Act XXXVIII of 1996

on international legal assistance in criminal matters

Chapter I

General rules

Section 1 The purpose of this Act is to lay down rules on cooperation with other states in criminal matters.

Section 2 A request for legal assistance shall not be executed or put forward if it would jeopardise the public order or an essential national security interest of Hungary. As regards this matter, the statements of position of the minister responsible for justice (hereinafter the "Minister") and the Prosecutor General shall be observed.

Section 3 The provisions of this Act shall apply unless an international treaty provides otherwise.

Section 4 (1) Forms of legal assistance in criminal matters:

a) extradition;

b) transferring and taking over a criminal proceeding;

c) taking over or transferring enforcement of a custodial penalty or a measure involving deprivation of liberty;

d) taking over or transferring enforcement of forfeiture of assets, confiscation, or a penalty or measure having equivalent effect (hereinafter "forfeiture of assets or confiscation");

e) taking over or transferring enforcement of rendering electronic data permanently inaccessible or a penalty or measure having equivalent effect (hereinafter "rendering electronic data permanently inaccessible");

f) procedural legal assistance;

g) reporting a crime to a foreign state.

(2) Legal assistance in criminal matters shall be rendered and requested by the Minister or the Prosecutor General.

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Section 5 (1) Unless otherwise provided in this Act, a request for legal assistance may be executed or put forward if

a) the act is punishable under both the Hungarian law and the law of the foreign state;

b) the legal assistance is related to neither a criminal offence other than a political criminal offence or another criminal offence in close connection therewith, nor a military criminal offence.

(2) For the purpose of paragraph (1), an act shall not be considered a political criminal offence if, at the time of commission, the ordinary nature of the criminal offence outweighs its political nature, taking into account all circumstances, including the purpose pursued by the criminal offence, the motive of the criminal offence, the manner of commission, and the instruments used or intended to be used.

(3) The ordinary nature of intentional homicide and criminal offences that constitute also intentional homicide shall always outweigh their political nature.

Section 6 (1) The Minister may request a statement on reciprocity from the foreign state and may, if requested by the foreign state, make a statement on reciprocity.

(2) Absent reciprocity, decision on the execution of a foreign request for legal assistance shall lie with the Minister or the Prosecutor General, with the agreement of the Minister responsible for foreign policy.

(3) The enforcement of forfeiture of assets or confiscation shall only be taken over or transferred in accordance with an obligation under an international treaty.

(4) Should a foreign authority put forward a request for legal assistance in criminal matters for an act that constitutes a criminal offence under the law of the state of the authority but an infraction under Hungarian law, the central authority shall notify accordingly the requesting foreign authority. If the foreign authority maintains its request for rendering legal assistance in its statement issued in response to the notification, the Act on legal assistance in infraction matters shall apply to the execution of the request.

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(5) A request for procedural legal assistance may be executed even if the condition specified in section 5 (1) a) is not met, provided that the requested state applies reciprocity also in this respect. In this event, competence to execute the request for procedural legal assistance shall lie with a district prosecution office.

Section 7 The Minister or the Prosecutor General may make the execution of a request for legal assistance conditional upon appropriate assurances, and refuse execution if the provision of assurances is refused and it is reasonable to assume that the proceeding pending abroad, the expected sentence, or its enforcement is not in compliance with the provisions and fundamental principles on the protection of human rights under the Fundamental Law and international law.

Section 8 On behalf of Hungary, the Minister or the Prosecutor General may accept a condition set by another state for the execution of a Hungarian request for legal assistance in criminal matters that may be set as condition for the execution of a foreign request for legal assistance under this Act. To ensure the appropriate operation of administration of justice, further reasonable conditions that are not contrary to the provisions of section 2 may also be accepted. Conditions set by a foreign state for the execution of a request for legal assistance that were accepted by Hungary shall be complied with.

Section 9 If a request for legal assistance is granted, the provisions of passport, visa, foreign exchange and customs legislation shall not constitute an obstacle to persons entering and leaving the country and to objects being handed over and received.

Section 10 Unless otherwise provided in this Act, Act C of 2012 on the Criminal Code (hereinafter the "Criminal Code") and Act XC of 2017 on the Code of Criminal Procedure (hereinafter the "Code of Criminal Procedure") shall apply accordingly also to international legal assistance traffic in criminal matters.

