provisions of Section 28.

§ 50. ¹³⁷ Enforcement cannot be taken over if the act on which the foreign conviction is based has already been finally judged by a Hungarian court.

§ 51. ¹³⁸ (1) ¹³⁹ The court shall examine the foreign judgment - if in the proceedings concerning the recognition of the foreign judgment the application for the taking over of the execution of the custody is already known - at the same time - and make a final order that the execution of the sentence conditions are met. The court sends the order of the case together with the case files to the Minister.

(2) ¹⁴⁰ If the court has previously made a final decision on the recognition of a foreign judgment, the court is bound by the decision contained therein in the procedure for taking over the execution of a custodial sentence. This rule does not apply if

(a) recognition of the foreign judgment was refused because the data necessary for the recognition were not available to the court and the missing data could be obtained in the proceedings for the enforcement of the custodial sentence, or

b) ^{141 In} order to receive the enforcement of a custodial sentence, it is necessary to recognize a provision of a foreign judgment which was not or was not provided for in accordance with the law by a previous court order on recognition.

(3) ¹⁴² In the case of Section 49 (1) and (2), the court shall decide on the basis of the case files, and in the case of Section 49 (3), it shall hold a hearing in which the participation of the Public Prosecutor's Office is obligatory.

(4) ¹⁴³ The Minister shall decide on the acceptance of the execution of the sentence. If, according to a court order, the conditions for taking over the execution of a sentence under this Act are not met, the court shall reject the request with reference to the court order.

§ 52. ¹⁴⁴ (1) ¹⁴⁵ If, at the time of the request to take over the enforcement of a foreign judgment, criminal proceedings are pending against the convict for the act on which the request is based, the proceedings may be suspended until a decision is taken on taking over the enforcement.

(2) ¹⁴⁶ If the Minister takes over the execution of the sentence, the criminal proceedings shall be terminated.

(3) ¹⁴⁷ Suspension or termination shall be decided by the court or public prosecutor's office before which the criminal proceedings are pending.

§ 53. ¹⁴⁸ (1) The Minister shall notify the Metropolitan Court of the agreement on taking over the execution of the sentence. NEBEK takes care of the reception of the convict with the help of the police.

(2) A convicted person taken to serve a custodial sentence imposed by a foreign court shall be admitted to a penitentiary institution designated by the Minister responsible for the execution of the sentence.

§ 54. ¹⁴⁹ (1) ¹⁵⁰ Time spent in a case abroad in detention, pre-trial detention or criminal supervision shall be included in the sentence received.

(2) The criminal costs incurred in connection with the translation in connection with the receipt of the execution of a custodial sentence imposed by a foreign court shall be borne by the state.

§ 55. ¹⁵¹ The enforcement of a foreign judgment ordered by a court order of the Metropolitan Court shall be terminated immediately if the enforceability of the foreign judgment has ceased or has been suspended or interrupted.

55 / A. § 152 (1) ¹⁵³ In the case of § 49 (3), the court may, on the motion of the public prosecutor's office, order the temporary execution of a convicted person staying in the territory of Hungary during the execution of a request to take over enforcement, if

(a) there is no circumstance precluding acceptance of enforcement on the basis of preliminary data, and

(b) *there are* reasonable grounds for believing that, if released, the sentenced person would abscond, attempt to escape or otherwise withdraw from the execution of the sentence.

(2) ¹⁵⁴ If it is probable that an interim detention order for a convicted person may be ordered, the prosecutor's office may order the detainee's detention.

(3) The court shall hold a hearing on temporary custody in which the participation of the prosecutor and the defense counsel is obligatory.

4. Pre-trial detention shall last until the conclusion of an agreement on the taking over of enforcement and shall not exceed the duration of the sentence. Time spent in custody and temporary custody shall be included in the custodial sentence or measure involving deprivation of liberty taken for enforcement. The court shall review the grounds for temporary custody every three months.

3. Title

TRANSFER OF THE IMPLEMENTATION OF A CUSTODY IMPOSED BY A HUNGARIAN COURT ¹⁵⁵

56. § 156 Implementation of imprisonment finally imposed by the Hungarian court can be transferred to another state.

§ 57. 157 (1) The execution of a custodial sentence may be transferred if

(a) the foreign State undertakes to execute the part of the sentence which has not yet been served,

(b) the sentenced person has consented to the transfer of enforcement, provided that the transfer is accompanied by the transfer of the sentenced person.

(2) The execution of a custodial sentence imposed on a Hungarian citizen may be transferred if he or she has his or her permanent residence or usual abode abroad.

3. The consent referred to in paragraph 1 (b) may not be withdrawn.

(4) ¹⁵⁸ The criminal costs incurred in connection with the transfer of the execution of a custodial sentence imposed by a Hungarian court in connection with the translation and the transportation of the accused shall be borne by the state.

58. § 159 (1) ¹⁶⁰ The Minister shall contact the foreign state for the transfer of enforcement.

(2) ¹⁶¹ In the event of the transfer of the execution of a custodial sentence, the transfer of the convict shall be carried out by NEBEK with the assistance of the police.

(3) ¹⁶² The Minister shall decide on a request of a foreign state to consent to the conduct of criminal proceedings against a convicted person for a criminal offense other than the one on which the transfer is based, in accordance with Section 16 (1) - (3).

§ 59. 163 If the enforcement has been taken over, the execution of the sentence against the convicted person may be continued in Hungary only if the sentenced person withdrew from enforcement in the receiving State.

§ 60. 164 If, after the enforcement has been handed over, the judgment is changed by way of retrial or review, or enforcement cannot be continued on the basis of a pardon, or the sentence is reduced, the receiving State shall be notified thereof.

4. Title

IMPLEMENTATION OF THE IMPLEMENTATION OF ordered by liberty imposed by a foreign court ACTION INVOLVING ACCEPTANCE AND TRANSFER OF HUNGARIAN COURT ACTION INVOLVING liberty ¹⁶⁵

60 / A. § ¹⁶⁶ (1) If the conditions specified in this Act exist, the execution of a measure involving deprivation of liberty ordered by a foreign court may be taken over, or the execution of such a measure ordered by a Hungarian court may be transferred.

(2) A measure ordered by a foreign court may be taken over if Hungarian law recognizes the same or similar measure or penalty.

(3) ¹⁶⁷ The provisions of Titles 2 and 3 shall apply mutatis mutandis to the receipt or transfer of a measure.

5. Title

TAKEOVER OF THE CONFISCATION OR EXECUTION OF THE CONFISCATION ¹⁶⁸

60 / B. § ¹⁶⁹ The execution of an enforceable confiscation or confiscation of property imposed by a foreign court may be taken over on the basis of an international agreement, upon request.

60 / C. § ¹⁷⁰ (1) ¹⁷¹ The court shall examine, on the basis of the relevant provisions of this Act and international treaties, whether the conditions for the execution of a request for confiscation of property or the execution of confiscation are met and shall recognize the confiscation or confiscation on the receipt of the implementation.

(2) ¹⁷² The court shall send the final decision order to the Minister for notification to the foreign court. The Minister shall notify the requesting foreign State of the order.

(3) ¹⁷³ Enforcement ordered on the basis of a decision of a foreign court shall be terminated immediately if the enforceability of the decision of the foreign court has ceased.

(4) ¹⁷⁴ If the amount received from the confiscation of property or the execution of the confiscation does not exceed the amount of HUF corresponding to ten thousand euros, it shall belong to the Hungarian state. If the amount received from the execution of confiscation or confiscation exceeds the amount of HUF corresponding to ten thousand euros, the court may, at the request of the foreign state, order that 50% of the amount belongs to the Hungarian state and 50% to the foreign state.

(5) ¹⁷⁵ The euro amount received from the execution of confiscation or confiscation shall be determined at the exchange rate published by the Magyar Nemzeti Bank valid on the day of the decision of the foreign court ordering confiscation or confiscation.

(6) ¹⁷⁶ The Hungarian state and the foreign state may enter into an ad hoc agreement to share the amount received from the confiscation of property. In this case, the Contracting States may derogate from paragraph 4. The ad hoc agreement is concluded by the Minister on behalf of the Hungarian state. If an ad hoc agreement is concluded, the Minister requests a declaration of reciprocity from the foreign state, and makes a declaration of reciprocity on the initiative of the foreign state.

6. Title

SURRENDER OF THE ASSEMBLY OF THE PROPERTY OR THE CONFIDENCE ¹⁷⁷

60 / D. § ¹⁷⁸ (1) ¹⁷⁹ Confiscation of property or confiscation ordered by a Hungarian court may be transferred, if permitted by an international treaty, to the foreign state in whose territory the property subject to confiscation or the thing subject to confiscation is located.

(2) ¹⁸⁰ A request for the enforcement abroad of a final confiscation order ordering confiscation or confiscation shall be sent by the court to the Minister for transmission to the

foreign State in accordance with the conditions laid down in the relevant international treaty. The Minister shall contact the foreign State for the transfer of enforcement.

(3) ¹⁸¹ In the application specified in subsection (2), the court may indicate that in order to divide the amount received from the confiscation of property or confiscation in accordance with Article 60 / C. § (4).

(4) ¹⁸² If the foreign state does not agree with the proportions indicated in accordance with paragraph (3), Article 60 / C. § (6) shall also apply in the case of confiscation of property or the transfer of the execution of confiscation.

60 / E. § ¹⁸³ If, after the transfer of enforcement, the accused has been acquitted on extraordinary appeal, the proceedings against him have been terminated or the final decision in extraordinary appeal does not contain confiscation or confiscation, or to a lesser extent, the receiving State shall be notified.

7. Title ¹⁸⁴

RECEIPT OF THE IMPLEMENTATION OF THE DEFINITELY DISCLOSURE OF ELECTRONIC DATA

60 / F. § ¹⁸⁵ The execution of the permanent unavailability of electronic data ordered by a foreign court may be taken over upon request.

60 / G. § (1) The court shall examine whether the conditions for the execution of the request for the transfer of the execution of the permanent disclosure of electronic data are met and whether the request contains the data necessary for the domestic execution to identify the source of the electronic data. On this basis, the court shall provide for the recognition and enforcement of a foreign judgment on the permanent unavailability of electronic data and order the enforcement of the final unavailability of electronic data by the removal of the electronic data.

(2) ¹⁸⁶ The court shall send the final, reasoned order of the case to the Minister for notification to the foreign court. The Minister shall immediately notify the requesting foreign State of the order.

(3) Enforcement ordered on the basis of a foreign judgment shall be terminated immediately if the enforceability of the foreign judgment has ceased.

8. Title ¹⁸⁷

TRANSFER OF THE IMPLEMENTATION OF THE ITEM OF DEFINITELY ACCESSIBILITY OF ELECTRONIC DATA

60 / H. § (1) The execution of the permanent inaccessibility of electronic data ordered by a Hungarian court may be transferred to the foreign state in the territory of which the hosting provider has its registered office or premises.

(2) ¹⁸⁸ The court shall send the request for the enforcement of the final decision of the court ordering the final disclosure of the final electronic data abroad to the Minister for transmission to the foreign state. The Minister shall contact the foreign State for the transfer of enforcement.

(3) In a request for permanent unavailability of electronic data, the court shall inform the foreign state that if it is unable to comply with the request within thirty days, it shall order the permanent unavailability of the electronic data by permanently blocking access to the electronic data.

(4) ¹⁸⁹ The Minister shall immediately inform the court of the result of the request or of the fact that no reply to the request has been received from the foreign state within thirty days.

Chapter V ¹⁹⁰

Procedural legal aid

1. Title

Rules for the submission and execution of procedural legal aid in the absence of an international treaty and reciprocity

§ 61. (1) In the absence of an international treaty and reciprocity, a request for procedural legal aid may not be complied with or submitted

a) if the condition specified in Section 5 (1) (*a*) is not met,

b) if the execution of a request for legal aid requires the application of a coercive measure,

c) if the execution of the request for legal assistance requires the transfer of a detained person,

d) in the case of controlled deliveries,

e) in the case of the use of a covert detective,

f) in the case of the use of concealed devices subject to ¹⁹¹ judicial licenses,

g) in the event of the setting up of a joint investigation team,

h) in case of return of the object.

