



## PROFILES ON COUNTER-TERRORISM CAPACITY

# HUNGARY

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### NATIONAL POLICY

Hungary condemns terrorism in all its forms and shares the view that international terrorism is one of the most complex security threats. Aware of the great concern caused by the increase in terrorist offences and the growing terrorist threat, Hungary underlines the importance of effective multilateral co-operation to combat international terrorism and participates keenly in the work against terrorism within the framework of the UN, the EU and the Council of Europe as well as of other international organizations, such as NATO or the OSCE.

Hungary is of the opinion that multilateral cooperation to combat international terrorism plays an important part in the protection of human rights and the strengthening of democracy. Terrorism attacks democracy's supreme values, therefore Hungary's antiterrorist measures prevent the destruction of the main democratic achievements. It is important to underline that any measures against terrorism must be compatible with fundamental freedoms and rights, international humanitarian law and refugee law.

According to the latest information, as a Central European country, Hungary is not a country that is threatened or targeted by international terrorism and no international terrorist networks exist within its borders. Currently, Hungary could only be affected by the possible cross-border movement of foreign terrorist fighters because of its geographical position as a transit route. Therefore, Hungary can focus on maintaining the current security situation and proactively preventing the risk of violent extremism. The main element of this approach is to build a long-term partnership with the small but well-integrated Muslim community of the country.

Following the terrorist attacks in Madrid on March 11, 2004, the Hungarian Government reconfirmed the need for a National Action Plan to Combat Terrorism, which was first approved in May 2004 (Government Decision 2112/2004 on the current tasks related to CT activities of May 7, 2004), and a Counter Terrorism

Committee was established. In 2005, national terror threat levels were introduced for the first time, with a grading from A-D (Government Decision 2151/2005 on the revision of the National Action Plan to Combat Terrorism of 27 July 2005). The main goals of the National Action Plan included improving the exchange of intelligence and cooperation among international police forces, adopting domestic legislation to allow freezing of assets of suspected terrorists, and amending the existing provisions pertaining to the freezing of financial assets. The National Action Plan to Combat Terrorism was evaluated and updated in 2007 (Government Decision 2046/2007 on the revision of the Government Decision 2112/2004 on the current tasks related to CT activities of March 19, 2007).

Hungary's National Security Strategy of 2020 contains concrete elements and measures on countering terrorism and terrorist groups.

Following the terrorist attacks in Paris on November 13, 2015, the Hungarian Government re-established a Counter Terrorism Committee (Government Decision 1824/2015 on the coherent implementation of counter terrorism activities, which entered into force on November 20, 2015). The national terror threat levels were also modified in Hungary from A, B, C, D to 1, 2, 3, 4 in order to combat terrorist threats proportionately to risks.

- **4** means Low-level terror threat: it is ordered if there is a possibility of an act of terrorism within the EU or in any of the NATO member states and Hungary has the obligation to contribute to the prevention or cessation of a terror threat.
- **3** means Moderate-level terror threat: it is issued if an act of terrorism has been committed in any of the neighboring countries as a result of which, the increase of terror threat is expected in Hungary as well.
- **2** means Substantial-level terror threat: it is ordered if there is concrete information

available that a terrorist attack against Hungary is a strong possibility.

- **1** means Critical-level terror threat: it is issued if there has been a terrorist attack in Hungary, which has grave consequences.

The grading of a situation is ascertained by the Minister of Interior based on the advice of the Counter Terrorism Committee. This Decision replaced the previous national action plan to Combat Terrorism.

After the Brussels attacks on 22 March, 2016, the Hungarian Government launched the elaboration of a new CT Action Plan and its implementation, which led to the amendment of the Fundamental Law and directly 13 different laws (e.g. National Security Act, Police Act, Criminal Code...). The draft law elaborated in collaboration with the opposition parties due to the two-third majority rule was presented to the Parliament on April 27, 2016, and finally adopted on June 7, 2016.

## LEGAL FRAMEWORK

### General information

The legislation of Hungary, available on the governmental portal (<http://www.njt.hu>) contains the updated text of all of the relevant legal provisions, with the exception of local government regulations. An on-line edition of the National Gazette is also available on the Internet ([www.magyarokozlony.hu](http://www.magyarokozlony.hu)).

### Fundamental Law

The Fundamental Law of Hungary, adopted on April 18, 2011 and entered into force on January 1, 2012, contains the following rules on unexpected attacks: "In the event of an unexpected incursion of external armed groups into the territory of Hungary, until the decision on the declaration of a state of emergency or state of national crisis, the Government shall be obliged – if necessary, in accordance with the armed defense plan approved by the President of the Republic – to immediately take action using forces proportionate to and prepared for the attack, to repel the attack, to defend the territory of Hungary with domestic and allied emergency air defense and aviation forces, in order to protect lawful order, life and property, public order and public security [Article 52 paragraph (1)]."

The Sixth Amendment of the Fundamental Law of Hungary entered into force on July 1, 2016. It contains a new article, which is titled 'State of Terror

threat'. According to Article 51/A, upon the Government's proposal, the National Assembly with a two-thirds majority may announce the state of terror threat and authorize the Government to introduce extraordinary measures. The Government may introduce new measures in Decrees that diverge from state Acts, but the Government has to inform the President of the Republic and the standing committees of the National Assembly vested with the relevant functions and powers. The effect of these measures only lasts for fifteen days. In the state of terror threat, the Government may suspend the application of certain Acts, diverge from the provisions of Acts and take other extraordinary measures. The Hungarian Defense Forces can also be deployed if the use of the Police or the National Security Services is not sufficient. Upon the termination of the state of terror threat, such decrees of the Government shall cease to have effect.

### Criminal law

The rules concerning terrorism-related offenses are set out in the Act C of 2012 on the Criminal Code (hereinafter referred to as: CC). According to Section 314 of CC, the definition of terrorist act reads as follows:

#### Section 314 – Terrorist act

- (1) A person who, for the purpose of
- a) coercing a state organ or another state or international organization to do, not to do or to tolerate something,
  - b) intimidating a population,
  - c) changing or interfering with the constitutional, social or economic order of another state, or interfering with the functioning of an international organization
- commits a violent criminal offense against a person, a criminal offense causing public danger or a criminal offense relating to a weapon, as specified in paragraph (4), is guilty of a felony and shall be punished by imprisonment for ten to twenty years or life.
- (2) A person shall be punished under paragraph (1) if he
- a) for a purpose specified in paragraph (1) a), takes control of significant material assets and requires a state organ or international organization to comply with a demand as a condition of returning or leaving such assets intact, or
  - b) organizes or directs a terrorist group.

(3) The punishment of a person may be reduced without limitation if he

a) ceases a terrorist act specified in paragraph (1) or (2) before it results in any serious consequence, and  
b) reveals his activities before the authorities,

provided that by doing so, he contributes to the prevention or mitigation of the consequences of the criminal offense, the discovery of other perpetrators, or the prevention of additional criminal offenses.