Section 10/A For the purposes of this Act, the rules on communication by electronic means shall apply with the derogation that, if a case document is to be transmitted to a foreign state, the proceeding court or prosecution office shall send the case document in a paper-based form to the Prosecutor General and the Minister.

Chapter II

Extradition

Title 1

Extradition from Hungary

Section 11 (1) At a request of a foreign state, a person in Hungary may be extradited for the purpose of conducting a criminal proceeding or enforcing a sentence of imprisonment or a measure involving deprivation of liberty.

(2) Extradition shall be permissible for the purpose of conducting a criminal proceeding if the act for which extradition is sought is punishable by imprisonment for at least one year under both Hungarian law and the law of the requesting state as well as for the purpose of the enforcement of a sentence of imprisonment or a measure involving deprivation of liberty if more than six months remain to be served from the period of the sentence of imprisonment imposed or the measure applied.

Section 12 (1) Extradition shall not be permissible if

a) the statute of limitations expired, either in the requesting state or in Hungary, for the criminal offence or sentence for which extradition is sought;

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b) a pardon terminated the liability to punishment of, or excludes enforcement of the sentence as regards, the person whose extradition is sought;

c) if required for conducting the criminal proceeding in the requesting state, a private motion or a motion of equivalent effect was not submitted or consent was not granted;

d) a court of Hungary, of another Member State of the European Union, or of a state party to the Convention of 19 June 1990 implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders adjudicated the act on which extradition is based with final and binding effect or adopted a decision on the merits of the act that, under the law of the state in which the decision was adopted, constitutes an obstacle to instituting a new criminal proceeding for the same act;

e) the requesting state requests the extradition of a person for the purpose of enforcing a sentence of imprisonment or a measure involving deprivation of liberty imposed on him in a decision adopted in his absence, provided that the rights of defence were not ensured in the proceeding preceding the adoption of the decision;

f) consent from a third country or a Member State of the European Union is required for the extradition of the person whose extradition is sought and the third country or the Member State of the European Union does not give consent.

(2) Extradition shall not be refused pursuant to paragraph (1) e) if the requesting state provides appropriate assurance that, at the request of the person whose extradition is requested, the right to a new trial in the case will be ensured.

(3) If paragraph (1) f) applies, the Budapest-Capital Regional Court shall request that consent be given through the Minister, by transmitting the data relevant for requesting consent of the extradition request, in particular the facts of the case and the legal classification of the criminal offence. If the requested country is a Member State of the European Union, Act CLXXX of 2012 on cooperation with the Member States of the European Union in criminal matters shall apply to transmitting the request for consent. As part of its request, the Budapest-Capital Regional Court shall provide information on the time limit for the extradition proceeding and, taking that time limit into account, set an appropriate time limit for giving consent.

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Section 13 (1) Unless this Act provides for an exception, the extradition of a Hungarian national shall be permissible only if

a) the person whose extradition is requested is also the national of another state at the same time; and

b) he does not have an address within the territory of Hungary.

(2) If pursuant to a decision by the Prosecutor General, a criminal proceeding pending before a judicial authority of a foreign state against a person whose extradition is requested who is a Hungarian national with an address within the territory of Hungary cannot be taken over, the person whose extradition is requested may be extradited for a criminal offence for which the maximum of the penalty range is not less than imprisonment for one year under both Hungarian law and the law of the requesting state, provided that the foreign state consents that the final and binding decision including imprisonment to be served or measure involving deprivation of liberty imposed on the person whose extradition is requested be enforced in Hungary, should the defendant or the person reasonably suspected of having committed a criminal offence (hereinafter the "defendant") so request.

(2a) Unless this Act provides for an exception, the extradition for the purpose of enforcement of a sentence of imprisonment or a measure involving deprivation of liberty of a person holding the nationality of a Member State of the European Union who has an address within the territory of Hungary shall only be permissible subject to consent of the person whose extradition is requested.

(3) Notwithstanding the provisions of paragraphs (1) and (2a), a person whose extradition is requested may be surrendered, without conducting an extradition procedure, to a foreign state if his extradition to Hungary was granted under the condition that after the completion of the criminal proceeding conducted against, or the enforcement of the sentence imposed on, him he will be surrendered further for the purpose of executing the extradition request of the foreign state.

