

Government Decree 41/2020 (11 March)

on the measures to be taken during the state of danger declared for the prevention of the human epidemic endangering life and property and causing massive disease outbreaks, for the elimination of its consequences, and for the protection of the health and lives of Hungarian citizens

The Government
acting on the basis of authorisation by Section 16(4)c) of Act LXXXIX of 2007 on state borders,
acting, with respect to subtitles 2 and 3, within its original legislative power laid down in Article 53(2) of the Fundamental Law,
acting within its function laid down in Article 15(1) of the Fundamental Law,
orders as follows:

1. Temporary reintroduction of border control on the border between Hungary and the Republic of Slovenia, and Hungary and the Republic of Austria

Section 1 On the basis of Article 28(1) of Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code), the Government temporarily reintroduces border control on the border between Hungary and the Republic of Slovenia, and Hungary and the Republic of Austria.

2. Rules on epidemiological isolation, observation, quarantine and monitoring ordered for the prevention of the introduction or spread of an infectious disease subject to compulsory quarantine

Section 2 (1) With the exceptions specified in section 3/A, access to the territory of Hungary shall be denied to any

- a) railway vehicle,
- b) bus, and
- c) civilian aircraft, except for transit without landing,

performing international carriage of passengers from the territory of the Italian Republic, the People's Republic of China, the Republic of Korea, the State of Israel and the Islamic Republic of Iran.

(2) With the exceptions specified in section 3/A, access to the territory of Hungary shall be denied to persons other than Hungarian citizens arriving from abroad by personal traffic.

Section 3 (1) With the exceptions specified in section 3/A, Hungarian citizens arriving from the territory of any of the countries specified in section 2(1)

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

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

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

ca) they shall be registered by the designated epidemiological authority,

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

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

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

db) be placed in the designated quarantine facility.

(2) Measures for the provision of persons in official domestic quarantine under paragraph (1)*c)* and *d)* shall be taken by the mayor of the local government in each settlement.

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

Section 3/A In cases deserving special consideration, the director-general responsible for law enforcement of the Hungarian National Police Headquarters may grant exemption from the provisions in section 2 or section 3(1), or may establish specific rules of conduct, if

a) the person concerned has undergone a health screening referred to in section 3(1)*a)*,

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

c) the person concerned has been registered by the epidemiological authority.

Section 4 From the entry into force of this Decree,

a) expiring official documents of Hungarian citizens valid in the territory of Hungary shall remain valid for 15 days after the state of danger terminates,

b) students shall be prohibited from entering higher education institutions,

c) with the exception of kindergartens, no extraordinary break may be ordered in public upbringing institutions by their heads, the local government clerk or the Educational Authority for the purpose of coordinated protection,

d)

e) the Language Learning Programme Abroad shall be suspended,

f) school trips abroad shall be forbidden and those previously booked shall be cancelled.

Section 5 Persons other than Hungarian citizens who violate the rules on epidemiological isolation, observation, quarantine and monitoring ordered for the prevention of the introduction or spread of an infectious disease subject to compulsory quarantine laid down in section 2 in contravention of section 361(1) of Act C of 2012 on the Criminal Code shall be subject to expulsion or forced removal from the territory of Hungary.

Section 3: Extraordinary measures

Section 6 (1) From the entry into force of this Decree,

a) healthcare workers as defined in Act CLIV of 1997 on healthcare,

b) professional or contracted soldiers and volunteer reserve soldiers performing active military service as defined in Act CCV of 2012 on the legal status of soldiers,

c) national defence employees as defined in Act CXIV of 2018 on the legal status of national defence employees,

d) persons in official service relationship and law enforcement administration employees as defined in Act XLII of 2015 on the service relationship of the professional personnel of organs performing law enforcement duties,

e) employees as defined in Act CXXII of 2010 on the National Tax and Customs Administration, and

f) government officials as defined in Act CXXV of 2018 on government administration may only leave the territory of Hungary with special permission by the Minister responsible for direction of the respective sector.

(2) From the entry into force of this Decree, foreign missions from the ministries and the Prime Minister's Government Office may only be ordered with special permission by the Minister and the Prime Minister, respectively.

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

Section 7 (1) Subject to the provisions of the law, the Hungarian Defence Forces shall contribute to the implementation of law enforcement measures related to the state of danger and shall support the police and the disaster management organ in the performance of their responsibilities.

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

Section 8 EEA citizens entitled to permanent residence and proving this right with a permanent residence card shall receive the same treatment as Hungarian citizens.

4. Final provisions

Section 9 This Decree shall enter into force on the day following its promulgation.

Section 10 Authorisation shall be given to

a) the Minister without Portfolio Responsible for the Management of National Assets to adopt special rules guaranteeing the operability of state-owned companies that are parts of critical infrastructures,

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

MINISTRY OF JUSTICE
HUNGARY