4) For the purposes of this section, a violent criminal offense against a person, a criminal offense causing public danger or a criminal offense relating to a weapon means a criminal offense of

a) homicide [section 160 (1) to (2)], causing bodily harm [section 164 (2) to (6) and (8)], endangering by professional misconduct intentionally [section 165 (3)],

b) kidnapping [section 190 (1) to (4)], violation of personal freedom (section 194),

c) criminal offense against traffic safety [section 232 (1) to (2)], endangering rail, air or waterway traffic [section 233 (1) to (2)],

d) abuse of radioactive materials [section 250 (1) to (2)],

e) violence against a public officer [section 310 (1) to (5)], violence against a person performing public duties (section 311), violence against a person providing assistance to a public officer or a person performing public duties (section 312), violence against an internationally protected person [section 313 (1)],

f) unlawful seizure of a vehicle [section 320 (1) to (2)], causing public danger [section 322 (1) to (3)], disturbing the operation of public interest enterprises [section 323 (1) to (3)], abuse of explosives or detonating equipment [section 324 (1) to (2)], abuse of firearms or ammunition [section 325 (1) to (3)],

g) abuse of a weapon prohibited by an international treaty [section 326 (1) to (5)], abuse of military products or services [section 329 (1) to (3)], abuse of dual-use products [section 330 (1) to (2)],

h) robbery [section 365 (1) to (4)], vandalism [section 371 (1) to (6)],

i) information system fraud [section 375 (2) to (4)], violation of information systems or related data breach [section 423 (1) to (4)].

### **Section 315**

(1) A person who invites or offers or undertakes to commit, agrees to commit jointly or, for the purpose of promoting the commission, provides the conditions necessary for or facilitating the commission of a

felony specified in section 314 (1) or (2) is guilty of a felony and shall be punished by imprisonment for two to eight years.

(2) A person who carries out an act specified in paragraph (1) to commit a felony specified in section 314 (1) or (2) in a terrorist group shall be punished by imprisonment for five to ten years.

(3) A person shall not be liable to punishment if he notifies the authorities of a criminal offence specified in paragraph (1) or (2) and reveals the circumstances of its commission before the authority becomes aware of them.

### **Section 316**

A person who threatens to commit a terrorist act is guilty of a felony and shall be punished by imprisonment for two to eight years.

### **Section 316/A**

(1) A person who enters, leaves or travels through the territory of Hungary for the purpose of

a) committing, inviting, offering or undertaking to commit, agreeing to commit jointly or, for the purpose of furthering the commission, providing the conditions necessary for, or facilitating, the commission of a felony specified in section 314 (1) or (2), or  
b) joining a terrorist group

is guilty of a felony and shall be punished by imprisonment for two to eight years.

(2) A person who organizes or provides or collects material means to support the travel specified in paragraph (1) shall be punished under the same paragraph.

### **Section 317 – Failure to report a terrorist act**

A person who obtains credible knowledge of a terrorist act that is about to be committed but fails to report them to the authorities as soon as he can is guilty of a felony and shall be punished by imprisonment for up to three years.

The definition of terrorism financing is included in Section 318 of CC:

### **Section 318 – Terrorism financing**

(1) A person who

a) provides or collects material means to provide the conditions that are necessary to commit a terrorist act,

b) supports a person who is about to commit a terrorist act, the perpetrator of a terrorist act, or any other person on the account of such persons, with material means, or

c) provides or collects material means for the purpose of supporting a person specified in point b) is guilty of a felony and shall be punished by imprisonment for two to eight years.

(2) A person who carries out a criminal offense specified in paragraph (1) in the interest of the commission of a terrorist act by a terrorist group, or of a member of a terrorist group, or otherwise supports the activities of a terrorist group or provides or collects material means to provide such support to a terrorist group shall be punished by imprisonment for five to ten years.

Section 318/A of CC determines the rules concerning a criminal offense of a terrorist nature:

### **Section 318/A**

(1) A person who

a) provides or collects material means to provide the conditions that are necessary to commit a criminal offense of a terrorist nature,

b) supports a person who is about to commit a criminal offense of a terrorist nature, the perpetrator of a criminal offense of a terrorist nature or any other person on the account of such persons with material means, or

c) provides or collects material means for the purpose of supporting a person specified in point b) is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) For the purposes of paragraph (1), a criminal offense of a terrorist nature means a criminal offense of

a) homicide [section 160 (1), section 160 (2) if the offense is directed at a person at an airport serving international civil aviation, on board of an aircraft in flight or a ship at sea or an internationally protected person],

b) causing bodily harm (section 164 if the offense is directed at a person at an airport serving international civil aviation, on board of an aircraft in flight or a ship at sea or an internationally protected person),

c) kidnapping [section 190 (1) to (4)],

d) criminal offense against traffic safety (section 232 if the offense is committed against an aircraft or a ship at sea).

e) abuse of radioactive materials (section 250),

f) destruction (section 257),

g) violence against an internationally protected person (section 313),

h) unlawful seizure of a vehicle (section 320),

i) causing public danger [section 322 (1) to (3)],

j) disturbing the operation of public interest enterprises (section 323),

k) abuse of explosives or detonating equipment (section 324 if the offence is committed against a public interest enterprise or in a public building or structure),

l) abuse of firearms or ammunition (section 325 if the offence is committed against a public interest enterprise or in a public building or structure).

### **Section 319 – Interpretative provision**

(1) For the purposes of sections 314 to 315, 316/A, and 318, a terrorist group means a group of three or more persons that is organized for an extensive period, operates in a coordinated manner and is aimed at committing any terrorist act.

(2) For the purposes of sections 316/A, 318 and 318/A, material means shall be construed to mean the assets, legal documents or instruments specified in Article 1(1) of Council Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism.

The following important amendments have to be underlined since 2016:

1. According to an amendment entered into force on July 17, 2016 [Section 16g) of CC], terrorist act is among the crimes for which minors, between the ages 12 and 14 shall be liable to punishment, provided that the minor possessed the faculties required to recognize the consequences of the criminal offense at the time of commission.

Furthermore, according to a modification of Section 331 (2), any person who, in front of a large audience, incites support for terrorism or otherwise engages in the promotion of terrorism, unless a criminal offense of greater gravity is established shall be punished by imprisonment for one to five years.

An amendment to the Act CCXL of 2013 on punishments, measures, certain coercive measures and administrative confinement states that if a level 1 or 2 terrorist threat is issued, the Director General of the Hungarian Prison Service may limit temporarily certain rights of prisoners, their work outside of prison, participation in vocational training or the number of objects that prisoners can keep in their cells. The rights of prisoners that can be limited temporarily in cases of a terrorist threat include: the right to exercise or participate in sport activities

outside of the prison building, the right to receive visitors, to visit sick relatives or to go to a funeral. If such measures are introduced by the Director General of the Hungarian Prison Service, the Prosecutor General has to be informed immediately. Once the terror threat ceases to exist, the prisoners fully regain their rights, which had previously been limited. The same rules apply to those who are in provisional detention.

2. Another amendment entered into force on October 28, 2016 introduced a new provision in CC concerning extended confiscation (Section 74/A). This new rule implemented the Directive 2014/42/EU of the European Parliament and of the Council of April 3, 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union. The provision states that until proven to the contrary, all assets shall be subject to forfeiture of assets and the forfeiture of assets shall be ordered when these assets were obtained by the perpetrator by the acts listed in Section 74/A(2) (which includes – among others – terrorist act and terrorism financing) within a period of five years prior to the commencement of the criminal proceedings if such assets or the lifestyle of the perpetrator are particularly disproportionate to the certified income and personal circumstances of the perpetrator.

3. A significant modification was made in 2017 concerning the CC in order to be in conformity with the Recommendations defined by Moneyval following the 5th round evaluation of Hungary. The amendments took also into account the rules of the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism and implemented the provisions of the Directive (EU) 2017/541 of the European Parliament and of the Council of March 15, 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA. The amendments entered into force on January 1, 2018.

The substantive elements of the above modification concerning the terrorism-related criminal offenses of CC are the following:

- new Section 316/A:
  - committing, inviting, offering or undertaking to commit, agreeing to commit jointly or, for the purpose of furthering the commission, providing the conditions necessary for, or facilitating,

the commission of a felony specified in section 314 (1) or (2),

- joining a terrorist group is a criminal offense.