(4) If the extradition of a person holding the nationality of a Member State of the European Union is requested for the purpose of conducting a criminal proceeding and no ground for refusal can be established based on the data available, the court shall inform of the extradition request the central authority of the Member State of the nationality of the person whose extradition is requested.

Section 14 (1) The extradition of a person recognised as a refugee by Hungary or another Member State of the European Union to the state he fled from shall be refused. A person recognised as refugee by Hungary or another Member State of the European Union may be extradited only to a safe third country within the meaning of the Act on asylum.

(1a) Paragraph (1) shall apply also if the refugee status of the person whose extradition is sought ceased because he acquired the nationality of Hungary or another Member State of the European Union, but the conditions for recognition are still met. As regards whether the conditions for recognition are met, the statement of position of the minister responsible for asylum and immigration shall be observed.

(2) A person enjoying temporary protection or having tolerated status, a beneficiary of subsidiary protection, or a foreign national beneficiary of subsidiary or temporary protection status in a Member State of the European Union shall not be extradited to the state he fled from.

(2a) A person seeking recognition as refugee, beneficiary of subsidiary protection or person enjoying temporary protection or a foreign national lodging an application for international protection in a Member State of the European Union shall not be extradited to the state he fled from.

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(2b) It shall not constitute an obstacle to extradition if the person seeking recognition as refugee, beneficiary of subsidiary protection, or person enjoying temporary protection, or applying for international protection submits his application repeatedly after the asylum authority, in a decision against which no further legal remedy is available, rejected his previous application or withdrew his recognition as refugee, beneficiary of subsidiary protection, or person enjoying temporary protection, provided that he is not granted any other protection specified in the Act on asylum.

(3) If the person whose extradition is requested seeks recognition as refugee, beneficiary of subsidiary protection, or person enjoying temporary protection, or is a foreign national lodging an application for international protection in a Member State of the European Union, the time limit for a coercive measure applied to the person whose extradition is requested shall, taking into account the completion of the asylum proceeding with final and binding effect, be extended so that at least forty days are available after the refusal of the application for taking a decision on extradition, and surrendering the extradited person. Even in this case, the joint period of detention pending extradition and provisional detention pending extradition shall not exceed twenty-four months from the commencement of the coercive measure.

(4) If another Member State of the European Union is entitled to assess the application referred to in paragraph (2a) of the person whose extradition is requested, the authorities acting in the extradition proceeding shall, to facilitate the conduct of the proceeding, cooperate with the Member State authorities competent to conduct the proceeding. To this effect, temporary surrender of a person detained in an extradition proceeding shall be permissible on the basis of an *ad hoc* agreement with the Member State of the proceeding that the Minister concludes with the competent Member State authority. The International Law Enforcement Cooperation Centre, with assistance from the police, shall provide for transferring to the Member State concerned and transferring back to the territory of Hungary the person whose extradition is requested.

Section 14/A (1) Extradition shall be refused if its execution would violate an international convention.

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(2) If the person whose extradition is requested files a human rights complaint with an international organisation and the international organisation admitting the complaint requests that a provisional measure be ordered, the time limit for the coercive measure applied to the person whose extradition is requested shall be extended so that after the refusal of the complaint at least forty days are available for taking a decision on extradition and surrendering the person concerned. Even in this case, the joint period of detention pending extradition and provisional detention pending extradition shall not exceed twenty-four months from the commencement of the coercive measure.

Section 14/B If section 14 (3) or section 14/A (2) applies, the court shall, observing the time limits set out in section 22 (1), review whether a coercive measure is justified on the basis of case documents, every six months from the ordering or the extension of the coercive measure.

Section 15 If under the law of the requesting state, death penalty may be imposed for the criminal offence on which the extradition request is based, the Minister shall not grant extradition unless the requesting state provides sufficient assurance that even if a death penalty is imposed on the extradited person, it will not be enforced.

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Section 16 (1) Even if the other conditions are met, extradition may only be granted if it is ensured that

a) for another criminal offence committed before extradition for which extradition has not been granted, no criminal proceeding is conducted and no measure restricting personal freedom is enforced in the requesting state against the person whose extradition is requested, and that he is not extradited to a third country for that act;

b) the extradited person may leave the territory of the requesting state following the completion of the criminal proceeding conducted against him or the enforcement of his sentence after extradition.

