

## Hungary

1. Regarding to our experience we can say that the co-operation between EU member states is getting more effective but to improve the direct contact with the local judicial authorities of the other member states we still have a lot to do. On the one hand the reasons of insufficiency derive from the lack of knowledge of local authorities and on the other hand below mentioned circumstances. We'd like to mention that the Office of the General Prosecutor as a central authority still pays a special attention for training of the local offices to reach the required knowledge on the field of international co-operation.

The frequent problems of the applying the Convention on Mutual Assistance in Criminal Matters and its Protocol are connecting to the Article 6 (1):

- a) It is difficult to handle the searching program of the competent local judicial authorities. Sometimes we are not able to find which authority is the really competent for the fulfillment of the request, whom to address, so the Hungarian local judicial authorities usually send the request to Hungarian central authority to pass it over to the member state's authority. This situation causes the unnecessary applying of the Article 15 (1) of the Strasbourg Convention which applying is in this context against the aims of the Convention on Mutual Assistance in Criminal Matters and its Protocol.
- b) In spite of the regulations of conventions on necessary translations the practice is not unified.

It is not clear that if only the request has to be translated or the fulfillment of the request also. Our point of view that generally only the requests have to be translated.

The other problem is the standard of translations. Sometimes the translations are really low-standard, not only the incoming requests but our outgoing requests, too. The bad translation might cause unnecessary delay and includes the danger of insufficient fulfillment of the request.

c) Problems of the contents of requests:

- Sometimes the facts of requests are not detailed as required. It caused a problem of determining the existence of the double criminality. The undetailed facts also might cause insufficient fulfillment. The difference between legislations also might cause the problem of double criminality. (E.g. in some cases the difference between German and Hungarian law raised problems: in Germany the "Hit and Run" is criminalized regardless of injury. According to the Hungarian Criminal Code to state this crime the minimum 8 days healing up of injured is necessary. In few cases the German request didn't contained if somebody was injured or not. Another problem occurred with Austrian request: "Battery" is punishable in Hungary if the healing of bodily harms or injures the health of another person is more than 8 days. In Austria the necessary healing to commit this crime is much more than 8 days.)
- It occurred that the request didn't contain the procedural position of the person should be questioned, the list of the questions were missing, the necessary declarations or clauses to fulfillment of the request were not attached (e.g. the declaration to lift the bank secret).
- Further these, the improper knowledge of the rules on house searching, on seizure, on confiscation and on bank secret also caused problems in the practice.

Examples:

a) *Missing lists of questions*: requests from Netherlands mainly not contain the lists of questions. The reason of not causing problems that the officers of the law enforcement bodies are frequently coming to Hungary to participate on questioning. We call them for bringing the list of questions.

b) *Missing declarations or clauses*: according to the Hungarian Criminal Code to lift the bank secret the incoming requests must contain the declaration. Requests from Finland, Italy, Germany, France, Netherlands are mainly not contains, so we have to call for them to supplement the requests which causes unnecessary delay.

2. Regarding to our experience and to the replies from the other member states we can state that the co-operation – generally – appropriate. As we see the main reason of this the helpful intention on both side.

We are taking account the replies on mistakes.

On the field of international legal co-operation Hungary has a specially good and sufficient connection with Austrian and German authorities. The performs of requests by these states are mainly really fast.

From the other member states we have frequent connection with Italy, Spain, Great Britain and Northern Ireland. According to our experience the co-operation with this states are improving, but the performing of our requests by these states are still take longer time than by Austrian and German authorities.

3. We suggest more development of the searching programs on (local) judicial authorities to find more easily the competent authority.