(2) ¹⁹² Subject to Section 76 (1), a request for legal aid shall be received by the Prosecutor General and, if the preconditions for the performance of legal aid specified in this Act exist, shall be forwarded to the prosecutor's office designated by him or her for the provision of legal aid.

(3) A court shall be entitled to execute a request for procedural legal aid only if it is expressly requested by the requesting judicial authority or if the court is entitled to execute the requested procedural act on the basis of Hungarian legislation.

(4) In the case specified in subsection (3), the request for procedural legal aid shall be sent by the Attorney General to the Minister for transmission to the court.

(5) Hungary receives requests in Hungarian. The request submitted by Hungary shall be translated into the official language or one of the official languages of the requested State.

(6) Prior to the indictment, the Attorney General and the Minister shall have the right to submit a request for legal aid.

(7) In the execution of a request for legal aid, contact with the requesting judicial authority may be effected through the Attorney General or the Minister.

(8) The result of the execution of a request for legal aid shall be handed over by the Attorney General or the Minister to the requesting judicial authority or taken over from the requesting judicial authority.

(9) Reimbursement of criminal costs incurred in executing a request for legal aid may be requested from the requesting State. If the execution of a request for legal aid entails significant costs, the requesting State may be required to provide an advance in whole or in part.

(10) At the request of the requested State, the Hungarian State shall advance or reimburse the costs incurred in the execution of the request for legal aid.

(11) In the absence of an international agreement or reciprocity, the provisions of this Chapter shall apply with the derogations provided for in paragraphs 1 to 10.

2. Title

General rules on legal aid under an international agreement or reciprocity

§ 62. (1) Unless otherwise provided by this Act, the Hungarian judicial authority shall have the direct right to receive a request for legal aid submitted by a judicial authority of the requesting state after the commencement of criminal proceedings.

(2) If a central authority, minister or other authority is entitled to submit or receive a request for legal aid under this Act or the law of a foreign state, the provisions concerning the foreign judicial authority and the Hungarian judicial authority in connection with the execution of the request for legal aid or shall be applied accordingly to the authority empowered to receive it.

(3) On the basis of a request for procedural assistance, any request made by the requesting judicial authority A procedural act that may be performed on the basis of a criminal offense may be performed in Hungarian criminal proceedings due to the criminal offense on which the request for legal aid is based.

62 / A. § (1) Unless otherwise provided by this Act, in order to comply with a request for procedural legal aid, the District Court or, in respect of the criminal offense on which the request is based, the Be. competent public prosecutor's office has jurisdiction.

(2) The competence of the Hungarian judicial authority shall be determined by the place where the procedural act was performed. If more than one place of performance can be determined, or the place of performance cannot be determined, the Hungarian judicial authority which has previously taken action in the matter shall act.

(3) The Hungarian judicial authority competent according to the registered office or seat of the legal person is entitled to execute the request for legal aid submitted in relation to the legal person, unless otherwise follows from the request.

(4) ¹⁹³ A prosecutor's office which does not have competence and competence pursuant to subsections (1) to (3) may also act on the basis of the order of the Attorney General or the superior prosecutor's office in order to effectively execute a request for legal aid.

(5) If the Hungarian authority receives a request for procedural legal aid for the execution of which it has no competence or no competence, it shall forward the request to the Minister with competence and competence or to the Hungarian judicial authority.

(6) If a request for procedural legal aid has been submitted due to an act which is an infringement under Hungarian law, the Hungarian judicial authority shall forward the request to the central authority specified in the Act on Legal Aid for Infringement for execution.

62 / B. § (1) A request for legal aid may be submitted in any manner which enables the authenticity of the request to be established. A request for legal aid submitted in this way shall be deemed to be lawful.

(2) If a request for legal aid may be submitted directly, in urgent cases it may also be submitted through NEBEK. A request for legal aid submitted in this way shall be deemed to be lawful.

(3) The provisions of paragraphs (1) and (2) shall also apply to other documents and information transmitted by the requesting judicial authority and, unless otherwise requested by the requesting State, to documents or information transmitted by the Hungarian judicial authority. shall be applied accordingly.

62 / C. § (1) After receiving the request for procedural legal aid, the Hungarian judicial authority shall examine whether the conditions for the execution of the request exist on the basis of Hungarian legislation.

(2) If, on the basis of the request for legal aid, enforcement is not possible or only partially possible, the Hungarian judicial authority shall immediately inform the requesting judicial authority of this circumstance and, if justified, initiate consultations, during which it may indicate the data or documents of which it is aware. necessary to comply with the request. The Hungarian judicial authority may set a reasonable time limit for the submission of the data or documents necessary for the execution of the request.

(3) If the obstacle to performance cannot be eliminated on the basis of the conciliation specified in subsection (2), the Hungarian judicial authority shall execute the part of the request for legal aid not affected by the obstacle.

62 / D. § (1) During the execution of a request for legal aid, the procedure shall be in accordance with the Hungarian rules of criminal procedure. At the request of the requesting judicial authority, other procedural rules or technical methods may be used, provided that this is not incompatible with the principles of the Hungarian legal system.

(2) ¹⁹⁴ Pursuant to the order of the Public Prosecutor's Office, the investigating authority may perform the procedural act requested in the request during the execution of the request for legal aid, or may otherwise assist in the execution of the request for legal aid.

(3) The provisions of Hungarian law and, in the case of a request to that effect, the law of the requesting State concerning the questioning, refusal to testify and exemptions and obstacles to testimony shall also apply to the examination of the person concerned as a witness or accused person in the execution of a request for .

4. A request for legal aid shall be executed on the basis of the time limit requested by the requesting judicial authority. If requested in the request, the executing Hungarian authority shall inform the acting foreign authority in due time of the place and time of the execution of the request.

62 / E. § If necessary for the successful execution of a request for legal aid, the Hungarian judicial authority and the requesting judicial authority shall consult with each other.

62 / F. § (1) The Hungarian judicial authority may, at the request of the requesting judicial authority, allow a member of an authority of the requesting State to be present during a procedural act performed during performance, if this is not incompatible with the principles of the Hungarian legal system.

(2) Pursuant to subsection (1), the Hungarian judicial authority shall comply with a request for the presence of a member of a foreign authority if it is probable that the request for legal aid may be complied with in such a way that supplementing the request can be avoided.

(3) The right of a present member of a foreign authority to be entitled to Be. its provisions on presence in a procedural act shall apply accordingly.

(4) The Hungarian state shall be liable for the damage caused by the present member of the foreign authority in the course of the performance of his or her duties in the territory of Hungary in accordance with the Hungarian legislation and the rules on damage to official persons. The Hungarian State may request reimbursement of the full amount of compensation paid under this provision from the requesting State. In addition, no further claim for damages may be made against the requesting State.

62 / G. § ¹⁹⁵ At the request of the requesting judicial authority, or if it becomes justified in the course of the execution of a request for legal aid, the Hungarian judicial authority may take action against the person participating in the criminal proceedings or another person with regard to this person. Its protection in accordance with the provisions of Section 85 (1) and Section 86 (2) *a), c), d), f)* and *g)* . Consultations with the requesting judicial authority may be initiated regarding the application of protection measures.

62 / H. § (1) The Hungarian judicial authority may postpone the execution of a request for procedural legal aid, the performance of certain procedural acts specified in the request, or the transfer of evidence obtained on the basis of the request for a reasonable period if criminal proceedings or other proceedings are pending in Hungary. the execution of a request for legal aid or the performance of a procedural act.

(2) The Hungarian judicial authority shall inform the requesting judicial authority of the postponement pursuant to paragraph (1), indicating the reason and the expected duration of the postponement.

62 / I. § (1) The Hungarian judicial authority shall hand over to the requesting judicial authority the means of proof obtained during the execution of the request for legal aid, as well as the related documents. The transfer of the means of proof and the related documents may be negotiated.

2. The transmission of objects and other original documents to the requesting judicial authority on the basis of a request for legal aid may be made conditional on their return by the requesting State in the same condition as at the time of transmission.

(3) Instead of applying paragraph 2, unless otherwise requested by the requesting authority, the request for legal aid shall be executed by the transmission of a copy or by any other appropriate method replacing the transmission of the original objects or documents.

(4) Until the transfer of the means of proof seized or otherwise provided during the execution of the request for legal aid, the means of proof shall be provided on the basis of Hungarian legislation. If the taking of evidence has not taken place under the condition set out in paragraph 2, the law of the requesting State shall govern the disposal of the means of proof after the transfer of the means of proof.

62 / J. § The Hungarian judicial authority shall inform the requesting judicial authority if a circumstance arises during the execution of the request for legal aid, due to which the request for legal aid cannot be complied with.

62 / K. § The Hungarian judicial authority on the execution of a request for procedural legal aid is described in Be. may, after informing the requesting judicial authority in advance and taking into account the views of the requesting judicial authority, provide information.

62 / L. § (1) Unless otherwise provided by this Act, the Hungarian state shall bear the criminal costs incurred in the execution of a request for legal aid in the territory of Hungary.

(2) The requesting State may be required to reimburse the criminal costs of the appearance of a witness and the secondment of an expert.

(3) If the execution of a request for legal aid entails significant costs, the Hungarian judicial authority shall inform the requesting judicial authority of the estimated amount of the costs and may make the execution of the request conditional on the requesting judicial authority advancing or reimbursing all or part of the costs. The Hungarian judicial authority shall initiate a consultation on the advance or reimbursement of the costs related to the execution of the request.

3. Title

General rules for the provision of procedural assistance on the basis of an international treaty or reciprocity

§ 63. (1) Unless otherwise provided by this Act, the prosecutor's office and then the court shall have the right to submit a request for procedural legal aid directly after the commencement of criminal proceedings until the indictment.

2. A request for legal aid shall be transmitted to the competent judicial authority of the requested State. If, on the basis of the available data, it is not possible to determine which judicial authority has the competence and competence to execute the request, the request shall be forwarded directly to the central authority of the foreign state.

(3) A request for procedural legal aid may be submitted if it is necessary and proportionate in criminal proceedings, and the procedural act indicated in the request could be performed in accordance with Hungarian law under the conditions specified therein.

(4) In a request for procedural legal aid, the Hungarian judicial authority shall may initiate the performance of a procedural act pursuant to the provisions of the Act, if the indicated

procedural act could also be performed in accordance with the Hungarian legislation under the conditions specified therein.

63 / A. § (1) A request for legal aid shall be sent translated into the official language, one of the official languages of the requested State or into the language indicated by the requested State.

2. A request for legal aid may be made by any means capable of establishing the authenticity of the request.

(3) If it is possible to send a request for legal aid directly, the request may also be submitted via NEBEK in urgent cases.

(4) The provisions of paragraphs (1) to (3) shall apply *mutatis mutandis* to other documents or information transmitted by the Hungarian judicial authority and to documents or information transmitted by the requested judicial authority to the Hungarian judicial authority.

5. At the request of the requested State, when the request is made, other documents are served or information is provided, the documents shall be transmitted in the manner specified by that State, to the central authority or ministry of that State or to the requested judicial authority. shall also be forwarded to the

(6) If necessary for the successful execution of a request for legal aid, the Hungarian judicial authority and the requested judicial authority may consult with each other in accordance with paragraphs 1 to 5.

(7) If a minister, central authority or other authority is entitled to submit or receive a request for legal aid under this Act or the law of a foreign state, the provisions concerning the Hungarian judicial authority and the foreign judicial authority in connection with the submission of the request or shall be applied accordingly to the receiving authority.

63 / B. § (1) The Hungarian judicial authority may request the requested judicial authority to carry out the procedural act indicated in the request, taking into account the Hungarian legislation or applying the technical method specified by it.