(2) The Minister, after the decision granting extradition, may consent, at the request of the requesting state, to lifting the restrictions referred to in paragraph (1) a) if the conditions of extradition or, for an extradition request put forward by a Member State of the European Union, the conditions of a European arrest warrant are met also in this respect.

(3) The consent referred to in paragraph (2) shall not be required for lifting the restrictions referred to in paragraph (1) a) if the extradited person does not leave the territory of the requesting state within forty-five days of release despite having the opportunity to do so, or returns to the territory of the requesting state after leaving it. The person whose extradition is requested shall be advised accordingly in the extradition proceeding.

(4) The conditions specified in paragraph (1) shall not be set as conditions for extradition if, after being advised of the legal consequences of the waiver, the person whose extradition is requested voluntarily waives the application of the restrictions specified in paragraph (1).

Section 17 If more than one state submits a request for the extradition of the same person, the factors to be taken into account when taking the decision on extradition shall be, in particular, the place of commission, the nationality of the person whose extradition is requested, the order in which the requests were received and, if the requests relate to different criminal offences, the material gravity of the criminal offences.

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Section 18 (1) The Minister shall be responsible for receiving extradition requests and, unless their execution is excluded under section 2, sending them to the Budapest-Capital Regional Court without delay.

(2) The Budapest-Capital Regional Court shall have exclusive jurisdiction to act, as a single judge, in a case falling within the jurisdiction of the court under this Title. Unless excluded in this Act, a non-conclusive order of the Budapest-Capital Regional Court may be appealed; the appeal shall be adjudicated by the Budapest-Capital Regional Court of Appeal in a panel session. The appeal shall have no suspensory effect.

Section 19 (1) If the whereabouts of a person whose extradition is requested are unknown, the Budapest-Capital Regional Court shall order that the person whose extradition is requested be located. Should this measure be successful, the police shall order the custody of the person whose extradition is requested and bring him before the Budapest-Capital Regional Court in an immediate summary procedure. The period of custody pending extradition shall not exceed seventy-two hours.

(2) At a request of the requesting state, the Budapest-Capital Regional Court shall order that the police locate and seize the objects specified in section 30 (1).

(3) Seizure of the objects referred to in section 30 (1) that the requesting state specified in the international arrest warrant or the extradition request may be ordered by also the authority that proceeds when the person whose extradition is requested is apprehended.

Section 20 (1) The Budapest-Capital Regional Court

a) shall send the case documents relating to the person whose extradition is requested to the prosecution service to enable it to file a motion;

b) shall appoint a defence counsel for the person whose extradition is requested if the participation of a defence counsel is mandatory in the proceeding and the person whose extradition is requested does not have an authorised defence counsel; the court shall be responsible for the designation of the officially appointed defence counsel;

c) shall hold a trial as regards extradition; if participation of a defence counsel is mandatory, the trial cannot be held absent the defence counsel;

d) shall notify the prosecution service of the trial, and summon the defence counsel if participation of a defence counsel is mandatory or, otherwise, notify him;

e) shall hear the person whose extradition is requested, in particular as regards his identity and nationality, and, if he wishes to make such a statement, on circumstances affecting the conditions of extradition under this Act;

f) shall inform the person whose extradition is requested about the rules set out in section 16 and the possibility of a waiver, and take the statement of the person whose extradition is requested thereon; additionally, the provision of information and the statement of the person whose extradition is requested shall be recorded in minutes;

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g)

h) shall order the detention pending extradition of the person whose extradition is requested if the conditions for extradition are met.

(1a) The Budapest-Capital Regional Court shall transmit its order ordering detention pending extradition with administrative finality together with the case documents to the Minister to enable him to decide on extradition.

(1b) Where detention pending extradition cannot be ordered or maintained due to the expiry of the maximum period specified in section 14 (3) or 14/A (2), the Budapest-Capital Regional Court shall order the criminal supervision pending extradition of the person whose extradition is requested.

(2) If the person whose extradition is requested is not in Hungary or the measure taken to locate him was not successful, the Minister shall be notified, and he shall inform accordingly the state putting forward the request.

(3) The criminal costs incurred in the course of the extradition proceeding shall be borne by the state.

