Hungary

Cybercrime legislation

Domestic equivalent to the provisions of the Budapest Convention

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[reference to the provisions of the Budapest Convention]

This profile has been prepared by the Cybercrime Programme Office (C-PROC) of the Council of Europe in view of sharing information on cybercrime legislation and assessing the current state of implementation of the Budapest Convention on Cybercrime under national legislation. It does not necessarily reflect official positions of the State covered or of the Council of Europe.

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BUDAPEST CONVENTION	DOMESTIC LEGISLATION
Chapter I – Use of terms	
Article 1 – "Computer system", "computer data", "service provider", "traffic data": For the purposes of this Convention: a "computer system" means any device or a group of interconnected or related devices, one or more of which, pursuant to a program, performs automatic processing of data; b "computer data" means any representation of facts, information or concepts in a form suitable for processing in a computer system, including a program suitable to cause a computer system to perform a function; c "service provider" means: i any public or private entity that provides to users of its service the ability to communicate by means of a computer system, and ii any other entity that processes or stores computer data on behalf of such communication service or users of such service; d "traffic data" means any computer data relating to a communication by means of a computer system, generated by a computer system that formed a part in the chain of communication, indicating the communication's origin, destination, route, time, date, size, duration, or type of underlying service	**Act C of 2012 on Criminal Code (hereinafter: CC)** **Article 459 of CC – Explanatory provisions** (1) For the purposes of this Act: 15. information system shall mean an equipment ensuring the automatic processing, handling, storage and forwarding of data or the collection of such interconnected equipment. **Article 423 of CC – Violation of an information system or data** (5) In the application of this Article, data shall mean facts, information or concepts stored, handled, processed and forwarded in an information system in all forms which are suitable for being processed in an information system, including the program designed to ensure the execution of certain functions by the information system
Chapter II – Measures to be taken at the national level	
Section 1 – Substantive criminal law	
Title 1 – Offences against the confidentiality, integrity and availability of computer data and systems	
Article 2 – Illegal access Each Party shall adopt such legislative and other measures as may be	**Article 423 of Criminal Code – Violation of an information system**

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necessary to establish as criminal offences under its domestic law, when committed intentionally, the access to the whole or any part of a computer system without right. A Party may require that the offence be committed by infringing security measures, with the intent of obtaining computer data or other dishonest intent, or in relation to a computer system that is connected to another computer system.	**or data** (1) Any person who gains unauthorized access to an information system by violating or deluding the technical measure designed to protect the information system, or stays in the information system by exceeding his/her access right or violating it, is guilty of a misdemeanor punishable by imprisonment for up to two years. (2) Any person who: a) hampers the operation of the information system unlawfully or by way of violating his/her rights; or b) alters, deletes or renders inaccessible data in the information system unlawfully, or by way of violating his/her rights; is guilty of a felony punishable by imprisonment for up to three years. (3) The punishment shall be imprisonment between one to five years for a felony, if the criminal offence defined in Paragraph (2) involves a substantial number of information systems. (4) The punishment shall be imprisonment between two to eight years, if the criminal offence is committed against public works. (5) In the application of this Article, data shall mean facts, information or concepts stored, handled, processed and forwarded in an information system in all forms which are suitable for being processed in an information system, including the program designed to ensure the execution of certain functions by the information system.
Article 3 – Illegal interception Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, the interception without right, made by technical means, of non-public transmissions of computer data to, from or within a computer system, including electromagnetic emissions from a computer system carrying such computer data. A Party may require that the offence	**Article 422 of Criminal Code – Illicit access to data** (1) Any person who, for the purpose of unlawfully gaining access to personal data, private secret, economic secret or business secret: a) covertly searches the flat, other premises or the closed places

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be committed with dishonest intent, or in relation to a computer system that is connected to another computer system.	attached thereto of another person; b) monitors or records the events taking place in the flat, other premises or the closed places attached thereto of another person, by applying technical means; c) opens or acquires the closed consignment containing communication belonging to another person, and records its content by technical means; d) captures data forwarded to another person or stored through electronic communication network – including information system – and records its perceived content by technical means; is guilty of a felony punishable by imprisonment for up to three years. (2) Any person who collects information other than the information specified in Paragraph (1) for the purpose of establishing the identity or activity of a covert investigator or a person secretly cooperating with law enforcement authorities and the secret service, shall be punishable as specified in Paragraph (1). (3) Any person who forwards or uses any personal data, private secret, economic secret or business secret obtained in a manner described in Paragraph (1)-(2) shall be punishable in accordance with Paragraph (1). (4) The punishment shall be imprisonment between one to five years, if illicit access to data under Paragraph (1)-(3) is committed: a) by pretending official proceedings; b) in a business-like manner; c) in a criminal conspiracy; or d) causing significant injury of interest.

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Article 4 – Data interference 1 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, the damaging, deletion, deterioration, alteration or suppression of computer data without right. 2 A Party may reserve the right to require that the conduct described in paragraph 1 result in serious harm.	**Article 375 of Criminal Code – Fraud committed with the use of information system** (1) Any person who – for unlawful gain – enters, alters, deletes or renders inaccessible data in an information system or with the performing of other actions influences the operation of an information system and thereby causes damage is guilty of a felony punishable by imprisonment for up to three years (2) The punishment shall be imprisonment between one to five years, if: a) fraud committed with the use of information system causes substantial damage; or b) fraud committed with the use of information system causing considerable damage is committed in a criminal conspiracy or in a business-like manner. (3) The punishment shall be imprisonment between two to eight years, if: a) fraud committed with the use of information system causes particularly considerable damage; or b) fraud committed with the use of information system causing substantial damage is committed in a criminal conspiracy or in a business-like manner. (4) The punishment shall be imprisonment between five to ten years, if: a) fraud committed with the use of information system causes particularly substantial damage; or b) fraud committed with the use of information system causing particularly considerable damage is committed in a criminal conspiracy or in a business-like manner.

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	(5) Any person who causes damage by using a counterfeit, falsified or unlawfully obtained electronic means of payment substituting cash, or by accepting payment with such means of payment shall be punishable in accordance with Paragraph (1)-(4). (6) In the application of Paragraph (5), means of payment substituting cash issued abroad shall receive the same protection as means of payment substituting cash issued in Hungary. **Article 423 – Violation of an information system or data** (Please see above)
Article 5 – System interference Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, the serious hindering without right of the functioning of a computer system by inputting, transmitting, damaging, deleting, deteriorating, altering or suppressing computer data	**Article 375 of Criminal Code– Fraud committed with the use of information system** **Article 423 – Violation of an information system or data** (Please see above)
Article 6 – Misuse of devices 1 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right: a the production, sale, procurement for use, import, distribution or otherwise making available of: i a device, including a computer program, designed or adapted primarily for the purpose of committing any of the offences established in accordance with the above Articles 2 through 5; ii a computer password, access code, or similar data by which the whole or any part of a computer system is capable of being accessed, with intent that it be used for the purpose of committing any of the offences established in Articles 2 through 5; and b the possession of an item referred to in paragraphs a.i or ii above, with intent that it be used for the purpose of committing any of the offences established in Articles 2 through 5. A Party may require by law that a	**Article 424 of Criminal Code – Delusion of the technical measure designed to protect the information system** (1) Any person who, for the purposes of the commission of the criminal offence defined in Article 375, Article 422 (1) d) or Article 423: a) prepares, transfers, renders accessible, acquires or distributes a password or a computer program required for or facilitating the commission of the above criminal offences; or b) makes available his/her economic, technical, organizational expertise to another person concerning the preparation of a password or a computer program required for or facilitating the commission of the above criminal offences; is guilty of a misdemeanour punishable by imprisonment for up to two

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number of such items be possessed before criminal liability attaches. 2 This article shall not be interpreted as imposing criminal liability where the production, sale, procurement for use, import, distribution or otherwise making available or possession referred to in paragraph 1 of this article is not for the purpose of committing an offence established in accordance with Articles 2 through 5 of this Convention, such as for the authorised testing or protection of a computer system. 3 Each Party may reserve the right not to apply paragraph 1 of this article, provided that the reservation does not concern the sale, distribution or otherwise making available of the items referred to in paragraph 1 a.ii of this article.	years. (2) The perpetrator of the criminal offence defined in Paragraph (1) a) cannot be punished, if he/she reveals his/her activities to the authority – before the authority acting in criminal matters becomes aware of the preparation of any password or computer program required for or facilitating the commission of the criminal offence –, transfers the prepared object to the authority and enables to identify another person participating in the preparation. (3) For the purposes of this Article, a password shall mean any identifier consisting of numbers, letters, signs, biometric data or the combination thereof, designed to gain entry into an information system or any part thereof.
Title 2 – Computer-related offences	
Article 7 – Computer-related forgery Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right, the input, alteration, deletion, or suppression of computer data, resulting in inauthentic data with the intent that it be considered or acted upon for legal purposes as if it were authentic, regardless whether or not the data is directly readable and intelligible. A Party may require an intent to defraud, or similar dishonest intent, before criminal liability attaches.	**Article 423 of Criminal Code – Violation of an information system or data** **Article 375 of CC– Fraud committed with the use of information system** (Please see above) It is need to be underlined that according to Article 325 (1) of the **Act CXXX of 2016 on the Code of Civil Procedure** the scope of private documents includes the electronic document too. (pls find below a rough translation of the relevant article) (1) A private deed shall have full probative value, if […] f)the person signing the deed affixed to the electronic deed his qualified or advanced electronic signature or sealbased on qualified certificates,

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	as well as a timestamp, if required by law, g)the electronic deed is authenticated by the signatory through the Document Authentication Based on Identification service specified in agovernment decree, or […] The falsification of the electronic document under the provision of the Convention – provided it is electronically signed and the falsified exemplar is used – constitutes the criminal offence of Use of a Forged Private Document as stipulated in Article 345 of CC. **Article 345 of CC - Use of a Forged Private Document** Any person who uses a falsified or forged private document or a private document with untrue contents for providing evidence for the existence, the changing or termination of a right or obligation, is guilty of a misdemeanor punishable by imprisonment for up to one year.
Article 8 – Computer-related fraud Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right, the causing of a loss of property to another person by: a any input, alteration, deletion or suppression of computer data; b any interference with the functioning of a computer system, with fraudulent or dishonest intent of procuring, without right, an economic benefit for oneself or for another person.	**Article 375 of Criminal Code – Fraud committed with the use of information system** (Please see above)
Title 3 – Content-related offences	
Article 9 – Offences related to child pornography 1 Each Party shall adopt such legislative and other measures as may be	**Article 204 of CC – Child Pornography**

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necessary to establish as criminal offences under its domestic law, when committed intentionally and without right, the following conduct: a producing child pornography for the purpose of its distribution through a computer system; b offering or making available child pornography through a computer system; c distributing or transmitting child pornography through a computer system; d procuring child pornography through a computer system for oneself or for another person; e possessing child pornography in a computer system or on a computer-data storage medium. 2 For the purpose of paragraph 1 above, the term "child pornography" shall include pornographic material that visually depicts: a a minor engaged in sexually explicit conduct; b a person appearing to be a minor engaged in sexually explicit conduct; c realistic images representing a minor engaged in sexually explicit conduct 3 For the purpose of paragraph 2 above, the term "minor" shall include all persons under 18 years of age. A Party may, however, require a lower age-limit, which shall be not less than 16 years. 4 Each Party may reserve the right not to apply, in whole or in part, paragraphs 1, sub-paragraphs d. and e, and 2, sub-paragraphs b. and c.	(1) Any person who: a) acquires or holds pornographic material of a person or persons under the age of eighteen, is punishable for a felony by imprisonment for up to three years; b) products, offers, provides or makes available such pornographic material of a person or persons under the age of eighteen, is punishable by imprisonment between one to five years; c) distributes, trades with such pornographic materials of a person or persons under the age of eighteen or makes them available for the general public, is punishable by imprisonment between two to eight years. (2) Any person who commits the criminal offence defined in Paragraph (1) b) against a person under the education, supervision, care or medical treatment of the perpetrator, or by abusing any other relationship of power or influence over the aggrieved party shall be punishable by imprisonment between two to eight years. (3) Any person who provides financial assets for the criminal offence defined in Paragraph (1) c) shall be punishable by imprisonment between one to five years. (4) Any person who a) invites a person or persons under the age of eighteen to participate in a pornographic performance shall be punishable by imprisonment for up to three years; b) makes a person or persons under the age of eighteen participate in a pornographic performance shall be punishable by imprisonment between one to five years. (5) The following acts shall be punishable by imprisonment for up to three years:

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	a) inviting a person or persons under the age of eighteen to appear on a pornographic material; b) participating in a pornographic performance in which a person or persons under the age of eighteen participate; c) providing financial assets for making a person or persons under the age of eighteen participate in a pornographic performance. 6) Any person who provides the conditions required for or facilitating the making of, the distribution of or trading with pornographic materials of a person or persons under the age of fourteen is guilty of a misdemeanour punishable by imprisonment for up to two years. (7) For the purposes of this Article: a) pornographic material shall mean a video, a film, a photo or a visual recording made in another manner that depicts sexuality in a gravely indecent manner, designed specifically to arouse sexual desire; b) pornographic performance shall mean an act or a performance that displays sexuality in a gravely indecent manner, designed specifically to arouse sexual desire. The Hungarian CC lists the criminal acts that are included in the Cybercrime Convention, however, it does not specify as a single manner of the commission through an information system. It is worded generally in order to not to limit the applicability of the rules which means that the Hungarian regulation is wider than Article 9 of the Convention. Article 204 (7) determines the definitions regarding child pornographic material and production. Animated cartoons, comics, images that is realistically created by using computer graphics do not belong under the aforementioned provisions, since the CC aims to protect actual living children. On the other hand, if such materials get into the hand of a child, and it endangers the child's

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	intellectual, moral and mental development, the person having custody of the minor can be punishable for the criminal offence of Endangering of a minor [Article 208 of CC]. According to the Act on Protection of the Children and the Act on Civil Code, the minor is under 18 years old in Hungary. Reservations and Declarations of Hungary for Treaty No.185 - Convention on Cybercrime: In accordance with Article 9 (4), Hungary reserves the right not to apply Article 9 (2) b).
Title 4 – Offences related to infringements of copyright and related rights	
Article 10 – Offences related to infringements of copyright and related rights 1 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law the infringement of copyright, as defined under the law of that Party, pursuant to the obligations it has undertaken under the Paris Act of 24 July 1971 revising the Bern Convention for the Protection of Literary and Artistic Works, the Agreement on Trade-Related Aspects of Intellectual Property Rights and the WIPO Copyright Treaty, with the exception of any moral rights conferred by such conventions, where such acts are committed wilfully, on a commercial scale and by means of a computer system. 2 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law the infringement of related rights, as defined under the law of that Party, pursuant to the obligations it has undertaken under the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (Rome Convention), the Agreement on Trade-Related Aspects of Intellectual Property Rights and the WIPO Performances and Phonograms Treaty, with the exception of any moral rights conferred by such conventions, where such acts are committed wilfully, on a commercial scale and by means of a computer system. 3 A Party may reserve the right not to impose criminal liability under paragraphs 1 and 2 of this article in limited circumstances, provided that	The Hungarian regulation is wider in the sense that the CC does not specify the manner of the commission through information system or in commercial rate **Article 384 of CC – Plagiarism** (1) Any person who a) displays the intellectual property of another person as his/her own and thereby causes financial disadvantage to the entitled person; b) misusing his/her position, office or membership in an economic organization makes the utilization of an intellectual property of another person or the enforcement of the rights associated therewith dependent upon being given a share from the prize received for, or from the profits or proceeds generated by the intellectual property or being displayed as entitled, is guilty of a felony punishable by imprisonment for up to three years.

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other effective remedies are available and that such reservation does not derogate from the Party's international obligations set forth in the international instruments referred to in paragraphs 1 and 2 of this article.	(2) For the purposes of this Article, intellectual property shall mean: a) a literary, an academic or an artistic product protected by copyright, b) a patentable invention; c) a protectable variety of plant; d) a protectable utility model; e) a protectable industrial design; f) a protectable topography of microelectronic semiconductor product. **Article 385 of CC – Infringement of copyright or certain rights related to copyright** (1) Any person who infringes the copyright or certain right or rights related to copyright of another person of persons granted pursuant to the Copyright Act and thereby causes financial disadvantage, is guilty of a misdemeanor punishable by imprisonment for up to two years. (2) Any person who pursuant to the Copyright Act fails to pay the private copying levy or the reprographic fee entitled to the author or the holder of related rights having regard to the private copying shall be punishable as specified in Paragraph (1). (3) The punishment shall be imprisonment for up to three years for a felony, if infringement of copyright or certain rights related to copyright causes considerable financial disadvantage.

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	(4) If infringement of copyright or certain rights related to copyright: a) causes substantial financial disadvantage, the punishment shall be imprisonment between one to five years for a felony; b) causes particularly considerable financial disadvantage, the punishment shall be imprisonment between two to eight years; c) causes particularly substantial financial disadvantage, the punishment shall be imprisonment between five to ten years. (5) Any person who infringes the copyright or certain right or rights related to copyright of another person or persons granted pursuant to the Copyright Act by replication or by making items accessible through download cannot be punished for the criminal offence defined in Paragraph (1), provided that the act does not serve to receive income, not even indirectly. **Article 386 of CC – Circumventing of a technological protection measure** (1) Any person who circumvents an effective technological measure defined in the Copyright Act for financial gain is guilty of a misdemeanor punishable by up to two years of imprisonment. (2) Any person who – for the purpose of circumventing an effective technological measure defined in the Copyright Act – a) produces, manufactures, provides access to or places on the market the means, products, computer program or equipment necessary therefor; or

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	b) conveys his or her economic, technical or organizational expertise required for this purpose to another person shall be punishable as specified in Paragraph (1). (3) The punishment shall be up to three years of imprisonment for a felony if the criminal offence of circumventing of a technological protection measure is committed in the business-like manner. (4) Any person who, for the purpose of circumventing of a technological protection measures defined in the Copyright Act, manufactures or produces, supplies or provides access to or places on the market the means, products, computer program or equipment necessary therefor, shall not be punishable if he or she – before the authorities before become aware of it from any other source – voluntarily confesses his or her activity, surrenders the thing produced or manufactured to the authorities and assists in the efforts to identify other persons involved shall not be punishable. **Article 387 of CC – Falsifying data related to copyright management** Any person who, for financial gain: a) produces false data related to copyright management; b) removes or modifies any data or information related to rights management, defined as such in the Copyright Act; is guilty of a misdemeanor punishable by imprisonment for up to two years.

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	Article 388 of CC – Breach of industrial property rights (1) Any person who breaches the right of the holder of a right deriving from the protection of industrial property rights granted by law, an international treaty promulgated by law or European Union legislation: a) by imitating or copying the subject matter of protection; b) by placing on the market goods produced by imitating or copying the subject matter of protection, or by way of obtaining or keeping such goods for the purpose of distribution; thereby causing pecuniary disadvantage, is guilty of a misdemeanor punishable by imprisonment for up to two years. (2) The punishment shall be imprisonment between one to five years for a felony if the breach of industrial property rights is committed on a business-like manner. (3) If the breach of industrial property rights: a) results in substantial pecuniary disadvantage, the punishment shall be imprisonment between one to five years; b) results in particularly considerable pecuniary disadvantage, the punishment shall be imprisonment between two to eight years; c) results in particularly substantial pecuniary disadvantage, the punishment shall be imprisonment between five to ten years.

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	(4) For the purposes of this Article: a) 'protection of industrial property rights' shall mean: aa) patent protection, ab) the protection of plant varieties, ac) certification of supplementary protection, ad) trademark protection, ae) the protection of geographical indications, af) the protection of industrial designs, ag) the protection of product design; and ah) the protection of topography. b) 'good' shall mean any tangible and marketable movable property or service **Article 388/B of CC – Explanatory provision** In the application of this Chapter criminal offences against property shall be construed as criminal offences of a similar nature within the meaning of habitual recidivism.
Title 5 – Ancillary liability and sanctions	
Article 11 – Attempt and aiding or abetting 1 Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, aiding or abetting the commission of any of the offences established in accordance with Articles 2 through 10 of the present Convention with intent that such offence be committed. 2 Each Party shall adopt such legislative and other measures as may be	**Article 10 of CC – Attempt** (1) Any person who commences the commission of an intentional criminal offence, but does not finish it, shall be punishable for attempt.

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necessary to establish as criminal offences under its domestic law, when committed intentionally, an attempt to commit any of the offences established in accordance with Articles 3 through 5, 7, 8, and 9.1.a and c. of this Convention. 3 Each Party may reserve the right not to apply, in whole or in part, paragraph 2 of this article.	(2) The penalty applicable to a consummated criminal offence shall also be applied for attempt. (3) The punishment may be reduced without limitation or dismissed altogether if attempt was committed on an unsuitable object, with an unsuitable instrument or in an unsuitable manner. (4) The person who a) voluntarily withdraws from the criminal activity resulting in the lack of consummation of the criminal offence, or b) voluntarily prevents the result from taking place, cannot be punished for attempt. (5) If, in the case defined in Paragraph (4), attempt in itself constitutes another criminal offence, the perpetrator shall be punishable for that criminal offence. **Article 12 of CC – The perpetrator** The term “perpetrator” includes the offender, the indirect offender and the co-actor (hereinafter together as: offenders), as well as the instigator and the abettor (hereinafter together as: accomplices).