- Section 318:

- providing or collecting material means to provide the conditions that are necessary to commit a terrorist act,
- supporting a person who is about to commit a terrorist act, the perpetrator of a terrorist act, or any other person on the account of such persons, with material means, or
- providing or collecting material means for the purpose of supporting a person specified in point b)
- carrying out a criminal offense specified in para (1) in the interest of the commission of a terrorist act by a terrorist group, or of a member of a terrorist group, or otherwise supporting the activities of a terrorist group or providing or collecting material means to provide such support to a terrorist group is a criminal offense.

- new Section 318/A:

- providing or collecting material means to provide the conditions that are necessary to commit a criminal offense of a terrorist nature,
- supporting a person who is about to commit a criminal offense of a terrorist nature, the perpetrator of a criminal offense of a terrorist nature or any other person on the account of such persons with material means, or
- providing or collecting material means for the purpose of supporting a person specified in point b) is a criminal offense,
- explanatory provision of a criminal offence of a terrorist nature.

4. There were two other amendments in CC in 2020 in this regard.

According to Section 38(4)e) ed) and (5)a) of CC, a convict shall not be released on parole or applied reduction without limitation if he was sentenced to imprisonment as a perpetrator of a terrorist act, for

preparation of a terrorist act, or as an accessory. These rules entered into force on 5 November 2020.

Directing a terrorist group is also criminalized according to Section 314(2). This new rule entered into force on January 1, 2021.

The amendment to the ACT CCXL of 2013 on Punishments, Measures, Emergency Measures and Offences states that if a level 1 or 2 terrorist threat is issued, the Director General of the Hungarian Prison Service may limit temporarily the prisoners' certain rights, their work outside of prison, participation in vocational training or the number of objects that prisoners can keep in their cells. The rights of prisoners that can be limited temporarily in cases of a terrorist threat include: the right to exercise or participate in sport activities outside of the prison building, the right to receive visitors, to visit sick relatives or to go to a funeral.

If such measures are introduced by the Director General of the Hungarian Prison Service, the Prosecutor General has to be informed immediately. Once the terror threat ceases to exist the prisoners fully regain their rights, which had previously been limited. The same rules apply to those who are in provisional detention.

On October 20, 2020, the Hungarian Parliament unanimously adopted the Act CVIII of 2020 on the revision of certain laws in order to increase the protection of victims of serious crimes against persons committed to the detriment of relatives. As a result of the severity, the perpetrator of the most serious crime, crime against human life or physical integrity – including murder, kidnap and terrorism – may be excluded from conditional release by law. In exceptional cases – considering the circumstances of the offense, the degree of danger to the society or other sentencing conditions –, the offender may be conditionally released with using an electronic monitoring device, if the protection of society and the prevention of another offense can be achieved by ordering probation and establishing a designated code of conduct.

In parallel with the aggravation of the Criminal Code and the Prison Code, the Hungarian Prison Service focuses on prevention, analytical-evaluation activities of the data required from co-law enforcement agencies, monitoring and follow-up of the concerned detainees, in which a key role is given to the specialized units of the Hungarian Prison Service Headquarters, and to probation officers. Probation

officers of the prison service are responsible for coordinating special tasks related to radicalized, extremist detainees, and cooperating with other state bodies and organizations, and monitoring international practices and trends.

## **Jurisdiction**

Chapter II of the Criminal Code contains the rules on jurisdiction. As a basic principle, Hungarian criminal law shall apply to criminal offenses committed in Hungary, as well as to any acts committed by Hungarian nationals abroad if the act constitutes a criminal offense under Hungarian law. In certain cases, Hungarian criminal law shall apply to acts committed by persons other than Hungarian nationals abroad. Such offenses include, inter alia, crimes against humanity and any criminal offence to be prosecuted under an international treaty promulgated in an Act (universal jurisdiction rule).

## **Procedural Rules**

The Hungarian Parliament adopted a new Criminal Procedural Code in 2017. The Act XC of 2017 on the Criminal Proceedings (hereinafter referred to as: CCP) entered into force on July 1, 2018.

CCP does not provide separate procedures for persons suspected of committing terrorist acts. This means that in the CCP there are no special rules in respect of arrest, interrogation, detention, trial, conviction in case of committing of a terrorism-related crime.

According to Section 20 of CCP, terrorist act, failing to report terrorist act and terrorism financing fall within the competence of the regional court in the first instance. However, from July 1, 2018 the regional court acting as a court of first instance conducts its procedure – unless provided otherwise by CCP – as a single judge (Section 13). CCP ensures the possibility to use an undercover investigator in criminal proceedings in order to infiltrate a terrorist group or an organization that provides or collects material means to arrange the conditions that are necessary to commit terrorist acts, or supports the commission of terrorist acts or the operations of a terrorist group by providing material means or in any other way [Section 222(2) b)] and as a novelty the result of using a covert means subject to permission of a judge may be used to prove a terrorist act, terrorism financing even if the person concerned and his/her criminal offense is not specified in the judicial permission [Section 253(1)], provided that certain

circumstances determined in CCP are fulfilled (other conditions for using the covert means are met; the organ authorized to use covert means orders, or moves for, a preparatory proceeding or investigation or its use in an ongoing criminal proceeding within eight days after acquiring the data to be used in a criminal proceeding; and the court permits the result of using covert means to be used concerning the criminal offense not specified in the permission committed by the person not specified in the permission). Furthermore, the court shall issue an order to temporarily prevent access to all electronic data as a coercive measure when the criminal proceedings instituted on the ground of terrorist act or terrorism financing, and certain conditions provided by CCP are fulfilled [Section 337(1)].

### **Other relevant legislation**

#### **Main amendments related to the new CT Action Plan**

The grading of a situation is ascertained by the Minister of Interior based on the advice of the Counter Terrorism Committee. This Decision replaced the previous national action plan to Combat Terrorism.

According to the provisions of Act XXXIV of 1994 on the Police (Police Act), the police may introduce high-level security measures for 72 hours, which can be extended by an additional 72 hours if required. If direct, specific and substantiated information justifies it, the National Police Commissioner can maintain these measures even after the deadline. However, the minister concerned must inform the relevant parliamentary committee immediately about the extension and the information, which the extension is based on. High-level security measures include not only searches of buildings, clothing or identity checks, but also restriction of road traffic, public transportation or interrupting organized events.

Furthermore, in order to maintain the security of state borders, border crossing points and institutions of paramount importance to the State, the Police may place video recorders at such locations. Personal data acquired by the Police during the monitoring of entry and exit to institutions of paramount importance, which are secured by the Police can be handled by the Police for up to 30 days. Data regarding reports on suspicious transactions of explosives precursors can be handled by the Police for up to 5 years from the date of the submission of such a report. These

data can be forwarded to national contact points or national contact points abroad.

In order to check the duration of legal residence and for the purpose of preventing crimes, the Police handles personal data of people arriving from a third country for up to 5 years from the date of crossing the border. Such personal data include:

- first and last name, date of birth, sex, nationality,
- number and type of travel document, number and type of visa,
- registration number of the vehicle used during border crossing.

Upon the decision of the Government, The Hungarian Defense Forces can temporarily support the Counter Terrorism Center (hereinafter referred to as: TEK) carrying out counter-terrorism activities with regard to certain tasks, such as the security of Hungarian delegations abroad, people on diplomatic missions or institutions.

According to the Act C of 2003 on Electronic Communications, in case of a terror attack or a terror threat the provider of electronic communications services must ensure the continuous operation of call numbers used by certain organizations. The minister responsible for law enforcement shall determine in a Decree, which organizations have such obligations.