Section 21 (1) The court shall terminate the extradition proceeding

a) if the person taken into custody is not the same as the person for whom the foreign state put forward the extradition request;

b) if the place of actual residence of the person whose extradition is requested became unknown;

c) if provisional detention pending extradition is to be terminated because the person whose extradition is requested did not consent to extradition under section 23 (1), and the request for extradition did not arrive within the time limit specified in section 25 (1);

d) if the requesting state withdrew the extradition request; or

e) for any other reason specified in this Act.

(2) The court may decide to terminate the extradition proceeding also on the basis of case documents.

(3) If an extradition proceeding is terminated, the Minister shall inform accordingly the foreign state on the basis of the non-conclusive court order with administrative finality.

Section 22 (1) The period of detention pending extradition shall not exceed six months; the Budapest-Capital Regional Court may extend this period once by up to six months. If extradition is requested for the purpose of enforcement of a sentence of imprisonment or a measure involving deprivation of liberty, the period of detention pending extradition shall not exceed the period of the imprisonment to be served or the measure involving deprivation of liberty.

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(2) The Budapest-Capital Regional Court shall immediately terminate detention pending extradition if

a) the Minister refused extradition;

b) the extradition request was withdrawn;

c) the requesting state failed to take over the extradited person within fifteen days from the date specified.

(3) For a person in provisional detention pending extradition, the first day of detention pending extradition shall be the day when the Minister receives the extradition request. If this applies, provisional detention pending extradition shall last until detention pending extradition is ordered.

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(4) If at the time when detention pending extradition or provisional detention pending extradition is ordered, the person whose extradition is requested is in pre-trial detention or is serving a sentence of imprisonment or confinement, or is subject to a measure involving deprivation of liberty, the detention pending extradition or provisional detention pending extradition shall be put into effect from the date when pre-trial detention terminates or the enforcement of the sentence of imprisonment or confinement or the measure involving deprivation of liberty is concluded.

Section 23 (1) When ordering provisional detention pending extradition, the Budapest-Capital Regional Court shall, if it can be established on the basis of data available that the conditions for extradition are met, inform the person whose extradition is requested that, subject to his consent to extradition, the Minister may consent to extradition even before the receipt of the extradition request; the provision of information and the statement by the person whose extradition is requested shall be recorded in minutes (simplified extradition).

(2) The consent referred to in paragraph (1) shall not be withdrawn.

(3) Subject to consent to extradition by the person whose extradition is requested, the court shall transmit to the Minister the order ordering provisional detention pending extradition with administrative finality together with the case documents.

Section 24 (1) In urgent cases, in particular if there is a risk of escape, the requesting state may, even before submitting the extradition request, request that provisional detention pending extradition be ordered as regards the person for the extradition of whom it intends to put forward a request

(2) A request for provisional detention pending extradition may be put forward also through the International Law Enforcement Cooperation Centre (hereinafter the "ILECC"). The ILECC shall arrange for ordering the custody for extradition of the requested person and for bringing him before the Budapest-Capital Regional Court in an immediate summary procedure. The period of custody shall not exceed seventy-two hours.

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Section 25 (1) Provisional detention pending extradition shall be terminated if no request for extradition is received within forty days from it being ordered. If the request for extradition is later submitted, the termination of the provisional detention pending extradition shall not prevent detention pending extradition from being ordered pursuant to section 20 (1) h).

(2) The Minister shall, without delay, notify of the provisional detention pending extradition the state requesting the measure. In the notification information shall also be provided on when the provisional detention pending extradition terminates in accordance with the provisions of paragraph (1).

Section 25/A (1) Except for the cases specified in paragraphs (2) to (4), no other coercive measure affecting personal freedom shall be applied in place of provisional detention pending extradition and detention pending extradition. Bail shall not be set in the course of an extradition proceeding.

(2) In place of provisional detention pending extradition, provisional criminal supervision pending extradition and in place of detention pending extradition, criminal supervision pending extradition may be ordered but only on the condition that the court prescribes that the defendant is not to leave a specified area, home, other premises, institute or related fenced area without permission.

(3) In place of provisional detention pending extradition, provisional criminal supervision pending extradition may be ordered if the extradition request has been put forward against a person with address in Hungary

a) for a criminal offence for which the maximum of the penalty range does not exceed imprisonment or a measure involving deprivation of liberty for five years under the law of the requesting state; or

b) due to him being sentenced with final and binding effect to imprisonment or a measure involving deprivation of liberty and the remaining period of the imprisonment or the measure involving deprivation of liberty does not exceed three years;

and the purpose to be achieved by the provisional detention pending extradition may be ensured by also a less sever coercive measure taking into account, in particular, the personal and family situation of the person whose extradition is requested and the circumstances of his apprehension.