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	Article 14 of CC (1) Instigator is a person who intentionally persuades another person to commit a criminal offence. (2) Abettor is a person who intentionally helps another person to commit a criminal offence. (3) The penalties applicable to offenders shall also apply to accomplices.
Article 12 – Corporate liability 1 Each Party shall adopt such legislative and other measures as may be necessary to ensure that legal persons can be held liable for a criminal offence established in accordance with this Convention, committed for their benefit by any natural person, acting either individually or as part of an organ of the legal person, who has a leading position within it, based on: a a power of representation of the legal person; b an authority to take decisions on behalf of the legal person; c an authority to exercise control within the legal person. 2 In addition to the cases already provided for in paragraph 1 of this article, each Party shall take the measures necessary to ensure that a legal person can be held liable where the lack of supervision or control by a natural person referred to in paragraph 1 has made possible the commission of a criminal offence established in accordance with this Convention for the benefit of that legal person by a natural person acting under its authority. 3 Subject to the legal principles of the Party, the liability of a legal person may be criminal, civil or administrative. 4 Such liability shall be without prejudice to the criminal liability of the natural persons who have committed the offence.	*Criminal liability:* The criminal liability of legal persons is regulated in the **Act CIV of 2001 on the criminal law measures applicable to legal persons (hereinafter: Act CIV of 2001)**, which entered into force on the 1st of May 2004. As a main rule the „criminal liability" of legal persons is not independent but derivative in Hungary. The "criminal liability" of legal persons is connected to the criminal liability of natural person. Criminal law measures are applicable against legal persons if there is a natural person who can be prosecuted. Hungary believes that for punishing a legal person, a link must exist between the criminal offence and the legal person. This link would be the benefit and from 1st of July 2013 the commission with the use of the legal person.

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	Another condition is that the natural person perpetrator, as manager of the legal person, commits the criminal offence, or a member or employee of the legal person commits the criminal offence acting on the business of the legal person, and the criminal offence could have been prevented had the surveillance or control obligations of the manager been properly complied with [Article 2 (1) of the Act CIV of 2001]. The criminal sanctions can be applied as well if the commission of the criminal offence was known by the manager of the legal person [Article 2 (2) of the Act CIV of 2001]. In the light of the above, the measures against the legal persons – as a general rule – can only be applied, if the court has determined the criminal liability of a natural person. However, from 1st of July 2013, the legislator widens significantly the scope of those cases when a measure can be applied against a legal person, even if the natural person committing the criminal offence cannot be held criminally liable, but the commission of the criminal offence and the connection between the criminal act and the legal person is obvious [Article 3 (2) of the Act CIV of 2001]. There are not any rules in Hungary that would require to terminate the proceedings against a natural person or to acquit a natural person perpetrator on the basis that a criminal measure was imposed against a legal person. **Article 2 of Act CIV of 2001 – The conditions for applying**

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	measures (1) The measures defined in the present Act are applicable to a legal person in the event of committing any intentional criminal offence defined in the Criminal Code, if the commission of the criminal offence aimed at or resulted in the legal person gaining benefit, or the criminal offence was committed with the use of the legal person and by a) the legal person's executive officer, or its member, employee, officer, managing clerk entitled to represent it, its supervisory board member and/or their representatives, within the legal person's scope of activity, b) its member or employee within the legal person's scope of activity, and the criminal offence could have been prevented by the executive officer, the managing clerk or the supervisory board by fulfilling his/her/its supervisory or control obligations. (2) Other than the cases defined in Paragraph (1), the measures defined in this Act shall be applicable even if committing the criminal offence resulted in the legal person gaining benefit, or the criminal offence was committed with the use of the legal person and the legal person's executive officer, or its member, employee, officer, managing clerk entitled to represent it, or its supervisory board member had knowledge on the commission of the criminal offence. **Article 3 of Act CIV of 2001 – The measures applicable against a legal person** (1) If the court imposes punishment on the person committing the criminal offence defined in Article 2 or applies reprimand or probation

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	against this person, orders confiscation or forfeiture of assets, it may apply the following measures against the legal person: a) winding-up the legal person, b) limiting the activity of the legal person, c) imposing a fine. (2) The measures defined in Paragraph (1) may be applied even if the commission of the criminal offence aimed at or resulted in the legal person gaining benefit, or the criminal offence was committed with the use of the legal person, provided that a) the identity of the perpetrator could not be established in the investigation, thus the investigating authority or the prosecutor suspended the investigation, b) the prosecutor terminated the investigation, since the criminal offence was not committed by the suspected person or on the basis of the data of the investigation it could not be established that the criminal offence was committed by the suspected person, c) the court in its acquittal established that the criminal offence was not committed by the accused or on the basis of the data of the proceedings it could not be established that the criminal offence was committed by the accused, d) the perpetrator cannot be punished due to his/her death, mental disorder, voluntary restitution, coercion or threat, or e) the proceedings were suspended against the perpetrator because the perpetrator stays in an unknown place, he/she has chronic, serious illness or he/she became mentally ill which occurred after the commission of the criminal offence.

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	(3) The measure defined in Paragraph (1) a) may only be applied independently, the measures defined in Paragraph b) and c) may be applied either independently or jointly. **Article 4 of Act CIV of 2001 – Winding-up the legal person** (1) The court shall wind up the legal person, if it is not running legal economic activity and a) the legal person was established for the purpose of concealing the commission of a criminal offence, or b) the actual activity of the legal person serves the concealing of the commission of a criminal offence. (2) The court may wind up the legal person in cases mentioned in Paragraph (1) a) and b) even if it is running legal economic activity. (3) The legal person shall not be wound up in case defined in Paragraph (2), if this would jeopardize the performing of state or local government tasks, or the legal person a) is a national public utility service, b) is considered to be of a strategic importance from the point of view of the national economy, c) carries out national defense-related or other special tasks or serves such purposes.

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	Article 5 of Act CIV of 2001 – The restriction of the activity of the legal person (1) The court may limit the activity of the legal person for one to three years, in respect of the range of measures defined in Paragraph (2); the duration shall be defined in years. Limitation may cover the exercising of all or some of the listed activities. (2) Under the duration of the prohibition, the legal person shall not a) collect deposits based on a public invitation, b) participate in a public procurement procedure, c) enter into a concession contract, d) be classified as a public benefit organization, e) receive targeted support from the central or local government budgets, earmarked state funds, foreign states, the European Community or other international organizations, f) (repealed) g) pursue any other activities, from which the court prohibited it. (3) In case the activity is limited, on the date when the court decision becomes final, subject to the provisions of the court: a) the legal consequences of the immediate rescission of a contract concluded with the legal person under public procurement procedure shall prevail,

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	b) the legal consequences of the immediate rescission of a concession contract concluded with legal person shall prevail, c) the procedure involving classification as a public benefit organization shall be considered terminated, and the legal person shall be considered deleted from the registry of public benefit organizations, d) the procedure involving the granting of subsidies under Paragraph (2) e) shall be considered terminated, and any subsidy received in conjunction with the criminal offence shall be repaid. **Article 6 of Act CIV of 2001 – Fine** (1) The highest fine that may be imposed on the legal person shall be three times the financial advantage gained or intended to be gained through the criminal offence, but at least 500.000 HUF. (2) The court may determine the rate of the financial advantage by estimation, if the financial advantage gained or intended to be gained can only be established at a disproportionately high cost or not at all. (3) If the advantage gained or intended to be gained through the criminal offence is not of a financial nature, the court determines the fine considering the financial situation of the legal person, the minimum rate of which is 500.000 HUF. (4) Fine – in case of non-payment – shall be collected in accordance with the rules of judicial enforcement.

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	Article 7 of Act CIV of 2001 – General provisions (1) If a measure may be applied against a legal person in the course of criminal proceedings, the application of a measure shall be decided – if this Act does not provide otherwise – in the criminal proceedings initiated against the defendant. (2) If a measure may be applied against a legal person in the course of criminal proceedings, the provisions of the Act XIX of 1998 on Criminal Proceedings are applicable with the differences defined in this Act. Civil Proceedings: Based on the Civil Code, the employer or the legal person, further the principal can be held liable for the damages caused to third parties by its employee or any member and executive officer of the legal person or agent, respectively. These provisions apply also for the case when the employee, the member or the executive officer of the legal person, or its agent commits a criminal offence that is in connection with his relationship as employee, member (executive officer) of the legal person, or as its agent. However, payment of damages by the legal person, does not relieve the natural person perpetrator from criminal liability.
Article 13 – Sanctions and measures 1 Each Party shall adopt such legislative and other measures as may be necessary to ensure that the criminal offences established in accordance with Articles 2 through 11 are punishable by effective, proportionate and dissuasive sanctions, which include deprivation of liberty. 2 Each Party shall ensure that legal persons held liable in accordance with Article 12 shall be subject to effective, proportionate and dissuasive	Please see above. According to the CC, all the relevant criminal offences mentioned in Cybercrime Convention are punished by imprisonment. In connection with the liability of legal persons, the sanctions are determined in Article

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criminal or non-criminal sanctions or measures, including monetary sanctions.	3 of Act CIV of 2001. These criminal sanctions are effective, proportionate and dissuasive. **Article 33 of CC – Punishments** (1) Punishments are: a) imprisonment; b) confinement; c) community service work; d) financial penalty; e) prohibition of exercising a profession; f) suspension of the driving licence; g) banishment; h) prohibition from visiting sports events; i) expulsion. (2) Deprivation of certain civil rights shall be an ancillary punishment. (3) Punishments – with the exception of Paragraph (5) and (6) – may be imposed together. (4) If the maximum penalty for the criminal offence is no more than three years of imprisonment, confinement, community service work, financial

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	penalty, prohibition of exercising a profession, suspension of the driving licence, banishment, prohibition from visiting sports events or expulsion or several of them may be imposed instead of imprisonment. (5) If the criminal offence is punished with confinement by this Act, community service work, financial penalty, prohibition of exercising a profession, suspension of the driving licence, banishment, prohibition from visiting sports events or expulsion or several of them may be imposed instead of or in addition to confinement. (6) The following punishments shall not be imposed together: a) confinement or community service work with imprisonment, b) community service work or financial penalty with expulsion. **Article 63 of CC – Measures** (1) Measures are: a) reprimand; b) probation; c) work for reparations; d) supervision by a probation officer; e) confiscation; f) forfeiture of assets; g) rendering electronic data permanently inaccessible;

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	h) forced treatment in a mental institution; i) measures pursuant to the Act on the criminal measures applicable against legal persons. (2) Reprimand, probation and work for reparations may be applied independently instead of a punishment. (3) Supervision by a probation officer may be applied beside a punishment or a measure. Supervision by a probation officer shall not be applied beside expulsion. (4) Confiscation, forfeiture of assets and rendering electronic data permanently inaccessible may be applied independently and also beside a punishment or a measure. **Article 3 of Act CIV of 2001 – The measures applicable against a legal person** (Please see above)
Section 2 – Procedural law	
Article 14 – Scope of procedural provisions 1 Each Party shall adopt such legislative and other measures as may be necessary to establish the powers and procedures provided for in this section for the purpose of specific criminal investigations or proceedings. 2 Except as specifically provided otherwise in Article 21, each Party shall apply the powers and procedures referred to in paragraph 1 of this article to: a the criminal offences established in accordance with Articles 2	The powers and procedures referred to in this Section are ensured by the **Act XC of 2017 on the criminal proceedings (hereinafter: ACP).** Please see below. The rules of criminal proceedings are set forth by the ACP. If Hungary has jurisdiction over a specific criminal offence, then the proceedings

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through 11 of this Convention; b other criminal offences committed by means of a computer system; and c the collection of evidence in electronic form of a criminal offence. 3 a Each Party may reserve the right to apply the measures referred to in Article 20 only to offences or categories of offences specified in the reservation, provided that the range of such offences or categories of offences is not more restricted than the range of offences to which it applies the measures referred to in Article 21. Each Party shall consider restricting such a reservation to enable the broadest application of the measure referred to in Article 20. b Where a Party, due to limitations in its legislation in force at the time of the adoption of the present Convention, is not able to apply the measures referred to in Articles 20 and 21 to communications being transmitted within a computer system of a service provider, which system: i is being operated for the benefit of a closed group of users, and ii does not employ public communications networks and is not connected with another computer system, whether public or private, that Party may reserve the right not to apply these measures to such communications. Each Party shall consider restricting such a reservation to enable the broadest application of the measures referred to in Articles 20 and 21	shall be conducted according to rules of ACP (Article 9 of ACP). **Article 9 of ACP – Scope of the Act** Criminal proceedings in cases that are under the criminal jurisdiction of Hungary shall be conducted in compliance with the Act on Criminal Proceedings. **Article 4 of ACP –** **A büntetőeljárás alapja és akadályai** **4. §** (1) Az ügyészség és a nyomozó hatóság a tudomására jutott közvádra üldözendő bűncselekmény miatt hivatalból megindítja a büntetőeljárást. (2) A bíróság – ha e törvény eltérően nem rendelkezik – indítványra jár el. (3) Büntetőeljárás nem indítható, illetve a megindult büntetőeljárást meg kell szüntetni, ha az elkövető cselekményét már jogerősen elbírálták, kivéve a rendkívüli jogorvoslati eljárások és egyes különleges eljárások esetét. (4) A (3) bekezdést kell alkalmazni akkor is, ha az elkövető egy cselekménye több bűncselekményt valósít meg, a bíróság azonban – a vád szerinti minősítésnek megfelelően – nem a vádirati tényállás szerint megállapítható valamennyi bűncselekmény miatt állapítja meg a terhelt bűnösségét. (5) Azzal szemben, akinek a felelősségét a bíróság szabálysértési eljárásban hozott határozatával állapította meg, azonos tényállás mellett büntetőeljárás – a szabálysértésekről szóló törvényben meghatározott

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	perújítási eljárás lefolytatása előtt – nem indítható. (6) Törvény határozza meg azokat a további okokat, amelyek fennállása esetén büntetőeljárást nem lehet indítani, a már megindult büntetőeljárást meg kell szüntetni vagy felmentő ítéletet kell hozni. (7) Büntetőeljárás nem indítható, illetve a megindult büntetőeljárást meg kell szüntetni, ha az elkövető cselekményét az Európai Unió tagállamában (a továbbiakban: tagállam) jogerősen elbírálták, vagy egy tagállamban a cselekmény érdeméről olyan határozatot hoztak, amely azonos cselekmény vonatkozásában – a határozatot hozó tagállam joga alapján – akadályát képezi újabb büntetőeljárás megindításának, vagy annak, hogy a büntetőeljárást hivatalból vagy rendes jogorvoslat alapján tovább folytassák. (8) A (7) bekezdés nem akadálya a büntetőeljárás megindításának és lefolytatásának, ha *a)* a tagállam bírósága által hozott jogerős ítélet (a továbbiakban: tagállami ítélet) nem vehető figyelembe, vagy *b)* a cselekményt egészében Magyarország területén követték el, kivéve, ha az elkövető elítélése esetén a tagállami ítélettel kiszabott büntetést végrehajtották, annak végrehajtása folyamatban van, vagy a jogerős ítéletet hozó tagállam joga szerint az nem hajtható végre. (9) A (8) bekezdésben meghatározott esetben a büntetőeljárás megindításáról a legfőbb ügyész dönt. Az így lefolytatott eljárásban történt elítélés esetén a külföldön végrehajtott büntetést, intézkedést vagy személyi szabadságot érintő kényszerintézkedést a magyar bíróság által kiszabott büntetésbe vagy intézkedésbe be kell számítani.
Article 15 – Conditions and safeguards	ACP sums up all general requirements and prohibitions among its basic

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1 Each Party shall ensure that the establishment, implementation and application of the powers and procedures provided for in this Section are subject to conditions and safeguards provided for under its domestic law, which shall provide for the adequate protection of human rights and liberties, including rights arising pursuant to obligations it has undertaken under the 1950 Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, the 1966 United Nations International Covenant on Civil and Political Rights, and other applicable international human rights instruments, and which shall incorporate the principle of proportionality. 2 Such conditions and safeguards shall, as appropriate in view of the nature of the procedure or power concerned, *inter alia,* include judicial or other independent supervision, grounds justifying application, and limitation of the scope and the duration of such power or procedure. 3 To the extent that it is consistent with the public interest, in particular the sound administration of justice, each Party shall consider the impact of the powers and procedures in this section upon the rights, responsibilities and legitimate interests of third parties.	provisions (Article 1 to 9 of ACP). Thus, principles laid down in ACP on the one hand formulate criteria, meaning that the latter legal regulations and amendments of ACP shall comply with these principles. These basic principles comply with the rules of Fundamental Law of Hungary as well. These basic principles are: right to court procedure and legal remedy, principle of contradictory, presumption of innocence, burden of proof (onus probandi), in dubio pro reo, prohibition of self-incrimination, principle of defence, principle of ex officio procedure, independent judgment of criminal liability and principle of using mother tongue. **Article 5 of ACP – Division of tasks related to the proceedings** In criminal proceedings prosecution, defence and sentencing shall be separate functions. **Article 6 of ACP –** **Az ítélkezés alapja és vádhoz kötöttsége** **6. §** (1) A bíróság vád alapján ítélkezik. (2) A bíróságnak a vádról döntenie kell, a vádon túl nem terjeszkedhet. (3) A bíróság csak a megvádolt személy büntetőjogi felelősségéről

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	dönthet és csak olyan cselekményt bírálhat el, amelyet a vád tartalmaz. **Article 7 of ACP -** **A bizonyítás alapvetései** **7. §** (1) A vád bizonyítására a vádló köteles. (2) A terhelt nem kötelezhető az ártatlanságának bizonyítására. […] (4) A kétséget kizáróan nem bizonyított tény nem értékelhető a terhelt terhére. **Article 3 of ACP – Right to defence** **3. §** (1) A terheltnek a büntetőeljárás minden szakaszában joga van a hatékony védelemhez. (2) A terheltnek joga van ahhoz, hogy személyesen védekezzen, és ahhoz is, hogy a védelem ellátására védő közreműködését vegye igénybe. (3) A bíróság, az ügyészség és a nyomozó hatóság az e törvényben meghatározottak szerint védőt biztosít a terhelt számára.

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	(4) A bíróság, az ügyészség és a nyomozó hatóság köteles megfelelő időt és körülményeket biztosítani a védelemre való felkészüléshez. (5) A terheltnek joga van ahhoz, hogy szabadlábon védekezzen. (6) A bíróság, az ügyészség és a nyomozó hatóság köteles a terheltet mentő és a büntetőjogi felelősségét enyhítő körülményeket hivatalból figyelembe venni. **Article 4 of ACP – Ex officio procedure, initiating criminal proceedings and obstacles of criminal proceedings** (Please see above) **Article 1 of ACP – Presumption of innocence** Everyone shall be presumed innocent until the establishment of his/her guilt determined by the court in a final judgement. **Article 7 of ACP –** […] **A bizonyítás alapvetései** In the criminal process, no one may be compelled to make a self-incriminating testimony or to serve self-incriminating evidence. […] **Article 8 of ACP – The language of the criminal process and the**

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	use of the native language (1) A büntetőeljárás nyelve a magyar. A Magyarországon élő, törvényben elismert nemzetiségek tagjai a büntetőeljárásban a nemzetiségi anyanyelvüket használhatják. (2) Senkit nem érhet hátrány amiatt, hogy a magyar nyelvet nem ismeri. (3) A büntetőeljárásban mindenki jogosult az anyanyelvét használni. (4) A büntetőeljárásban a hallássérült, illetve a siketvak személy jogosult jelnyelvet használni. **Article 7 (5) of ACP –** **A bizonyítás alapvetései** When establishing whether the defendant has committed a criminal offence and the nature of the offence, the court, the prosecutor and the investigating authority shall not be bound by decisions adopted in other procedures, thus especially in civil or administrative proceedings, procedure for disciplinary actions, nor by the facts set forth therein. **Article 9 of ACP – Scope of the Act** (Please see above)

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Article 16 – Expedited preservation of stored computer data 1 Each Party shall adopt such legislative and other measures as may be necessary to enable its competent authorities to order or similarly obtain the expeditious preservation of specified computer data, including traffic data, that has been stored by means of a computer system, in particular where there are grounds to believe that the computer data is particularly vulnerable to loss or modification. 2 Where a Party gives effect to paragraph 1 above by means of an order to a person to preserve specified stored computer data in the person's possession or control, the Party shall adopt such legislative and other measures as may be necessary to oblige that person to preserve and maintain the integrity of that computer data for a period of time as long as necessary, up to a maximum of ninety days, to enable the competent authorities to seek its disclosure. A Party may provide for such an order to be subsequently renewed. 3 Each Party shall adopt such legislative and other measures as may be necessary to oblige the custodian or other person who is to preserve the computer data to keep confidential the undertaking of such procedures for the period of time provided for by its domestic law. 4 The powers and procedures referred to in this article shall be subject to Articles 14 and 15.	**316. §** (1) A bűncselekmény felderítése, illetve a bizonyítás érdekében elektronikus adat megőrzésére kötelezést lehet elrendelni. Az elektronikus adat megőrzésére kötelezés az elektronikus adat birtokosának, feldolgozójának, illetve kezelőjének (a továbbiakban együtt: megőrzésre kötelezett) az elektronikus adat feletti rendelkezési jogát korlátozza. (2) Az elektronikus adat megőrzésére kötelezést a bíróság, az ügyészség vagy a nyomozó hatóság rendeli el. (3) Az elektronikus adat megőrzésére kötelezést akkor lehet elrendelni, ha az *a)* bizonyítási eszköz felderítéséhez, *b)* bizonyítási eszköz biztosításához, illetve *c)* a gyanúsított kilétének vagy tényleges tartózkodási helyének a megállapításához szükséges. (4) A megőrzésre kötelezett a határozat vele történő közlésének időpontjától köteles a határozatban megjelölt elektronikus adatot változatlanul megőrizni és – szükség esetén más adatállománytól elkülönítve – biztosítani annak biztonságos tárolását. A megőrzésre kötelezett köteles az elektronikus adat megváltoztatását, törlését, megsemmisülését, továbbítását, az elektronikus adatról másolat jogosulatlan készítését vagy az ahhoz való jogosulatlan hozzáférést megakadályozni.