The Act LXXXIX of 2007 on State Borders states that under conditions described in Article 25 of the Schengen Borders Code, the minister responsible for law enforcement can immediately reintroduce border control at internal borders in a Decree. Furthermore, the amendment of this Act declares that the operation of border crossing points can be suspended for up to 48 hours by the Chief of Police if there is an occurrence of any event arising from any reason or cause beyond reasonable control. The suspension can be extended by an additional 48 hours by the Chief of Police if necessary.

#### **Victim Support System**

The rules concerning Hungarian Victim Support Service – including the victims of terrorism – are laid down in the Act CXXXV of 2005 on Crime Victim Support and State Compensation on the basis of equity and social solidarity. The Act aims at providing services for those whose financial, social, physical and psychological conditions have deteriorated as the result of a crime. The Act defines that victim is a

natural person who becomes victim of any crime or an infringement of property committed on the territory of Hungary. In addition, a victim is also who suffers a disadvantage, especially bodily or mental injury, as a direct consequence of a crime committed in Hungary.

Victims can be entitled to victim assistance if the crime was committed on the territory of Hungary and persons are:

- Hungarian citizens
- citizens of any EU Member State,
- citizens of any non-EU country lawfully residing in the territory of the European Union,
- stateless persons lawfully residing in the territory of Hungary,
- victims of trafficking in human beings, and
- any other persons deemed eligible by virtue of international treaties concluded between their respective states of nationality and Hungary or on the basis of reciprocity.

The Hungarian victim support organization system rests on three pillars: the victim support services, the Victim Support Centers and the Victim Support Hotline.

The first pillar is the victim support services, which operate in each county and the capital government offices, and any victim, including victim of terrorism, may turn to any of these offices in order to use the services and benefits specified in the Act on Victims.

Secondly, the Ministry of Justice has opened six Victim Support Centers respectively. The Ministry is committed to continuing to open further Centers in each and every county and to build up thereby a nation-wide network of Centers by the end of 2025. Implementing a holistic approach, these new Victim Support Centers provide practical, psychological and financial support tailored to the needs of victims, ranging from emotional assistance by a psychologist, over organizing and conducting an actual crisis intervention, guiding and following up victims up to sharing a wide range of information and conducting prevention activities in a more victim friendly manner. It is also an important task for the Centers to focus on groups of victims with special needs, including victims of terrorism. The staff of the Centers also performs coordination tasks, making it easier for victims to access to various services.

The third, equally important pillar of the victim support system is the Victim Support Hotline (06 80

225 225), established and maintained by the Ministry of Justice. This 24-hour free-of-charge line is to provide information to victimized citizens beyond office hours not only in Hungarian but also in English. Upon receiving the call for help, the staff provides the most appropriate information about the incident, the problem and the caller's location, and directs the caller to the nearest local problem-solving body. Under the Hungarian victim support legal framework victim assistance covers:

- Advice and information on their rights, duties and options;
- Legal advice and practical assistance;
- Emotional help, psychological assistance
- An issued certificate of their victim status;
- Instant monetary aid in crisis situations (covering extraordinary costs regarding housing, clothing, nutrition, travelling, medicine);
- Protected shelter (provided by another organization, but the victim support services help the victim in access to the shelters);
- Witness care (provided by the court)
- and state compensation.

Under the Act of LXXX of 2003 on legal aid, victims of terrorism are entitled to legal aid assistance regardless of the income and property status.

### **Prevention of Money Laundering and Terrorism Financing**

Hungary has strengthened its legal and institutional framework, and has made significant progress regarding international communication and cooperation, as well as training for the service providers who face money laundering and terrorist financing risks. Concerning the fight against money laundering, Hungary is cooperating closely with the European Union and its member states, the OECD, and the Council of Europe (MONEYVAL as FATF-Style Regional Body), the International Monetary Fund (IMF) and the World Bank. The International Convention for the Suppression of the Financing of Terrorism was signed on November 30, 2001 and, following its ratification by Act LIX of 2002, entered into force on November 14, 2002.

Anti-money laundering legislation in Hungary dates back to 1994. The current AML/CFT Act, entitled Act LIII of 2017 on Preventing and Combating Money Laundering and Terrorist Financing has been in force as of June 26, 2017. The new Act implemented



several recommended actions by MONEYVAL and transposed the EU 4th AML Directive. The scope of the Act is extended to professional and non-professional trusts and to higher risk gambling services. Under the risk-based approach the relevant authorities, service providers and supervisors are required to identify, understand, assess and mitigate the risks of money laundering and terrorist financing that they face. Finding the proper approach for mitigating those improves effectiveness. The new AML/CFT Act improved first of all the definitions and CDD measures of the beneficial owner. It laid down the legal basis for the central register of the beneficial ownership of trusts, corporate and other legal entities.

The new AML/CFT Act was amended in 2019 in order to transpose the provisions of the EU 5th AML Directive, as well as to adjust the legislation to fully implement the EU 4th AML/CFT Directive. These amendments have been in force as of January 10, 2020. The amended AML/CFT Act has also covered additional specific provisions so as to comply with the requirements of certain FATF Recommendations, as well as to assist the service providers on the basis of their practical experiences. According to the amendments, exchange services between virtual currencies and fiat currencies are covered by the amended AML/CFT Act, in line with the latest FATF guidance on the subject. Among others, new provisions have been introduced regarding beneficial owner information, politically exposed persons, enhanced due diligence measures in case of high-risk third countries, group-level supervision, and cooperation between relevant authorities.

Act CLXXX of 2007 on the implementation of the financial restrictive measures of the European Union providing for the freezing of funds (financial assets) and economic resources of terrorists by administrative measures was replaced by the Act LII of 2017 on the implementation of financial and asset-related restrictive measures ordered by the European Union and the UN Security Council (FRM Act). The new FRM Act has been in force as of June 26, 2017 as well just like the new AML/CFT Act. The new Act has implemented several MONEYVAL recommendations. The main purpose of this Act is to ensure a more efficient implementation of the international obligations related to targeted financial sanctions and thereby increasing the efficiency of the national system against terrorism and financing of terrorism. The new FRM Act has maintained the

already existing obligations regarding implementation of the financial and asset-related sanctions. However, as a novelty, no-delay implementation of the United Nations Security Council's Resolutions is ensured and the role of the national courts in the asset-freezing process is clarified. The obligations of the authority responsible for the implementation of financial and asset-related restrictive measures in Hungary, the service providers and the supervisory authorities are also strengthened by this Act.

In order to fully comply with the applicable provisions of the EU 5th AML Directive, a new Act on the establishment and operation of the data service background related to the identification duty of the financial and other service providers was enacted and submitted before Parliament. The Act will enter into force in June 2021. This Act constitutes the legal basis for the implementation of the registry of the beneficial owners of legal entities and trusts and the payment account and safe deposit registry in Hungary. In general, according to the provisions of the new Act, beneficial owners are natural persons who own or control a legal entity and shall therefore be reported to the registry. As far as the payment account and safe deposit registry is concerned, the payment account-holding financial institutions and the safe-deposit service providers respectively are responsible for sending the required data to the registry. The central registry and the available data of beneficial owners shall make an important contribution in the context of the prevention of money laundering and financing of terrorism.

The 5th round Mutual Evaluation Report of Hungary was adopted during the 52nd Plenary Meeting of the MONEYVAL in September 2016. Subsequently, Hungary was placed in enhanced follow-up procedure. Since then Hungary's progress in strengthening its framework to tackle money laundering and terrorist financing can be best seen in the re-ratings of over 15 FATF Recommendations by MONEYVAL. Hungary has remained in enhanced follow-up procedure and is requested to report back to MONEYVAL in 2022.