(4) The court shall order provisional criminal supervision pending extradition or criminal supervision pending extradition if the provisional detention pending extradition or detention pending extradition of the person whose extradition is requested is to be terminated due to the expiry of the maximum period specified in section 14 (3) or 14/A (2).

(5) If the court orders, pursuant to paragraph (4), the provisional criminal supervision pending extradition or criminal supervision pending extradition of a person other than a Hungarian national or without address in Hungary whose extradition is requested or if a provisional criminal supervision pending extradition or criminal supervision pending extradition ordered pursuant to paragraph (4) cannot be ensured in any other way, including those referred to in section 25/B (1), the court shall designate as a home for the person whose extradition is requested a community accommodation within the meaning of the Act laying down the general rules on the entry and residence of third-country nationals.

Section 25/B (1) In its order ordering provisional criminal supervision pending extradition or criminal supervision pending extradition referred to in section 25/A (2), the Budapest-Capital Regional Court shall prescribe that the police is to monitor compliance with the provisions relating to the coercive measure also using a technical device tracking the movement of the person whose extradition is requested. The court shall clarify whether the technical conditions are met for installing a technical device tracking the movement of the person whose extradition is requested before ordering its use.

(2) The rules on provisional detention pending extradition and detention pending extradition shall apply accordingly to the period of provisional criminal supervision pending extradition and criminal supervision pending extradition, with the proviso that the provision on the joint period of the coercive measures referred to in sections 14 (3) and 14/A (2) shall not apply to a provisional criminal supervision pending extradition or criminal supervision pending extradition ordered pursuant to section 25/A (4).

(3) Custody of the person whose extradition is requested shall be ordered if

a) he violates the rules of the provisional criminal supervision pending extradition or criminal supervision pending extradition referred to in section 25/A (2);

b) he fails to appear at a procedural act despite being summoned and fails to provide a well-grounded excuse for his absence in advance or immediately after the obstacle is removed;

c) it is established in the course of the installation of the technical device tracking the movement of the person whose extradition is requested that the conditions for using the technical device are not ensured.

(4) If paragraph (3) applies, the court shall order the provisional detention pending extradition or detention pending extradition of the person whose extradition is requested; however, a disciplinary fine shall not be imposed.

(5) If after a provisional criminal supervision pending extradition or criminal supervision pending extradition has been ordered pursuant to section 25/A (4), the provisional detention pending extradition or detention pending extradition of the person whose extradition is requested is ordered pursuant to section (4), the time limits specified in section 14 (3) and 14/A (2) shall be calculated from the day when the coercive measure is repeatedly ordered.

Section 26 (1) Decision on extradition shall lie with the Minister. If the court establishes in an order that the statutory conditions for extradition are not met, the Minister shall refuse extradition with reference to the court order.

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(2) The Minister shall notify the requesting foreign state of his decision.

(3) Custody and detention pending extradition of the defendant shall be ordered if simplified extradition applies and the Minister consents to the extradition of a person whose extradition is requested and who is subject to provisional criminal supervision pending extradition under section 25/A (2). In such an event, the first day of detention pending extradition shall be the day when it is put into effect on the basis of the consent of the Minister.

Section 27 (1) The ILECC, with cooperation of the police, shall provide for the surrender of the extradited person.

(2) If the surrender of the extradited person was not possible due to an unavertable obstacle beyond the control of any of the acting authorities, the time limit for detention pending extradition or provisional detention pending extradition shall be extended so that at least twenty days are available after the elimination of the unavertable obstacle for surrendering the extradited person. The extradited person shall be released immediately after the expiry of this time limit.

(3) To ensure surrender, the custody or compulsory attendance of the person subject to criminal supervision pending extradition whose extradition is requested may be ordered.

Section 28 If the Minister refused extradition or the requesting state did not take over the extradited person, the Minister shall send the case documents to the Prosecutor General for consideration of instituting a criminal proceeding or taking another measure.

Section 29 (1) If a proceeding in Hungary is pending against the extradited person for another criminal offence or the extradited person is serving a sentence of imprisonment or confinement, the Minister may postpone surrender until the proceeding or the enforcement of the sentence is concluded.