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	(5)[55] A megőrzésre kötelezést elrendelő a megőrzéssel érintett elektronikus adatot minősített vagy minősített tanúsítványon alapuló fokozott biztonságú elektronikus aláírással vagy elektronikus bélyegzővel láthatja el. (6) Ha az elektronikus adat eredeti helyen történő megőrzése az érintettnek az elektronikus adat feldolgozásával, kezelésével, tárolásával vagy továbbításával kapcsolatos tevékenységét jelentősen akadályozná, az elrendelő engedélyével az elektronikus adat megőrzéséről annak más információs rendszerbe vagy adathordozóra történő átmásolásával gondoskodhat. Az átmásolást követően a megőrzésre kötelezést elrendelő az eredeti elektronikus adatot tartalmazó információs rendszerre vagy adathordozóra a korlátozásokat részlegesen vagy teljesen feloldhatja. (7) Ahhoz az elektronikus adathoz, amelyet a megőrzésre kötelezés érint, a kényszerintézkedés tartama alatt kizárólag a bíróság, az ügyészség vagy a nyomozó hatóság, valamint a megőrzésre kötelezést elrendelő engedélyével a megőrzésre kötelezett jogosult hozzáférni. Arról az elektronikus adatról, amelyet a megőrzésre kötelezés érint, a megőrzésre kötelezett az intézkedés tartama alatt csak az elrendelő engedélyével adhat más részére tájékoztatást. (8) A megőrzésre kötelezett köteles haladéktalanul tájékoztatni a megőrzésre kötelezést elrendelőt, ha a megőrzésre kötelezéssel érintett elektronikus adatot jogosulatlanul megváltoztatták, törölték, megsemmisítették, továbbították, átmásolták, megismerték, vagy ezek megkísérlésére utaló jelet észlelt. (9) Az elektronikus adat megőrzésére kötelezést követően a megőrzésre kötelezést elrendelő haladéktalanul megkezdi az elektronikus adatok átvizsgálását. Az átvizsgálás eredményeként a megőrzésre kötelezést elrendelő dönt a lefoglalás végrehajtása más módjának az elrendeléséről

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	vagy a megőrzésre kötelezést megszünteti. (10) A megőrzésre kötelezés legfeljebb három hónapig tart. A megőrzésre kötelezés megszűnik, ha a büntetőeljárást befejezték. A büntetőeljárás befejezéséről a megőrzésre kötelezettet tájékoztatni kell.
Article 17 – Expedited preservation and partial disclosure of traffic data 1 Each Party shall adopt, in respect of traffic data that is to be preserved under Article 16, such legislative and other measures as may be necessary to: a ensure that such expeditious preservation of traffic data is available regardless of whether one or more service providers were involved in the transmission of that communication; and b ensure the expeditious disclosure to the Party's competent authority, or a person designated by that authority, of a sufficient amount of traffic data to enable the Party to identify the service providers and the path through which the communication was transmitted.	**Articles 308-323 of ACP – Seizure** **A lefoglalás elrendelése** **308. §** (1) A lefoglalás célja a bizonyítási eszköz, illetve az elkobozható dolog vagy a vagyonelkobzás alá eső vagyon biztosítása a büntetőeljárás eredményes lefolytatása érdekében. A lefoglalás a lefoglalás tárgya feletti

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2 The powers and procedures referred to in this article shall be subject to Articles 14 and 15.	tulajdonjogot korlátozza. (2) El kell rendelni a lefoglalást, ha annak tárgya *a)* bizonyítási eszköz, vagy *b)* elkobozható, illetve vagyonelkobzás alá esik. (3) Lefoglalni az ingó dolgot, a számlapénzt, az elektronikus pénzt vagy az elektronikus adatot lehet. **309. §** (1) A lefoglalást a bíróság, az ügyészség vagy a nyomozó hatóság rendeli el. (2) A bíróság rendeli el a közjegyzői vagy ügyvédi irodában tartott, a közjegyzői vagy ügyvédi tevékenységgel összefüggő védett adatot tartalmazó bizonyítási eszköz lefoglalását. (3) A vádemelés előtt az ügyészség, azt követően a bíróság rendeli el *a)* a címzettnek még nem kézbesített postai küldemény vagy egyéb zárt küldemény, *b)* a címzettnek még nem továbbított, elektronikus hírközlési szolgáltatás során továbbítandó közlés vagy küldemény, illetve *c)* a sajtószabadságról és a médiatartalmak alapvető szabályairól szóló törvény szerinti médiatartalom-szolgáltató szerkesztőségében tartott, e tevékenységgel összefüggő bizonyítási eszköz lefoglalását.

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	(4) Ha a lefoglalás elrendeléséhez szükséges bírósági vagy ügyészségi határozat meghozatala olyan késedelemmel járna, amely a lefoglalással elérni kívánt célt jelentősen veszélyeztetné, az ügyészség vagy a nyomozó hatóság a lefoglalás elrendelésére jogosult döntéséig végrehajthatja a lefoglalást, illetve megtilthatja a közlés vagy küldemény elküldését. Ilyen esetben a lefoglalás elrendelésére jogosult határozatát haladéktalanul be kell szerezni. Ha a lefoglalás elrendelésére jogosult a lefoglalást nem rendeli el, a lefoglalt bizonyítási eszközt vagy küldeményt az érintettnek vissza kell adni, illetve az elküldésre vonatkozó tilalmat fel kell oldani. **310. §** (1) Nem lehet lefoglalni *a)* a terhelt és a védő közötti közlést vagy küldeményt, illetve *b)* a védőnek az ügyre vonatkozó feljegyzését. (2) A (4) bekezdésben meghatározott kivétellel nem lehet lefoglalni *a)* a terhelt és a tanúvallomás megtagadására jogosult személy közötti közlést vagy küldeményt, illetve *b)* azt a bizonyítási eszközt, amelynek tartalmára a tanúvallomás megtagadható, ha azt a tanúvallomás megtagadására jogosult személy őrzi. (3) A (4) bekezdésben meghatározott kivétellel nem lehet lefoglalni a tanúvallomás megtagadására a 173. § alapján jogosult személynek a foglalkozása gyakorlása vagy közmegbízatása érdekében használt helyiségében őrzött, e tevékenységével összefüggő iratot vagy elektronikus adatot.

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	(4) A (2) és (3) bekezdésben meghatározott esetben a lefoglalást el lehet rendelni, ha *a)* a bűncselekményt a lefoglalandó bizonyítási eszközre követték el, *b)* a lefoglalás tárgya a bűncselekmény eszköze, *c)* a lefoglalandó bizonyítási eszköz az elkövető nyomait hordozza, *d)* a tanúvallomás megtagadására jogosult személy az üggyel kapcsolatban megalapozottan gyanúsítható tettességgel, részességgel, bűnpártolással, orgazdasággal vagy pénzmosással, *e)* a tanúvallomás megtagadására jogosult személy a lefoglalandó bizonyítási eszközt – a (2) és (3) bekezdésben meghatározott rendelkezésre való figyelmeztetést követően – önként átadja vagy hozzáférhetővé teszi, illetve *f)* a tanúvallomás megtagadásra a 174. § alapján jogosult személyt a számára információt átadó személy kilétének felfedésére kötelezte a bíróság. **A lefoglalás végrehajtása** **311. §** (1) A lefoglalást *a)* birtokba vétellel, *b)* a megőrzés más módon történő biztosításával, *c)* az érintett őrizetében hagyással, vagy

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	d) az elektronikus adat esetében a 315. § (1) bekezdésében meghatározott módon lehet végrehajtani. (2) A lefoglalást akkor lehet az érintett őrizetében hagyással vagy a megőrzés más módon történő biztosításával végrehajtani, ha *a)* a dolog birtokba vételre nem alkalmas, *b)* a dolog vagy elektronikus adat birtokosának, kezelőjének azok használatához fűződő érdeke ezt indokolja, vagy *c)* más fontos ok ezt szükségessé teszi. (3) A (2) bekezdésben meghatározott esetben a lefoglalt dolog vagy elektronikus adat kizárólag a lefoglalást elrendelő bíróság, ügyészség vagy nyomozó hatóság hozzájárulásával adható más birtokába. A hozzájárulás esetén a lefoglalt dolog megőrzésére az új birtokos köteles. (4) A kölcsönzött kulturális javak különleges védelméről szóló törvényben meghatározott különleges védelemmel érintett dolog lefoglalása a védelem időtartamának leteltét követően hajtható végre. (5) A lefoglalás végrehajtásának módjáról az elrendelésről szóló határozatban kell rendelkezni. (6) A büntetőeljárás alatt a lefoglalás fenntartásának indokoltságát jogszabályban meghatározottak szerint vizsgálni kell. Ha a lefoglalásra a továbbiakban az eljárás érdekében nincs szükség, haladéktalanul intézkedni kell a lefoglalás megszüntetése és a lefoglalt dolog kiadása iránt, vagy a

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	lefoglalt dolog elkobzását kell indítványozni. **312. §** (1) A lefoglalás végrehajtása érdekében a dolog, illetve az elektronikus adat birtokosát vagy kezelőjét fel kell szólítani, hogy a keresett dolog hollétét fedje fel, illetve az elektronikus adatot tegye hozzáférhetővé. A felszólítás teljesítésének megtagadása esetén a keresett dolgot, illetve elektronikus adatot kutatással vagy motozással kell felkutatni. Erre az érintettet figyelmeztetni kell. (2) Ha az érintett a felszólításnak nem tesz eleget, rendbírsággal sújtható, kivéve *a)* a terhelt, *b)* az a személy, aki a tanúvallomás megtagadására jogosult, illetve *c)* az a személy, aki tanúként nem hallgatható ki. (3) A terhelt kivételével a lefoglalást akadályozó személy rendbírsággal sújtható. **Az irat lefoglalása** **313. §** (1) Az eredeti iratot akkor kell lefoglalni, ha *a)* az elkobozható, *b)* az a vagyonelkobzás alá eső vagyonnal kapcsolatos jogcímet vagy az azzal való rendelkezési jogot igazoló okirat, *c)* az a bűncselekmény nyomait hordozza, *d)* előre meg nem határozható vagy jelentős mennyiségű iratot kell

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	átvizsgálni, vagy *e)* a bizonyítás sikeressége érdekében ez feltétlenül szükséges. (2) Ha az eredeti iratra az eljárás során nincs szükség, arról a lefoglalást elrendelő technikai lehetőségeire, illetve a lefoglalt irat mennyiségére tekintettel a legrövidebb időn belül másolatot kell készíteni. Ilyen esetben az eredeti irat lefoglalása csak a másolat elkészítéséig, de legfeljebb két hónapig tarthat. (3) Ha ez az eljárás érdekét nem veszélyezteti, a lefoglalt eredeti iratról a birtokosa részére – indítványra – hiteles másolatot kell készíteni. **314. §** (1) Ha az irat birtokosa, illetve védője vagy képviselője szerint annak tartalmára a 172. § alapján megtagadható a tanúvallomás és az irat tartalmának a megismeréséhez nem járul hozzá, az iratot, illetve az azt tartalmazó adathordozót lezártan bocsátja a nyomozó hatóság vagy az ügyészség rendelkezésére. Ilyen esetben a nyomozó hatóság, illetve az ügyészségi nyomozást folytató ügyészségi szerv tagja az irat tartalmát nem ismerheti meg. (2) A nyomozó hatóság által folytatott nyomozás esetén az ügyészség, az ügyészség által folytatott nyomozás esetén a felettes ügyészség a lezárt irat, illetve adathordozó tartalmának megismerése után haladéktalanul dönt a lefoglalásról, vagy ha arra nem jogosult, a lefoglalás elrendelése iránt haladéktalanul indítványt tesz a bíróságnak. Ha az ügyészség vagy a bíróság a lefoglalást nem rendeli el, az irat sem a folyamatban lévő ügyben, sem más büntetőeljárásban bizonyítási eszközként nem használható fel. **Az elektronikus adat lefoglalása és a megőrzésére kötelezés** **315. §** (1) Az elektronikus adat lefoglalását

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	a) az elektronikus adatról másolat készítésével, *b)* az elektronikus adat áthelyezésével, *c)* az azt tartalmazó információs rendszer vagy adathordozó teljes tartalmáról történő másolat készítésével, *d)* az azt tartalmazó információs rendszer vagy adathordozó lefoglalásával, vagy *e)* jogszabályban meghatározott más módon lehet végrehajtani. (2) A fizetésre használt elektronikus adat lefoglalását úgy is végre lehet hajtani, hogy az elektronikus adattal olyan műveletet végeznek, amely az érintettnek az elektronikus adat által kifejezett vagyoni érték feletti rendelkezési lehetőségét megakadályozza. (3) Az elektronikus adatként létező irat lefoglalására a 313–314. § rendelkezéseit is megfelelően alkalmazni kell. (4) Az elektronikus adat lefoglalását úgy kell végrehajtani, hogy az a büntetőeljárás céljából szükségtelen elektronikus adatra lehetőleg ne terjedjen ki, illetve az ilyen elektronikus adatot a lefoglalás a legrövidebb ideig érintse. (5) Az elektronikus adatot tartalmazó információs rendszer vagy adathordozó akkor foglalható le, ha *a)* az elkobozható, illetve vagyonelkobzás alá esik,

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	b) az tárgyi bizonyítási eszközként bír jelentőséggel, vagy *c)* a bizonyítás érdekében az abban tárolt, előre meg nem határozható vagy jelentős mennyiségű elektronikus adat átvizsgálására van szükség. (6) Ha ez az eljárás érdekét nem veszélyezteti, információs rendszer vagy adathordozó lefoglalása esetén az elektronikus adattal rendelkezni jogosult kérésére másolatot kell készíteni az általa megjelölt elektronikus adatról. **316. §** (1) A bűncselekmény felderítése, illetve a bizonyítás érdekében elektronikus adat megőrzésére kötelezést lehet elrendelni. Az elektronikus adat megőrzésére kötelezés az elektronikus adat birtokosának, feldolgozójának, illetve kezelőjének (a továbbiakban együtt: megőrzésre kötelezett) az elektronikus adat feletti rendelkezési jogát korlátozza. (2) Az elektronikus adat megőrzésére kötelezést a bíróság, az ügyészség vagy a nyomozó hatóság rendeli el. (3) Az elektronikus adat megőrzésére kötelezést akkor lehet elrendelni, ha az *a)* bizonyítási eszköz felderítéséhez, *b)* bizonyítási eszköz biztosításához, illetve *c)* a gyanúsított kilétének vagy tényleges tartózkodási helyének a megállapításához szükséges. (4) A megőrzésre kötelezett a határozat vele történő közlésének

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	időpontjától köteles a határozatban megjelölt elektronikus adatot változatlanul megőrizni és – szükség esetén más adatállománytól elkülönítve – biztosítani annak biztonságos tárolását. A megőrzésre kötelezett köteles az elektronikus adat megváltoztatását, törlését, megsemmisülését, továbbítását, az elektronikus adatról másolat jogosulatlan készítését vagy az ahhoz való jogosulatlan hozzáférést megakadályozni. (5)[55] A megőrzésre kötelezést elrendelő a megőrzéssel érintett elektronikus adatot minősített vagy minősített tanúsítványon alapuló fokozott biztonságú elektronikus aláírással vagy elektronikus bélyegzővel láthatja el. (6) Ha az elektronikus adat eredeti helyen történő megőrzése az érintettnek az elektronikus adat feldolgozásával, kezelésével, tárolásával vagy továbbításával kapcsolatos tevékenységét jelentősen akadályozná, az elrendelő engedélyével az elektronikus adat megőrzéséről annak más információs rendszerbe vagy adathordozóra történő átmásolásával gondoskodhat. Az átmásolást követően a megőrzésre kötelezést elrendelő az eredeti elektronikus adatot tartalmazó információs rendszerre vagy adathordozóra a korlátozásokat részlegesen vagy teljesen feloldhatja. (7) Ahhoz az elektronikus adathoz, amelyet a megőrzésre kötelezés érint, a kényszerintézkedés tartama alatt kizárólag a bíróság, az ügyészség vagy a nyomozó hatóság, valamint a megőrzésre kötelezést elrendelő engedélyével a megőrzésre kötelezett jogosult hozzáférni. Arról az elektronikus adatról, amelyet a megőrzésre kötelezés érint, a megőrzésre kötelezett az intézkedés tartama alatt csak az elrendelő engedélyével adhat más részére tájékoztatást. (8) A megőrzésre kötelezett köteles haladéktalanul tájékoztatni a megőrzésre kötelezést elrendelőt, ha a megőrzésre kötelezéssel érintett elektronikus adatot jogosulatlanul megváltoztatták, törölték, megsemmisítették, továbbították, átmásolták, megismerték, vagy ezek

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	megkísérlésére utaló jelet észlelt. (9) Az elektronikus adat megőrzésére kötelezést követően a megőrzésre kötelezést elrendelő haladéktalanul megkezdi az elektronikus adatok átvizsgálását. Az átvizsgálás eredményeként a megőrzésre kötelezést elrendelő dönt a lefoglalás végrehajtása más módjának az elrendeléséről vagy a megőrzésre kötelezést megszünteti. (10) A megőrzésre kötelezés legfeljebb három hónapig tart. A megőrzésre kötelezés megszűnik, ha a büntetőeljárást befejezték. A büntetőeljárás befejezéséről a megőrzésre kötelezettet tájékoztatni kell. **317. §** A lefoglalt dolog megváltására, értékesítésére és elkobzására, valamint a lefoglalás megszüntetésére és visszatartására vonatkozó rendelkezéseket az elektronikus adatra is megfelelően alkalmazni kell. **A lefoglalt dolog megváltása** **318. §** (1) Ha a dolog lefoglalására kizárólag vagyonelkobzás biztosítása érdekében került sor, és annak kiadása iránt megalapozott igényt nem jelentettek be, az, akitől a dolgot lefoglalták, indítványozhatja a dolog megváltásának elfogadását. (2) A lefoglalt dolog megváltásának elfogadásáról a vádemelés előtt az ügyészség, azt követően a bíróság határoz. (3) A megváltás összegét az ügyészség, illetve a bíróság állapítja meg. A megváltás összegeként a dolog becsült értékét kell megállapítani. (4) A megváltás elfogadására irányuló indítványt el kell utasítani, ha a *a)* megállapított összeget az érintett vitatja,

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	b) megváltás összegének a megállapítása az eljárás elhúzódását eredményezné, vagy *c)* megváltás összegének a megállapítása aránytalan költséggel járna. (5) A megváltás elfogadására irányuló indítvány elutasítása ellen nincs helye jogorvoslatnak. (6) A megváltás során kifizetett összeg a lefoglalt dolog helyébe lép. Ilyen esetben a vagyonelkobzást a dolog helyébe lépő ellenértékre kell elrendelni. **A lefoglalt dolog értékesítése** **319. §** (1) Ha az eljárás során a lefoglalt dologra a bizonyítás érdekében már nincs szükség, hivatalból haladéktalanul meg kell vizsgálni, hogy a lefoglalás megszüntetésének van-e helye vagy a lefoglalt dolog értékesíthető-e. (2) A lefoglalt dolog akkor értékesíthető, ha *a)* a lefoglalt dologra a bizonyítás érdekében már nincs szükség, *b)* a lefoglalás megszüntetésének nincs helye, és *c)* a lefoglalt dologgal kapcsolatban senki nem jelentett be megalapozott igényt. (3) A (2) bekezdésben meghatározott feltételek fennállása esetén a bíróság – a vádemelés előtt az ügyészség indítványára – a lefoglalt dolog értékesítését rendeli el, ha a lefoglalt dolog *a)* gyors romlásnak van kitéve,

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	b) huzamos tárolásra alkalmatlan, *c)* kezelése, tárolása, illetve őrzése – különösen a dolog értékére vagy az előreláthatólag hosszú ideig tartó tárolására tekintettel – aránytalan és jelentős költséggel járna, illetve *d)* értéke a lefoglalás várható ideje miatt lényegesen csökkenne. (4) Ha a lefoglalt dologra a bizonyítás érdekében már nincs szükség, és a lefoglalás megszüntetésének nincs helye, a bíróság – a vádemelés előtt az ügyészség indítványára – a lefoglalt dolog értékesítését akkor is elrendelheti, ha a lefoglalt dologgal kapcsolatban bejelentettek megalapozott igényt, és az értékesítéshez a megalapozott igényt bejelentő személy hozzájárult. (5) A vádemelés előtt a dolog értékesítését az ügyészség, illetve a nyomozó hatóság is elrendelheti. (6) A lefoglalt dolog értékesítéséből befolyt ellenérték a lefoglalt dolog helyébe lép. Ilyen esetben az elkobzást vagy a vagyonelkobzást a dolog helyébe lépő ellenértékre kell elrendelni. (7) Ha a későbbi bizonyítás érdekében szükséges, a lefoglalt dolog értékesítése esetén a dologból olyan mintát kell biztosítani, illetve a dologról olyan kép- vagy kép- és hangfelvételt kell készíteni, amely az eljárás későbbi szakaszában kétséget kizáróan bizonyítja a dolog lényeges tulajdonságait. **A lefoglalás megszüntetése és a lefoglalt dolog elkobzása** **320. §** (1) A lefoglalást meg kell szüntetni, ha

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	a) arra az eljárás érdekében már nincs szükség, *b)* a lefoglalt dolgot megváltották, az eredetileg lefoglalt dolog tekintetében, *c)* az eljárást megszüntették, vagy *d)* a nyomozás határideje lejárt. (2) Ha a lefoglalt dolog értéktelen, és arra senki sem tart igényt, azt a lefoglalás megszüntetése után meg kell semmisíteni. (3) A bíróság által elrendelt lefoglalást a vádemelés előtt az ügyészség is megszüntetheti. (4) Ha a lefoglalt dolog birtoklása jogszabályba ütközik, vagy a közbiztonságot veszélyezteti, a bíróság a lefoglalás megszüntetése helyett a lefoglalt dolog elkobzásáról határoz. (5) Ha a bizonyítás érdekében szükséges, a lefoglalt dolog elkobzása vagy megsemmisítése esetén a dologból olyan mintát kell biztosítani, illetve a dologról olyan kép- vagy kép- és hangfelvételt kell készíteni, amely az eljárás későbbi szakaszában kétséget kizáróan bizonyítja a dolog lényeges tulajdonságait. **321. §** (1) A lefoglalás megszüntetésekor a lefoglalt dolgot annak kell kiadni, aki a büntetőeljárás tárgyát képező cselekmény elkövetésekor annak tulajdonosa volt és tulajdonjogával kapcsolatban észszerű kétség nem merül fel. (2) Ha nincs olyan személy, akinek az (1) bekezdés alapján a dolgot ki

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	kell adni és ilyen személy az eljárás addig rendelkezésre álló adatai alapján sem állapítható meg, a dolgot annak kell kiadni, aki a kiadása iránt megalapozott igényt jelentett be. (3) Ha olyan személy sincs, akinek a (2) bekezdés szerint lehetne a dolgot kiadni vagy ilyen személy az eljárás addig rendelkezésre álló adatai alapján sem állapítható meg, a dolgot annak kell kiadni, akitől lefoglalták. (4) Ha az eljárást azért szüntették meg, mert a cselekmény nem bűncselekmény, a lefoglalt dolgot annak kell kiadni, akitől lefoglalták. (5) A terhelttől lefoglalt dolog a bíróság határozata alapján az állam tulajdonába kerül, ha az kétségtelenül mást illet, és ennek a személynek a kiléte nem állapítható meg. Ha az ilyen személy kiléte utóbb mégis tisztázódik, az érintett a dolog kiadását vagy az értékesítésből származó ellenértékét igényelheti. Az igénylő kérelméről a polgári perrendtartásról szóló törvény szerint hatáskörrel és illetékességgel rendelkező bíróság határoz. **322. §** Ha az eredetileg lefoglalt dolog már nem adható ki, a dolog értékesítéséből vagy megváltásából befolyt ellenértéknek a kezelés, tárolás vagy őrzés költségével csökkentett összegét kell az érintettnek kiadni. Ha a lefoglalás alaptalan volt, a dolog ellenértéke a kezelés, tárolás vagy őrzés költségével nem csökkenthető. Erről a lefoglalás megszüntetéséről határozatot hozó bíróság, ügyészség vagy nyomozó hatóság a határozatában dönt. A jogosult az ezt meghaladó igényét a polgári jog szabályai szerint érvényesítheti. **A lefoglalt dolog visszatartása** **323. §** (1) A terheltnek kiadandó dolgot a vele szemben megállapított pénzbüntetés, vagyonelkobzás vagy bűnügyi költség biztosítására vissza lehet tartani, erről az ügydöntő határozatban kell rendelkezni.