(2) In a request for procedural legal aid, the Hungarian judicial authority may initiate the performance of the procedural act within a specified term or deadline.

63 / C. § (1) The Hungarian judicial authority may request that one or more members of the Hungarian judicial or investigative authority be present in the territory of the requested State when the procedural act is performed.

(2) If a member of the Hungarian judicial or investigative authority is present in the territory of the requested State when the procedural act is performed, he shall, in the performance of his duties, act in accordance with the rules of the requested State.

(3) The Hungarian State shall reimburse the full amount of compensation paid by the requested State in accordance with the law of the requested State for damage caused by a member of the Hungarian judicial or investigative authority present in the requested State in connection with the execution of a request for procedural assistance.

63 / D. § ¹⁹⁶ If the protection of a person participating in criminal proceedings in the requested State or of another person with regard to that person is justified during the execution of a request for legal aid, the Hungarian judicial authority may consult with the requested judicial authority on the means of protection available in the requested State. In doing so, the Hungarian judicial authority It may also initiate the application of the provisions contained in Section 85 (1) and Section 86 (2) *a), c), d), f)* and *g)* .

63 / E. § (1) The Hungarian judicial authority may initiate a consultation on the receipt of the means of proof obtained during the execution of the request for procedural legal aid, as well as the related documents.

(2) If, upon the transfer of the means of proof, the requested judicial authority so requests, the Hungarian judicial authority shall return the means of proof in the same condition as at the time of transfer, as it is no longer required in Hungary.

(3) If the requested judicial authority postpones the transfer of the means of proof, the Hungarian judicial authority may initiate the temporary transfer of the means of proof.

(4) In the case of a request for legal aid, the legislation of the requested State shall apply to the disposal of a means of proof seized or otherwise provided in the requested State from Hungary. If the transfer of the means of proof did not take place under the condition specified in paragraphs (2) or (3), the means of proof shall be disposed of upon receipt of the means of proof in accordance with Hungarian law.

63 / F. § The Hungarian judicial authority shall inform the requested judicial authority if the reason for fulfilling the request for procedural legal aid no longer exists.

63 / G. § (1) The costs incurred in the territory of Hungary in connection with the submission of a request for legal aid shall be criminal costs.

(2) At the request of the requested State, the Hungarian judicial authority shall reimburse the costs related to the appearance of the witness and the secondment of the expert in connection with the execution of the request for legal aid.

(3) If, on the basis of the information requested by the requested judicial authority, the execution of the request for legal aid entails significant costs, the Hungarian judicial authority shall consult with the requested state judicial authority and examine whether the purpose of the request can be achieved by a less costly procedural act. If possible, the Hungarian judicial authority may amend or supplement the request for legal aid.

(4) If the requested judicial authority makes the execution of the request for legal aid conditional on the advance or reimbursement of the costs of execution by the Hungarian state in full or in part, an agreement on the advance or reimbursement of the costs may be concluded. If the conclusion of the agreement fails, the Hungarian judicial authority may amend, supplement or withdraw the request for legal aid.

(5) In connection with the execution of a request for legal aid, the costs reimbursed by the Hungarian judicial authority to the foreign authority shall be criminal costs.

4. Title

Special rules for certain forms of legal aid

§ 64 Forms of legal aid in particular:

- (a) the temporary transfer of a detainee to the requesting State,
- (b) the temporary transfer of a detained person to the requesting State;
- c) [197](#) interrogations by telecommunications,
- (d) [198](#)
- e) controlled delivery,
- f) hired detective,
- g) setting up a joint investigation team,
- h) transmission of information without request,
- i) return of the object,
- (j) service of an official document.

5. Title

Temporary transfer of a detainee to the requesting State

§ 65. (1) A request for the temporary transfer of a person detained in Hungary in order to be present at a procedural act to be performed in the territory of the requesting state shall be received by the Minister.

(2) The temporary transfer of a detained person may take place on the basis of an agreement concluded with the requesting State by the Minister with the competent authority of the requesting State.

(3) The Minister shall consider the admissibility of a request for legal aid

a) in the case of ¹⁹⁹ persons under arrest, with the court or public prosecutor's office hearing the case,

b) *in the case of a person serving a final custodial sentence or detention order, with the sentencing judge*

agree.

(4) ²⁰⁰ The Hungarian judicial authority specified in subsection (3) shall declare whether the detainee consents to the temporary transfer. A detainee may make a statement in writing or orally before a court or prosecutor's office and recorded in the minutes. If the detained person has a lawyer, it must be ensured that he or she can consult with his or her lawyer regarding consent to the temporary transfer.

When executing a request for legal aid, it shall be borne in mind that:

a) the execution of the request does not endanger the timeliness of the criminal proceedings in progress in Hungary, for which the execution of the request may be postponed,

b) the temporary transfer shall not result in an extension of the detention period.

(6) ²⁰¹ The temporary transfer of a person in custody shall not in itself be precluded by the fact that an extension of the arrest may be justified during execution. In such a case, the Hungarian judicial authority, in cooperation with the requesting judicial authority, shall ensure the participation of the person in custody in the decision-making process regarding the extension of the arrest.

(7) ²⁰² The total period of detention abroad in connection with the execution of a request for legal aid shall be taken into account in the arrest ordered, the sentence imposed or the custodial measure applied.

(8) All costs related to the transfer of a detained person to the requesting State and his return to the territory of Hungary shall be borne by the requesting State.

(9) NEBEK shall ensure the transfer of the detained person to the requesting state and his / her return to the territory of Hungary with the assistance of the police.

65 / A. § (1) A request for the temporary reception of a person detained in the requested State in order to be present in a procedural act to be carried out in the territory of Hungary may be submitted by the Minister, who shall forward it to the Minister of Justice of the requested State.

2. The temporary reception of a person detained in the requested State may take place on the basis of an agreement concluded with the requested State by the Minister with the competent authority of the requesting State.

(3) ²⁰³ In order to submit a request for legal aid, the court or prosecutor's office conducting the proceedings shall submit a request to the Minister.

(4) The detention of the person concerned shall be provided in Hungary in accordance with the Hungarian penitentiary rules in the manner most appropriate to the nature of the detention, on the basis of an order of the Minister.

(5) ²⁰⁴ If the requested information is necessary under the state judicial authority conducting the proceedings of the court or the prosecutor's office to ensure the participation of persons detained in deciding on the extension of detention on the basis of consultation with the provisions or judicial authority of the State in the agreement.

(6) If, on the basis of the information provided by the requested State, the reason for the detention has ceased to exist, the detained person shall be released immediately.

(7) No criminal proceedings may be instituted, convicted or otherwise deprived of liberty in Hungary against a detained person for a criminal offense committed before his or her transfer.

Paragraph 7 shall not apply if:

(a) the detainee was temporarily taken over as an accused person in respect of the offense on which the request is based,

(b) the requested State consents to the prosecution,

(c) the person concerned did not leave the territory of Hungary, even if he or she could have done so, within fifteen days of his or her release, or

(d) the person concerned has returned to the territory of Hungary.

9. Paragraphs 7 to 8 shall not preclude criminal proceedings against a person who has been taken over during the period of the temporary takeover or after his or her return to the requested State in the absence of the accused person abroad if the conditions are met. exist.

(10) The transfer of a detained person to Hungary and their return to the requested State shall be carried out in accordance with the NEBEK - if necessary, the V / A. Using a chapter - with the help of the police. The requested State shall be informed of the participation of the third State.

(11) All costs incurred in connection with the transfer of a detained person to Hungary and his return to the requested State are criminal costs. The costs incurred in connection with the detention of the person concerned in Hungary shall be borne by the Hungarian State.

6. Title

Temporary transfer of a detainee to the requesting State

§ 66. (1) In connection with the performance of a procedural act indicated in a request for legal aid in Hungary, the Minister shall receive a request for legal aid for the temporary transfer of a person detained in the requesting State to Hungary in order to be present at the procedural act.

(2) The temporary reception of a detained person may take place on the basis of an agreement concluded with the requesting State by the Minister with the competent authority of the requesting State.

(3) The detention of a person who has been temporarily transferred shall be provided on the basis of the order of the Minister, in the manner most appropriate to the nature of the detention, in accordance with the Hungarian penitentiary rules.

(4) With regard to an offense committed against a detained person before his transfer, Article 65 / A. § (7) - (9) shall be applied accordingly.

(5) NEBEK shall ensure the transfer of a detained person to the territory of Hungary and their return to the requesting state with the assistance of the police.

(6) All costs related to the transfer of a detained person to the territory of Hungary and his return to the requesting State shall be borne by the requesting State. The costs incurred in connection with the detention of the person concerned in Hungary shall be borne by the Hungarian State.

66 / A. § (1) In connection with the performance of a procedural act specified in a request for legal aid in a foreign state, the Minister may submit a request for the temporary transfer of a person detained in Hungary to the requested State for presence in the procedural act, which shall be forwarded to the Minister of Justice.

(2) The temporary transfer of a person detained in Hungary may take place on the basis of an agreement concluded with the requested State, which shall be concluded by the Minister with the competent authority of the requesting State.

(3) ²⁰⁵ In order to submit a request for legal aid, the court or prosecutor's office conducting the proceedings shall submit a request to the Minister.

4. If, at the request of the requested State, the temporary transfer of a detained person requires the prior consent of the data subject, a document containing the detainee's statement of consent and a translation thereof shall be attached to the request for legal aid. For the statement of the detainee and for consultation with his counsel, see Article 65 / A. § (4) shall be applied accordingly.

(5) ²⁰⁶ The total period of detention abroad resulting from the execution of a request for legal aid shall be included in the arrest ordered, the sentence imposed or the custodial measure applied.

(6) The transfer of the detained person to the requested state and the return to the territory of Hungary shall be carried out by the NEBEK - if necessary by the V / A. Using a chapter - with the help of the police.

(7) All costs related to the transfer of a detained person to the requested State and their return to the territory of Hungary shall be criminal costs.

7. Title ²⁰⁷

Interrogation by telecommunication device

§ 67. (1) ²⁰⁸ A request for procedural legal assistance submitted by the requesting judicial authority for the questioning or hearing of a person residing in Hungary as a witness, accused or expert by audiovisual means or by telephone conference as a witness or expert by ordering him to be heard or heard by

(2) ²⁰⁹ A request for legal aid to be heard by an accused audiovisual device may be complied with with the consent of the accused. A request for legal aid for the examination or hearing of a witness or expert by telephone conference may be complied with with the consent of the witness or expert.

(3) ²¹⁰ The district court or district prosecutor's office of the place where the person to be heard as a witness or defendant or the actual place of residence or registered office of the person to be heard as an expert is competent to execute a request for legal aid. If the person on leave to be heard as a witness or defendant does not have an actual residence in Hungary or the person to be heard as an expert does not have an actual residence or seat in Hungary, the Pest Central District Court or the Budapest General Prosecutor's Office

4. The questioning or hearing shall be governed by the law of the requesting State, subject to paragraphs 5 to 7. The questioning or hearing shall be conducted by the requesting judicial authority.

(5) ²¹¹ A member of the court or prosecutor's office executing the request shall act at the place of the interrogation or hearing in Hungary, and Be. ensures the verification of the identity of the person to be questioned or the person to be heard and the observance of Hungarian legislation by applying its rules. This task may also be performed by a court clerk or deputy prosecutor.

(6) The person to be questioned or to be heard may also exercise the right to refuse to testify or to participate in accordance with Hungarian law. The person concerned must be warned of this before the hearing or hearing.

(7) ²¹² The court or the public prosecutor's office may decide to appoint an interpreter in order to properly execute the request for legal aid and to communicate properly with the requesting judicial authority.

(8) ²¹³ The court or the public prosecutor's office may, in consultation with the requesting judicial authority, appoint an interpreter on its own motion or ex officio in order for the person concerned to understand the Hungarian language or the language of the proceedings of the requesting authority.

(9) ²¹⁴ The court or public prosecutor 's office shall draw up a report of the interrogation or hearing by telecommunication and the Be. It shall send the recording pursuant to Section 125 (2) to the requesting judicial authority.