(2) If the Minister postponed the surrender of the extradited person pursuant to the provisions of paragraph (1), he may, at a request of the requesting state, grant the provisional surrender of the extradited person to the requesting state for the performance of an urgent procedural act. The provisional surrender of the person whose extradition is requested shall be permissible only if it is ensured that he is held in custody in the requesting state and he is returned within a set period.

(3) The entire period of detention abroad shall be credited to the period of the penalty imposed or the measure involving deprivation of liberty applied by the court in accordance with the rules on the crediting of remand detention and criminal supervision of the Criminal Code taking into account the nature of the foreign sentence of imprisonment or the foreign measure involving deprivation of liberty.

Section 30 (1) The Budapest-Capital Regional Court may, in an extradition proceeding, grant the handover to the requesting state of objects used as instrument for the criminal offence on which the extradition request is based, acquired by the perpetrator by way of the criminal offence, replacing objects acquired by way of the criminal offence, or that may be required as means of physical evidence.

(2) The handover such an object may be granted also if extradition was granted, but the person whose extradition is requested has not been surrendered.

(3) If the handover of the objects is granted, the handover

a) may be postponed for as long as they are required for an authority proceeding pending in Hungary; or

b) may be made conditional upon their return within a set period.

(4) If the state requesting extradition substantiates that the person whose extradition is requested or another person would hide, destroy or render unavailable for the proceeding the objects referred in paragraph (1), a coercive measure may be ordered applying, as appropriate, sections 302 to 338 of the Code of Criminal Procedure to prevent this.

(5) The provisions of the section shall be without to prejudice to ownership and other rights over such objects.

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Title 2

Requesting extradition from a foreign state

Section 31 A request for extradition may be put forward to a foreign state for the purpose of conducting a criminal proceeding and enforcing a sentence of imprisonment or a measure involving deprivation of liberty.

Section 32 (1) If justified by the material gravity of the criminal offence, the court may issue an international arrest warrant against a defendant for the purpose of conducting a criminal proceeding or enforcing a sentence of imprisonment or a measure involving deprivation of liberty, provided that the extradition of the defendant is permissible under section 11 (2).

(2) Even if the condition specified in paragraph (1) is met, an international arrest warrant may be issued after indictment for the purpose of conducting a criminal only if the prosecution service moved for imposing imprisonment to be served or applying special education in a reformatory as part of the indictment document or in the course of the modification or extension of the indictment.

(3) The right to issue an international arrest warrant before indictment shall lie with the investigating judge. If a sentence of imprisonment or a measure involving deprivation of liberty imposed with final and binding effect on the defendant is to be enforced, the right to issue an international arrest warrant shall lie with the sentence enforcement judge.

(4) The court shall send to the Minister the international arrest warrant and, if the international arrest warrant is issued for the purpose of enforcement of a sentence of imprisonment or a measure involving deprivation of liberty, the final and binding judgment.

(5) An international arrest warrant shall be withdrawn without delay if the grounds for issuing it have ceased. Before indictment, the court may withdraw the arrest warrant also *ex officio*. The international arrest warrant shall be withdrawn without delay if the international arrest warrant has been issued before indictment, but the prosecution service did not move for imposing imprisonment to be served or applying special education in a reformatory in the indictment document. Unless section 33 (2) applies, if the defendant is apprehended on the basis of an international arrest warrant and the conditions for issuing the international arrest warrant are otherwise met, the international arrest warrant may not be withdrawn, except after the surrender of the defendant to Hungary. The issuing court shall send the order withdrawing the international arrest warrant to the Minister without delay.

Section 33 (1) Decision on putting forward an extradition request shall lie with the Minister; the court issuing the international arrest warrant shall be notified of the decision.

(2) If the Minister does not put forward the extradition request, the international arrest warrant shall be withdrawn without delay, depending on the information provided by the Minister.

Section 34 (1) As regards extradition for enforcement of a sentence of imprisonment or a measure involving deprivation of liberty, if a concurrent sentence was imposed and the Minister requests extradition for enforcement of penalty imposed or measure applied for certain, but not all acts or the foreign state grants extradition for enforcement of penalty imposed or measure applied for certain, but not all acts, the part of the penalty or measure that was imposed or applied for the act for which the Minister requests or the foreign state grants extradition shall be determined by the first-instance court.