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	(2) A lefoglalás megszüntetése esetén a terheltnek kiadandó dolgot a polgári jogi igény biztosítására a magánfél indítványára vissza lehet tartani, erről az ügydöntő határozatban kell rendelkezni. (3) A polgári jogi igény biztosítását szolgáló visszatartást meg kell szüntetni, ha a magánfél a megállapított teljesítési határidő lejártától számított két hónapon belül nem kért végrehajtást, illetve a polgári jogi igény érvényesítésének egyéb törvényes útra utasítása esetén két hónapon belül a polgári perben biztosítási intézkedés iránti kérelmet nem nyújtott be.
Article 18 – Production order 1 Each Party shall adopt such legislative and other measures as may be necessary to empower its competent authorities to order: a a person in its territory to submit specified computer data in that person's possession or control, which is stored in a computer system or a computer-data storage medium; and b a service provider offering its services in the territory of the Party to submit subscriber information relating to such services in that service provider's possession or control. 2 The powers and procedures referred to in this article shall be subject to Articles 14 and 15. 3 For the purpose of this article, the term "subscriber information" means any information contained in the form of computer data or any other form that is held by a service provider, relating to subscribers of its services other than traffic or content data and by which can be established: a the type of communication service used, the technical provisions taken thereto and the period of service; b the subscriber's identity, postal or geographic address, telephone and other access number, billing and payment information, available on the basis of the service agreement or arrangement; c any other information on the site of the installation of communication equipment, available on the basis of the service agreement or arrangement.	**Articles 261-266 of ACP – Data acquisition activity** Data request Article 261 (1) In a criminal proceeding, the court, prosecution office, investigating authority, and, in cases specified in an act, the organ conducting a preparatory proceeding may request any organ, legal person, or other organisation without a legal personality to provide data. (2) After indictment, the prosecution office may request the provision of data for the purpose of submitting a motion to present evidence or locating or securing evidence. (3) Under the framework of a data request, a) the transmission of data that is relevant to the criminal proceeding

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	and is in the possession of the organisation b) the transmission of electronic data or documents that are relevant to the criminal proceeding and are in the possession of the organisation c) the provision of information that can be provided by the organisation may be requested. (4) A data request may also be aimed at the transmission or transfer of data processed in the register of the state or a local government. (5) The followings shall be specified in a data request: a) the conditions and purpose of the data request pursuant to this act, b) data identifying the subject matter of the data request, as required to comply with the data request, such as the particulars of the person, object, or service concerned, c) the scope of data to be provided, d) the method and time limit of providing the data. Article 262 (1) An investigating authority, an internal police organ pursuing crime prevention and intelligence activities, or a counter-terrorism police organ may not request data without the permission of the prosecution office from

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	a) the tax authority, b) the customs authority, c) an electronic communications service provider, d) a postal service provider or a person or organisation pursuing supplementary postal activities, e) an organisation processing data qualifying as bank secret, payment secret, securities secret, fund secret, or insurance secret, pertaining to such data, f) an organisation processing health data and personal data as defined in the Act on the processing and protection of health data and related personal data, pertaining to such data. (2) The file documents justifying the data request shall be attached to the application for permission required for the data request. (3) If obtaining permission for a data request would cause any delay that would significantly jeopardize the purpose of the data request, the provision of data may be requested even without permission. The provision of data may not be refused on the grounds that the permission of a prosecutor is missing. In such a situation, the permission of the prosecution office shall be obtained ex-post without delay. If the data request is not permitted by the prosecution office, data obtained in this manner may not be used as evidence and shall be erased without delay.

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	Article 263 (1) If permitted by an act, the organ requesting data shall receive the necessary data by accessing the records or data files directly. (2) A time limit of a) at least one and up to thirty days, if the data is to be provided by electronic means, b) at least eight and up to thirty days, if the data is to be provided by any other means, may be set for the provision of the requested data. Article 264 (1) Unless provided for otherwise by an act, the organ requested to provide data shall comply with the request within the set time limit or indicate any detected obstacle, if any, without delay. The data request shall be performed even if incomplete or partial data can be provided only. (2) The organ requested to provide data shall comply with the request free of charge, including in particular the processing, as well as the recording and transmission of the data in writing or by electronic means. (3) If the data has been ciphered or otherwise rendered inaccessible, it shall be restored by the organ requested to provide data into its original condition, or it shall be rendered accessible to the organ requesting the

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	data, prior to transmission or disclosure. (4) The volume and extent of any personal data requested under a data request shall be limited to data that is indispensable for achieving the purpose of the data request. (5) If, as a result of the data request, any personal data that is not relevant for the purpose of the data request is disclosed to the organ requesting the data, it shall be deleted without delay. If the data to be deleted is contained in an original document, an extract of the personal data that is relevant for the purpose of the data request shall be produced, and the original document shall be returned to the organ requested to provide data. (6) Any original document acquired by the organ requesting the data shall be returned to the organ requested to provide data by the completion of the proceeding at the latest. (7) Where providing any information about the data request would endanger the success of the criminal proceeding, the organ requested to provide data, if specifically instructed by the organ requesting the data, may not provide any information to any other person about, and shall ensure the secrecy of, the request, its content, or any data transmitted in the course of complying with the request. If a person affected by the request requests information concerning the processing of his own personal data, he shall be provided with information that does not reveal that his personal data were transmitted for the purpose of a data request. The organ requested to provide data shall be warned about this provision in the data request. (8) The restriction specified in paragraph (7) may remain in place until the preparatory proceeding or the investigation is completed, unless the lifting of the restriction would jeopardize the success of another criminal proceeding conducted against the person concerned. The organ

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	requested to provide data shall be notified of the lifting of the restriction. Article 265 (1) If the organ requested to provide data fails to comply with the request by the time limit specified in the request, refuses to comply without a reason, or violates its obligation laid down in article 264 (7), it may be subject to a disciplinary penalty. In addition to a disciplinary penalty, another coercive measure specified in this Act may also be applied where the applicable conditions are met. (2) If the organ requested to provide data fails to comply with the request because compliance is prohibited by an act, no further procedural act may be taken concerning the requested organ for the purpose of obtaining a piece of data held by the requested organ. **265. §** (1) If the organ requested to provide data fails to comply with the request by the time limit specified in the request, refuses to comply without a reason, or violates its obligation laid down in article 264 (7), it may be subject to a disciplinary penalty. In addition to a disciplinary penalty, another coercive measure specified in this Act may also be applied where the applicable conditions are met. (2) If the organ requested to provide data fails to comply with the request because compliance is prohibited by an act, no further procedural act may be taken concerning the requested organ for the purpose of obtaining a piece of data held by the requested organ.

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	Conditional data requestArticle 266 (1) Should a specified condition be met, an organ of the state, a local government, or a national minority self-government, or a budgetary organ or a statutory professional body may be requested to provide data by a) the prosecution office, or b) an investigating authority, an internal police organ pursuing crime prevention and intelligence activities, or a counter-terrorism police organ, subject to the permission of the prosecution office. (2) A conditional data request may be issued for a period of up to three months, which may be extended repeatedly for an additional period of three months. The total period of a conditional data request may not exceed one year. (3) If the condition specified under paragraph (1) is met during the period of the conditional data request, the organ requested to provide data under the conditional data request shall transmit the data specified in the request to the organ requesting the data. (4) If the condition is not met during the period of the conditional data request, the organ requested to provide data under the conditional data request shall delete the data indicated in the request of the organ requesting the data. (5) The followings shall be specified in a conditional data request: a) the conditions and purpose of the data request pursuant to this act, b) data identifying the subject matter of the data request, as required to

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	comply with the data request, such as the particulars of the person, object, or service concerned, c) the scope of data to be provided, d) the period of the conditional data request, e) the method and time limit of providing the data, and f) the condition to be met for providing the data. (6) In other respects, the provisions on data requests shall be applied to conditional data requests, with the proviso that, under a conditional data request, the data may be requested to be provided without delay when the specified condition is met. **Articles 305 and 307 of ACP –** 305 [...] (5) A terhelt kivételével a kutatást akadályozó személy rendbírsággal sújtható. 307 [...] (6) A terhelt kivételével a motozást akadályozó személy rendbírsággal sújtható. ***Other data collecting activities of the investigating***

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	authority: **Article** 267 **of ACP** Article 267 (1) The prosecution office, an investigating authority, an internal police organ pursuing crime prevention and intelligence activities, or a counter-terrorism police organ may collect data for the purpose of determining if the commission of a criminal offence is to be suspected, if there are any evidence and where they are located. (2) After indictment, the prosecution office may collect data, and may use the investigating authority for the purpose of collecting data, for the purpose of submitting a motion to present evidence or locating or securing evidence. (3) In the course of data collection, a) data may be collected from the registers specified in the Act on the prosecution office, the Act on the police, and the Act on the National Tax and Customs Administration, b) data may be collected from a data file or source prepared for the purpose of publication or published in a lawful manner, c) information may be requested from any person, d) the selection or identification of a person or object may be requested by presenting an image, audio, or image and audio recording, and e) the scene of a criminal offence may be inspected. (4) A member of the authority carrying out the data collection shall keep a

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	record of the data collection. (5) A statement recorded on the record of the data collection may be used as a testimony, provided that the person concerned maintains his statement during his interrogation as a defendant or witness. **Article 262 (1) of ACP** Article 262 (1) An investigating authority, an internal police organ pursuing crime prevention and intelligence activities, or a counter-terrorism police organ may not request data without the permission of the prosecution office from a) the tax authority, b) the customs authority, c) an electronic communications service provider, d) a postal service provider or a person or organisation pursuing supplementary postal activities, e) an organisation processing data qualifying as bank secret, payment secret, securities secret, fund secret, or insurance secret, pertaining to such data, f) an organisation processing health data and personal data as defined in the Act on the processing and protection of health data and related personal data, pertaining to such data. (2) The file documents justifying the data request shall be attached to the application for permission required for the data request.

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	(3) If obtaining permission for a data request would cause any delay that would significantly jeopardize the purpose of the data request, the provision of data may be requested even without permission. The provision of data may not be refused on the grounds that the permission of a prosecutor is missing. In such a situation, the permission of the prosecution office shall be obtained ex-post without delay. If the data request is not permitted by the prosecution office, data obtained in this manner may not be used as evidence and shall be erased without delay.
Article 19 – Search and seizure of stored computer data 1 Each Party shall adopt such legislative and other measures as may be necessary to empower its competent authorities to search or similarly access: a a computer system or part of it and computer data stored therein; and b a computer-data storage medium in which computer data may be stored in its territory. 2 Each Party shall adopt such legislative and other measures as may be necessary to ensure that where its authorities search or similarly access a specific computer system or part of it, pursuant to paragraph 1.a, and have grounds to believe that the data sought is stored in another computer system or part of it in its territory, and such data is lawfully accessible from or available to the initial system, the authorities shall be able to expeditiously extend the search or similar accessing to the other system. 3 Each Party shall adopt such legislative and other measures as may be necessary to empower its competent authorities to seize or similarly secure computer data accessed according to paragraphs 1 or 2. These measures shall include the power to: a seize or similarly secure a computer system or part of it or a computer-data storage medium; b make and retain a copy of those computer data; c maintain the integrity of the relevant stored computer data; d render inaccessible or remove those computer data in the accessed computer system. 4 Each Party shall adopt such legislative and other measures as may be necessary to empower its competent authorities to order any person who	**Articles 302-305 of ACP – Search** **302. §** (1) A kutatás a büntetőeljárás eredményes lefolytatása érdekében a lakás, az egyéb helyiség, a bekerített hely vagy a jármű átkutatása. A kutatás információs rendszer, illetve adathordozó átvizsgálására is kiterjedhet. (2) Kutatást akkor lehet elrendelni, ha megalapozottan feltehető, hogy az *a)* bűncselekmény elkövetőjének elfogására, *b)* bűncselekmény nyomainak felderítésére, *c)* bizonyítási eszköz megtalálására, *d)* elkobozható, illetve vagyonelkobzás alá eső dolog megtalálására vagy *e)* információs rendszer, illetve adathordozó átvizsgálására vezet. **303. §** (1) A kutatást a bíróság, az ügyészség vagy a nyomozó hatóság rendeli el. (2) Ha a közjegyzői vagy ügyvédi irodában tartandó kutatás közjegyzői

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has knowledge about the functioning of the computer system or measures applied to protect the computer data therein to provide, as is reasonable, the necessary information, to enable the undertaking of the measures referred to in paragraphs 1 and 2. 5 The powers and procedures referred to in this article shall be subject to Articles 14 and 15.	vagy ügyvédi tevékenységgel összefüggő védett adat megismerésére irányul, a kutatást a bíróság rendeli el. A közjegyzői vagy ügyvédi irodában tartott kutatáson ügyész részvétele kötelező. (3) Ha a kutatás elrendeléséhez szükséges bírósági határozat meghozatala olyan késedelemmel járna, amely a kutatással elérni kívánt célt jelentősen veszélyeztetné, a kutatás a bíróság határozata nélkül is végrehajtható. Ilyen esetben a bíróság határozatát utólag haladéktalanul be kell szerezni. Ha a kutatást a bíróság nem rendeli el, annak eredménye bizonyítékként nem használható fel. **304. §** (1) A kutatást elrendelő határozatnak tartalmaznia kell a kutatás célját és az elrendelését megalapozó tényeket. (2) Ha ez lehetséges, a kutatást elrendelő határozatban meg kell jelölni azt a személyt, bizonyítási eszközt, elkobozható vagy vagyonelkobzás alá eső dolgot, információs rendszert vagy adathordozót, aki vagy amely megtalálására a kutatás irányul. **305. §** (1) A kutatást – a (2) bekezdésben meghatározott kivétellel – az érintett ingatlan vagy jármű tulajdonosának, birtokosának vagy használójának a jelenlétében kell végrehajtani. (2) A kutatás az érintett ingatlan, illetve jármű tulajdonosának, birtokosának vagy használójának védője, képviselője vagy az általa megbízott nagykorú személy jelenlétében is végrehajtható. Ha ilyen személy nincs jelen, akkor az érintett érdekeinek védelmére az ügyben nem érdekelt, nagykorú személy jelenlétében kell a kutatást végrehajtani. (3) A kutatás megkezdése előtt ismertetni kell a kutatást elrendelő határozat tartalmát, és ha ez lehetséges, a határozatot a helyszínen kézbesíteni kell.

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	(4) Ha a kutatás meghatározott személy, bizonyítási eszköz, dolog, információs rendszer vagy adathordozó megtalálására irányul, akkor fel kell szólítani az érintett ingatlan, illetve jármű tulajdonosát, birtokosát vagy használóját, illetve az általa megbízott személyt, hogy a keresett tárgyi bizonyítási eszköz vagy személy hollétét fedje fel, illetve a keresett elektronikus adatot tegye hozzáférhetővé. A felszólítás teljesítése esetén a kutatás csak akkor folytatható, ha megalapozottan feltehető, hogy a kutatás során más bizonyítási eszköz, dolog, információs rendszer vagy adathordozó is fellelhető. (5) A terhelt kivételével a kutatást akadályozó személy rendbírsággal sújtható. **Article 335 of ACP – Rendering electronic data temporarily inaccessible** (1) Az elektronikus adat ideiglenes hozzáférhetetlenné tétele az elektronikus hírközlő hálózat útján közzétett adat feletti rendelkezési jog ideiglenes korlátozása és az adathoz való hozzáférés ideiglenes megakadályozása. (2) Az elektronikus adat ideiglenes hozzáférhetetlenné tételét akkor lehet elrendelni, ha az eljárás olyan közvádra üldözendő bűncselekmény miatt folyik, amellyel kapcsolatban elektronikus adat végleges hozzáférhetetlenné tételének van helye, és az a bűncselekmény megszakítása érdekében szükséges. (3) Az elektronikus adat ideiglenes hozzáférhetetlenné tételét a bíróság

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	rendeli el. (4) Az elektronikus adat ideiglenes hozzáférhetetlenné tétele elrendelhető *a)* az elektronikus adat ideiglenes eltávolításával, vagy *b)* az elektronikus adathoz való hozzáférés ideiglenes megakadályozásával. (5) Az elektronikus adat ideiglenes hozzáférhetetlenné tételének teljesítésére kötelezett tájékoztatja a felhasználókat a tartalom eltávolításának vagy a tartalomhoz hozzáférés megakadályozásának a jogalapjáról. A tájékoztatás tartalmát külön jogszabály határozza meg. (6) Az elektronikus adat ideiglenes eltávolítása és az elektronikus adat megőrzésére kötelezés együttesen is elrendelhető. **Article 336 of ACP** (1) Az elektronikus adat ideiglenes eltávolítására az érintett elektronikus adatot kezelő, az elektronikus kereskedelmi szolgáltatások, valamint az információs társadalommal összefüggő szolgáltatások egyes kérdéseiről szóló törvényben meghatározott tárhelyszolgáltatót, illetve tárhelyszolgáltatást is végző közvetítő szolgáltatót (a továbbiakban együtt: eltávolításra kötelezett) kell kötelezni. Az eltávolításra kötelezett a határozat vele történő közlését követő egy munkanapon belül köteles az elektronikus adat ideiglenes eltávolítására. (2) Az elektronikus adat ideiglenes eltávolítását a bíróság megszünteti és az elektronikus adat visszaállítását rendeli el, ha

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	a) az elrendelésének oka megszűnt, vagy *b)* az eljárást megszüntették, kivéve, ha a Btk. 77. § (2) bekezdése alapján az elektronikus adat végleges hozzáférhetetlenné tétele elrendelésének lehet helye. (3) Az elektronikus adat ideiglenes eltávolítása a büntetőeljárás jogerős befejezésével megszűnik. (4) Ha a bíróság a (2) bekezdés *b)* pontjában vagy a (3) bekezdésben meghatározott esetben az elektronikus adat végleges hozzáférhetetlenné tételét nem rendelte el, az elektronikus adat visszaállítására kötelezi az eltávolításra kötelezettet. (5) Az elektronikus adat ideiglenes eltávolításáról és az elektronikus adat visszaállításáról szóló határozatot az eltávolításra kötelezettel haladéktalanul közölni kell, amely a határozat vele történő közlésétől számított egy munkanapon belül köteles az elektronikus adat visszaállítására. (6) Az (5) bekezdésben meghatározott határozatot az elektronikus adat felett rendelkezésre jogosultnak akkor kell kézbesíteni, ha az eljárás addigi adatai alapján személye és elérhetősége ismert. (7) A bíróság hivatalból vagy az ügyészség indítványára az eltávolításra kötelezettet az elektronikus adat ideiglenes eltávolítására vagy visszaállítására vonatkozó kötelezettség elmulasztása miatt rendbírsággal sújthatja. **Article 337 of ACP**

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	337. § (1) A kábítószer-kereskedelem, kóros szenvedélykeltés, kábítószer készítésének elősegítése, kábítószer-prekurzorral visszaélés, új pszichoaktív anyaggal visszaélés, gyermekpornográfia, állam elleni bűncselekmény, terrorcselekmény, terrorizmus finanszírozása vagy háborús uszítás miatt folyamatban lévő büntetőeljárásban a bíróság elrendeli a felsorolt bűncselekménnyel összefüggő elektronikus adathoz való hozzáférés ideiglenes megakadályozását, ha *a)* az eltávolításra kötelezett az elektronikus adat ideiglenes eltávolítására vonatkozó kötelezettséget nem teljesítette, *b)* az elektronikus adat ideiglenes eltávolítására vonatkozóan a külföldi hatóság jogsegély iránti megkeresése a megkeresés bíróság általi kibocsátásától számított harminc napon belül nem vezetett eredményre, *c)* az eltávolításra kötelezett azonosítása lehetetlen vagy aránytalan nehézséggel járna, vagy *d)* az elektronikus adat ideiglenes eltávolítására vonatkozóan a külföldi hatóság jogsegély iránti megkeresésétől eredmény nem várható vagy a megkeresés aránytalan nehézséggel járna. (2) A bíróság a határozatával az elektronikus hírközlési szolgáltatókat kötelezi az elektronikus adathoz való hozzáférés ideiglenes megakadályozására. A határozatot az elektronikus adat felett rendelkezésre jogosultnak akkor kell kézbesíteni, ha az eljárás addigi adatai alapján személye és elérhetősége ismert. (3) A bíróság az elektronikus adathoz való hozzáférés ideiglenes

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	megakadályozásának elrendelését haladéktalanul közli a Nemzeti Média- és Hírközlési Hatósággal (a továbbiakban: NMHH), amely a kényszerintézkedés végrehajtását szervezi és ellenőrzi. (4) Az NMHH az elektronikus adathoz való hozzáférés ideiglenes megakadályozására vonatkozó kötelezettséget bevezeti a központi elektronikus hozzáférhetetlenné tételi határozatok adatbázisába, ezzel egyidejűleg a bíróság határozatáról elektronikus úton haladéktalanul tájékoztatja az elektronikus hírközlési szolgáltatókat, amelyek a tájékoztatástól számított egy munkanapon belül kötelesek az elektronikus adathoz való hozzáférés ideiglenes megakadályozására. Ha valamely elektronikus hírközlési szolgáltató a kötelezettséget nem teljesíti, az NMHH erről haladéktalanul tájékoztatja a bíróságot. (5) Az elektronikus adat feletti rendelkezésre jogosult a határozattal szemben a kézbesítéstől számított nyolc napon belül fellebbezést jelenthet be. (6) Az elektronikus adathoz való hozzáférés ideiglenes megakadályozását a bíróság megszünteti, ha *a)* a tárhelyszolgáltató teljesíti az elektronikus adat ideiglenes eltávolítására vonatkozó kötelezettségét, *b)* az elrendelésének oka egyébként megszűnt, vagy *c)* az eljárást megszüntették, kivéve, ha a Btk. 77. § (2) bekezdése alapján az elektronikus adat végleges hozzáférhetetlenné tétele elrendelésének lehet helye. (7) Az elektronikus adathoz való hozzáférés ideiglenes megakadályozása a büntetőeljárás jogerős befejezésével megszűnik.