(10) Reimbursement of all costs incurred in the territory of Hungary in connection with the execution of a request for legal aid may be requested from the requesting judicial authority.

67 / A. § (1) ²¹⁵ The trial court or public prosecutor's office may make a request for procedural legal assistance for the questioning or hearing of a person residing in the requested State as a witness, defendant or expert by telecommunication.

(2) ²¹⁶ Interrogation by means of a burdened telecommunications device may be carried out with the consent of the requested State and subject to the conditions laid down by the law of the requested State.

(3) ²¹⁷ The interrogation or hearing shall be conducted by a court or the public prosecutor's office in accordance with Hungarian law.

(4) ²¹⁸ The court or public prosecutor's office may decide to appoint an interpreter during the hearing or during the hearing, in order to ensure proper communication with the requested judicial authority. The court or public prosecutor's office may consult with the requested judicial authority on the provision of an interpreter necessary to ensure a proper understanding of the persons or authorities concerned during the execution of the procedural act.

8. Title ²¹⁹

§ 68

9. Title

Controlled delivery

§ 69. (1) The county attorney general's office has the competence to fulfill a request for procedural legal assistance for the implementation of controlled delivery through the territory of Hungary.

2. A request for controlled delivery may be granted in respect of an offense for which extradition is sought.

3. Controlled deliveries may be carried out on the basis of an ad hoc agreement with the requesting State. The ad hoc agreement is prepared by the police or a body designated by law to carry out controlled deliveries by the police or the National Tax and Customs Administration.

4. The ad hoc agreement shall provide for:

- a) the content of the consignment, the expected route and the expected duration of the shipment, the mode of transport, data suitable for the identification of the means of transport,
- b) the person in charge of the controlled delivery,
- c) the body involved in the controlled delivery,
- d) the way in which the participants are to be contacted,
- e) the method of escort,

- f) the number of persons involved in the escort,
- g) the circumstances of delivery and receipt of the consignment,
- h) the measures to be taken in the event of capture,
- i) the measures to be taken in the event of an unforeseen event.

(5) ²²⁰In the case of non-delay, if the conclusion of an ad hoc agreement or the approval of the public prosecutor's office would jeopardize or frustrate the effective execution of the controlled delivery, the police or the National Tax and Customs Board may be granted the head of the body designated by law is also entitled to carry out the controlled delivery. In this case, the prosecutor's office must be informed of the temporary authorization of the controlled delivery at the same time. The prosecutor's office shall decide immediately after the information on whether to authorize the controlled delivery. If the prosecution does not allow the controlled delivery,

(6) During the implementation of controlled transport through the territory of Hungary - including its management and control - Hungarian legislation shall apply. The body involved in the controlled delivery shall cooperate with the requesting judicial authority and other bodies involved in the controlled delivery. The request of the body initiating or participating in the controlled delivery concerning the execution of the controlled delivery may be complied with if it is not in conflict with the principles of the Hungarian legal system.

(7) ²²¹A member of the authority of the requesting State may also accompany the inspected consignment with the permission of the public prosecutor's office. A covered investigator may participate in the escort of a controlled consignment in accordance with the rules governing the use of a covered investigator.

69 / A. § (1) ²²²The prosecutor's office may submit a request for procedural legal assistance for the execution of a controlled delivery through the territory of one or more foreign states.

2. A request for controlled delivery may be made in connection with an offense for which extradition is sought.

(3) Controlled deliveries may be carried out on the basis of an ad hoc agreement concluded with the foreign state. The ad hoc agreement is prepared by the police or a body designated by law to carry out controlled deliveries by the police or the National Tax and Customs Administration.

(4) ²²³In cases of intolerance, if the conclusion of an ad hoc agreement would jeopardize or frustrate the effective execution of the controlled delivery, the head of the police or the body designated by law to carry out the controlled delivery shall also have the right to initiate the controlled delivery. In this case, the prosecution must be informed of the temporary initiation of the controlled delivery at the same time. The prosecutor's office shall decide on the initiation of the controlled delivery immediately after the information. If the prosecution does not initiate the controlled delivery, the result of the controlled delivery under the interim initiative may not be used as evidence.

(5) In the case of controlled shipments involving several foreign states, a request for legal aid shall be sent to all foreign states. The foreign state must be informed of the other states involved in the controlled delivery.

(6) The provisions of Section 69 (4), the provisions of Section 69 (7) shall apply to the assistance of a member of the investigating authority or a covered investigator.

10. Title

Use of a covered detective

§ 70. (1) ²²⁴The Public Prosecutor's Office authorized to authorize the use of a private investigator in the territory of Hungary and a prosecutor's office authorized to authorize the use

of a private investigator in the territory of Hungary or a foreign state shall have the authority and competence to execute a request for legal aid.

2. The use of a detective may be carried out on the basis of an ad hoc agreement with the requesting judicial authority. The ad hoc agreement is prepared by the police or the body designated by law to carry out the use of a covert detective by the police or the National Tax and Customs Administration.

(3) ²²⁵In a case of intolerance, where the conclusion of an ad hoc agreement or the approval of the public prosecutor would jeopardize or frustrate the effectiveness of the use of a detective under investigation, the police or the National Tax and Customs Administration The head of the body of the body designated by law to carry out the employment of a covered investigator, which is competent in view of the criminal offense of In this case, the prosecutor's office must be informed of the temporary permission to use the undercover detective at the same time. The prosecutor's office shall immediately decide, after being informed, whether to allow the use of a covered investigator. If the prosecution does not allow the use of a covert detective,

(4) The Hungarian legislation shall apply during the employment of a Hungarian or foreign public undercover detective in the territory of Hungary. The body in charge of the execution of the use of a detective investigator shall cooperate with the authority of the requesting State and, in the case of the use of a foreign detective, with the body employing the foreign detective. During the employment of a covered investigator, the request of the authority of the requesting state or the body employing the foreign covered investigator may be complied with if it is not in conflict with the principles of the Hungarian legal system.

(5) When employing a Hungarian undercover detective in the territory of a foreign state, the legislation of the given state shall prevail, provided that the Hungarian undercover detective is obliged to comply with the obligations prescribed by Hungarian legislation during his or her activities. During the employment of the undercover detective, the body employing the Hungarian undercover detective cooperates with the foreign state authority.

70 / A. § (1) ²²⁶In order to employ a Hungarian undercover investigator in the territory of the requested state or a foreign undercover investigator in the territory of Hungary or a foreign state, the request for procedural legal assistance shall be submitted by the prosecutor's office.

(2) A secret investigator may be employed on the basis of an ad hoc agreement concluded with a foreign state. The ad hoc agreement is prepared by the police or the body designated by law to carry out the use of a covert detective by the police or the National Tax and Customs Administration.

(3) ²²⁷In cases of intolerance, if the conclusion of an ad hoc agreement would jeopardize or frustrate the effectiveness of the use of a covered investigator, to initiate the use of a covered investigator under subsection (1) for twenty-four hours the head of his designated body is also entitled. In this case, the prosecutor's office must be informed of the temporary initiation of the use of a detective at the same time. The prosecutor's office shall immediately decide on the initiation of the use of a covered investigator after the information. If the prosecution does not initiate the use of the undercover detective, the result of the application under the interim initiative may not be used as evidence.

(4) When employing a Hungarian or foreign undercover detective in the territory of a foreign state, the legislation of the state where the undercover detective is employed shall prevail, provided that the Hungarian undercover detective is obliged to comply with the obligations prescribed by Hungarian legislation. During the employment of a Hungarian undercover detective, the body employing the Hungarian undercover detective cooperates with the foreign state authority.

(5) Hungarian legislation shall apply to the employment of a foreign undercover detective in the territory of Hungary. The body in charge of the execution of the use of a detective shall

cooperate with the authority of the requested State and with the body employing the foreign detective. During the employment of a covered investigator, the request of the authority of the requested state or the body employing the foreign covered investigator may be complied with if it is not in conflict with the principles of the Hungarian legal system.

11. Title

Establishment of a joint investigation team

§ 71. (1) The Chief Prosecutor or the Prosecutor appointed by him or her shall have the authority and competence to execute or initiate a request for procedural legal assistance for the establishment of a joint investigation team by the requesting judicial authority.

2. A request for legal aid for the setting up of a joint investigation team may be complied with or submitted by the Prosecutor General or a prosecutor designated by him in the following cases:

(a) *in* the course of an investigation, where the detection of a cross-border crime is particularly difficult;

(b) if several States are prosecuting the offense, there is a need to coordinate investigations.

§ 72. (1) A joint investigation team shall be established by an ad hoc agreement between the Chief Prosecutor or the prosecutor appointed by him and the foreign state authority entitled to do so.

2. The ad hoc agreement setting up a joint investigation team shall provide in particular for:

(a) a description of the offense for which the joint investigation team is being set up,

(b) the area of operation of the joint investigation team,

(c) the composition of the joint investigation team,

(d) the head or leaders of the joint investigation team,

(e) the duration of the joint investigation team and the conditions for its extension,

(f) the rights and obligations of a member of a joint investigation team operating in another State,

(g) the conditions for the operation of the joint investigation team,

(h) the manner in which procedural acts are to be initiated and carried out in the course of the operation of a joint investigation team and the means of transmitting the outcome of the procedural acts or other means of evidence obtained within the framework of the joint investigation team;

(i) bearing the costs of operation,

(j) information on the rules governing liability for damage caused by a member of a joint investigation team operating in another State in the course of its activities.

(3) The Hungarian head of the joint investigation team may be a prosecutor.

(4) In the course of the operation of a joint investigation team, in accordance with the provisions of this Agreement, a means of proof or a procedural act acquired or transferred by a Hungarian or foreign member of the joint investigation team in Hungary or in a foreign state shall be deemed to be the acquisition or transfer of evidence. , or in the context of legal aid for the performance of a procedural act.

72 / A. § (1) In the case of a procedural act performed on the territory of Hungary during the operation of the joint investigation team

a) the joint investigation team shall, unless otherwise provided in the agreement, act in accordance with Hungarian law,

b) the operation of the joint investigation team shall be managed by the Hungarian head of the joint investigation team in accordance with the provisions of the agreement,

c) a foreign member of a joint investigation team acts in the territory of Hungary on the instructions of the Hungarian head of the joint investigation team,

d) the conditions for the operation of the joint investigation team shall be provided by the Hungarian head of the joint investigation team, in justified cases with the assistance of the investigating authority.

(2) The Hungarian head of the joint investigation team shall immediately inform the relevant foreign authority if the foreign member of the joint investigation team has committed an act punishable under Hungarian law.

72 / B. § (1) In the case of a procedural act performed in the territory of a foreign state during the operation of the joint investigation team

(a) the joint investigation team shall act in accordance with the law of the foreign State,

(b) the operation of the joint investigation team shall be directed, as provided in the agreement, by the head of the place where the procedural act was committed and shall ensure the functioning of the joint investigation team.

(2) The Hungarian member of the joint investigation team shall act on the instructions of the foreign head of the joint investigation team during the performance of the procedural act in the territory of the foreign state. A Hungarian member of a joint investigation team may not be instructed to perform a procedural act that is contrary to the principles of the Hungarian legal system. In such a case, the Hungarian member of the joint investigation team shall refuse to execute the instruction and shall immediately inform the Hungarian leader of the joint investigation team.

12. Title

Exchange of information without request

§ 73. (1) In a pending or completed criminal case, the Hungarian judicial authority may provide information directly to the foreign judicial or investigative authority, even without a request for information, if it can be reasonably assumed that the information provided to the foreign authority is a criminal offense. necessary for the prevention, detection or effective prosecution of criminal proceedings.

(2) The Hungarian judicial authority may consent to the use of data provided in the course of information as evidence if the use of the data as evidence is subject to the provisions of the Be. conditions are met.

