

## HUNGARY

### LEGAL BASIS

**1. Has your State signed and/or ratified the United Nations Convention on special missions (1969)? If not, does your State intend to sign/ratify the Convention?**

Hungary has not signed or ratified the United Nations Convention on Special Missions (1969), and currently has no intention to do so.

**2. Does your State apply other international legal instruments in this area (ex.: bilateral, multilateral agreements or headquarters agreements)?**

Hungary applies several multilateral agreements relevant in this area, among them the Vienna Convention on Diplomatic Relations (1961) and the Vienna Convention on Consular Relations (1963). Due to its membership in different international organizations, Hungary is a party to a number of agreements containing provisions relevant in this respect, such as the Convention on the Privileges and Immunities of the United Nations (1946) and of Specialized Agencies (1947), and the General Agreement on Privileges and Immunities of the Council of Europe (1949).

Hungary has also concluded a number of headquarter agreements with international organizations. Many of these agreements contain provisions on the immunity of experts on mission, see for example the following agreements:

Agreement between the Government of Hungary and the World Health Organization concerning the establishment of the World Health Organization’s Budapest Centre (Law No. LXV of 2016, Hungarian Law Gazette 2016/87 (VI. 15.))

Agreement between the Government of Hungary and the United Nations Children’s Fund about the establishment of the United Nations Children’s Fund Global Shared Services Center (Law No. CXXII of 2015, Hungarian Law Gazette 2015/102 (VII. 13.))

Agreement between the Government of the Republic of Hungary and the Office of the United Nations High Commissioner for Refugees (Law No. XVI of 2008, Hungarian Law Gazette 2008/66 (IV. 25.))

**3. Has your State adopted a specific national legislation in the field of immunities of special missions?**

**a. If so, please provide information concerning the relevant legislative provisions (in particular title, source and content; if possible, please provide official translations in French or in English and/or references to online sources);**

**b. If not, is the issue of immunities of special missions covered by another part of your legislation? If so, please provide information concerning these relevant legislative provisions (in particular title, source and content; if possible, please provide official translations in French or in English and/or references to online sources).**

No, Hungary has not adopted any specific legislation addressing the issue of immunities of special missions.

Concerning general rules of international law, and with regard to the relation of international law and domestic legislation, Article Q of the Fundamental Law of Hungary stipulates:

“(2) Hungary shall ensure that Hungarian law is in conformity with international law in order to comply with its obligations under international law.

(3) Hungary shall accept the generally recognized rules of international law. Other sources of international law shall be incorporated into Hungarian law upon their promulgation by laws.”

Sectoral legislation, in particular procedural laws (examples include the criminal and civil procedure codes) also contain references to immunity and respect for international law.

Law Decree No. 7 of 1973 on Procedures Required in Case of Diplomatic or Other Immunities (Hungarian Law Gazette 1973/20 (III. 18.)) should be mentioned as a piece of domestic legislation

governing procedural questions relating to immunities. Based on this Decree courts or administrative bodies must suspend an ongoing procedure if information is provided that one of the parties or (in criminal proceedings) the accused is likely to enjoy diplomatic or other immunity based on international law. In this case the relevant court or administrative authority, with the involvement of respective supervisory bodies, must seek the advice of the ministry responsible for foreign affairs on the question of immunity. If the immunity is confirmed, the court or administrative authority must terminate its procedure. (The same rules apply to employment disputes.) Government Decree 152/2014. (Hungarian Law Gazette 2014/79 (VI. 06.) on the tasks and responsibilities of i.a. the Minister of Foreign Affairs and Trade states that “the minister ... ascertains the existence of diplomatic or other immunities stemming from international law.”

- 4. Have the authorities of your State released official statements, reports or any other document concerning the status and the immunities of special missions? If so, please provide any relevant information relating to these documents.**

No such statement or report is available.

- 5. Does your State consider that certain obligations and/or definitions regarding immunity of special missions derive from customary international law? If so, please provide a brief description of the main requirements of customary international law in this respect.**

No official analysis has been made on the scope of immunities of special missions under customary international law.

- 6. Please provide information on the scope of the immunities of special missions, in particular:**

- a. The extent of the privileges and immunities granted to special missions and to their members;
- b. The scope *ratione personae* (categories of individuals who may enjoy an immunity of special mission);
- c. The scope *ratione materiae*, in particular by specifying if there are exceptions to the granting of the immunity;
- d. The temporal limits of the immunities accorded to special missions.

See answer to question 5.

## **NATIONAL PRACTICE AND PROCEDURE**

- 7. Is there national case law in the field of immunities of special missions? If so, please provide information on these decisions (date of the judgment, authority that issued the judgment, name of the parties, main points of law, French or English translation of the judgment or summary of the judgment in English or in French).**

There is no Hungarian case law in the field of immunities of special missions.

- 8. Is there a mechanism of formal agreement of special missions, namely a process under which your State can accept in advance that an official visit constitutes or not a special mission?**

- a. If yes, which authority delivers these agreements? What weight do the courts attach to such agreements? Is there a formal notification or communication procedure between the governmental authorities and the courts?
- b. In the absence of such a formal agreement, can an implied consent derive from the behaviour of the governmental authorities?

There is no formal domestic process put in place in this respect. Hungary is of the view that it is for the sending state and the receiving state to agree in this regard, which may take different forms.