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	(8) Ha a bíróság a (6) bekezdés *c)* pontjában vagy a (7) bekezdésben meghatározott esetben nem rendelte el az elektronikus adat végleges hozzáférhetetlenné tételét, az elektronikus adathoz való hozzáférés ideiglenes megakadályozásának megszüntetését vagy megszűnését elektronikus úton haladéktalanul közli az NMHH-val, amely az elektronikus adathoz való hozzáférés ideiglenes megakadályozására vonatkozó kötelezettséget törli a központi elektronikus hozzáférhetetlenné tételi határozatok adatbázisából, és ezzel egyidejűleg a kötelezettség megszűnéséről elektronikus úton haladéktalanul tájékoztatja az elektronikus hírközlési szolgáltatókat, amelyek a tájékoztatástól számított egy munkanapon belül kötelesek biztosítani az elektronikus adathoz a hozzáférést. (9) A bíróságnak az elektronikus adathoz való hozzáférés ideiglenes megakadályozása megszüntetéséről vagy megszűnéséről szóló határozatát akkor kell kézbesíteni az elektronikus adat felett rendelkezésre jogosultnak, ha az eljárás addigi adatai alapján személye és elérhetősége ismert. A bíróság e határozata ellen kizárólag az ügyészség élhet fellebbezéssel. (10) Ha valamely elektronikus hírközlési szolgáltató a hozzáférés újbóli biztosítására vonatkozó kötelezettséget nem teljesíti, az NMHH erről haladéktalanul tájékoztatja a bíróságot. (11) A bíróság hivatalból vagy az ügyészség indítványára az elektronikus hírközlési szolgáltatót az elektronikus adathoz való hozzáférés ideiglenes megakadályozására vagy a hozzáférés újbóli biztosítására vonatkozó kötelezettség elmulasztása miatt rendbírsággal sújthatja.
Article 20 – Real-time collection of traffic data 1 Each Party shall adopt such legislative and other measures as may be necessary to empower its competent authorities to: a collect or record through the application of technical means on	

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the territory of that Party, and b compel a service provider, within its existing technical capability: i to collect or record through the application of technical means on the territory of that Party; or ii to co-operate and assist the competent authorities in the collection or recording of, traffic data, in real-time, associated with specified communications in its territory transmitted by means of a computer system. 2 Where a Party, due to the established principles of its domestic legal system, cannot adopt the measures referred to in paragraph 1.a, it may instead adopt legislative and other measures as may be necessary to ensure the real-time collection or recording of traffic data associated with specified communications transmitted in its territory, through the application of technical means on that territory. 3 Each Party shall adopt such legislative and other measures as may be necessary to oblige a service provider to keep confidential the fact of the execution of any power provided for in this article and any information relating to it. 4 The powers and procedures referred to in this article shall be subject to Articles 14 and 15.	
Article 21 – Interception of content data 1 Each Party shall adopt such legislative and other measures as may be necessary, in relation to a range of serious offences to be determined by domestic law, to empower its competent authorities to: a collect or record through the application of technical means on the territory of that Party, and b compel a service provider, within its existing technical capability: i to collect or record through the application of technical means on the territory of that Party, or ii to co-operate and assist the competent authorities in the collection or recording of, content data, in real-time, of specified communications in its territory transmitted by means of a computer system. 2 Where a Party, due to the established principles of its domestic legal system, cannot adopt the measures referred to in paragraph 1.a, it may	

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instead adopt legislative and other measures as may be necessary to ensure the real-time collection or recording of content data on specified communications in its territory through the application of technical means on that territory. 3 Each Party shall adopt such legislative and other measures as may be necessary to oblige a service provider to keep confidential the fact of the execution of any power provided for in this article and any information relating to it. 4 The powers and procedures referred to in this article shall be subject to Articles 14 and 15.	
Section 3 – Jurisdiction	
Article 22 – Jurisdiction 1 Each Party shall adopt such legislative and other measures as may be necessary to establish jurisdiction over any offence established in accordance with Articles 2 through 11 of this Convention, when the offence is committed: a in its territory; or b on board a ship flying the flag of that Party; or c on board an aircraft registered under the laws of that Party; or d by one of its nationals, if the offence is punishable under criminal law where it was committed or if the offence is committed outside the territorial jurisdiction of any State. 2 Each Party may reserve the right not to apply or to apply only in specific cases or conditions the jurisdiction rules laid down in paragraphs 1.b through 1.d of this article or any part thereof. 3 Each Party shall adopt such measures as may be necessary to establish jurisdiction over the offences referred to in Article 24, paragraph 1, of this Convention, in cases where an alleged offender is present in its territory and it does not extradite him or her to another Party, solely on the basis of his or her nationality, after a request for extradition. 4 This Convention does not exclude any criminal jurisdiction exercised by a Party in accordance with its domestic law. When more than one Party claims jurisdiction over an alleged offence established in accordance with this Convention, the Parties involved shall, where appropriate, consult with a view to determining the most appropriate	**Article 3 of CC – Territorial and personal scope** (1) Hungarian criminal law shall apply: a) if the criminal offence is committed in the territory of Hungary; b) if the criminal offence is committed on board of a Hungarian watercraft or a Hungarian aircraft situated outside the territory of Hungary, c) to any act committed by a Hungarian national abroad, which considered to be a criminal offence in accordance with Hungarian law. (2) Hungarian criminal law shall, furthermore, apply: a) to any act committed by a non-Hungarian national abroad, if: aa) it is a criminal offence under Hungarian law and it is punishable as well in accordance with the law of the country where it was committed, ab) it is a criminal offence against the State, excluding espionage against allied armed forces and espionage against the institutions of the

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jurisdiction for prosecution.	European Union, regardless of the fact whether it is punishable in accordance with the law of the country where it was committed or not, ac) it is a criminal offence under Chapter XIII or XIV or any other criminal offence which is to be prosecuted under an international treaty proclaimed by an act of Parliament, b) to any act committed by a non-Hungarian national abroad against a Hungarian national, a legal person and other legal entity without legal personality established under Hungarian law, which is punishable under Hungarian law. (3) In the cases described in paragraph (2), the initiation of the criminal proceedings shall be ordered by the Prosecutor General. It has to be underlined, that the universal jurisdiction principle exists in Hungary [point ac) of Article 3 (2)]. With regard to the place of criminal acts committed, there is a rule in Hungary, namely the theory of unity of actions. Therefore the criminal offence shall be regarded as committed within the territory of Hungary if any of the important elements (criminal conduct, effect, etc.) is realized in the territory of Hungary. The rules of jurisdiction in the Hungarian criminal law are quite extensive. Thanks to this fact, there are only few cases, in which Hungary does not fulfil the extradition. In these rare cases, the provisions (Article 28 and 43) of the **Act XXXVIII of 1996 on the international legal assistance in criminal matters (hereinafter: Act**

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	XXXVIII of 1996) shall be applied. According to these rules, the decision whether the criminal proceedings can be initiated or not if the extradition was refused, falls within the discretion of the Prosecutor General. Besides, there is also an opportunity to take the criminal proceedings over from the foreign state. **Article 28 of the Act XXXVIII of 1996** Where extradition is refused by the Minister or the extradited person has not been taken over by the Requesting State, the Minister shall forward the case file to the Prosecutor General for considering the institution of criminal proceedings or the taking of other measures. **Article 43 of the Act XXXVIII of 1996** Criminal proceedings conducted before the judicial authority of a foreign state may be accepted upon the request of this authority, where the defendant is a Hungarian national or a non-Hungarian national having immigrated to Hungary. Please note, that Hungary implemented the Council Framework Decision 2009/948/JHA on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings. Due to this fact, if jurisdiction conflict raises among Member States of the European Union, there is an opportunity for exchanging information or direct consultations. The implemented rules are in Chapter VII of the **Act CLXXX of 2012 on the criminal cooperation with the Member States**

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	of the European Union (hereinafter: Act CLXXX of 2012). **Chapter VII of the Act CLXXX of 2012 – Preventing and settling conflicts arising between Member States in the course of criminal proceedings in respect of exercising their jurisdiction** **Article 104 of the Act CLXXX of 2012 – Exchange of information between Member States** (1) In response to a request received from a Member State judicial authority, the Prosecutor General shall provide information in writing by the deadline set in the request, or immediately if the Member State judicial authority fails to set a deadline in the request, about whether or not criminal proceedings are pending in the territory of Hungary against the person identified in the request due to the offence named therein. (2) If criminal proceedings are pending in Hungary against the person identified in the request, the Prosecutor General shall also inform the Member State authority about the public prosecutor or court at or before which the proceedings are in progress. If a final decision has been issued in the case covered by the request, the Prosecutor General shall notify the Member State authority thereof. (3) If the Member State authority informs the Prosecutor General that the person mentioned in its request is held in custody in its territory, the request shall be fulfilled as a matter of urgency.

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	(4) If the Prosecutor General cannot provide the information by the deadline provided in paragraph (1), the Prosecutor General shall immediately notify the Member State authority of the fact along with an indication of the reasons for the delay and shall specify the period deemed potentially necessary for providing the information. (5) If a request referred to in paragraph (1) is received by a Hungarian authority from a Member State, the Hungarian authority shall immediately forward it to the Prosecutor General and shall notify the Member State authority immediately thereof. **Article 105 of the Act CLXXX of 2012** (1) If arising information suggests that against the person identified in the request is pending criminal proceedings in another Member State, notification thereof shall be sent to the Prosecutor General by the public prosecutor before indictment and by the Court thereafter. The Prosecutor General shall contact the Member State authority in writing in view to get confirmation about such information. (2) If the competent judicial authority for the confirmation referred to in paragraph (1) is unknown, the Prosecutor General shall obtain the information via the contact points of the European Judicial Network. (3) In its request, the Prosecutor General shall set a reasonable deadline for fulfilling the request. If the defendant is held in custody in Hungary, the Prosecutor General shall ask the Member State authority to handle the request as a matter of urgency.

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	(4) As a minimum, the Prosecutor General shall communicate the following data to the Member State authority: a) personal data of the defendant and the victim(s), b) a description of the offence(s) prosecuted and the circumstances c) a status report of the prosecution, d) the name of the prosecutor's office or court in charge of the criminal proceedings, e) the fact that the accused is held in custody. **Article 106 of the Act CLXXX of 2012 – Consultation Procedure** (1) If the procedures referred to in Articles 104 and 105 establish that there is pending prosecution against the defendant for the same offence in another Member State simultaneously with the criminal proceedings pending in Hungary, the Prosecutor General shall notify immediately the prosecutor or court in charge of the criminal proceedings thereof. At the same time, the Prosecutor General initiates consultations (involving prosecutor or court in charge of the criminal proceedings) with the Member State authority or engages in consultations a Member State authority initiated to avoid the consequences of parallel criminal proceedings. (2) When consultation starts, the prosecutor and the Court shall issue a decision to suspend investigations or proceedings, respectively.

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	(3) The Prosecutor General shall notify the Member State authority of the suspension of criminal proceedings. During consultation, the Prosecutor General shall, if possible, fulfil requests submitted by the Member State authority seeking transfer of information to promote the consultation. Such a request shall be rejected if its fulfilment violates Hungary's fundamental national security interests. (4) During their consultation, the parties shall take into account all relevant aspects to decide which of the Member States is to continue the criminal proceedings. Aspects considered to be relevant may include, in particular, the progress of criminal proceedings pending in the Member States, the question which of the Member States has more available evidence, whether or not the criminal proceedings pending in the Member States are related to other criminal proceedings pending in the same Member State, the location where the defendant is held in custody and the citizenship of the defendant. **Article 107 of the Act CLXXX of 2012** (1) If the parties have failed to reach an agreement on which of the Member States is to continue the criminal proceedings referred to in Article 106, the Prosecutor General may contact Eurojust to have the matter decided, provided that Eurojust has jurisdiction over the specific case. The Prosecutor General notifies the Member State authority of having contacted Eurojust. (2) If the parties agree pursuant to the provisions referred to in Article 106 that owing to the circumstances of the case it is reasonable that Hungary to continue the criminal proceedings, then the prosecutor in

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	charge or the Court shall resume the criminal proceedings. The Prosecutor General shall notify the Member State authority of the completion of the criminal proceedings. (3) If the parties agree pursuant to the provisions referred to in Article 106, that it is reasonable owing to the circumstances of the case that Member State to continue the criminal proceedings, then the prosecutor in charge or the Court shall terminate the criminal proceedings. Such prosecutorial or Court decisions shall not be subject to an appeal. (4) The provisions of Article 106 and 107 shall apply even if the Prosecutor General becomes aware of simultaneous criminal proceedings in another Member State from sources other than the exchange of information specified in Articles 104 and 105.
Chapter III – International co-operation	
Article 24 – Extradition 1 a This article applies to extradition between Parties for the criminal offences established in accordance with Articles 2 through 11 of this Convention, provided that they are punishable under the laws of both Parties concerned by deprivation of liberty for a maximum period of at least one year, or by a more severe penalty. b Where a different minimum penalty is to be applied under an arrangement agreed on the basis of uniform or reciprocal legislation or an extradition treaty, including the European Convention on Extradition (ETS No. 24), applicable between two or more parties, the minimum penalty provided for under such arrangement or treaty shall apply. 2 The criminal offences described in paragraph 1 of this article shall be deemed to be included as extraditable offences in any extradition treaty existing between or among the Parties. The Parties undertake to include such offences as extraditable offences in any extradition treaty to be concluded between or among them.	Extradition and its procedure are based on internal law, bilateral and multilateral treaties in Hungary. (Between the Member States of the European Union the extradition procedure was replaced by surrender procedure based on the Council Framework Decision 2002/584/JHA on the European arrest warrant and the surrender procedures between Member States. The implemented provisions are in the Act CLXXX of 2012.) Extradition, such as the mutual legal assistance, can be based on international treaties, reciprocity, or may even be granted failing both of them. The provisions concerning the extradition are determined in Chapter II

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3 If a Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another Party with which it does not have an extradition treaty, it may consider this Convention as the legal basis for extradition with respect to any criminal offence referred to in paragraph 1 of this article. 4 Parties that do not make extradition conditional on the existence of a treaty shall recognise the criminal offences referred to in paragraph 1 of this article as extraditable offences between themselves. 5 Extradition shall be subject to the conditions provided for by the law of the requested Party or by applicable extradition treaties, including the grounds on which the requested Party may refuse extradition. 6 If extradition for a criminal offence referred to in paragraph 1 of this article is refused solely on the basis of the nationality of the person sought, or because the requested Party deems that it has jurisdiction over the offence, the requested Party shall submit the case at the request of the requesting Party to its competent authorities for the purpose of prosecution and shall report the final outcome to the requesting Party in due course. Those authorities shall take their decision and conduct their investigations and proceedings in the same manner as for any other offence of a comparable nature under the law of that Party. 7 a Each Party shall, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, communicate to the Secretary General of the Council of Europe the name and address of each authority responsible for making or receiving requests for extradition or provisional arrest in the absence of a treaty. b The Secretary General of the Council of Europe shall set up and keep updated a register of authorities so designated by the Parties. Each Party shall ensure	of the Act XXXVIII of 1996. Reservations and Declarations of Hungary for Treaty No.185 - Convention on Cybercrime: In accordance with Article 24, paragraph (7) a), of the Convention, Hungary communicates that the Ministry of Justice is responsible for making or receiving requests for extradition or provisional arrest in the absence of a treaty. The National Central Bureau of Interpol is only responsible for making or receiving requests for provisional arrest. **Chapter II of the Act XXXVIII of 1996 – Extradition** **Title I - Extradition from Hungary** **Article 11 of the Act XXXVIII of 1996** (1) Upon request of a foreign state a person staying in Hungary may be extradited for the purposes of conducting criminal proceedings against him/her or for executing a sentence of imprisonment or a measure involving deprivation of liberty against him/her. (2) Extradition for the purpose of conducting criminal proceedings shall be granted if the act for which extradition is requested is punishable under both the law of Hungary and the law of the Requesting State by imprisonment of at least one year; extradition for the purposes of

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	enforcing a sentence of imprisonment or a measure involving deprivation of liberty shall be granted if at least six months of the sentence or measure imposed is still to be served. **Article 12 of the Act XXXVIII of 1996** Extradition shall not be granted, if a) the statute of limitation for offence or penalty for which extradition is requested has expired under the law of either the Requesting State or Hungary, the offence or the enforcement of penalty for which extradition is requested has been barred either under the law of the Requesting State or under the law of Hungary. b) the person claimed/sought has been granted a pardon or amnesty in respect of the offence or punishment, c) a private motion or other motion of equivalent effect, or the consent required for the institution of criminal proceedings has not been submitted or granted in the Requesting State, d) a Hungarian court has already finally adjudicated the offence for which extradition is requested. **Article 13 of the Act XXXVIII of 1996** (1) Extradition of a Hungarian national shall not be granted unless the person claimed is simultaneously a national of another state and is not resident in Hungary.

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	(2) Regardless of the provisions of paragraph (1), a Hungarian national whose extradition to Hungary has been granted on the condition that following the completion of the criminal proceedings against him or the enforcement of the penalty imposed on him he will be re-extradited to a third state with a view to executing the extradition request of that state, may be re-extradited without conducting the extradition proceedings. **Article 14 of the Act XXXVIII of 1996** (1) The extradition of a refugee shall be refused unless it is requested by a third country considered as a safe country/one under the Act on Asylum. (2) Beneficiaries of temporary protection, persons authorized to stay and foreigners seeking recognition as refugee or beneficiary of temporary protection shall not be extradited to the state from which they have fled. (3) If the person claimed applies for recognition as refugee or beneficiary of temporary protection, or asylum proceedings are under way the time limit for the extradition arrest under Article 22 paragraph (1) and for the provisional extradition arrest under Article 23 (3) shall – by taking into account the final completion of the asylum proceedings – be extended in such manner that after the refusal of the recognition as refugee or beneficiary of temporary protection the authorities have at least forty days for taking decision on the matter of extradition and for surrendering the extradited person. The duration of the extradition arrest or the provisional extradition arrest shall not, however, even in this case exceed twenty-four months from the starting date of the arrest.

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	Article 15 of the Act XXXVIII of 1996 If the offence for which extradition is requested is punishable by death under the law of the Requesting State, extradition shall only be granted by the Minister if the Requesting State provides sufficient assurances that the death penalty, if imposed, shall not be carried out. **Article 16 of the Act XXXVIII of 1996** (1) Even if any other conditions are fulfilled extradition shall not be granted unless it is ensured that a) in the Requesting State the person claimed shall not be criminally proceeded against or detained with a view to carrying out against him a measure involving deprivation of liberty, or extradited, or re-extradited to a third state for an offence committed prior to his extradition other than that for which his extradition has been authorized, b) after the termination of the criminal proceedings against him/her or of the enforcement of the penalty, the extradited person may leave the territory of the Requesting State. (2) Following the decision granting extradition the Minister may, upon the request of the Requesting State, approve the removal of the restrictions set out in paragraph (1) subparagraph a), provided that the conditions of extradition are fulfilled in that respect too.