(3) The Hungarian judicial or investigative authority may receive information directly from a foreign authority in ongoing criminal proceedings, even without a request for information. The information provided during the information may not be used as evidence without the consent of the foreign authority providing the information.

13. Title

Return object

§ 74. (1) The public prosecutor's office shall have the competence to execute a request for procedural legal assistance submitted by the requesting judicial authority for the purpose of returning the victim or the person entitled thereto. The prosecutor's office in whose territory the object or property specified in the request is located has jurisdiction for enforcement.

2. The request referred to in paragraph 1 may be complied with if the requesting judicial authority,

(a) the ownership of the victim or the person entitled thereto is established beyond doubt, and

b) the object or property indicated in the request, the Criminal Code. Section 72 (1) (c) of the Criminal Code. It may be seized subject to Section 74 (1) (a) and (d) .

(3) Seizure may be ordered by another authority pursuant to the provisions of law.

(4) With the exceptions specified in paragraphs 5 to 7, the seized object or property shall be handed over to the requesting judicial authority for the purpose of returning it to the victim.

(5) ²²⁸ If, on the basis of the available data or in consultation with the foreign authority, the seizure is Pursuant to Section 320 (1), the seized object or property may be terminated in accordance with Be. Section 321 (1), or subject to the disposal of the requesting judicial authority, the Be. May be issued pursuant to Section 321 (2), the prosecution or - on the basis of the provision of the prosecution or the law - the authority ordering the seizure shall terminate the seizure and return the object or property to the victim or to the person entitled to it by order of the requesting judicial authority .

(6) The seizure of an object or property shall not infringe the rights of a bona fide third party.

(7) ²²⁹ If there is an obstacle to seizure as defined in paragraph 6, the prosecution shall immediately inform the requesting judicial authority. If the impediment under paragraph (6) can be established after the seizure, the prosecutor's office or, pursuant to the provisions of the prosecution or the law, the authority ordering the seizure shall terminate the seizure and hand over the seized thing to the person from whom the object or property was seized.

§ 75. (1) The Hungarian judicial authority may submit a request for procedural legal aid in order to seize and hand over a sought object or property which:

a) the Criminal Code. Section 72 (1) (c) of the Criminal Code. May be seized subject to Section 74 (1) (a) and (d) , and

b) Seizure of ²³⁰ after the transfer and identification of the object or property sought in accordance with Be. It may be terminated pursuant to Section 320 (1) and Be. It may be issued pursuant to Section 321 (1).

2. The request for legal aid shall state the data which support the victim's right to property beyond doubt and shall be accompanied, if necessary, by the means of proof in support thereof.

(3) ²³¹ If, during the execution of a request for legal aid, the object or property seized in a foreign state was handed over by the requested judicial authority, the Hungarian judicial authority shall, after establishing the identity of the object or property sought, issue the seizure. Pursuant to Section 320 (1), it shall be terminated immediately and Pursuant to Section 321 (1), the object or property shall be returned to the victim.

(4) Before handing over an object or property seized in a foreign state, the Hungarian judicial authority may consent to the termination of the seizure of the object or property seized, if

(a) the identity of the object or property can be established beyond doubt, and

(b) after the seizure has been lifted, the authority of the requested State shall return the object or property to the victim.

(5) ²³² If a foreign authority provides information on the discovery of an object circulated for the purposes of subsection (1), if the legislation of the foreign state so permits, the Hungarian judicial authority and the investigating authority shall inform the prosecuting authority in the course of the investigation. without making a request to the victim, may, with the appropriate application of paragraph 4, consent to the return of the object or property found to the victim.

14. Title

Service of an official document

75 / A. § (1) The Hungarian judicial authority shall send the official document to a consignee residing in a foreign state directly, by post, as a postal item sent with additional return receipt service, with a certificate of service, in a closed document.

(2) ²³³ If the addressee does not know Hungarian, the official document shall be translated into the addressee's mother tongue or another language indicated by him or her, or, if these are not known to the Hungarian judicial authority, the addressee's actual place of residence. official language, one of the official languages or a language designated by the foreign state. The document must be accompanied by information to the addressee of his procedural rights and obligations.

(3) ^{234 An} authentic instrument may be served on a judicial authority of the foreign State of the addressee's actual residence for service in the context of procedural assistance only if:

- a) the addressee's address is unknown,
- b) *service* by post was not possible,
- c) *there are* reasonable grounds for believing that service by post will not be effective; or
- d) the addressee is detained in the requested State.

4. If an official document is served pursuant to paragraph 3 and a translation of the official document pursuant to paragraph 2 is not available in the official language, one of the official languages of the requested State or in a language designated by the requested State, the an extract containing the essence of the official document to be served on the requested State shall be prepared and translated into the official language, one of the official languages or the language indicated by the requested State. The extract must be attached to the request for legal aid.

(5) If the person residing abroad does not appear to summon the Hungarian judicial authority, the Be. provisions on omission against summons shall not apply.

(6) If a person residing abroad appears for the summons of the Hungarian judicial authority, he shall be a witness and expert and, apart from the criminal proceedings on which the summons is based, the defendant in accordance with Article 65 / A. The provisions of §§ (7) - (9) shall apply accordingly.

(7) ²³⁵ If a court or the public prosecutor's office summons a witness or expert from abroad within the framework of procedural legal aid, an advance may be paid to them to cover the costs of travel and residence in Hungary.

V / A. CHAPTER ²³⁶

TRANSITION

75 / B. § ²³⁷ (1) During transit, the rules of legal aid which are the basis for transit shall apply accordingly, with the exceptions provided for in this Chapter.

(2) At the request of the requesting state, the Minister shall decide on the transit of a person detained abroad for the purpose of providing legal aid between foreign states in the territory of Hungary.

(3) Permitted transit by air without landing shall not require the permission of the Minister.

(4) If the transit is effected by air, with a planned landing in the territory of Hungary, or not by air, all the conditions under which the transit is made shall be specified when the transit is authorized.

(5) If the Minister has authorized the transit of a detained person, the person concerned may be detained in the territory of Hungary without the permission of the requesting State only for the purpose of transit, and may be deprived of his or her personal liberty for other reasons only if Hungary commits another crime in its territory.

(6) NEBEK shall ensure the transit through the territory of Hungary with the assistance of the police. During the transit, the person concerned is under police custody.

(7) ^{238 Detention} of the person concerned shall be ordered if:

a) the transit is planned by air without landing and an unforeseen landing takes place in the territory of Hungary, or

(b) the non-scheduled transit shall be interrupted by an unforeseen obstacle and cannot be remedied within a reasonable time.

75 / C. § 239 (1) An application for the transit of a detained person for the purpose of providing criminal legal assistance in the territory of another state shall be submitted by the Minister.

(2) It is not necessary to submit a request for transit through an air transit without a landing.

(3) The transit is prepared by NEBEK and carried out with the assistance of the police.

(4) If the transit is interrupted in the requested State or an unscheduled landing takes place during the transit by air, the Minister shall arrange for the further transfer or detention of the person concerned and, where appropriate, legal assistance shall be provided.

VI. Chapter

Formal and cost rules

§ 76. (1) ²⁴⁰ Requests for criminal legal aid shall be submitted in writing through diplomatic channels. The Minister or the Attorney General may also accept a request made through a non-diplomatic route; you can make a request yourself in the same way.

(2) Unless otherwise provided by this Act, the request shall contain

(a) the name of the requesting judicial authority,

(b) the subject of the request,

(c) a description of the offense which is the subject of the proceedings and the legal classification of the offense,

(d) ²⁴¹ the personal data of the accused or convicted person, including his or her nationality.

(3) In the case of a request from a foreign state, it may be required that the request and its annexes be accompanied by a translation into Hungarian if the requested state does not accept requests of the same nature submitted in Hungarian.

(4) ²⁴² If the request is so incomplete that it is not possible to rule on its enforceability or to deal professionally, the Attorney General or the Minister shall invite the requesting State to remedy the deficiency or to provide additional information. The summons shall not prevent the taking of an urgent measure requested by a foreign state if it can be carried out on the basis of the request and the Hungarian legislation allows for such a measure. Inadequate or inadequate rectification of the deficiency may be grounds for refusing to comply with the request.

§ 77 In addition to the information listed in § 76 (2), the request for extradition shall contain

(a) the statutory provisions on the offense on which extradition is based and the statute of limitations,

(b) *in the case of a request for extradition received from abroad, also commitments pursuant to Section 15, Section 16 (1) and Section 30 (3) (b) .*

Section 78 (1) ²⁴³ In addition to the information listed in Section 76 (2), a request for the transfer and receipt of proceedings and for a report to a foreign authority shall contain or be accompanied by:

(a) ²⁴⁴

(b) the indication of the evidence;

(c) ²⁴⁵

(d) *in the case of an offense to be prosecuted on a private motion, the private motion;*

(e) a civil action, if any.

(2) ²⁴⁶ In addition to the provisions of paragraph (1), the request may be accompanied by everything that the authority deems necessary for a well-founded assessment of the case.

Section 79 (1) A request for the transfer and receipt of the execution of a sentence shall contain, in addition to the information listed in Section 76 (2):

(a) if the sentence has already been partially served, details thereof, in particular details of the time spent in detention;

(b) a statement by the sentenced person.

(2) ²⁴⁷ The request shall be accompanied by a final decision of the court or a certified copy thereof.

79 / A. § 248 (1) A request for temporary unavailability of electronic data or for permanent unavailability of electronic data shall contain, in addition to the data listed in § 76 (2):

(a) the data involved in the coercive measure or measure and their relation to the criminal offense,

b) the name and address of the hosting provider and the address of its registered office, premises or branch,

c) other data used to identify the source of the electronic data,

(d) the time limit for complying with the request.

2. ²⁴⁹ The request provided for in paragraph 1 shall be accompanied, in addition to that specified in paragraph 1, by a document or a certified copy of the court's order.

(3) ²⁵⁰ If permitted by an international treaty, the requests referred to in paragraph (1) may, in urgent cases, be

(a) directly before a judicial authority of the requested State, or

b) ²⁵¹ by way of NEBEK

may also submit.

(4) ²⁵² If the request is made pursuant to paragraph (3) (a), the Minister or the Attorney General shall send a copy of the documents to the Central Authority of the foreign State at the same time as the request is made.

Section 80 (1) In addition to the information listed in Section 76 (2), a request for procedural legal aid shall contain the information necessary for the professional handling of the request.

(1a) ²⁵³

(2) ²⁵⁴

3. In the case of a request for service, it shall be sufficient for the request to state the subject matter of the case and the name and address of the addressee, the nature of the proceedings and the sex of the document.

(4) ²⁵⁵ Request for search, search, seizure or other coercive measure

(a) ²⁵⁶ may be enforced if the requesting State provides credible evidence, including the transmission of the decision of the foreign authority ordering the coercive measure, that the foreign authority is entitled to order the coercive measure under the law of the foreign State,

(b) if submitted, the application for legal aid must be accompanied by a decision ordering coercive measures.

§ 81. (1) ²⁵⁷ If this Act makes the execution of a request for legal aid conditional on a statement of consent, a separate record of the statement of consent shall be drawn up by the single judge or the chairman of the council, the declarant or, if the declarant is unable to give legal consent.

(2) ²⁵⁸ If the declarant is detained, the probation officer responsible for the place of detention shall record the statement of consent as described in paragraph 1 and send it to the court of first instance.

§ 82. ²⁵⁹ If the foreign state requires that the request and its annexes be accompanied by a translation, or it is probable that the request for legal aid will not be executed without translating the documents, the court or the prosecutor's office shall provide the request for criminal

assistance in Hungarian translation into the official language or one of the official languages of the requested State. If translation into that language would be disproportionately difficult or costly, the documents shall be translated into the intermediary language used in the requested State.

§ 83. ²⁶⁰ (1) The requesting foreign state shall bear the costs related to the transportation or transit of persons if the transportation or transfer of the person concerned to or from Hungary took place on the initiative of the requesting foreign state.