### **Prevention of Nuclear Terrorism**

Several measures have been taken to prevent acts of nuclear terrorism in Hungary. The International Convention for the Suppression of Acts of Nuclear Terrorism was ratified on April 12, 2007. Act LXXXII of 2006 on the enactment of the Agreements and the Protocol concerning the implementation of Article III

(1) and (4) of the Treaty on the Non-proliferation of Nuclear Weapons entered into force on November 11, 2006.

In accordance with the amendment of the International Convention on physical protection of nuclear materials, Act LXII of 2008 has modified certain provisions of the Act on Atomic Energy. The Amendment to the Convention and the more accurate regulations for physical protection of nuclear material was made necessary due to the increasing threats related to the illicit trafficking of nuclear material and nuclear terrorism, and the ongoing development of security techniques. A new government decree came into force in 2011 to regulate the physical protection of nuclear and other radioactive materials and nuclear facilities in Hungary, during transport, storage and use.

Under the control of the Government, the public administration body responsible for the peaceful use of nuclear energy is the Hungarian Atomic Energy Authority, which is organizationally and financially independent. Since 2011 a Committee, with the coordination of the Hungarian Atomic Energy Authority and participation of all relevant law enforcement and national security organizations, operates to analyze the terror threat on the nuclear industry in Hungary and to determine the Design Basis Threat for nuclear facilities. Moreover, a joint cooperation between the relevant organizations has started in 2016, to work out a national level action plan to coordinate the organizations' operations during nuclear security events.

The Inter-ministerial Disaster Management Coordination Committee (DMCC) is responsible for ensuring the preparedness and operation of the National Emergency Response System.

The Committee operates a Nuclear Emergency Working Committee (DMCC NEWC), which is responsible for decision support for the decision makers for protective action in the event of a nuclear or radiological emergency. The leadership and the experts of the DMCC NEWC are provided by the HAEA. Emergency response activities are governed by the Nuclear Emergency Response Plan.

In case of a nuclear emergency situation a Crisis Centre is set up that is managed by the National Directorate General for Disaster Management (hereinafter referred to as: NDGDM), Ministry of Interior. The center is responsible for the coordination of crisis communication.

The National Radiation Signaling and Monitoring System (hereinafter referred to as: NRSMS) operates to support the necessary information for the decision preparation and decision-making work of the DMCC. The central organization of this system is the Nuclear Emergency Information and Analysis Center (hereinafter referred to as: NEIAC) operating at the NDGDM. The main role of the NRSMS is to continuously monitor the national radiation levels. Based on the assessment of the changes of background radiation the national nuclear emergency response early warning is activated.

The NEIAC operates the real time online nuclear emergency response decision-support system and performs prediction of the anticipated dispersion pathway of radioactive materials released in case of an event unfavorably influencing safety.

The Center for Emergency Response, Training and Analysis (hereinafter referred to as: CERTA) is part of the Hungarian Atomic Energy Authority Emergency Response Organization. CERTA is only activated if there is a radiological or nuclear emergency. It analyzes and evaluates the radiological conditions, environmental consequences and deals with, inter alia, the estimation of the radioactive source term. For the purposes of these emergency-related tasks, CERTA uses various software and hardware tools. These programs can simulate the environmental dispersion of radioactive materials or in general can evaluate the probability of core damage in a severe accident situation of the nuclear power plant.

In accordance with the amendment of the International Convention on physical protection of nuclear materials, Act LXII of 2008 has modified certain provisions of the Act on Atomic Energy. The Amendment to the Convention and the more accurate regulations for physical protection of nuclear material was made necessary by the increasing threats related to the illicit trafficking of nuclear material and nuclear terrorism, and the ongoing development of security techniques.

NDGDM operates 7 radiological Mobile Detection System (MDS) vans in order to help prevent the illicit transport of radioactive and nuclear materials through the borders and the main transport routes in Hungary. These MDS vans are capable of detecting gamma and neutron radiation even during cruising and the operators can identify the actual isotope type as well with their equipment.

In Hungary, to protect critical infrastructures several practices have been developed in the last seven years since the implementation of The EU Council Directive 2008/114/EC of the identification and designation of European critical infrastructures with the Act CLXVI of 2012 on the identification, designation and protection of critical infrastructures and the related Government Decrees. Taking into account the first experiences regarding the management of COVID-19 and the seven years of experience in this field, the legal framework of critical infrastructure protection completely renewed in July 2020. The designations in 10 sectors (energy, transport, agriculture, health, social security, finance, ICT, water, defense and public safety-law enforcement) can ensure resilience by taking into account the cross-sectoral interdependencies and the full spectrum of threats such as manmade, industrial, technological and environmental risks.

In the amended legal framework, the operator of critical infrastructure shall designate and employ a Security Liaison Officer (SLO) specially trained for this task who shall be responsible for preparing the Operator Security Plan (OSP) and liaising with the authorities. The operator obligated to prepare an Operator Security Plan (OSP) focuses on the operational safety and continuity of the critical infrastructure based on a risk analysis taking into account the 360 degree of risks and threats with a scale of impact, probability and exposure to third party providers (dependencies). The operator shall also report to the authorities those extraordinary events, which reached the threshold occurrences specified in the sectoral government regulations. The administrative obligations of the operators are supplemented by the following two tasks that could maintain vital society functions via essential services provided by secure and continuous operation of critical infrastructures. During complex exercises, the operators together with disaster management, law enforcement and additional authorities can familiarize themselves with the organizational structure and assets that had been set out in the Operator Security Plan (OSP). With the involvement of additional stakeholders, the authority responsible for carrying out complex inspections checks the designated critical infrastructures at least once every five years to examine compliance with the protection measures set out in the OSP of the operator.

These administrative obligations, on-site exercises and inspections ensure the secure and continuous operation of critical infrastructures and maintain a resilient Hungarian structure.

## **INSTITUTIONAL FRAMEWORK**

According to the Government Decision 1824/2015 on the coherent implementation of counter-terrorism activities, which entered into force on November 20, 2015 the following institutions and other public authorities are involved in counter-terrorism activities:

- Counter Terrorism Center,
- Constitution Protection Office,
- Information Office,
- Military National Security Office,
- Special Service for National Security,
- Counter-terrorism Intelligence and Criminal Analysis Center,
- National Police Headquarters,
- National Directorate General for Disaster Management, Ministry of Interior,
- National Tax and Customs Office,
- Office of Immigration and Nationality,
- Ministry of Interior,
- Ministry of Foreign Affairs and Trade.

## **Counter Terrorism Centre**

Terrorist attacks in other countries and the reactions of international organizations to such attacks justified the establishment of a centralized authority responsible for gathering intelligence and coordinating operations related to the fight against terrorism.

To this end, the Counter Terrorism Center (TEK) was established on September 1, 2010, as a national authority under the direct supervision of the Minister of Interior, acting independently with independent finances, receiving its funds from the Central Budget. Consequently, it is independent of all police and national security organizations. The Director General of TEK is appointed by the Prime Minister upon the recommendation of the Minister of Interior.

TEK's main tasks are to detect terrorist organizations acting in the territory of Hungary, to prevent these organizations from committing crimes, as well as to prevent any organization or individual from facilitating the operation of terrorist organizations on the

territory of Hungary by providing financial resources or in any other way. TEK has specific powers at the national level to coordinate the fight against terrorism, based on its own analysis and evaluation. It plays a special role in handling possible emergency situations and in the operational coordination of counter-terrorism activities.

Prior to the establishment of TEK, tasks related to fighting terrorism in Hungary used to be the responsibility of different agencies and authorities. The terrorist attacks in other countries and the reactions of international organizations to such attacks justified the establishment of a centralized agency responsible for countering terrorism with national jurisdiction, comprising law enforcement and national security tasks.