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	Article 17 of the Act XXXVIII of 1996 If extradition of the same person is requested by more than one state, the decision on the extradition shall be made by taking into account, in particular, the place where the offence was committed, the nationality of the person claimed, the chronological order in which the requests were received and, if the requests pertain to different offences, the gravity of the offences. **Article 18 of the Act XXXVIII of 1996** (1) Requests for extradition shall be received by the Minister and shall immediately be forwarded by him to the Budapest Metropolitan Court, unless their execution is excluded under Article 2. Requests for extradition shall be addressed to the Minister and unless the execution of such a request is excluded under Article 2 it shall be forwarded to the Budapest Metropolitan Court. (2) Matters falling within court competence under this Title (Article 11-36) shall be adjudicated solely by the Budapest Metropolitan Court, sitting as a single judge. Unless appeal is excluded under this Act, courts' decisions shall be subject to appeal which shall be adjudicated by the Budapest Court of Appeal at a session in camera. Appeals shall have no suspensory effect. **Article 19 of the Act XXXVIII of 1996**

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	(1) If the person claimed is staying at an unknown place the Budapest Metropolitan Court shall render to search for the person claimed. If this measure is successful the police shall take the person claimed into custody and shall bring him/her before the Budapest Metropolitan Court. Extradition custody shall not last longer than seventy-two hours. (2) If so requested by the Requesting State, the Budapest Metropolitan Court shall order the police to search for and seize the articles specified under Article 30 (1). **Article 20 of the Act XXXVIII of 1996** (1) The Budapest Metropolitan Court shall a) transmit the documents related to the person claimed to the public prosecutor, with a view to making motions, b) appoint a defence counsel for the person claimed where defence is mandatory in the proceedings and the person claimed has no defence counsel of his/her own choice,; c) hold a hearing on the matter of extradition; where defence is mandatory and no hearing shall be held without the participation of the defence counsel; d) notify the prosecutor and – where defence is mandatory – summon the defence counsel; otherwise the defence counsel shall only be notified; e) hear the person claimed, in particular on his identity and nationality and on any other circumstances affecting his/her extradition under this Act, if he/she desires to make any statement thereon;

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	f) - g) h) if the conditions of the extradition are fulfilled it shall order the extradition arrest of the person claimed. (2) If the person claimed is not staying in Hungary or the measures taken in order to find him have not been successful, this fact shall be communicated to the Minister who shall notify the Requesting State thereof. **Article 22 of the Act XXXVIII of 1996** (1) Extradition arrest shall not exceed a period of six months which can be extended once by the Budapest Metropolitan Court for up to an additional six months. If extradition is requested for the purposes of enforcing a sentence of imprisonment or a measure involving deprivation of liberty the duration of the extradition arrest may not exceed the duration of the executable sentence of imprisonment or measure involving deprivation of liberty. (2) Extradition arrest shall immediately be terminated by the Budapest Metropolitan Court, if a) extradition has been refused by the Minister, b) the request for extradition has been revoked, c) the extradited person has not been taken over by the Requesting State within fifteen days from the appointed date.

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	(3) In respect of persons in provisional extradition arrest the starting date of the extradition arrest shall be the date on which the request for extradition is received by the Minister. In such cases provisional extradition arrest shall last until extradition arrest is ordered. (4) If at the moment of ordering the extradition arrest or provisional extradition arrest the person claimed is in pre-trial detention or serving a sentence of imprisonment or custodial arrest, or a measure involving deprivation of liberty is being enforced against him, extradition arrest or provisional extradition arrest shall be carried out from the moment when the pre-trial detention is terminated or the enforcement of the sentence of imprisonment, custodial arrest or measure involving deprivation of liberty is completed. **Article 23 of the Act XXXVIII of 1996** (1) If on the basis of the available data it can be established that the conditions of extradition are fulfilled, the Budapest Metropolitan Court shall, when issuing the order for the provisional extradition arrest, inform the person claimed that in case of giving his/her consent to his extradition the provisions of Article 16 and the relevant provisions of the international treaties shall not be applicable and that the Minister may authorize his/her extradition prior to the arrival of the request for extradition; the warning and the statement given by the person claimed shall be recorded in minutes (simplified extradition). (2) The consent given under paragraph (1) shall not be revocable.

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	(3) If the person claimed has consented to his/her extradition the final order on the provisional extradition arrest together with the case file, shall be forwarded by the court to the Minister. **Article 24 of the Act XXXVIII of 1996** (1) In case of urgency, especially if there is a danger of escape, the Requesting Foreign State may request the provisional arrest of the person claimed/sought pending presentation of the request for extradition. (2) Requests for provisional extradition arrest may also be transmitted through the International Criminal Cooperation Centre (henceforth: NEBEK). NEBEK shall take measures to ensure that the person claimed is taken into custody and brought before the Budapest Metropolitan Court with a view to being extradited. Custody shall not last longer than seventy-two hours. **Article 25 of the Act XXXVIII of 1996** (1) Provisional extradition arrest shall be discontinued if within a period of 40 days from the date of its order the request for extradition is not received. If the request for extradition is subsequently submitted the termination of the provisional extradition arrest shall not prejudice the ordering of the extradition arrest under Article 20 (1) h). (2) The Minister shall immediately notify the state having requested for

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	the measure of the provisional extradition arrest. The notification shall also indicate the date on which the provisional extradition arrest shall terminate pursuant to paragraph (1). **Article 25/A of the Act XXXVIII of 1996** No measures of deprivation of liberty other than provisional extradition arrest or extradition arrest shall be applied. No payment of bail shall prevent or terminate the provisional extradition arrest or the extradition arrest of the person claimed. **Article 26 of the Act XXXVIII of 1996** (1) Extradition shall be authorized by the Minister. If according to the decision of the court the statutory conditions of extradition are not fulfilled, the Minister shall refuse the extradition by making reference to the court's decision. (2) The Minister shall communicate his decision to the Requesting Foreign State. **Article 27 of the Act XXXVIII of 1996** (1) Surrender of the extradited person shall be arranged for by NEBEK, in cooperation with the police.

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	(2) If the extradited person could not be surrendered due to an unavoidable obstacle beyond the control of the authorities acting in the case, the time limit of the extradition arrest under Article 22 (1) and of the provisional extradition arrest under Article 23 (3) shall be extended in such manner that at least twenty days are left, from the date on which the unavoidable obstacle ceases to exist, for the surrender of the extradited person. Upon the expiration of the said time limit the extradited person shall be discharged from custody. **Article 28 of the Act XXXVIII of 1996** Where extradition is refused by the Minister or the extradited person has not been taken over by the Requesting State, the Minister shall forward the case file to the Prosecutor General for considering the institution of criminal proceedings or the taking of other measures. **Article 29 of the Act XXXVIII of 1996** (1) If the extradited person is being proceeded against or is serving a sentence of imprisonment or a confinement for a different offence in Hungary, the Minister may defer the surrender of the person until the termination of the proceedings or the full execution of the penalty. (2) If the surrender of the extradited person has been deferred by the Minister pursuant to the provisions of paragraph (1) the Minister may, upon request of the Requesting State, authorize the temporarily surrender of the person to the Requesting State with a view to carrying

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	out an urgent procedural act. The person claimed shall only be temporarily surrendered unless it is ensured that he/she shall be kept in custody in the Requesting State and shall be returned within the stipulated period of time. **Article 30 of the Act XXXVIII of 1996** (1) In the course of the extradition proceedings the Budapest Metropolitan Court may authorize the surrender to the Requesting State of articles used as instrumentalities in the course of commission of a criminal offence for which extradition is requested, or such articles acquired as a result of this offence, or obtained as consideration for articles acquired as a result of this offence, or which may serve as physical evidence. (2) The surrender of such articles mentioned in paragraph (1) may even be authorized if extradition has been granted but the person claimed has not been surrendered. (3) Where surrender of such articles is authorized, surrender a) may be deferred as long as the articles are required for official proceedings pending in Hungary, or b) may be made subject to the condition that they shall be returned within the stipulated period of time. (4) Where the State requesting extradition substantiate that the articles under paragraph (1) are at risk of being hidden, destroyed or otherwise

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	withheld from the proceedings by the person claimed or by any other person, measures to prevent such conducts may be taken under Articles 149-160 of the Act on Criminal Proceedings. (5) The provisions of this Article shall not affect ownership or other rights on such articles. **Title II – Request to a Foreign State for extradition** **Article 31 of the Act XXXVIII of 1996** Requests for extradition may be issued to foreign states for the purpose of conducting criminal proceedings or enforcing sentences of imprisonment or measures involving deprivation of liberty. **Article 32 of the Act XXXVIII of 1996** (1) If criminal proceedings are to be conducted against a defendant staying abroad and subject to extradition, the court shall issue an international arrest warrant and shall forward the documents to the Minister. (2) If a sentence of imprisonment imposed under a final decision is to be enforced against a defendant staying abroad, the penitentiary judge shall issue an international arrest warrant against him.

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	(3) The international arrest warrant and the final judgment shall be forwarded to the Minister. (4) The international arrest warrant shall also be transmitted to the police station having jurisdiction over the area in which the defendant has registered place of residence or, in lack of it, registered place of stay or, if he/she has none of the above, in which the seat of the court having issued the warrant is. (5) The scope of the international arrest warrant shall cover the territory of Hungary as well. (6) The international arrest warrant shall be revoked as soon as the reason for its issue has ceased to exist. The revocation order shall immediately be forwarded by the issuer to the Minister. The revocation order shall also be transmitted to the police station having jurisdiction over the area in which the defendant has registered place of residence or, in lack of it, registered place of stay or, if he has none of the above, in which the seat of the court having issued the warrant is. **Article 33 of the Act XXXVIII of 1996** Decision on the submission of the request for extradition shall be taken by the Minister; the Minister shall notify the court having issued the international arrest warrant of his decision.

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	Article 34 of the Act XXXVIII of 1996 (1) Where extradition is requested for the enforcement of a sentence of imprisonment, if cumulative sentence has been imposed and the Minister requests or the foreign state grants extradition for the enforcement of not the entire sentence period imposed for all the offences, the first instance court shall determine the portion of sentence corresponding to the offence for which extradition is requested by the Minister or granted by the foreign state. To these proceedings the Special procedure rules of the Act on Criminal Proceedings shall be applied mutatis mutandis to such proceeding (2) The portion of sentence under paragraph (1) shall be calculated on the basis of the proportion of the maximum penalties imposable for the offences for which the cumulative sentence has been imposed. (3) Where the sentence of imprisonment for which the Minister requests or the foreign state grants extradition has been consolidated into a single consolidated sentence, the term of imprisonment imposed in the original sentence for which extradition is requested or granted shall be enforced. Where in the original sentence cumulative sentence has been imposed paragraphs (1) and (2) shall be applicable mutatis mutandis. (4) If extradition is requested or granted for the enforcement of all the sentences of imprisonment consolidated into a single consolidated sentence, the term of imprisonment imposed in the single consolidated sentence shall be enforced.

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	Article 35 of the Act XXXVIII of 1996 Provisions of Article 24 (1), Article 27, Article 29 (2), Article 30 (1) and (4) may also be applied mutatis mutandis to requests for extradition submitted by foreign states. **Article 36 of the Act XXXVIII of 1996** If a request for extradition is granted, the period of detention served abroad shall be deducted from the period of the penalty imposed by the court.
Article 25 – General principles relating to mutual assistance 1 The Parties shall afford one another mutual assistance to the widest extent possible for the purpose of investigations or proceedings concerning criminal offences related to computer systems and data, or for the collection of evidence in electronic form of a criminal offence. 2 Each Party shall also adopt such legislative and other measures as may be necessary to carry out the obligations set forth in Articles 27 through 35. 3 Each Party may, in urgent circumstances, make requests for mutual assistance or communications related thereto by expedited means of communication, including fax or e-mail, to the extent that such means provide appropriate levels of security and authentication (including the use of encryption, where necessary), with formal confirmation to follow, where required by the requested Party. The requested Party shall accept and respond to the request by any such expedited means of communication. 4 Except as otherwise specifically provided in articles in this chapter, mutual assistance shall be subject to the conditions provided for by the law of the requested Party or by applicable mutual assistance treaties, including the grounds on which the requested Party may refuse co-operation. The requested Party shall not exercise the right to refuse mutual assistance in	In Hungary legal provisions for providing mutual legal assistance are laid down in domestic laws, bilateral and multilateral treaties. According to the Act XXXVIII of 1996, the Hungarian judicial authorities are able to cooperate without having any treaties, since the internal legislation allows cooperation on the basis of reciprocity, and even in the absence of it. Chapters I, V and VI of the Act XXXVIII of 1996 and Chapter IV of the Act CLXXX of 2012 provide the detailed rules of mutual legal assistance. **Chapter I of the Act XXXVIII of 1996 – General rules** **Article 1**

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relation to the offences referred to in Articles 2 through 11 solely on the ground that the request concerns an offence which it considers a fiscal offence. 5 Where, in accordance with the provisions of this chapter, the requested Party is permitted to make mutual assistance conditional upon the existence of dual criminality, that condition shall be deemed fulfilled, irrespective of whether its laws place the offence within the same category of offence or denominate the offence by the same terminology as the requesting Party, if the conduct underlying the offence for which assistance is sought is a criminal offence under its laws.	The purpose of this Act is to regulate cooperation with other states in criminal matters. **Article 2** (1) Requests for legal assistance shall not be executed nor issued if they impair the sovereignty, endanger the security, or violate the public order of Hungary. (2) Examination of the conditions set out in paragraph (1) shall fall within the competence of the minister responsible for justice (henceforth: the Minister) or the Prosecutor General. **Article 3** This Act shall be applicable unless otherwise provided for under an international treaty. **Article 4** (1) Forms of legal assistance in criminal matters shall be the following: a) extradition, b) surrender and acceptance of criminal proceedings, c) acceptance and surrender of the enforcement of sentences of

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	imprisonment and measures involving deprivation of liberty, d) acceptance and surrender of the enforcement of confiscation or forfeiture, or of a penalty or measure having equivalent effect (henceforth: confiscation or forfeiture), e) acceptance and surrender of the enforcement of rendering electronic data irreversibly inaccessible, or of a penalty or measure having equivalent effect (hereinafter: rendering electronic data irreversibly inaccessible) f) procedural legal assistance, g) laying of information before a foreign state. (2) Legal assistance in criminal matters shall be executed and issued by the Minister or the Prosecutor General. **Article 5** (1) Unless otherwise provided for under this Act, requests for legal assistance shall be executed or issued, if a) the act is punishable under both the law of Hungary and the law of the foreign state; b) legal assistance does not concern a political offence or a criminal offence connected with a political offence or a military offence. (2) For the purposes of paragraph (1) the act shall not be considered as a political offence if in the course of its commission – taking into account all the circumstances, including the purpose, motive, modus operandi

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	and the instrumentalities used or intended to be used of the criminal offence – the common criminal aspects of the criminal offence are predominant compared to the political ones. (3) The common criminal aspects of intentional homicide or of a criminal offence involving intentional homicide shall always be predominant compared to the political ones. **Article 6** (1) The Minister may request a statement of reciprocity from the foreign state and may, upon the initiative of the foreign state, make such a statement of reciprocity. (2) In lack of reciprocity decision on the execution of requests for mutual assistance shall be made by the Minister or the Prosecutor General, in agreement with the minister responsible for foreign affairs. (3) Surrender and acceptance of the enforcement of confiscation or forfeiture of assets shall be effected on the basis of an obligation undertaken in an international treaty or agreement. (4) If a request for legal assistance in criminal matters is issued by a foreign authority in respect of an act which constitutes a criminal offence under the law of its own state but constitutes only a regulatory offence under Hungarian law, the Central Authority shall notify the requesting foreign authority thereof. If in the statement given in reply to the

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	notification the foreign authority upholds the request for the execution of the mutual assistance the execution of the request shall be governed by the Act on regulatory offences. **Article 7** The Minister or the Prosecutor General may make the execution of requests for legal assistance subject to the provision of sufficient assurances; if the required assurances are not furnished, the Minister or the Prosecutor General shall refuse the execution of the request if there is reason to believe that the proceedings to be conducted in the foreign state, the penalty likely to be imposed, or the enforcement thereof are not consistent with the human rights protection provisions and principles of the Fundamental Law of Hungary or those of international law. **Article 8** The Minister or the Prosecutor General may undertake on behalf of Hungary to fulfill such conditions set by a foreign state for the execution of a Hungarian request for legal assistance which conditions may, under this Act, be set for the execution of a foreign request for legal assistance. In the interest of proper administration of justice the fulfilment of other reasonable conditions not violating the provisions of Article 2 may also be undertaken. Conditions set by the foreign state for the execution of a request for mutual assistance and undertaken by Hungary shall be fulfilled. **Article 9**

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	If the request for legal assistance is granted, no passport, visa, foreign exchange or customs regulations shall hamper the entry or departure of persons or the surrender and acceptance of articles. **Article 10** Unless otherwise provided for under this Act, the provisions of Criminal Code and the Act on Criminal Proceedings shall be applied mutatis mutandis to international legal assistance in criminal matters as well. **Chapter V of the Act XXXVIII of 1996 – Procedural legal assistance** **Title 1 – Procedural legal assistance to a foreign authority** **Article 61** (1) Upon the request of a foreign authority, the Hungarian authorities shall provide procedural legal assistance. (2) Procedural legal assistance may, in particular, include the conducting of investigative steps, the searching for means of evidence, the interrogation of defendants and witnesses, the hearing of experts, inspections, searches, body searches, seizure, rendering electronic data temporarily inaccessible, transfer through Hungary, forwarding of

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	documents and articles related to criminal proceedings as well as delivering of documents, provision of information from criminal records and records of criminal and law enforcement biometric data on personal and other data related to a Hungarian national under criminal proceedings in a foreign state and temporary surrender. **Article 62** A requests for procedural legal assistance may also be executed if the condition set out in Article 5 (1) a) is not fulfilled, provided that the Requested State ensures reciprocity in this respect as well. **Article 63** A request for delivering a document shall only be executed if the document to be delivered is written in Hungarian or is accompanied by a Hungarian translation. **Article 64** (1) While executing procedural legal assistance, Hungarian rules for criminal proceedings shall be applicable. Upon the request of the Requesting State, other procedural rules may also be applied provided that they are not incompatible with the principles of the Hungarian legal system.

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	(2) If so requested in the request for legal assistance, the Hungarian judicial authority executing the request shall, in due time, inform the acting foreign authority on the place and time of the fulfillment of the request. If the representative of the acting foreign authority desires to be present at the execution of the request, his/her attendance and the attendance of any other person participating in the criminal proceedings pending before the foreign authority and designated by that authority may be permitted by the court or the prosecutor executing the request. If in the course of the proceedings, the representative of the foreign authority being present at the execution asks for the recording of additional evidence by supplementing the original request, his/her request shall, as far as possible, be complied with. **Article 65** If the requesting authority desires the participation in the execution of the request of a person who is held in pre-trial detention or is serving a sentence of imprisonment in the state of the requesting authority, such a person may temporarily be taken over in order to execute the request; in Hungary he/she shall be held in custody and following the execution of the request he/she shall immediately be returned to the state of the requesting authority. **Article 66** If the person summoned by a foreign authority as a witness is held in pre-trial detention or is serving a sentence of imprisonment or a confinement in Hungary, the summoned person may temporarily be surrendered to the requesting authority if he/she gives consent to it, and

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	if it is ensured that he/she will be held in custody in the state of the requesting authority and will be returned after being heard. **Article 67** Forwarding of articles, original files and other original documents to the requesting authority upon request for legal assistance may be made subject to the condition that such items shall be returned in the same condition as they were at the time of forwarding. Forwarding of articles shall not affect ownership and other rights existing thereon. **Article 68** With a view to executing legal assistance in criminal matters between foreign states, the Minister may authorize the transfer, under the custody of the Hungarian police, through the territory of Hungary of non-Hungarian nationals or Hungarian nationals being simultaneously nationals of other states and being permanently or ordinarily resident abroad. **Article 69** (1) If air transfer with no intermediate stop is foreseen and an unscheduled landing takes place on the territory of Hungary, the person being transferred shall be held in custody by the Hungarian police.