(2) Criminal costs

a) costs incurred pursuant to Section 82,

b) ²⁶¹ the fees and expenses of the seconded counsel,

c) *in the case of extradition from Hungary, the costs incurred during the extradition proceedings,*

d) costs related to the transportation or transit of persons, if the transportation of the data subject to or from Hungary, as well as their transit through the territory of Hungary or another state, took place in connection with the execution of a request for legal assistance initiated by Hungary, and

e) ²⁶² the cost of translating foreign language documents sent by a foreign authority into Hungarian upon recognition of a foreign judgment and the execution of a custodial sentence or measure involving deprivation of liberty imposed by a foreign court.

(3) ²⁶³ Other costs related to the execution of enforcement assistance shall be borne by Hungary, provided that reciprocity is ensured in this respect as well.

(4) - (5) ²⁶⁴

VII. Chapter

Final provisions ²⁶⁵

1. Title ²⁶⁶

Entry into force

§ 84. ²⁶⁷ This Act shall enter into force on the 15th day of the second month following its promulgation.

84 / A. § ²⁶⁸ Act CXII of 2013 on the amendment of certain Acts necessary to improve the timeliness of criminal proceedings. the provisions of the Act (hereinafter: the Act). ²⁶⁹ shall apply to cases brought before the courts after its entry into force .

2. Title ²⁷⁰

Compliance with European Union law

85. § ²⁷¹ This Act

(a) Article 46 of Council Framework Decision 2008/675 / JHA of 24 July 2008 on taking account of convictions in the other Member States of the European Union in the course of new criminal proceedings,

b) Section 46 (1), 60 / F – H. Article V of Directive 2011/93 / EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse, sexual exploitation of children and child pornography and replacing Council Framework Decision 2004/68 / JHA

c) ²⁷² , Council 2008/909 / JHA on the application of criminal matters imposing custodial sentences or measures involving deprivation of liberty penalties, judgments principle 48 and

54. §-aa mutual recognition for the execution in the European Union November 27, 2008 8
Article 17 (3) and (4) and Article 17 (2)
for compliance.

¹ The Act was adopted by the National Assembly on 7 May 1996. Date of publication: 22 May 1996

² Section 2 of 2017: XXXIX. the text established by § 6 of the Act.

³ Section 4 (1) of the 2013: LXXVIII. the text established by § 4 of the Act.

⁴ Section 4 (2) of the 2007: XIII. Text amended in accordance with Section 14 (3) (b) of the Act.

⁵ Section 6 (1) of the 2007: XIII. Text amended in accordance with Section 14 (3) (b) of the Act.

⁶ Section 6 (2) of the 2007: XIII. Section 14 (3) (b) of Act 2012: CCXXIII. Text amended pursuant to Section 90 (1) of the Act.

⁷ Section 6 (3) of Act 2003: CXXX. Section 79 of the Act.

⁸ Section 6 (4) is amended by Decree 2007: XXXVI. Section 41 of the Act.

⁹ See 2007: XXXVI. law.

¹⁰ Section 6 (5) of Act 2017: CXLIV. Act § 3 of the Act.

¹¹ Section 7 of the 2007: XIII. Section 14 (3) (b) of Act 2011: CL. Section 90 (3) (b) of Act 2012: CCXXIII. Text amended pursuant to Section 90 (1) of the Act.

¹² Section 8 of 2007: XIII. Section 14 (3) (b) of Act 2011: CL: Text amended in accordance with Section 90 (3) (c) of the Act.

¹³ Section 10 of 2012: CCXXIII. established by Section 89 (1) of Act CXC VII of 2017; Text amended in accordance with Section 67 (1) of the Act.

¹⁴ Section 11 (1) of the 2012: CCXXIII. Text amended pursuant to Section 90 (1) of the Act.

¹⁵ Section 11 (2) of the 2012: CCXXIII. the text established by Section 89 (2) of the Act.

¹⁶ Section 12 of 2016: CIII. the text established by § 9 of the Act.

¹⁷ Section 13 of 2016: CIII. the text established by § 10 of the Act.

¹⁸ Section 13 (1) (b) of the 2017: CXC VII. Text amended in accordance with Section 67 (2) of the Act.

¹⁹ Section 13 (2) of the 2017: CXC VII. Text amended in accordance with Section 67 (2) of the Act.

²⁰ Section 14 of 1997: CXXXIX. the text established by Section 61 (1) of the Act. This provision shall enter into force on 1 March 1998.

²¹ Section 14 (2) of the 2012: CCXXIII. Text amended pursuant to Section 90 (1) of the Act.

²² Section 14 (3) of Act 2003: CXXX. was incorporated by Section 81 of Act CIII. the text established by § 11 of the Act.

²³ A 14 / A. § 2016: CIII. introduced by Section 12 of the Act.

²⁴ Section 15 of the 2007: XIII. Text amended in accordance with Section 14 (3) (b) of the Act.

²⁵ Section 16 (2) of the 2007: XIII. Text amended in accordance with Section 14 (3) (b) of the Act.

²⁶ Section 16 (3) of the 2016: CIII. Act 13 of the Act.

²⁷ Section 16 (4) of the 2016: CIII. introduced by Section 13 of the Act.

²⁸ Section 17 of 2017: XXXIX. Text amended in accordance with Section 21 (a) of the Act.

²⁹ Section 18 (1) of the 2007: XIII. Section 14 (3) (b) of Act 2011: CCI. Text amended pursuant to Section 117 (a) of the Act.

³⁰ Section 18 (2) of the 2003: CXXX. Section 82 of the Act, 2011: CCI. Section 117 (b) of Act CXCVII of 2017; Text amended in accordance with Section 67 (3) of the Act.

³¹ Section 19 (1) of the 2003: CXXX. Section 83 of Act XC. Section 21 (1) (f) of Act 2011: CCI. Section 117 (c) of Act CXCVII of 2017; Text amended in accordance with Section 67 (4) of the Act.

³² Section 19 (2) of the 2011: CCI. Text amended pursuant to Section 117 (d) of the Act.

³³ Section 19 (3) of the 2017: XXXIX. Section 7 of the Act.

³⁴ The opening text of Section 20 (1) is 2011: CCI. the text established by Section 117 (d) of the Act.

³⁵ Section 20 (1) (a) of the 2017: CXCVII. Text amended pursuant to Section 67 (5) and (6) of the Act.

³⁶ Section 20 (1) (b) of the 2017: CXCVII. Text amended in accordance with Section 67 (7) of the Act.

³⁷ Section 20 (1) (c) of the 2003: CXXX. the text established by § 84 of the Act.

³⁸ Section 20 (1) (d) of the 2003: CXXX. established by Section 84 of Act 2017: CXCVII. Text amended in accordance with Section 67 (8) of the Act.

³⁹ Section 20 (1) (f) is amended by Decree 1998: LXXXVII. Section 93 (2) of Act CIII. Act § 14 (1) of the Act.

⁴⁰ Section 20 (1) (g) is amended by Decree 1998: LXXXVII. Section 93 (2) of the Act repealed.

⁴¹ Section 20 (1a) of the 2017: XXXIX. Act § 8 of Act CXCVII. Text amended in accordance with Section 67, Sections 9 and 10 of Act

⁴² Section 20 (2) of the 2007: XIII. Text amended in accordance with Section 14 (3) (b) of the Act.

⁴³ Section 20 (3) of the 2016: CIII. Act § 14 (2) of the Act.

⁴⁴ A Section 21 of 2003: CXXX. Section 99 (3) of the Act repealed it.

⁴⁵ Section 22 (1) of the 2011: CCI. Text amended pursuant to Section 117 (d) of the Act.

⁴⁶ Section 22 (2) of the 2003: CXXX. the text established by Section 85 (1) of the Act. The opening text of Section 22 (2) is 2011: CCI. Text amended pursuant to Section 117 (d) of the Act.

⁴⁷ Section 22 (2) (a) of the 2007: XIII. Text amended in accordance with Section 14 (3) (b) of the Act.

⁴⁸ The new paragraph (3) of Section 22 is amended by 2003: CXXX. was introduced by Section 85 (2) of the Act, at the same time changing the numbering of the original Section (3) to Section (4). Section 22 (3) of the 2007: XIII. Text amended in accordance with Section 14 (3) (b) of the Act.

⁴⁹ The numbering of the original paragraph (3) of § 22 was changed to paragraph (4) in 2003: CXXX. Section 85 (2) of the Act. Section 22 (4) of the 2012: CCXXIII. established by § 89 (3) of Act 2017: CXCVII. Text amended in accordance with Section 67, Sections 11 and 12 of the Act.

⁵⁰ Section 23 of 1998: LXXXVII. text established by § 87 of the Act.

⁵¹ Section 23 (1) of the 2016: CIII. the text established by § 15 of the Act.

⁵² Section 23 (3) of the 2007: XIII. Section 14 (3) (b) of Act CXCVII of 2017; Text amended in accordance with Section 67 (13) of the Act.

⁵³ Section 24 (2) of the 2007: CV. established by Section 36 (1) of Act 2011: CCI. Section 117 (d) of Act CXCVII of 2017; Text amended in accordance with Section 67 (14) of the Act.

⁵⁴ Section 25 (2) of the 2007: XIII. Text amended in accordance with Section 14 (3) (b) of the Act.

⁵⁵ A 25 / A. § 2003: CXXX. was introduced by Section 86 of Act CIII. the text established by § 16 of the Act.

⁵⁶ A 25 / A. § (1) of the 2017: CXC VII. Text amended in accordance with Section 67 (15) of the Act.

⁵⁷ A 25 / A. § (2) of the 2017: CXC VII. Text amended pursuant to Section 67 (16) of the Act.

⁵⁸ A 25 / B. § 2016: CIII. introduced by Section 17 of the Act.

⁵⁹ A 25 / B. § (1) of the 2017: CXC VII. Text amended in accordance with Section 67 (17) of the Act.

⁶⁰ A 25 / B. § (2) of the 2017: CXC VII. Text amended in accordance with Section 67 (18) of the Act.

⁶¹ A 25 / B. § (3) opening text of 2017: CXC VII. Text amended in accordance with Section 67 (19) of the Act.

⁶² A 25 / B. § (3) a) of 2017: CXC VII. Text amended in accordance with Section 67 (20) of the Act.

⁶³ Section 26 (1) of the 2007: XIII. Section 14 (3) (b) of Act CXC VII of 2017; Text amended in accordance with Section 67 (21) of the Act.

⁶⁴ Section 26 (2) of the 2007: XIII. Text amended in accordance with Section 14 (3) (b) of the Act.

⁶⁵ Section 26 (3) of the 2016: CIII. Act § 18 of Act CXC VII. Text amended in accordance with Section 67 (22) of the Act.

⁶⁶ The original wording of Section 27 was renumbered as paragraph (1) in 2005: CX. Section 10 of the Act. Section 27 (1) of the 2007: CV. Text amended in accordance with Section 43 (4) (a) of the Act.

⁶⁷ Section 27 (2) is amended by 2005: CX. introduced by § 10 of the Act, at the same time changing the numbering of the original text of the § to paragraph (1). Section 27 (2) of the 2016: CIII. the text established by Section 19 of the Act.

⁶⁸ A § 28 a 2007: XIII. Section 14 (3) (b) of Act CXC VII of 2017; Text amended in accordance with Section 67 (5) of the Act.

⁶⁹ Section 29 (1) of the 2012: CCXXIII. the text established by Section 89 (4) of the Act.

⁷⁰ Section 29 (2) of the 2007: XIII. Text amended in accordance with Section 14 (3) (b) of the Act.

⁷¹ Section 29 (3) of the 2016: CIII. introduced by Section 20 of Act CXC VII. Text amended in accordance with Section 67 (23) of the Act.

⁷² Section 30 (1) of the 2011: CCI. Section 117 (d) of Act 2012: CCXXIII. Text amended pursuant to Section 90 (1) of the Act.

⁷³ Section 30 (4) of the 2003: II. Section 88 (2) (d) of Act CXC VII of 2017; Text amended pursuant to Section 67 (24) of the Act.