The legal status, the powers, the duties and activities as well as the oversight system are regulated by the following legislations:

- Act XXXIV of 1994 on the Police
- Government Regulation 295/2010 (XII.22.) on the designation of the organization countering terrorism and on the details of its responsibilities
- Act CXXV of 1995 on the National Security Services

TEK merges the police and civilian national security functions of counter-terrorism in Hungary, however, it does not carry out open investigative activities, since it is not an investigating authority. This task is carried out by the National Investigation Bureau, belonging to the agency carrying out general police duties.

At the national level, TEK is responsible for information and intelligence gathering, analysis and assessment of the terrorist threat, as well as for operational tasks. It carries out the prevention, detection and interruption of terrorist activities and intelligence gathering regarding terrorism-related activities in Hungary. The Director General of TEK acts as the Chairman of the Counter Terrorism Coordination Committee, responsible for CT coordination at the operational level between the relevant national agencies.

TEK is structured in line with its key areas of responsibility, into four operational directorates, namely: Intelligence Directorate, Personal Protection Directorate, Operations Directorate, and Duty and Facility Protection Directorate.

The Intelligence Directorate does all the information collection and analysis that serve to prevent and detect terrorism, it is responsible for monitoring, gathering, analyzing intelligence and assessing the terrorist threat. In order to fulfil these tasks, the Intelligence Directorate maintains extensive relations and cooperates with foreign security services responsible for the fight against terrorism. The Intelligence Directorate contributes to carrying out foreign criminal intelligence gathering constituting a fundamental task of the police as cited in paragraph 2. § (5) in the Police Act.

Paragraph 2. § (5) of the Police Act: The police shall carry out intelligence gathering tasks in abroad in cooperation with national security services for border policing, law enforcement and crime prevention purposes, over the course of which it gathers intelligence on acts posing danger to the order at state borders as well as for the purpose of detecting acts relating to terrorism and implementing measures to mitigate mass migration.

The Personal Protection Directorate organizes and carries out permanently the protection of the Prime Minister, the Minister charged with foreign affairs and the Prosecutor General. Its responsibilities include the protection of the life, physical integrity, home or other residence of the protected person with guard personnel and technical tools. It also maps out the program venues of the protected persons, prepares securing activities and secures venues of events attended by them.

Furthermore, its tasks include – over the course of temporary protection activities conferred to it by the Minister in charge of policing – organizing and carrying out personal protection of temporarily protected persons and securing their program venues.

It also carries out food safety, radiation, biological, chemical (CBRN) protection task, and collects, organizes, verifies, assesses and analyzes intelligence pertaining to the level of danger and prevention of violent acts targeting protected persons and carries out prevention measures pertaining to its tasks.

The Operations Directorate carries out all the practical tasks in connection with terrorism and related criminal activities, as well as all tasks related to the apprehension of violent criminals. The SWAT teams are available on 24/7 basis.

The Duty Directorate provides 24/7 on-duty service and Situation Centre capabilities for TEK, the Ministry of Interior and the Government to ensure permanent information flow.

In addition to its Headquarters in Budapest, TEK has regional offices in Hungary to provide national coverage.

As the result of centralizing powers, TEK received enlarged powers also in the field of secret intelligence gathering. The special feature of TEK is that depending on the nature of the given activity, it is empowered to secret information collection with law enforcement purposes (pro-active policing) [Police Act Article 7/E paragraph (1) and Article 63 paragraph (6)] on the one hand, and on the other hand to a screening-research (national security) type of information collection [Police Act Article 7/E paragraph (6) and Article 63 paragraph (7)].

Article 7/E of the Police Act:

“(1) The counter terrorism organization

a) carries out the task defined in point 15 of section (2) of § 1, over the course of which

aa) executes the prevention of

1. acts of terrorism, according to Act IV of 1978 (§ 261 of Act IV of 1978), seizure of an aircraft, any means of railway, water, or road transport or any means of freight transport,

2. acts of terrorism (§ 314-316/A of the Hungarian Criminal Code), failure to report acts of terrorism, (§ 317 of the Hungarian Criminal Code), terrorist financing (§ 318-318/A of the Hungarian Criminal Code), or incitement to war (§ 331 of the Hungarian Criminal Code), unlawful seizure of a vehicle (§ 320 of the Hungarian Criminal Code),

3. kidnapping, according to Act IV of 1978 (§175/A of Act IV of 1978),

4. failure to report (§ 191 of the Hungarian Criminal Code) kidnapping (§ 190 of the Hungarian Criminal Code), furthermore

5. the prevention of crimes related to the crimes listed under subpoints 1-4, and carries out the investigation of these crimes according to the act on Criminal Proceedings,”

ad) shall prevent, detect and intercept efforts that are aimed at committing terrorist action in the territory of Hungary. [...]

b) executes

ba) the interruption of crimes defined under subpoint aa) of point a) and arrests perpetrators,

bb) with exclusive jurisdiction set out in the act – in case of the National Tax and Customs Administration, upon its request – arrestment of dangerous individuals,

c) shall provide personal protection to high risk public figures – identified by law – of Hungary and security to designated facilities. [...]

e) shall obtain, analyze, evaluate and forward information on foreign countries and coming from foreign agencies, that are necessary for carrying out the tasks identified under d), [...]

g) upon decision of the Minister in charge of policing - in compliance with international norms in effect - contributes to the personal protection of Hungarian athletes and sport professionals in attendance of international sport events of high-risk of terrorism as well as the protection of facilities used by them abroad over the course of sport events and for this purpose cooperates with member states and authorities of the European Union, relevant international organization and authorities of the relevant state.

(2) The agency carrying out counter terrorism activities does not exercise investigative powers.

(3) If, in the course of its duties, the agency carrying out counter terrorism activities

(a) suspects a criminal offense, including attempt and - where the law criminalizes preparation - preparation thereof, it shall immediately report the offence to the investigating authority or prosecutor's office competent and responsible for conducting the investigation and shall hand over the collected information;

b) obtains information on the basis of which a preparatory procedure, as defined in the Act on Criminal Procedure, may be carried out,

(ba) it may initiate preparatory proceedings for an offense within its competence; or

(bb) it may initiate preparatory proceedings in respect of an offense not within its competence at the competent public prosecutor's office, investigating authority or internal crime prevention and detection body and hand over the collected information.

(4) The agency carrying out counter terrorism activities shall not be obliged to initiate criminal proceedings nor hand over the data if this would jeopardize the performance of its task as specified in paragraph (1)(a)(ad) and (e).

(5) The agency carrying out counter terrorism activities, as defined in the Act on Criminal Procedure (a) may conduct preparatory proceedings,

(b) shall assist, with the resources and means at its disposal, in the execution of the use of covert means; or

(c) may assist in the execution of a procedural act.

(6) The activities of the agency carrying out counter terrorism activities as defined in paragraph (1)(a)(ad) and (e) shall be governed by Articles 14 (1) and (2), 14 (4) a) to f), 14 (5), 15 (3), 16, 18 and 27 (4) of the Act 125 of 1995 on the National Security Services (hereinafter referred to as the Nbtv.).

Art. 63 (4) of the Police Act: The police shall apply covert intelligence gathering tools exclusively as per the stipulations of the Act on Criminal procedures for the purposes of crime detection and interruption, identifying and capture of perpetrators, evidence collection and recovering criminal assets.

(6) The agency carrying out counter terrorism activities may, in order to perform its duties in relation to the prevention of criminal offenses specified in subsection aa) of paragraph a) of Section 7/E (1) of Article 7, [...], collect secret information only on the basis of the rules laid down in this Act.

(7) In order to perform its duties under Section 7/E(1)(a)(ad) and (e) of the Act on the Police and in accordance with Article 53 to 60 of the Nbtv., the agency carrying out counter terrorism activities may collect secret information [...].