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	(2) If transfer is to take place with a landing or by means other than air travel, in authorizing the transfer, all conditions pertaining to it shall be stipulated, especially border crossing points to be used. **Article 70** (1) Requests for procedural legal assistance shall be received by the Prosecutor General who shall – if the conditions set out for the execution of the legal assistance under this Act are fulfilled – make arrangements for forwarding the request to the public prosecutor assigned by him for executing the legal assistance. (2) If the foreign judicial authority expressly requests that the procedural legal assistance be executed by a court, or if under Hungarian law the procedural legal assistance can be executed by a court, the Prosecutor General shall forward the request for legal assistance to the Minister who shall send it for execution to the competent court. (3) Following the execution of the request, or if execution is prevented by unavertable obstacles, or if in the course of execution circumstances arise as a result of which execution of the request for procedural legal assistance becomes impossible under the provisions of this Act, the documents indicating the obstacles shall be transmitted by the public prosecutor to the Prosecutor General or by the court to the Minister. **Article 71**

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	The judicial authority having submitted the request for procedural legal assistance shall be notified of the execution of the request by the Prosecutor General or the Minister. The Prosecutor General or the Minister shall, by giving reasons, also notify the above authority if execution of legal assistance has not been possible or has been possible only partially. **Title 2 – Request to a foreign authority for procedural legal assistance** **Article 72** The provisions of Title 1 (Article 61-71 above) shall be applicable mutatis mutandis to requests for procedural legal assistance submitted to a foreign authority by a Hungarian court or public prosecutor. **Article 73** A request addressed to a foreign judicial authority shall, with a view to being communicated to the foreign authority, be forwarded by the court to the Minister, or by the public prosecutor to the Prosecutor General. **Article 74** (1) Except for the case specified under paragraph (2), criminal proceedings cannot be initiated or conducted against a witness or an

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	expert appearing from abroad upon the summon of a Hungarian authority acting in criminal matters due to procedural legal assistance, for an act committed prior to his/her entry into the country. (2) The immunity provided for under paragraph (1) shall cease when the witness or the expert, having had a period of eight days from the date when he/she could have left the country with the consent of the acting authority, but has nevertheless remained in the territory, or having left it, has returned voluntarily. **Article 75** If the person staying abroad fails to appear upon the summon of the Hungarian court or public prosecutor, the provisions of the Act on Criminal Proceedings governing failure to appear upon summons shall not be applicable. **Article 75/A** If there is no longer a reason for the execution of procedural legal assistance, the foreign authority shall be informed about it by the court through the minister responsible for justice, or by the public prosecutor through the Prosecutor General. **Chapter VI of the Act XXXVIII of 1996 – Rules on formalities and expenses**

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	Article 76 (1) Requests for mutual assistance in criminal matters shall be made in writing and transmitted through the diplomatic channel. The Minister or the Prosecutor General may also accept requests transmitted through non-diplomatic channels; as they themselves may also transmit requests in the same way. (2) Unless otherwise provided for under this Act, the request shall be supported by: a) name of the requesting judicial authority, b) subject matter of the request, c) a description of the offence pointing out essential elements forming the subject matter of the proceedings and the legal characterization of the offence, d) the personal particulars of the defendant or the sentenced person, including his/her nationality. (3) Where the request originates from a foreign state, the request and its annexes shall only be required to be accompanied with a translation into the Hungarian language if requests of identical nature submitted in the Hungarian language are not accepted by the Requested State. (4) Where the request is deficient to such an extent that no opinion can be formed as to its executability, or it cannot be executed properly, the Prosecutor General or the Minister shall invite the Requesting State to

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	supplement the request and to communicate the required additional data. Such invitation shall not prejudice the taking of an urgent measure requested by the foreign state if the measure can be taken on the basis of the request and is allowed under Hungarian law. Failure to supplement or properly supplement the request may serve as a ground for refusing its execution. **Article 79/A** (1) Requests of rendering electronic data temporarily inaccessible or irreversibly rendering electronic data inaccessible shall, in addition to the data specified under Article 76 (2), contain: a) data concerned with coercive measures or measures and their connection with criminal offences, b) the name and address of web hosting provider, its seat, its place of business and its branch office, c) other data identifying the source of electronic data, d) the time frame which is open to fulfil the request. (2) The decision ordered by the court or its official copy has to be attached to the request specified in paragraph (1). (3) In case of urgency the request specified in paragraph (1) – meeting the conditions set out in the relevant international treaty – may be submitted by the minister responsible for justice or the Prosecutor General

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	a) directly to the judicial authority of the Requested Party, b) through Interpol. (4) In cases specified in paragraph (3), simultaneously with submitting of request the minister responsible for justice or the Prosecutor General shall transmit the copy of document to the central authority of foreign state. **Article 80** (1) Requests for procedural assistance shall, in addition to the data specified under Article 76 (2), contain the data that may be necessary to the proper execution of the request. (2) The request shall be signed and sealed by the representative of the requesting judicial authority. (3) For requests for the service of documents it shall be sufficient to state the subject matter of the request, the name and address of the addressee, his status in the proceedings and the type of the document. (4) Requests for search, body search and seizure shall be accompanied by the document containing the authority's order or a certified copy thereof. In urgent cases such requests may be submitted through the Interpol as well.

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	Article 82 Where the foreign state demands that the request and its annexes be accompanied by a translation, or it is likely that in the absence of a translation of the documents the request for mutual assistance will not be executed, the public prosecutor or the court shall make arrangements for having the request and its annexes translated from the Hungarian language into the official language, or into one of the official languages of the Requested State. Where translation into this language would pose disproportionate difficulty or would incur disproportionate expenses the documents shall be translated into a lingua franca used in the Requested State. **Article 83** (1) Expenses arising from extradition or temporary surrender of persons [Article 29(2)], surrender of criminal proceedings, surrender of the enforcement of sentences of imprisonment or measures involving deprivation of liberty, temporary surrender and non-air transportation [Article 69 (2)] of persons under arrest or serving a sentence of imprisonment or confinement with a view to being heard as witnesses (Article 66) shall be borne by the Requesting Foreign State. Expenses arising from the transportation to Hungary for the same purposes of persons staying abroad, expenses arising from the application of Article 82 and – in case of acceptance of the enforcement of a sentence of imprisonment or a measure involving deprivation of liberty imposed by a foreign court (Chapter IV, Titles 1 and 3) – the costs of translation into Hungarian of the foreign documents transmitted by the foreign authority as well as the fee of the appointed defence counsel shall be considered

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	as expenses in criminal matters. (2) Further expenses arising from the provision of procedural assistance shall be borne by Hungary, provided that reciprocity is guaranteed in this respect as well. However, where the procedural assistance requested by the foreign authority incurs significant expenses, the execution of the request may be made subject to the condition that the expenses shall be reimbursed fully or in part. (3) If the public prosecutor or the court summons a witness or an expert from abroad within the framework of procedural assistance, advance money can be paid to cover their travel and accommodation costs in Hungary. **Chapter IV of the Act CLXXX of 2012 – Procedural legal assistance among Member States in criminal matters** **Article 35 – General rules** (1) Unless otherwise provided under this Act or in an international treaty, the Hungarian judicial authority may seek procedural legal assistance directly while cooperating with a Member State in a criminal matter once criminal proceedings have started. (2) Before criminal proceedings are brought, the provisions of the Act on international cooperation between law enforcement agencies shall govern the receipt, performance and presentation of requests seeking

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	procedural legal assistance on behalf of Member State and Hungarian law enforcement agencies. If prosecution begins during the execution of a request for legal assistance presented before criminal proceedings started, cooperation, other than the provision of information directly, shall continue in accordance with the provisions of this Act in the form of performing a request for procedural legal assistance. (3) The provisions of this chapter (Article 35-41) shall apply unless an international treaty provides otherwise. **Article 36** Procedural legal assistance includes the following forms in particular: a) the provision of information directly, spontaneous exchange of information b) return of property, c) temporary transfer of detained persons, d) hearings conducted via a dedicated short-range telecommunications network, e) hearings conducted by telephone, f) establishing a joint investigation team, g) using undercover investigators, h) using a cooperating person, i) controlled delivery,

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	j) covert data gathering subject to court approval. **Article 37** (1) Unless otherwise provided for under this Act, the Hungarian judicial authority with territorial competence for the location the property to be returned upon a request is located or where a person to be transferred temporarily to a foreign country is held in custody or the person to be interviewed resides on a permanent or habitual basis or where the person to be interviewed is held in custody shall have the competence to receive and perform a form of procedural legal assistance requested by a Member State judicial authority. (2) Subject to the provisions of an international treaty, the Hungarian judicial authority may receive requests for and seek procedural legal assistance directly from or at a Member State law enforcement agency, provided the internal laws of the Member State allow law enforcement agencies to participate in legal assistance relating to criminal matters. (3) A request for procedural legal assistance may not be performed or presented if it prejudices Hungary's sovereignty, threatens the security of or violates law and order in the country. (4) The competence to examine the conditions provided in paragraphs (2) and (3) rests with the Prosecutor General before indictment and the Minister after indictment.

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	Article 38 (1) A request shall be made in writing or, if necessary, by any other manner or means suitable for verifying the identity of the requesting party, including in particular telefax or IT systems. Requests presented the said way shall be treated as compliant. (2) If the Hungarian judicial authority has no power or competence to perform a request, it shall immediately forward the request to a Hungarian judicial authority that has the required power or competence. The Hungarian judicial authority that orders the forwarding of a request shall notify the Member State judicial authority and shall clearly identify the competent Hungarian judicial authority in the notification. **Article 39** (1) If the request cannot, or cannot fully be executed in accordance with the requirements set in the request, the Hungarian judicial authority shall immediately inform the Member State judicial authority and indicate the data that is needed to execute the request. If necessary, the Hungarian judicial authority notifies the Member State judicial authority directly using short-cuts to communicate the necessary data. (2) If in course of execution of a request circumstances arise as a result of which execution of the request for procedural legal assistance becomes impossible under the provisions of this Act, the documents indicating the obstacles shall be forwarded by the public prosecutor to the Prosecutor General, or by the Court to the Minister. The Prosecutor

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	General or the Minister shall notify the Member State judicial authority of the obstacle of execution. **Article 40** If a Member State judicial authority cannot, or cannot fully execute in accordance with the requirements set by the requesting Hungarian judicial authority, but the reasons for the request ceases, the Hungarian judicial authority shall make arrangements to comply with the terms and conditions the Member State judicial authority has specified. **Article 41** If a request for procedural legal assistance is performed, Hungarian passport regulations and the laws governing alien policy and exercise the right of recourse under tax and customs legislation shall not prevent foreign persons from entering or exiting the country nor property from being handed over or received. **Article 42 – Applicable rules of procedure** In course of execution of a request for procedural legal assistance, Hungarian judicial authorities shall apply the rules and technical methodology expressly requested and specified by the Member State judicial authority, provided that applying those is not contrary to fundamental principles of the Hungarian legal system

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	Article 43 The Hungarian judicial authority may request a Member State judicial authority to perform its request pursuant to the provisions of Hungarian laws and according to the technical method it specified in the request. **Article 44** When a person involved by the request for procedural legal assistance gives testimony as a witness or as an accused person, the provisions of Hungarian law and, if so requested, those of the law of the Member State governing interviews, the refusal to testify and the exemptions and obstacles relating to giving testimony shall also be applied. **Article 45** The provisions of this Chapter (Article 32-52) shall also apply to requests for procedural legal assistance presented in respect of criminal proceedings brought against legal entities. Unless otherwise concluded from the request, the prosecutor or court with territorial competence over the seat of the legal entity has the authority to perform requests by a Member State judicial authority for procedural legal assistance in respect of a legal entity. **Article 46 – Deadlines**

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	(1) Requests shall be performed taking as full account as possible of the deadline indicated in the request by the judicial authority of the requesting Member State. (2) If upon receiving a request it is forseeable that executing it by the deadline set therein is not possible, the Hungarian judicial authority shall immediately indicate the estimated time needed for execution of the request. The Member State judicial authority shall be asked whether the request is to be upheld nonetheless. **Article 47** (1) The Hungarian judicial authority shall explain the reason for the deadline set in its request. (2) If the contacted Member State judicial authority informs the Hungarian judicial authority that its request cannot be executed by the requested deadline, the Hungarian judicial authority shall immediately declare whether or not it upholds the request. **Article 48 – Delivery of official documents** (1) The Hungarian judicial authority dispatches official documents to a person resident (hereinafter referred to as an addressee) in another country as closed and sealed documents directly, by mail return receipt

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	requested. (2) If the addressee does not understand the Hungarian language, official documents shall be translated into the addressee's mother tongue or any other language identified as understood by the addressee, or - provided the Hungarian judicial authority understand none of those languages - then into the official language or one of the official languages of the Member State where the addressee is staying. Information on procedural rights and obligations shall be attached to the document in a language the addressee has command of. (3) An official document in respect of procedural legal assistance shall not be sent directly to an authority of the Member State where the addressee is staying unless a) the address of the addressee is unknown, b) it has not been possible to serve the document by post, or c) it is reasonable for considering that dispatch by post shall be ineffective. **Article 49 – Spontaneous exchange of information** (1) The Hungarian judicial authority may provide information directly to, or may for information directly from a Member State judicial authority about pending prosecution or finally terminated criminal proceedings (2) An investigative authority or a public prosecutor may ask Member State judicial authorities or law enforcement agencies to provide

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	information directly in respect of in relation to criminal proceedings to help establish the identity and habitual residence of persons suspected of having committed a criminal offence or to prevent such persons from hiding, completing an offence or perpetrating another offence or in other case of urgency, and may also furnish such authorities and bodies directly with such information. Investigative authorities shall notify the public prosecutor immediately of the provision of information and the contents thereof. **Article 50** (1) If the request for information referred to in Article 49 (2) fails or is not expected to succeed, the investigative authority or the prosecutor may contact the competent law enforcement agency or judicial authority of a Member State using the form shown in Annex 3 to submit or apply for information. If the application/request for information is submitted by an investigative authority, it shall immediately notify the prosecutor of the fact and the content of the application. (2) To promote the performance of their requests, investigative authorities or prosecutors shall set a deadline of fourteen days for Member State law enforcement agencies and judicial authorities. (3) If a request for information is made in request of the criminal offences specified in Annex 1, the investigative authority or the prosecutor may, in order to facilitate the performance of requests for information, set a) a deadline of seven days,

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	b) a deadline of eight hours for urgent requests. **Article 51** (1) If a request for information submitted using the form laid down/in Annex 3 is received from a Member State law enforcement agency or judicial authority in respect of the data defined in Article 49 (2), the responding investigative authority or prosecutor shall provide the available information. (2) The information referred to in paragraph (1) shall be provided using the form presented in Annex 4. If data concerning the requested information are provided by an investigative authority, it shall notify the prosecutor immediately of that fact and of the content provided. (3) Investigative authorities or prosecutors shall perform requests for information within fourteen days of receipt. (4) If a request for information in respect to any of the criminal offence types specified in Annex 1, and the investigative authority or the prosecutor has direct access to the requested information, the investigative authority or the prosecutor shall perform a) ordinary requests within the period of seven days, and b) in case of urgency within eight hours. (5) When executing a request for information as referred to in paragraph

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	(4) b) turns out to be disproportionate, investigative authorities or prosecutors may postpone fulfillment by for three days. The requesting authority shall be notified immediately of the postponement and the requested authority shall explain grounds for the reasons for the delay by completing the relevant Article of the form shown in Annex 4. (6) If a request cannot be executed by the deadline set in paragraphs (3)-(4), the investigative authority or the prosecutor shall immediately notify the requesting authority thereof the and shall explain the reasons for the delay by completing the relevant Article of the form shown in Annex 4. (7) Execution of requests for information shall be rejected by investigative authorities or public prosecutors, if a) execution aa) may threaten fundamental national security interests of Hungary, or ab) jeopardizes pending investigations or performing law enforcement or crime prevention duties or the safety of any person, or b) the requested information ba) is related in terms of its significance disproportionately to the purpose defined in the request, or is irrelevant from the perspective of the purpose, bb) is only accessible pursuant to a separate permission, which is not available, or bc) may only be disclosed with the approval of a third country, and such approval is not available.

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	(8) The execution of a request may be rejected when it pertains to a criminal offence punishable with imprisonment for less than a year. **Article 52** (1)In view to help localizing and identifying income and other assets relating to criminal offences, the investigative authority specified in a separate legal regulation may request information directly from and may provide information directly to Member State public administrative, law enforcement and judicial authorities competent to carry out such tasks. (2) Requests for information submitted and information disclosed by the investigative authority specified in a separate legal regulation the provisions of Articles 50 and 51 with the deviation that requests submitted using the form shown in Annex 3 shall also specify known data relating to the property involved in and the natural persons or legal personalities affected by the request shall be applicable mutatis mutandis.. The investigative authority specified in a separate legal regulation shall notify the prosecutor of the request and the content covered. (3) If it is reasonable to assume that facts or data the investigative authority specified in a separate legal regulation comes to possess would be necessary for the appointed Member State authority to perform its duty to help localize and identify income from and other assets relating to criminal offences, the investigative authority may provide information about the data or facts it possesses without the request specified in paragraph (1).

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	Article 53 – Restitution (1) Upon request of a Member State judicial authority, the Hungarian judicial authority may hand over property involved in a criminal offence with view to their being returned by the requesting judicial authority to their rightful owner. Such a request can only be fulfilled if the requesting Member State judicial authority verifies the rightful title of the affected person beyond doubt in the decision on which its request is based or in an attached document. (2) The Hungarian judicial authority orders to seize the property to be handed over pursuant to a request and, if necessary, issue a search warrant to find property the location of which is unknown. (3) Handing over property shall be without prejudice the rights of the bona fide third parties acting in good faith, nor may it jeopardize the success of pending prosecution in the territory of Hungary. (4) If property to be handed over pursuant to a request is needed in criminal proceedings pending in Hungary, the Hungarian judicial authority postpones the handover of the property until criminal proceedings are finally terminated or until seizure is lifted and shall immediately notify the requesting Member State judicial authority thereof. (5) The Hungarian judicial authority may contact a Member State judicial authority directly to arrange the handover of an article which has been

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	the object of an offence, provided that an application for the return of such an article has been filed with the Hungarian judicial authority by a person who certified beyond doubt his/her rightful title to the property. The application shall be enclosed with the request sent to the Member State judicial authority. **Article 54 – Temporary transfer of detained persons** (1) If a Member State judicial authority has issued a request in view to carry out a procedural measure in the territory of Hungary and for that procedural measure the presence of a person held in custody in its own territory is required then, such person may be transferred temporarily to the territory of Hungary provided that there is an agreement based on the individual case. (2) Persons transferred temporarily shall also be held in custody in the territory of Hungary in accordance with Hungarian prison administration regulations. (3) If the Hungarian judicial authority has issued a request in view to carry out a procedural measure which requires the presence of a person detained in the territory of Hungary, such person may be transferred temporarily pursuant to an agreement based on the individual case to the territory of the Member State where the procedural measure should be carried out. (4) Agreements referred to in paragraph (3) shall be concluded by the Prosecutor General in case of such a person who is being held in pre-

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	trial detention and there has not as yet issued an indictment against him/her. The said agreement shall be concluded of by the Minister in case of the temporary transfer of such a person who has already been indicted or is serving a sentence of imprisonment or confinement or is subject of a measure involving deprivation of liberty. Agreements shall cover the details of the provisional transfer and the deadline by which the transferred person shall be returned to the territory of the requesting Member State or Hungary. (5) Consent to the temporary transfer is required the express consent from the person concerned. A document containing the consenting statement made by a person detained in the territory of Hungary and a translation shall be enclosed with each transfer request. (6) The execution of coercive measures, prison sentences, detention or a measure involving the deprivation of liberty issued under Hungary law shall be deemed uninterrupted when a detained person is held in custody in a Member State. **Article 55 – Hearings via a closed-circuit telecommunication network** (1) Fulfilling requests submitted by a Member State judicial authority to interview a witness, an expert or an accused person (the latter on the basis of a relevant express consent) via a closed-circuit telecommunications network shall fall within court competence (2) Courts may request a Member State judicial authority directly to

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	interview a witness via a dedicated telecommunications network, provided the person involved cannot appear personally in the territory of Hungary. **Article 56- Hearings via telephone** (1) If a Member State judicial authority submits a request to the Hungarian judicial authority seeking to hear a witness, an expert witness, the latter on the basis of a relevant express consent, via telephone, to such a hearing provisions of hearings via dedicated short-range telecommunications network, shall be applied mutatis mutandis, provided that a public prosecutor may also fulfill requests of this nature. (2) No request for legal assistance in the form of a hearing via telephone shall be rejected on the basis the Act on Criminal Proceedings disallows the application of this legal instrument. **Article 57 - Setting up a joint investigation team** (1) Acting upon a permission granted by the Prosecutor General, prosecutors and Member State judicial or investigative authorities may make arrangements for setting up a joint investigation team, whenever a) a Member State's pending criminal investigations to criminal offences having links to other Members States have turned out to be particularly difficult b) a number of Member States are conducting investigations into the same offence(s) in which therefore coordination of the investigations is

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	necessitated. (2) A criminal offence is considered to have links to several Member States particularly in case if a) it is perpetrated in several Member States; b) it is perpetrated in a single Member State, but major elements of the preparation for, the control of and the related acts by accomplices are performed in another Member State; c) it is perpetrated in a single Member State, but the offence is found to involve a criminal organization active in the commission of criminal offences in more than one country; d) it is perpetrated in a Member State, but it also violates or threatens the order of the economy of another member State (3) The Prosecutor General or a prosecutor appointed by the Prosecutor General shall agree with the judicial or investigative authorities of the Member States involved (with due regard to the degree of involvement) on the Member State in whose territory the joint investigation team should operate. **Article 58** (1) Joint investigation teams shall be set up pursuant to agreements based on the individual case and concluded by the Prosecutor General, or a prosecutor appointed by the Prosecutor General, and by the Member State judicial or investigative authorities.