⁷⁴ Section 31 of 2012: CCXXIII. Text amended pursuant to Section 90 (1) of the Act.

⁷⁵ Section 32 of 2016: CIII. the text established by § 21 of the Act.

⁷⁶ Section 32 (2) of the 2017: CXC VII. Text amended in accordance with Section 67, Sections 25 and 26 of the Act.

⁷⁷ Section 32 (3) of the 2017: CXC VII. Text amended in accordance with Section 67 (27) of the Act.

⁷⁸ Section 32 (5) of the 2017: CXC VII. Text amended in accordance with Section 67, Sections 26, 27 and 28 of the Act.

⁷⁹ Section 33 of 2016: CIII. the text established by § 22 of the Act.

⁸⁰ Section 34 of 2016: CIII. the text established by § 23 of the Act.

⁸¹ Section 34 (1) of the 2017: CXC VII. Text amended pursuant to Section 67 (29) and Section 68 (a) of the Act.

⁸² Section 34 (1a) of Act 2017: CXC VII. incorporated by Section 62 of the Act.

⁸³ A 34 / A. § 2016: CIII. Section 24 of the Act.

⁸⁴ Section 35 of 2003: CXXX. the text established by § 88 of the Act.

⁸⁵ Section 37 of 2017: CXLIV. the text established by § 4 of the Act.

⁸⁶ Section 37 (1) of the 2017: CXC VII. Text amended pursuant to Section 67 (30) of the Act.

⁸⁷ A 37 / A. § of 1998: LXXXVII. Act 88 of CCXXIII. the text established by Section 89 (5) of the Act.

⁸⁸ Section 38 a 2017: CXLIV. the text established by § 5 of the Act.

⁸⁹ Section 38 (1) of the 2017: CXC VII. Text amended in accordance with Section 67 (31) and (32) of the Act.

⁹⁰ Section 39 of 2017: CXLIV. the text established by § 5 of the Act.

⁹¹ Section 40 a 2017: CXLIV. the text established by § 5 of the Act.

⁹² Section 40 (1) of the 2017: CXC VII. Text amended in accordance with Section 67 (15) and (33) and Section 68 (b) of the Act.

⁹³ Section 40 (3) of the 2017: CXC VII. Text amended in accordance with Section 67 (15) and (33) and Section 68 (b) of the Act.

⁹⁴ Section 40 (4) of the 2017: CXC VII. Text amended in accordance with Section 67, Paragraphs 15, 32 and 34 of the Act.

⁹⁵ Section 40 (6) of the 2017: CXC VII. Text amended in accordance with Section 67 (15) and (33) and Section 68 (b) of the Act.

⁹⁶ § 41 of 2017: CXLIV. the text established by § 5 of the Act.

⁹⁷ Section 41 (1) (a) of the 2017: CXC VII. Text amended pursuant to Section 67 (35) of the Act.

⁹⁸ Section 41 (1) (b) of the 2017: CXC VII. Text amended pursuant to Section 67 (36) of the Act.

⁹⁹ Section 42 of 2017: CXLIV. the text established by § 5 of the Act.

¹⁰⁰ Section 42 (1) of the 2017: CXC VII. Text amended in accordance with Section 67 (37) of the Act.

¹⁰¹ Section 42 (4) of the 2017: CXC VII. Text amended in accordance with Section 67 (26) of the Act.

¹⁰² A § 43 a 2017: CXLIV. the text established by § 6 of the Act.

¹⁰³ Section 43 (1) of the 2017: CXC VII. Text amended pursuant to Section 67 (30) of the Act.

¹⁰⁴ Section 44 of 2017: CXLIV. the text established by § 6 of the Act.

¹⁰⁵ Section 44 (3) of the 2017: CXC VII. Text amended in accordance with Section 67 (38) of the Act.

¹⁰⁶ Section 44 (4) of the 2017: CXC VII. Text amended in accordance with Section 67 (15) and (33) and Section 68 (b) of the Act.

¹⁰⁷ Section 44 (6) of the 2017: CXC VII. Text amended in accordance with Section 67 (15) and Section 68 (b) of the Act.

¹⁰⁸ A 44 / A. § 2017: CXLIV. Section 7 of the Act.

¹⁰⁹ A 44 / A. § (2) of the 2017: CXC VII. Text amended in accordance with Section 67 (26) and (39) of the Act.

¹¹⁰ A 44 / A. § (3) of the 2017: CXC VII. Text amended in accordance with Section 67 (15), (33) and (40) and Section 68 (b) of the Act.

¹¹¹ A 44 / B. § 2017: CXLIV. Section 7 of the Act.

¹¹² A 44 / B. § (1) of the 2017: CXC VII. the text established by § 63 of the Act.

[113](#) A 44 / B. § (2) of the 2017: CXC VII. Text amended in accordance with Section 67 (23) of the Act.

[114](#) A § 45 a 2017: CXLIV. the text established by § 8 of the Act.

[115](#) Section 45 (1) of the 2017: CXC VII. Text amended in accordance with Section 67 (26) and (31) of the Act.

[116](#) Section 45 (3) of the 2017: CXC VII. Text amended in accordance with Section 67 (8) of the Act.

[117](#) A IV. Chapter is entitled 2013: LXXVIII. the text established by § 5 of the Act.

[118](#) The subheading preceding Section 46 is the 2007: XIII. the text established by § 2 of the Act.

[119](#) A § 46 a 2017: XXXIX. Act - 2017: CXLIV. Act amended in accordance with Section 123 (1) of the Act - established by Section 9.

[120](#) Section 46 (2) of the 2017: CXC VII. the text established by Section 64 (1) of the Act.

[121](#) Section 46 (3) of the 2017: CXC VII. Act § 64 (2) of the Act.

[122](#) Section 46 (4) of Act 2017: CXC VII. introduced by Section 64 (2) of the Act.

[123](#) The title of Title 1 is 2017: XXXIX. the text established by § 10 of the Act.

[124](#) Section 47 of 2017: XXXIX. the text established by § 10 of the Act.

[125](#) Section 47 (4) of the 2017: CXC VII. Text amended pursuant to Section 67 (41) of the Act.

[126](#) A § 48 a 2007: XIII. the text established by § 2 of the Act.

[127](#) Section 48 (1) of the 2017: CXC VII. Text amended pursuant to Section 67 (42) of the Act.

[128](#) Section 48 (2) of the 2017: CXC VII. Text amended pursuant to Section 67 (43) of the Act.

[129](#) Section 48 (4) of the 2017: CXC VII. Text amended pursuant to Section 67 (44) of the Act.

[130](#) Section 48 (6) of the 2017: XXXIX. the text established by Section 11 (1) of the Act.

[131](#) Section 48 (7) of the 2009: CXLIX. the text established by Section 45 (1) of the Act.

[132](#) Section 48 (8) of the 2016: CIII. introduced by Section 27 of the Act.

[133](#) Section 48 (9) of the 2017: XXXIX. Act § 11 (2) of the Act.

[134](#) The subheading preceding Section 49 is amended by 2007: XIII. introduced by Section 2 of the Act.

[135](#) Section 49 of 2017: XXXIX. the text established by § 12 of the Act.

[136](#) Section 49 (1) of the 2017: CXC VII. Text amended in accordance with Section 67 (45) of the Act.

[137](#) Section 50 of the 2007: XIII. the text established by § 2 of the Act.

[138](#) Section 51 of the 2017: XXXIX. Act - 2017: CXLIV. amended in accordance with Section 123 (2) of the Act - the text established by Section 13.

[139](#) Section 51 (1) of the 2017: CXC VII. Text amended in accordance with Section 67 (10) and (46) of the Act.

[140](#) Section 51 (2) of the 2017: CXC VII. Text amended in accordance with Section 67 (47) of the Act.

[141](#) Section 51 (2) (b) of the 2017: CXC VII. Text amended in accordance with Section 67 (48) of the Act.

[142](#) Section 51 (3) of the 2017: CXC VII. Text amended in accordance with Section 67 (26) and (49) of the Act.

[143](#) Section 51 (4) of the 2017: CXC VII. Text amended in accordance with Section 67 (50) of the Act.

[144](#) Section 52 of the 2007: XIII. the text established by § 2 of the Act.

[145](#) Section 52 (1) of the 2017: XXXIX. the text established by § 14 of the Act.

[146](#) Section 52 (2) of the 2016: CIII. Text amended in accordance with Section 41 (a) of the Act.

[147](#) Section 52 (3) of the 2012: CCXXIII. Section 90 (1) of Act CXC VII of 2017; Text amended pursuant to Section 67 (51) of the Act.

[148](#) Section 53 of the 2017: XXXIX. the text established by § 15 of the Act.

[149](#) Section 54 of 2016: CIII. the text established by § 28 of the Act.

[150](#) Section 54 (1) of the 2017: XXXIX. established by Section 16 of Act 2017: CXC VII. Text amended pursuant to Section 67 (41) of the Act.

[151](#) Section 55 of the 2007: XIII. established by § 2 of Act 2011: CCI. Section 117 (d) of Act CXC VII of 2017; Text amended in accordance with Section 67 (52) of the Act.

[152](#) The 55 / A. § 2017: XXXIX. introduced by Section 17 of the Act.

[153](#) The 55 / A. § (1) of the 2017: CXC VII. Text amended in accordance with Section 67 (26) of the Act.

[154](#) The 55 / A. § (2) of the 2017: CXC VII. Text amended in accordance with Section 67 (26) and (53) of the Act.

[155](#) The subheading preceding Section 56 is amended by Decree 2007: XIII. introduced by Section 2 of the Act.

[156](#) Section 56 of the 2007: XIII. the text established by § 2 of the Act.

[157](#) Section 57 of the 2007: XIII. the text established by § 2 of the Act.

[158](#) Section 57 (4) is amended in accordance with 2016: CIII. introduced by Section 29 of the Act.

[159](#) Section 58 of the 2007: XIII. the text established by § 2 of the Act.

[160](#) Section 58 (1) of the 2016: CIII. Text amended in accordance with Section 41 (a) of the Act.

[161](#) Section 58 (2) of the 2017: XXXIX. the text established by Section 18 (1) of the Act.

[162](#) Section 58 (3) of the 2017: XXXIX. Act § 18 (2) of the Act.

[163](#) Section 59 of the 2007: XIII. the text established by § 2 of the Act.

[164](#) Section 60 a of 2007: XIII. the text established by § 2 of the Act.

[165](#) A IV. Chapter 4. The title is 2003: CXXX. was incorporated by Section 91 of Act XIII of the text established by § 2 of the Act.

[166](#) A 60 / A. § 2003: CXXX. was incorporated by Section 91 of Act XIII of the text established by § 2 of the Act.

[167](#) A 60 / A. § (3) of 2016: CIII. Text amended in accordance with Section 41 (d) of the Act.

[168](#) A 60 / B. The subheading preceding § XIII. introduced by Section 2 of the Act.

[169](#) A 60 / B. § 2003: CXXX. was inserted by Section 91 of Act CIII., the text of which is 2016: CIII. the text established by § 30 of the Act.

[170](#) A 60 / C. § 2003: CXXX. was incorporated by Section 92 of Act XIII of the text established by § 2 of the Act.

[171](#) A 60 / C. § (1) of 2016: CIII. the text established by Section 31 (1) of the Act.

[172](#) A 60 / C. § (2) of 2016: CIII. Section 41 (a) and (c) of Act CXC VII of 2017; Text amended in accordance with Section 67, Paragraphs 47 and 54 of Act

[173](#) A 60 / C. § (3) of 2016: CIII. the text established by Section 31 (2) of the Act.

[174](#) A 60 / C. § (4) of 2016: CIII. Act § 31 (3) of the Act.

[175](#) A 60 / C. § (5) of 2016: CIII. Act § 31 (3) of the Act.

[176](#) A 60 / C. § (6) of 2016: CIII. Act § 31 (3) of the Act.