TEK is to coordinate all counter-terrorism-related activities of other law enforcement and national security services that might be related to terrorism, meaning that the gathered information would be centralized in one hand, making the identification of action to be taken to counter terrorism more efficient. Government Regulation 295/2010 (XII.22.) provides in Article 3, paragraph (1) that TEK shall:

"a) analyze and evaluate the threat of terrorism of Hungary

b) organize and coordinate the activities of agencies acting to prevent and counter terrorism - except military national security services and the Information Office – and carry out preparatory, implementation and administrative tasks in connection with the operation of the Counter-Terrorism Committee."

TEK plays an important role in assessing the critical infrastructure, in developing strategy for their protection, as well as in the implementation of the actual steps that might be taken. According to Article 3, paragraph (1) of the Government Regulation 295/2010 (XII.22.), TEK shall:

"c) take part in drawing up the national program for the protection of critical infrastructure, in the

assessment of threat and in the planning of security measures, as well as to provide protection – based on a separate contract – for infrastructure that is significant and critical regarding the threat of terrorism."

TEK's responsibility is to provide protection to three public figures in Hungary, namely the Prime Minister, the Minister of Foreign Affairs and Trade and the Attorney General. TEK shall cooperate in this work with law enforcement authorities as well.

"[TEK shall] d) provide protection to the Prime Minister, to the minister responsible for foreign policy and to the Attorney General, as stipulated in the Government Regulation on the protection of protected persons and designated facilities, as well as other personal protection and facility security tasks temporarily assigned to it by the Minister responsible for law enforcement on a case-by-case basis, and in this context

(da) carry out - where appropriate with the involvement of the specialized units of the bomb disposal unit of the general police service – bomb disposal tasks and search venues where there is a threat of explosive devices,

(db) prepare and carry out tasks related to the security of events of importance for the interests of Hungary, in particular events attended by the Prime Minister or related to other personal security tasks temporarily delegated to him by the Minister responsible for law enforcement,

(dc) cooperate with domestic and foreign agencies and organizations interested in and directly involved in personal protection and facility security,

(de) as national contact point, with the involvement of the Riot Police in the case of tasks concerning the Riot Police, carry out tasks related to the activities of the European Network for the Protection of Public Figures,

e) regarding its tasks of protection of public figures, cooperate with the units carrying out personal protection tasks of the agency carrying out general police duties, in the course of which it coordinates preparations and implementation of the related tasks."

TEK plays a significant role also in law enforcement tasks that might require special expertise or equipment:

"[TEK shall] f) upon request, carry out law enforcement tasks, related to escorting persons under extradition or transfer arrest to the national borders

or from abroad to Hungary, as well as transportation of convicted prisoners through Hungary, [...]

- (k) in connection with its detection and neutralization tasks, carry out bomb disposal activities - where appropriate with the involvement of the specialized units of the bomb disposal unit of the agency responsible for general police duties -, in particular
- (ka) the provision of bomb disposal services in connection with the search for weapons and explosives,
- (kb) the inspection of objects, vehicles and operational sites threatened by explosives and the provision of professional bomb disposal services,
- (kc) the removal of objects obstructing the taking of an action, the opening of points of entry with the help of explosive or pyrotechnic devices, and
- (kd) the examination, disarming and - where appropriate - removal and destruction of objects found which are potentially explosive or suspicious or may indicate that explosive or incendiary acts have been carried out,
- (l) carrying out and coordinating the detection and response to chemical, biological or nuclear threats within the scope of its detection, neutralization and personal protection duties, in particular by carrying out searches of objects, vehicles, routes and operational sites for the detection and response to chemical, biological or nuclear threats."

In the same way, according to Article 3, paragraph (2), (3), (3a) and (3b) of the Government Regulation 295/2010 (XII.22.), TEK is also responsible for:

- "a) the apprehension and making forced appearance of persons caught in the act of intentional commitment of crime, if available information indicates the use of weapons,
- b) the apprehension of armed persons suspected of committing criminal acts, and
- c) restraining persons dangerous to themselves and to others, if such person exhibits armed resistance, or resistance with weapons in the course of measures taken against him/her."

"(3) Upon request by the investigating authorities, law enforcement agencies and the prosecutor's office, TEK may especially

- a) intercept violent criminal acts against persons not listed under paragraph (2) point b), or apprehend the perpetrators,
- b) apprehend armed persons who may be suspected of committing a crime,
- c) in addition to cases identified under paragraph (2) point c), apprehend persons dangerous to themselves or to others,

d) escort detained persons if the degree of danger of the person, or the circumstances of escorting justify it, and

e) transport materials seized in the course of official action that are especially dangerous to public security, and especially large amount of, or high value narcotics."

"(3a) TEK carries out the interruption of unlawful acts against air traffic, capture and arrest of perpetrators upon request of investigative authorities, law enforcement services and the prosecution.

(3b) TEK shall, upon the specific designation of the Minister responsible for law enforcement, perform tasks related to the transport and custody of property of outstanding value for Hungary."

Based on Police Act Article 7/G paragraph (3) TEK is empowered to independently cooperate and maintain contacts with the partner agencies, and to directly participate in the activities of the international organizations of such agencies (e.g. Europol).

Partnership with the Ministry of Foreign Affairs and Trade facilitates significantly the implementation of activities related to international cooperation, TEK participates and cooperates in the fulfilment of all requests where it can guarantee the necessary security using its qualified staff and equipment. Point h) of Subparagraph 1 in Paragraph 3 of the Government Decree 295/2010 of 22 December provides

that h) in order to comply with international obligations, it (TEK) shall cooperate with the Ministry of Foreign Affairs and Trade, including coordination of the practical tasks arising from such obligations, in particular the organization of interception in Hungary."

This partnership is of utmost importance in two special fields of activities. On the one hand, TEK may – upon a common decision by the Minister of Interior and the Minister for Foreign Affairs – participate in rescue, repatriation or evacuation operations outside of Hungary to protect Hungarian citizens. On the other hand, upon a common decision of the same Ministers, TEK shall provide personal and facility protection for some Hungarian diplomatic missions, institutions and facilities abroad. Relevant provisions of the Police Act are as follows [Article 7/E paragraph (1)]:

"d) based on the decision of the minister

responsible for law enforcement made in agreement with the minister responsible for foreign policy, and in compliance with relevant international standards, shall participate – in case of direct risk to the physical integrity and life of Hungarian citizens outside of Hungary during war, armed conflict and terrorist or hostage taking situations – in rescue, repatriation and evacuation operations, and shall cooperate with this purpose with the agencies of the North Atlantic Treaty Organization and with affected international organizations and affected foreign authorities, [...]

f) For the period identified in the decision of the minister responsible for law enforcement made in agreement with the minister responsible for foreign policy, it shall, in compliance with international standards, provide personal and facility protection for

- a) Hungarian foreign missions and their staff, and
- b) Hungarian organizations (institutions) and facilities abroad that are important for government activities, and shall cooperate with this purpose with the agencies of the North Atlantic Treaty Organization and with affected international organizations and affected foreign authorities.”

### **Counter-terrorism Intelligence and Criminal Analysis Centre**

As a result of the new CT action plan adopted in 2016 the Hungarian fusion center, the Counter-terrorism Information and Criminal Analysis Center (TIBEK) was established on July 17, 2016 as a national security service. TIBEK is supervised by the Minister of Interior.

According to the Police Act, TIBEK's main tasks are to detect terrorist organizations, to prevent, detect and avert efforts of private persons, groups and organizations aimed at committing terrorist activities, and prevent related crimes to be committed, as well as to prevent private persons, groups and organizations to financially support or to assist in any other way, any terrorist organization to redound (Article 1 (2) 15).