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	(2) The agreement referred to in paragraph (1) covers particularly: a) a description of the criminal offence which shall be investigated upon by the joint investigation team set up for the purpose, b) the area of operations, c) members of the joint investigation team, d) head of the joint investigation team, e) the term of operations and the conditions of extension, f) the rights and obligations of members of the joint investigation teams acting in another Member State, g) the conditions of operation, h) covering the operating costs, i) information on the civil liability for damages caused by a member of the joint investigation team in course of an operation carried out in another Member State. **Article 59** Joint investigation teams operating in the territory of Hungary are directed by a public prosecutor, the head of the investigative authority or a member of the investigative authority appointed by the head of the investigative authority. If a joint investigation team is directed by the head or a member of the investigative authority, the director shall report regularly to a public prosecutor about the operations of the joint investigation team and shall give advance notification about future

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	investigative measures. **Article 60** (1) Members of a Member State investigative authority acting in the territory of Hungary may: a) as provided for under the Act on International Cooperation Among Law Enforcement Agencies, use restraints and may furthermore carry their service firearms, which they may only use, however, in situations of legitimate self-defence and in distress; but they may not apply other restraints specified in the regulations applicable to the activities of Hungarian law enforcement agencies; b) arrest a person caught in the act of perpetrating an offence, may restrain the person to stay at the location of the arrest, and shall immediately transfer the arrested person to the Hungarian investigative authority; but may not apply other measures specified in the regulations applicable to the activities of Hungarian law enforcement agencies. (2) Members of a Member State judicial or investigative authority acting in the territory of Hungary may, to the degree necessary for accomplishing the mission of the joint investigation team a) interview witnesses or accused persons in accordance with the laws of their own state and in the official language of that Member State (referred to provisions of Article 44), and may record such interviews in a protocol, a copy of which shall be attached to the documents of the proceedings along with a translation, b) be present during investigation measures, may record such measures in a protocol in compliance with the laws of their state and in

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	the official language of that Member State, a copy of which shall be attached to the documents of the proceedings along with a translation, c) participate in controlled deliveries as a covered investigator. (3) If members of a Member State judicial or investigative authority acting in the territory of Hungary use the official language of the Member State in the cases referred to in paragraph (2) a) and b), the Hungarian judicial or investigative authority shall, if necessary, commission an interpreter. The costs arising from the use of the official language of a Member State shall be borne by the requesting Member State. (4) The shall inform the Members of Member State judicial or investigative authorities shall be informed by the Hungarian leader of the joint investigation team on the conditions under which measures referred to in paragraphs (1) and (2) may be applied. (5) Members of Member State judicial or investigative authorities shall follow the instructions given by the Hungarian leader of the joint investigation team in course of fulfilling procedural legal assistance. (6) When a member of a Member State judicial or investigative authority commits an act punishable under Hungarian law, the public prosecutor or the Hungarian leader of the joint investigation team shall immediately notify the Member State judicial or investigative authority thereof. **Article 61**

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	(1)To the rights and obligations of members of Eurojust, including the national member of it, as well as to members of a joint investigation teams proposed by the European Police Office (hereinafter: Europol) provisions provided for under this Act shall be applied. Europol representatives may participate in joint investigation teams, but may not apply coercive measures defined in the Act on Criminal Proceedings tor the restraint measure specified in the Act on Police (hereinafter: Police Act). (2) All joint investigation teams set up in agreement with a foreign agency pursuant to a cooperation agreement concluded with a Member State or Europol to carry out operations in Hungary may initiate with NEBEK to request data or other technical advice from Europol within the scope approved for them. (3) All data arising from the operations of the joint investigation team defined in paragraph (1) shall be forwarded to Europol via NEBEK. **Article 62 – Provisions concerning Europol representatives carrying out assignments in the territory of Hungary** (1) Europol representatives participating in joint investigation teams operating in the territory of Hungary shall be liable under Hungarian law for damages caused in course of their operation in the territory of Hungary. Damages of this nature shall be made good to the victims or persons on their behalf by the investigative authority participating in the joint investigation team or by the police if the joint investigation team is composed of several investigative authorities. Europol reimburses in full

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	any sums the investigative authority has paid due to damages referred to in this paragraph s to the victims or persons on their behalf. (2) The service relationship of a Europol representative participating in a joint investigation team operating in the territory of Hungary, particularly his/her disciplinary liability shall be governed by the laws of the Member State where the representative's original venue of service is located. **Article 63 – Using undercover investigators** (1) If it becomes necessary to engage undercover investigators from a Member State in the territory of Hungary or Hungarian undercover investigators in the territory of another Member State to ensure the success of criminal proceedings carried out by a Member State judicial or investigative authority, undercover investigators from a Member State may be engaged in Hungary and Hungarian undercover investigators may be used in another Member State upon the request of a Member State judicial or investigative authority. (2) If it becomes necessary to engage an undercover investigator in the territory of another Member State or a Member State undercover investigator in the territory of Hungary to ensure the success of criminal proceedings carried out in the territory of Hungary, the initial steps to do so shall be taken by the Prosecutor General contacting the Member State judicial or investigative authority. **Article 64**

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	(1) Undercover investigators may be employed under an agreement concluded on an individual case between the Prosecutor General and the Member State judicial or investigative authority. (2) The agreement referred to in paragraph (1) covers in particular: a) the period for which undercover investigators are engaged, b) the terms of engagement, c) the rights and obligations of undercover investigators, d) the measure to be taken if an undercover investigator is uncovered, e) information on the liability for damages caused by the undercover investigator in course of carrying out his /her operations (3) Article 60 shall be applicable mutatis mutandis, if an undercover investigator operates in the territory of Hungary. **Article 65 - Using a cooperating person** (1) Members of a joint investigation team operating in the territory of Hungary may use persons cooperating with a Member State authority in the territory of Hungary. (2) Hungarian members acting in joint investigation teams operating in a Member State may use a person cooperating with a public prosecutor or an investigative authority, provided that such a person and the data

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	provided by that person are subjects protection, which ensures at least equivalent protection required pursuant to Hungarian law. **Article 66 – Controlled delivery** (1)In the course of pending prosecutions controlled delivery can be carried out in the territory of Hungary pursuant to the agreement concluded on the individual case between the public prosecutor or the investigative authority and a Member State authority upon the initiative of the latter. (2) Single controlled delivery agreements shall cover provisions for: a) the content of the consignment, its expected route and duration, the method of transportation, and data suitable for identifying the vehicle used for delivery, b) the person in charge of controlled delivery, c) the method of maintaining contact between the parties involved, d) the method of escorting, e) the number of persons involved in escorting, f) the circumstances of handing over and receiving the consignment, g) the measures to be taken in the case of arrest, h) the measures to be taken upon unexpected events. (3) The public prosecutor or investigative authority with jurisdiction and territorial competence shall have the power to direct controlled delivery

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	operations conducted in the territory of Hungary. (4) Members of a Member State authority may also participate in escorting a controlled delivery – pursuant to the agreement referred to in paragraph (1). Undercover investigators need a permission of the Prosecutor General to participate in escorting a controlled delivery. **Article 67** The Hungarian law enforcement agency with competence to direct and supervise controlled delivery operations in the territory of Hungary in view to inform the Hungarian member of Eurojust shall provide the data to the public prosecutor about controlled delivery operations involving at least three countries, including no less than two Member States. The data referred to in sentence 1 are the following: a) the involved Member States and competent authorities , b) identification data of prosecuted persons, groups or organizations, c) type of delivery, d) specification of the offence related to the controlled delivery operation. **Article 68 – Covert data gathering subject to judicial permit** (1) In course of a pending prosecution, public prosecutors and investigative authorities may engage in covert data gathering subject to a judicial permit t (hereinafter: covert data gathering) pursuant to a

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	request received from a Member State judicial or investigative authority. (2)Upon receiving a request for engaging in covert data gathering, the investigative authority shall promptly notify the public prosecutor thereof. (3) A request referred to in paragraph (1) may be fulfilled if the Member State judicial or investigative authority holds a permit issued under the laws of its own state and the public prosecutor or investigative authority engaging in covert data gathering has obtained the court approval specified under the Act on Criminal Proceedings. (4) When a request referred to in paragraph (1) is to be fulfilled, approval for covert data gathering is granted by a judge appointed for this purpose by the President of the Budapest Metropolitan Court. (5) The investigative authority shall provide continuous updates to the prosecutor about the operation involving covert data gathering and shall send a report to the prosecutor about performing that operation. (6) Prosecutors may only submit a request for covert data gathering as defined in the Act on Criminal Proceedings to a Member State judicial or investigative authority provided that a court approval required under Hungarian law has been granted. **Article 69**

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	Requests to learn or to record communication transmitted by electronic communications services and data transmitted by IT equipment or systems may, in addition to the provisions referred to in Article 68 (3), be fulfilled provided that the person subject to covert data gathering is located in the territory of Hungary learning or recording the communication or data requires the cooperation of an electronic communications service provider operating in the territory of Hungary or the technical equipment necessary for doing so is located in the territory Hungary, even if the person subject to covert data gathering is staying in a third country. **Article 70** (1) Requests for covert information data submitted by a public prosecutor to a Member State judicial or investigative authority shall contain, in particular: a) the name of the public prosecutor or investigative authority conducting the investigation, the respective date of investigation was ordered and its case number, b) planned location of covert data gathering, c) the name of or data suitable for identifying the person subject to covert data gathering, and a description of the equipment and method of covert data gathering to be applied in respect of that person, d) the time at which the operation is planned to start and end, expressed in calendar days and hours, e) a detailed description of how the terms and conditions laid down in the Act on Criminal Proceedings for covert data gathering are met, including particularly a classification of the criminal offence on which

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	the pending prosecution is based, f) certification that covert data gathering has been approved in respect of the pending prosecution as required under Hungarian law, g) additional technical and administrative data indispensable for performing covert data gathering. (2) Requests submitted by a public prosecutor to learn or to record communication transmitted by electronic communications services and data transmitted by or stored in IT equipment or systems to a Member State judicial or investigative authority shall, in addition to the data set forth in paragraph (1), specify: a) a description of the electronic communications service, IT equipment, system or method affected by covert data gathering, b) the data to be forwarded, c) the period of covert data gathering. (3) Requests for performing covert data gathering submitted by a Member State judicial or may only be fulfilled, if the request contains the data referred to in paragraphs (1) and (2). (4) If the person subject to a request to learn know or to record communication transmitted by electronic communications services and data transmitted by or stored in IT equipment or systems is not located in the territory of Hungary, but the cooperation of Hungarian authorities is needed to get to know or to record communication or the data, or to record and forward complementary and accompanying data relating to the electronic communications service involved, the request shall, in addition to the data referred to in paragraphs (1) and (2), contain a brief

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	description of the specifics of the case. **Article 71** (1) The data observed or recorded pursuant to a request referred to in Article 68 (1) shall be forwarded by the public prosecutor to the requesting Member State authority. (2) Pursuant to a request for covert data gathering, a public prosecutor or the investigative authority may, in addition to the measures provided in paragraph (1), shall make arrangements to a) redirect communication transmitted by electronic communications services and data transmitted by or stored in IT equipment or systems to the equipment of the requesting Member State authority (direct transmission), b) record and forward accompanying and complementary data, c) provide technical assistance to covert data gathering conducted in another Member State maintaining the same level of classification.
Article 26 – Spontaneous information 1 A Party may, within the limits of its domestic law and without prior request, forward to another Party information obtained within the framework of its own investigations when it considers that the disclosure of such information might assist the receiving Party in initiating or carrying out investigations or proceedings concerning criminal offences established in accordance with this Convention or might lead to a request for co-operation by that Party under this chapter. 2 Prior to providing such information, the providing Party may request that it be kept confidential or only used subject to conditions. If the receiving Party cannot comply with such request, it shall notify the providing Party, which	***It is an optional provision.***

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shall then determine whether the information should nevertheless be provided. If the receiving Party accepts the information subject to the conditions, it shall be bound by them.	
Article 27 – Procedures pertaining to mutual assistance requests in the absence of applicable international agreements 1 Where there is no mutual assistance treaty or arrangement on the basis of uniform or reciprocal legislation in force between the requesting and requested Parties, the provisions of paragraphs 2 through 9 of this article shall apply. The provisions of this article shall not apply where such treaty, arrangement or legislation exists, unless the Parties concerned agree to apply any or all of the remainder of this article in lieu thereof. 2 a Each Party shall designate a central authority or authorities responsible for sending and answering requests for mutual assistance, the execution of such requests or their transmission to the authorities competent for their execution. b The central authorities shall communicate directly with each other; c Each Party shall, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, communicate to the Secretary General of the Council of Europe the names and addresses of the authorities designated in pursuance of this paragraph; d The Secretary General of the Council of Europe shall set up and keep updated a register of central authorities designated by the Parties. Each Party shall ensure that the details held on the register are correct at all times. 3 Mutual assistance requests under this article shall be executed in accordance with the procedures specified by the requesting Party, except where incompatible with the law of the requested Party. 4 The requested Party may, in addition to the grounds for refusal established in Article 25, paragraph 4, refuse assistance if: a the request concerns an offence which the requested Party considers a political offence or an offence connected with a political offence, or b it considers that execution of the request is likely to prejudice its sovereignty, security, *ordre public* or other essential interests. 5 The requested Party may postpone action on a request if such action would prejudice criminal investigations or proceedings conducted by its authorities.	In Hungary legal provisions for providing mutual legal assistance are laid down in domestic laws, bilateral and multilateral treaties. According to the Act XXXVIII of 1996, the Hungarian judicial authorities are able to cooperate without having any treaties, since the internal legislation allows cooperation on the basis of reciprocity, and even in the absence of it. Chapters I, V and VI of the Act XXXVIII of 1996 and Chapter IV of the Act CLXXX of 2012 provide the rules of mutual legal assistance. Please see above the detailed rules. Reservations and Declarations of Hungary for Treaty No.185 – Convention on Cybercrime: 1. In accordance with Article 27 paragraph (2) a) and c), Hungary communicates that, regarding requests delivered before starting the criminal proceedings, the designated central authority is the International Criminal Cooperation Centre (NEBEK). Regarding requests delivered after starting the criminal proceedings, the designated central authority is the Public Prosecutor's Office of Hungary.

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6 Before refusing or postponing assistance, the requested Party shall, where appropriate after having consulted with the requesting Party, consider whether the request may be granted partially or subject to such conditions as it deems necessary. 7 The requested Party shall promptly inform the requesting Party of the outcome of the execution of a request for assistance. Reasons shall be given for any refusal or postponement of the request. The requested Party shall also inform the requesting Party of any reasons that render impossible the execution of the request or are likely to delay it significantly. 8 The requesting Party may request that the requested Party keep confidential the fact of any request made under this chapter as well as its subject, except to the extent necessary for its execution. If the requested Party cannot comply with the request for confidentiality, it shall promptly inform the requesting Party, which shall then determine whether the request should nevertheless be executed. 9 a In the event of urgency, requests for mutual assistance or communications related thereto may be sent directly by judicial authorities of the requesting Party to such authorities of the requested Party. In any such cases, a copy shall be sent at the same time to the central authority of the requested Party through the central authority of the requesting Party. b Any request or communication under this paragraph may be made through the International Criminal Police Organisation (Interpol). c Where a request is made pursuant to sub-paragraph a. of this article and the authority is not competent to deal with the request, it shall refer the request to the competent national authority and inform directly the requesting Party that it has done so. d Requests or communications made under this paragraph that do not involve coercive action may be directly transmitted by the competent authorities of the requesting Party to the competent authorities of the requested Party. e Each Party may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, inform the Secretary General of the Council of Europe that, for reasons of efficiency, requests made under this paragraph are to be addressed to its central authority.	2. In accordance with Article 27 paragraph (9) e), Hungary informs that, for reasons of efficiency, requests made under this paragraph are to be addressed to its central authority, due to practical reasons.
Article 28 – Confidentiality and limitation on use	In Hungary legal provisions for providing mutual legal assistance are

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1 When there is no mutual assistance treaty or arrangement on the basis of uniform or reciprocal legislation in force between the requesting and the requested Parties, the provisions of this article shall apply. The provisions of this article shall not apply where such treaty, arrangement or legislation exists, unless the Parties concerned agree to apply any or all of the remainder of this article in lieu thereof. 2 The requested Party may make the supply of information or material in response to a request dependent on the condition that it is: a kept confidential where the request for mutual legal assistance could not be complied with in the absence of such condition, or b not used for investigations or proceedings other than those stated in the request. 3 If the requesting Party cannot comply with a condition referred to in paragraph 2, it shall promptly inform the other Party, which shall then determine whether the information should nevertheless be provided. When the requesting Party accepts the condition, it shall be bound by it. 4 Any Party that supplies information or material subject to a condition referred to in paragraph 2 may require the other Party to explain, in relation to that condition, the use made of such information or material.	laid down in domestic laws, bilateral and multilateral treaties. According to the Act XXXVIII of 1996, the Hungarian judicial authorities are able to cooperate without having any treaties, since the internal legislation allows cooperation on the basis of reciprocity, and even in the absence of it. Chapters I, V and VI of the Act XXXVIII of 1996 and Chapter IV of the Act CLXXX of 2012 provide the rules of mutual legal assistance. Please see above the detailed rules.
Article 29 – Expedited preservation of stored computer data 1 A Party may request another Party to order or otherwise obtain the expeditious preservation of data stored by means of a computer system, located within the territory of that other Party and in respect of which the requesting Party intends to submit a request for mutual assistance for the search or similar access, seizure or similar securing, or disclosure of the data. 2 A request for preservation made under paragraph 1 shall specify: a the authority seeking the preservation; b the offence that is the subject of a criminal investigation or proceedings and a brief summary of the related facts; c the stored computer data to be preserved and its relationship to the offence; d any available information identifying the custodian of the stored computer data or the location of the computer system; e the necessity of the preservation; and f that the Party intends to submit a request for mutual assistance	Chapters I, V and VI of the Act XXXVIII of 1996 and Chapter IV of the Act CLXXX of 2012 provide the rules of mutual legal assistance. Please see above the detailed rules.

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for the search or similar access, seizure or similar securing, or disclosure of the stored computer data. 3 Upon receiving the request from another Party, the requested Party shall take all appropriate measures to preserve expeditiously the specified data in accordance with its domestic law. For the purposes of responding to a request, dual criminality shall not be required as a condition to providing such preservation. 4 A Party that requires dual criminality as a condition for responding to a request for mutual assistance for the search or similar access, seizure or similar securing, or disclosure of stored data may, in respect of offences other than those established in accordance with Articles 2 through 11 of this Convention, reserve the right to refuse the request for preservation under this article in cases where it has reasons to believe that at the time of disclosure the condition of dual criminality cannot be fulfilled. 5 In addition, a request for preservation may only be refused if: a the request concerns an offence which the requested Party considers a political offence or an offence connected with a political offence, or b the requested Party considers that execution of the request is likely to prejudice its sovereignty, security, *ordre public* or other essential interests. 6 Where the requested Party believes that preservation will not ensure the future availability of the data or will threaten the confidentiality of or otherwise prejudice the requesting Party's investigation, it shall promptly so inform the requesting Party, which shall then determine whether the request should nevertheless be executed. 4 Any preservation effected in response to the request referred to in paragraph 1 shall be for a period not less than sixty days, in order to enable the requesting Party to submit a request for the search or similar access, seizure or similar securing, or disclosure of the data. Following the receipt of such a request, the data shall continue to be preserved pending a decision on that request.	
Article 30 – Expedited disclosure of preserved traffic data 1 Where, in the course of the execution of a request made pursuant to Article 29 to preserve traffic data concerning a specific communication, the requested Party discovers that a service provider in another State was	Chapters I, V and VI of the Act XXXVIII of 1996 and Chapter IV of the Act CLXXX of 2012 provide the rules of mutual legal assistance. Please see above the detailed rules.

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involved in the transmission of the communication, the requested Party shall expeditiously disclose to the requesting Party a sufficient amount of traffic data to identify that service provider and the path through which the communication was transmitted. 2 Disclosure of traffic data under paragraph 1 may only be withheld if: a the request concerns an offence which the requested Party considers a political offence or an offence connected with a political offence; or b the requested Party considers that execution of the request is likely to prejudice its sovereignty, security, *ordre public* or other essential interests.	
Article 31 – Mutual assistance regarding accessing of stored computer data 1 A Party may request another Party to search or similarly access, seize or similarly secure, and disclose data stored by means of a computer system located within the territory of the requested Party, including data that has been preserved pursuant to Article 29. 2 The requested Party shall respond to the request through the application of international instruments, arrangements and laws referred to in Article 23, and in accordance with other relevant provisions of this chapter. 3 The request shall be responded to on an expedited basis where: a there are grounds to believe that relevant data is particularly vulnerable to loss or modification; or b the instruments, arrangements and laws referred to in paragraph 2 otherwise provide for expedited co-operation.	Chapters I, V and VI of the Act XXXVIII of 1996 and Chapter IV of the Act CLXXX of 2012 provide the rules of mutual legal assistance. Please see above the detailed rules.
Article 32 – Trans-border access to stored computer data with consent or where publicly available A Party may, without the authorisation of another Party: a access publicly available (open source) stored computer data, regardless of where the data is located geographically; or b access or receive, through a computer system in its territory, stored computer data located in another Party, if the Party obtains the lawful and voluntary consent of the person who has the lawful authority to disclose the data to the Party through that computer system.	Chapters I, V and VI of the Act XXXVIII of 1996 and Chapter IV of the Act CLXXX of 2012 provide the rules of mutual legal assistance. Please see above the detailed rules.
Article 33 – Mutual assistance in the real-time collection of traffic data	Chapters I, V and VI of the Act XXXVIII of 1996 and Chapter IV of the Act CLXXX of 2012 provide the rules of mutual legal assistance. Please

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1 The Parties shall provide mutual assistance to each other in the real-time collection of traffic data associated with specified communications in their territory transmitted by means of a computer system. Subject to the provisions of paragraph 2, this assistance shall be governed by the conditions and procedures provided for under domestic law. 2 Each Party shall provide such assistance at least with respect to criminal offences for which real-time collection of traffic data would be available in a similar domestic case.	see above the detailed rules.
Article 34 – Mutual assistance regarding the interception of content data The Parties shall provide mutual assistance to each other in the real-time collection or recording of content data of specified communications transmitted by means of a computer system to the extent permitted under their applicable treaties and domestic laws.	Chapters I, V and VI of the Act XXXVIII of 1996 and Chapter IV of the Act CLXXX of 2012 provide the rules of mutual legal assistance. Please see above the detailed rules.
Article 35 – 24/7 Network 1 Each Party shall designate a point of contact available on a twenty-four hour, seven-day-a-week basis, in order to ensure the provision of immediate assistance for the purpose of investigations or proceedings concerning criminal offences related to computer systems and data, or for the collection of evidence in electronic form of a criminal offence. Such assistance shall include facilitating, or, if permitted by its domestic law and practice, directly carrying out the following measures: a the provision of technical advice; b the preservation of data pursuant to Articles 29 and 30; c the collection of evidence, the provision of legal information, and locating of suspects. 2 a A Party's point of contact shall have the capacity to carry out communications with the point of contact of another Party on an expedited basis. b If the point of contact designated by a Party is not part of that Party's authority or authorities responsible for international mutual assistance or extradition, the point of contact shall ensure that it is able to co-ordinate with such authority or authorities on an expedited basis.	Reservations and Declarations of Hungary for Treaty No.185 - Convention on Cybercrime: In accordance with Article 35, Hungary communicates that the designated point of contact available on a twenty-four hour, seven-day-a-week basis is the International Criminal Cooperation Centre (NEBEK).

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3 Each Party shall ensure that trained and equipped personnel are available, in order to facilitate the operation of the network.	
Article 42 – Reservations By a written notification addressed to the Secretary General of the Council of Europe, any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, declare that it avails itself of the reservation(s) provided for in Article 4, paragraph 2, Article 6, paragraph 3, Article 9, paragraph 4, Article 10, paragraph 3, Article 11, paragraph 3, Article 14, paragraph 3, Article 22, paragraph 2, Article 29, paragraph 4, and Article 41, paragraph 1. No other reservation may be made.	Reservations and Declarations of Hungary for Treaty No.185 - Convention on Cybercrime: In accordance with Article 9 (4), Hungary reserves the right not to apply Article 9 (2) b).

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