[177](#) A 60 / D. The subheading preceding § XIII. introduced by Section 2 of the Act.

[178](#) A 60 / D. § 2003: CXXX. was incorporated by Section 92 of Act XIII of the text established by § 2 of the Act.

[179](#) A 60 / D. § (1) of 2012: CCXXIII. Text amended pursuant to Section 90 (1) of the Act.

[180](#) A 60 / D. § (2) of the 2012: CCXXIII. Section 90 (1) of Act 2016: CIII. Section 41 (a) and (c) of Act CXC VII of 2017; Text amended pursuant to Section 67 (55) of the Act.

[181](#) A 60 / D. § (3) of the 2016: CIII. Section 32 of the Act.

[182](#) A 60 / D. § (4) of 2016: CIII. Section 32 of the Act.

[183](#) A 60 / E. § 2007: XIII. introduced by Section 2 of Act 2012: CCXXIII. Section 90 (1) of Act CXC VII of 2017; Text amended pursuant to Section 67 (56) of the Act.

[184](#) Title 7 (Sections 60 / F to 60 / G) is amended to read as follows: 2013: LXXVIII. Section 8 of the Act.

[185](#) A 60 / F. § a 2016: CIII. the text established by Section 33 of the Act.

[186](#) A 60 / G. § (2) of 2016: CIII. Section 41 (a) and (c) of Act CXC VII of 2017; Text amended in accordance with Section 67 (57) of the Act.

[187](#) Title 8 (Section 60 / H) of 2013: LXXVIII. Section 8 of the Act.

[188](#) A 60 / H. § (2) of 2016: CIII. Section 41 (a) and (c) of Act CXC VII of 2017; Text amended in accordance with Section 67 (58) of the Act.

[189](#) A 60 / H. § (4) of 2016: CIII. Text amended in accordance with Section 41 (e) of the Act.

[190](#) Chapter V (Sections 61–75 / A) of 2017: CXLIV. the text established by § 9 of the Act.

[191](#) Section 61 (1) (f) of the 2017: CXC VII. Text amended pursuant to Section 67 (59) of the Act.

[192](#) Section 61 (2) of the 2017: CXC VII. Text amended in accordance with Section 67 (60) of the Act.

[193](#) A 62 / A. § (4) of the 2017: CXC VII. Text amended in accordance with Section 67 (61) of the Act.

[194](#) A 62 / D. § (2) of the 2017: CXC VII. Text amended in accordance with Section 67 (26) of the Act.

[195](#) A 62 / G. § 2017: CXC VII. Text amended pursuant to Section 67 (62) of the Act.

[196](#) A 63 / D. § 2017: CXC VII. Text amended pursuant to Section 67 (62) of the Act.

[197](#) Section 64 (c) of the 2017: CXC VII. Text amended in accordance with Section 67 (63) of the Act.

[198](#) Section 64 (d) of the 2017 Act: CXC VII. Section 68 (c) of the Act repealed.

[199](#) Section 65 (3) (a) of the 2017: CXC VII. Text amended in accordance with Section 67 (64) and Section 68 (b) of the Act.

[200](#) Section 65 (4) of the 2017: CXC VII. Text amended in accordance with Section 67 (26) of the Act.

[201](#) Section 65 (6) of the 2017: CXC VII. Text amended in accordance with Section 67, Sections 12 and 65 of the Act.

[202](#) Section 65 (7) of the 2017: CXC VII. Text amended in accordance with Section 68 (b) of the Act.

[203](#) A 65 / A. § (3) of the 2017: CXC VII. Text amended in accordance with Section 67 (26) of the Act.

[204](#) A 65 / A. § (5) of the 2017: CXC VII. Text amended in accordance with Section 67 (26) of the Act.

[205](#) A 66 / A. § (3) of the 2017: CXC VII. Text amended in accordance with Section 67 (26) of the Act.

[206](#) A 66 / A. § (5) of the 2017: CXC VII. Text amended in accordance with Section 68 (b) of the Act.

[207](#) The title of Title 7 of Chapter V is 2017: CXC VII. the text established by Section 65 (1) of the Act.

[208](#) Section 67 (1) of the 2017: CXC VII. the text established by Section 65 (2) of the Act.

[209](#) Section 67 (2) of the 2017: CXC VII. the text established by Section 65 (2) of the Act.

[210](#) Section 67 (3) of the 2017: CXC VII. the text established by Section 65 (2) of the Act.

[211](#) Section 67 (5) of the 2017: CXC VII. Text amended pursuant to Section 67 (66) of the Act.

[212](#) Section 67 (7) of the 2017: CXC VII. Text amended in accordance with Section 67 (67) of the Act.

[213](#) Section 67 (8) of the 2017: CXC VII. Text amended in accordance with Section 67 (67) of the Act.

[214](#) Section 67 (9) of the 2017: CXC VII. Text amended in accordance with Sections 63, 67 and 68 of Section 67 of the Act.

[215](#) A 67 / A. § (1) of the 2017: CXC VII. Text amended in accordance with Section 67 (26) and (63) of the Act.

[216](#) A 67 / A. § (2) of the 2017: CXC VII. Text amended in accordance with Section 67 (63) of the Act.

[217](#) A 67 / A. § (3) of the 2017: CXC VII. Text amended in accordance with Section 67 (69) of the Act.

[218](#) A 67 / A. § (4) of the 2017: CXC VII. Text amended in accordance with Section 67 (69) of the Act.

[219](#) Title 8 of Chapter V (Section 68) is amended by 2017: CXC VII. Section 68 (d) of the Act repealed.

[220](#) Section 69 (5) of the 2017: CXC VII. Text amended in accordance with Sections 8, 26 and 70 of Section 67 of the Act.

[221](#) Section 69 (7) of the 2017: CXC VII. Text amended in accordance with Section 67 (26) of the Act.

[222](#) A 69 / A. § (1) of the 2017: CXC VII. Text amended in accordance with Section 67 (26) of the Act.

[223](#) A 69 / A. § (4) of the 2017: CXC VII. Text amended in accordance with Section 67 (8) and (26) of the Act.

[224](#) Section 70 (1) of the 2017: CXC VII. Text amended in accordance with Section 67 (26) of the Act.

[225](#) Section 70 (3) of the 2017: CXC VII. Text amended in accordance with Sections 8, 26 and 70 of Section 67 of the Act.

[226](#) A 70 / A. § (1) of the 2017: CXC VII. Text amended in accordance with Section 67 (26) of the Act.

[227](#) A 70 / A. § (3) of the 2017: CXC VII. Text amended in accordance with Section 67 (8) and (26) of the Act.

[228](#) Section 74 (5) of the 2017: CXC VII. Text amended in accordance with Section 67 (26) and (71) of the Act.

[229](#) Section 74 (7) of the 2017: CXC VII. Text amended in accordance with Section 67 (26) of the Act.

[230](#) Section 75 (1) (b) of the 2017: CXC VII. Text amended in accordance with Section 67 (72) of the Act.

[231](#) Section 75 (3) of the 2017: CXC VII. Text amended in accordance with Section 67 (72) of the Act.

[232](#) Section 75 (5) of the 2017: CXC VII. Text amended in accordance with Section 67 (26) of the Act.

[233](#) A 75 / A. § (2) of the 2017: CXC VII. Text amended in accordance with Section 67 (73) of the Act.

[234](#) A 75 / A. § (3) of the 2017: CXC VII. Text amended in accordance with Section 67 (73) of the Act.

[235](#) A 75 / A. § (7) of 2017: CXC VII. Text amended in accordance with Section 67 (26) of the Act.

[236](#) The V / A. Chapter (Sections 75 / B – 75 / C) of Chapter 2016: CIII. Act § 37 of the Act.

[237](#) A 75 / B. § a 2017: XXXIX. the text established by Section 19 of the Act.

[238](#) A 75 / B. § (7) of 2017: CXC VII. Text amended pursuant to Section 67 (74) of the Act.

[239](#) A 75 / C. § a 2017: XXXIX. the text established by § 20 of the Act.

[240](#) Section 76 (1) of the 2007: XIII. Text amended in accordance with Section 14 (3) (b) of the Act.

[241](#) Section 76 (2) (d) of the 2017: CXC VII. Text amended pursuant to Section 67 (75) of the Act.

[242](#) Section 76 (4) of the 2007: XIII. Text amended in accordance with Section 14 (3) (b) of the Act.

[243](#) The opening text of Section 78 (1) is based on 2012: CCXXIII. Text amended pursuant to Section 90 (1) of the Act.

[244](#) Section 78 (1) (a) is amended in 2017: CXLIV. Section 12 (a) of the Act repealed.

[245](#) Section 78 (1) (c) is amended in 2017: CXLIV. Section 12 (a) of the Act repealed.

[246](#) Section 78 (2) of the 2017: CXC VII. Text amended in accordance with Section 67 (76) of the Act.

[247](#) Section 79 (2) of the 2017: CXC VII. the text established by Section 66 of the Act.

[248](#) A 79 / A. § 2013: LXXVIII. Act 11 of the Act.

[249](#) A 79 / A. § (2) of the 2017: CXC VII. Text amended in accordance with Section 67 (77) of the Act.

[250](#) A 79 / A. § (3) opening text of 2013: CLXXXVI. Section 77 of Act 2016: CIII. Text amended in accordance with Section 41 (a) of the Act.

[251](#) A 79 / A. § (3) b) of the 2017: XXXIX. Text amended in accordance with Section 21 (c) of the Act.

[252](#) A 79 / A. § (4) of 2013: CLXXXVI. Section 77 of Act 2016: CIII. Text amended in accordance with Section 41 (a) of the Act.

[253](#) Section 80 (1a) of the 2016: CIII. introduced by Section 38 of Act CXLIV of 2017, repealed by Act CXLIV of 2017. Section 12 (b) of the Act.

[254](#) Section 80 (2) is amended in 2017: CXLIV. Section 12 (b) of the Act was repealed.

[255](#) Section 80 (4) of the 2017: CXLIV. established by Section 11 of Act 2017: CXC VII. Text amended in accordance with Section 67 (78) of the Act.

[256](#) Section 80 (4) (a) of the 2017: CXC VII. Text amended in accordance with Section 67 (79) of the Act.

[257](#) Section 81 (1) of the 2017: CXLIV. Section 12 (c) of Act CXC VII of 2017; Text amended pursuant to Section 67 (80) of the Act.

[258](#) Section 81 (2) of the 2017: CXC VII. Text amended in accordance with Section 67 (81) of the Act.

[259](#) A § 82 a 2017: CXC VII. Text amended in accordance with Section 67 (82) of the Act.

[260](#) A Section 83 of 2016: CIII. the text established by § 39 of the Act.

[261](#) Section 83 (2) (b) of the 2017: CXC VII. Text amended pursuant to Section 67 (83) of the Act.

[262](#) Section 83 (2) (e) of the 2017: XXXIX. Text amended in accordance with Section 21 (e) of the Act.

[263](#) Section 83 (3) of the 2017: CXLIV. Text amended in accordance with Section 12 (d) of the Act.

[264](#) Paragraphs (4) - (5) of Section 83 are amended in 2017: CXLIV. Section 12 (e) of the Act repealed.

[265](#) A VII. Chapter title is 2012: LXXVI. the text established by Section 35 (3) of the Act.

[266](#) A VII. Chapter 1. The title of 2012: LXXVI. Act § 35 (1) of the Act.

[267](#) The second sentence of Section 84 was repealed by Section 308 (1) (a) of Act I of 2002.

[268](#) A 84 / A. § 2013: CXII. Act § 1 (3) of the Act.

[269](#) Date of entry into force 1 September 2013

[270](#) A VII. Chapter 2. The title of 2012: LXXVI. Act § 35 (2) of the Act.

[271](#) A Section 85 of 2012: LXXVI. was inserted by Section 35 (2) of Act LXXVIII. the text established by § 12 of the Act.

[272](#) Section 85 (c) of 2016: CIII. Section 40 of the Act.