TIBEK's main tasks are detailed in Act CXXV of 1995, Section 8/A. According to this Act, TIBEK examines Hungary's overall crime and safety situation, within the frameworks of which, it monitors and with the use

of all the relevant and available data, continuously analyzes Hungary's national security, criminal situation and terrorist threat. Upon request, it also evaluates the task execution of the organizations involved. It is important to mention that it will not have the right to collect information in secret.

In order to facilitate the decision-making concerning strategic questions about national security, criminal situations and terrorist threats, TIBEK makes propositions to the ministers responsible for directing the national security services to define the relevant tasks. It also performs strategic analysis and it determines demands concerning information for the organizations involved. Furthermore, it contributes to the proposition of the level of threat of terrorism based on the evaluation of information concerning Hungary's terrorist situation. TIBEK compiles, actualizes and transmits ad hoc and periodic news demands to the organizations involved, which are of utmost importance for the government to make its respective decisions.

TIBEK processes information harmful to national security, law enforcement, public safety or any other fundamental security interest, and through its analyses to compile as comprehensive a picture as possible of terrorist and/or other threats to the nation, the domestic security situation and the state of public safety.

It will operate an information system with regard to the above and provide regular evaluation reports to the Government.

The Hungarian Passenger Information Unit (PIU) operates under the umbrella of TIBEK's Travel Intelligence Targeting Center. It assists the cooperating partners' work by collecting and processing travel intelligence-related data, by doing so, facilitates countering threats, terrorism-related and serious crime. TIBEK's Travel Intelligence Targeting Centre cooperates – among others – with other countries' Passenger Information Units.

TIBEK handles databases for the purposes of national level coordination and creates informative assessments, background and risk analysis. It is worth mentioning that the national security services cannot link their own data handling system to that of TIBEK's system. TIBEK also assists the security and criminal decision-making of the government by providing statistical data that is anonymized.



## INTERNATIONAL CO-OPERATION

The Ministry of Foreign Affairs and Trade is the national focal point in the strategic-level, policy-related international cooperation on counter-terrorism and in this capacity:

- coordinates the implementation of relevant international obligations, i.e. UN Security Council resolutions on terrorism-related sanctions and the procedural rules for submitting complaints thereto (Government Decree 212/2010 (VII.1.) and EU terrorism-related sanctions;
- is responsible for the formulation of coordinated positions related to counter-terrorism to be presented at different international fora (i.e. UN, EU, OSCE, Council of Europe, NATO) and in bilateral negotiations;
- makes proposals on concrete national policies concerning Hungary's participation in international counter-terrorism activities.

There is a Counter-Terrorism Coordinator in the Ministry of Foreign Affairs and Trade.

Hungary hosts a Regional Program Support Office of the UN Office of Counter-Terrorism in Budapest.

### Mutual assistance in criminal matters and extradition

As Hungary is committed to the fight against terrorism, several bilateral agreements have been concluded with other states on cooperation to fight against terrorism, organized crime and illicit trafficking of drugs.

Among others, Hungary has bilateral agreements in this field with Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, China, Croatia, Cyprus, the Czech Republic, Egypt, Estonia, France, Greece, the United Kingdom, the United States of America, Ukraine, Ireland, Israel, Jordan, Kazakhstan, Kuwait, Poland, Latvia, Lithuania, Italy, Malta, Morocco, the Netherlands, Romania, Russia, Slovenia, Slovakia, South Africa, Switzerland, Serbia, Spain, Sweden, Turkey, Tunisia and Vietnam.

Hungary is party to the following Council of Europe conventions covering mutual legal assistance in

criminal matters and extradition: European Convention on Extradition (Paris, 12/13/1957) and its additional protocols (Strasbourg, 10/15/1975; Strasbourg, 03/17/1978), European Convention on Mutual Assistance in Criminal Matters Strasbourg, 04/20/1959 and its additional protocols (Strasbourg, 03/17/1978, Strasbourg, 11/08/2001). Further general rules are contained in Act XXXVIII of 1996 on International Legal Assistance in Criminal Matters, which is applied for cases not stipulated by the above-mentioned conventions. Forms of legal assistance governed by the Act are extradition, surrender or acceptance of criminal proceedings, surrender or acceptance of sentences of imprisonment or enforcement of such measures, procedural assistance and denunciation at the authorities of Foreign States. The Minister of Justice or the Chief Public Prosecutor performs and submits requests for legal assistance in criminal matters.

Since the last review of Hungary's CDCT profile, the following bilateral conventions entered into force with regard to mutual assistance in criminal matters and extradition:

Treaty between Hungary and the Republic of Kosovo on Extradition

Treaty between Hungary and the Kingdom of Thailand on Extradition

Treaty between Hungary and the Republic of Kosovo on the Transfer of Sentenced Persons.

### Measures at international level

Since the last review of its CDCT profile, Hungary signed the Protocol amending the Additional Protocol to the Convention on the Transfer of Sentenced Persons (ETS No.222) on March 31, 2021

signed the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (ETS No. 217) on January 31, 2018

signed Agreement between the Government of Hungary and the United Nations on the establishment of the United Nations Office of Counter-Terrorism (UNOCT) Regional Program Support Office in Budapest.

<b>Relevant Council of Europe conventions – Hungary</b>	<b>Signed</b>	<b>Ratified</b>
Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism [CETS No. 198]	X	X
Council of Europe Convention on the Prevention of Terrorism [CETS No. 196]	X	X
Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism [CETS No. 217]	X	X
Convention on Cybercrime [ETS No. 185]	X	X
Additional Protocol to the Convention on Cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems [ETS No. 189]		
Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime [ETS No. 141]	X	X
European Convention on the Compensation of Victims of Violent Crimes [ETS No. 116]	X	
European Convention on the Suppression of Terrorism [ETS No. 90]	X	X
Protocol amending the European Convention on the Suppression of Terrorism [ETS No. 190]	X	
European Convention on the Transfer of Proceedings in Criminal Matters [ETS No. 73]	X	
European Convention on Mutual Assistance in Criminal Matters [ETS No. 30]	X	X
Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters [ETS No. 99]	X	X
Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters [ETS No. 182]	X	X
European Convention on Extradition [ETS No. 24]	X	X
Additional Protocol to the European Convention on Extradition [ETS No. 86]	X	X
Second Additional Protocol to the European Convention on Extradition [ETS No. 98]	X	X
Third Additional Protocol to the European Convention on Extradition [CETS No. 209]	X	
Fourth Additional Protocol to the European Convention on Extradition [CETS No. 212]	X	
<b>Relevant United Nations conventions – Hungary</b>	<b>Signed</b>	<b>Ratified</b>
Convention on Offenses and Certain Other Acts Committed on Board Aircraft (Tokyo, 1963)		X
Convention for the Suppression of Unlawful Seizure of Aircraft (the Hague, 1970)	X	X
Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 1971)	X	X
Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 1988)	X	X
Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (New York, 1973)	X	X
International Convention against the Taking of Hostages (New York, 1979)		X
Convention on the Physical Protection of Nuclear Material (Vienna, 1979)		X
Amendment to the Convention on the Physical Protection of Nuclear Material (Vienna, 2005)	X	X
Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Rome, 1988)		X
2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (London, 2005)		
Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (Rome, 1988)	X	X
2005 Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (London, 2005)		
Convention on the Marking of Plastic Explosives for the Purpose of Detection (Montreal, 1991)	X	X
International Convention for the Suppression of Terrorist Bombings (New York, 1997)	X	X
International Convention for the Suppression of the Financing of Terrorism (New York, 1999)	X	X
International Convention for the Suppression of Acts of Nuclear Terrorism (New York, 2005)	X	X