(1a) Unless otherwise provided in this Act,

a) the proceeding shall be instituted *ex officio* or at a motion by the prosecution service, the defendant or the defence counsel;

b) the court shall proceed as a single judge without the involvement of lay judges;

c) the court shall decide on the basis of case documents and hear the prosecutor, the defendant and the defence counsel as necessary; if evidence is taken, a trial shall be held;

d) the second instance court shall adjudicate an appeal challenging the judgment of the first-instance court in a panel session; and

e) third-instance court proceedings shall not be conducted.

(2) The part of the penalty or measure referred to in paragraph (1) shall be determined on the basis of the ratio between the maximums of the penalty ranges for the criminal offences for which the concurrent sentence was imposed.

(3) If the sentence of imprisonment or the measure involving deprivation of liberty for which the Minister requests extradition or the foreign state grants extradition was included in an accumulative sentence, the sentence of imprisonment or the measure involving deprivation of liberty imposed in the main judgment to be enforced shall be that for which extradition is requested or granted. Paragraphs (1) and (2) shall apply accordingly if the main judgment imposes a concurrent sentence.

(4) If extradition is requested or granted for enforcement of all sentences of imprisonment or all measure involving deprivation of liberty included in the accumulative sentence, the imprisonment or measure involving deprivation of liberty imposed by the accumulative sentence shall be enforced.

Section 34/A (1) Against a defendant, no criminal proceeding shall be instituted, and he shall not be found guilty or be deprived of freedom in any other way, for a criminal offence committed before his extradition other than the criminal offence for which he is extradited.

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(2) Paragraph (1) shall not apply if

a) the defendant does not leave the territory of Hungary within forty-five days of release despite having the opportunity to do so; or returns to its territory after leaving it;

b) in the extradition proceeding, the defendant renounced the speciality rule;

c) following extradition, the defendant expressly renounced his entitlement to the speciality rule with regard to criminal offences preceding his surrender; or

d) the requested state consents to the conduct of the criminal proceeding or the enforcement of the sentence.

(3) For a renunciation referred to in paragraph (2) c), the renunciation shall be given before the court and recorded in minutes signed by both the representative of the judicial authority and the renouncing person. The renunciation shall be worded in such a way as to make clear that the defendant has given it voluntarily and in full awareness of its consequences. The defendant shall have the right to a defence counsel.

(4) A request for consent referred to in paragraph (2) d) shall be put forward to the requested state applying, as appropriate, the rules on the issuance and transmission of an international arrest warrant.

Section 35 Section 24 (1), section 27, section 29 (2), and section 30 (1) and (4) may apply, as appropriate, also if extradition is requested from a foreign state.

Section 36 The entire period of detention abroad on the basis of the extradition request shall be credited to the penalty imposed or measure involving deprivation of liberty applied by the court in accordance with the rules on the crediting of remand detention and criminal supervision of the Criminal Code taking into account the nature of detention abroad.

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Title 3

Extradition from Hungary to the United Kingdom, the Republic of Iceland, and the Kingdom of Norway

Section 36/A (1) The provisions of Title 1 shall apply accordingly to extradition requests from the United Kingdom of Great Britain and Northern Ireland (hereinafter the "United Kingdom"), the Republic of Iceland, and the Kingdom of Norway subject to the derogations laid down in this Title.

(2) A person within the territory of Hungary may be apprehended, his custody shall be ordered and he may be extradited for the purpose of conducting a criminal proceeding and enforcing a sentence of imprisonment or a measure involving deprivation of liberty on the basis of an arrest warrant issued against a person within the territory of the European Union by a judicial authority of the United Kingdom, the Republic of Iceland, or the Kingdom of Norway (for the purposes of this Title, hereinafter "arrest warrant for extradition"). An arrest warrant for extradition shall be construed to mean an extradition request.

Section 36/B (1) Decision on extradition shall lie with the Budapest-Capital Regional Court.

(2) The Budapest-Capital Regional Court shall order the detention pending extradition and extradition of the defendant in a non-conclusive order if the conditions for extradition are met.

(3) The Budapest-Capital Regional Court shall refuse to execute an arrest warrant for extradition if a grounds for refusal exists. The court may decide on the refusal of the execution of an arrest warrant for extradition also on the basis of case documents.

(4) Where

a) a European arrest warrant and an arrest warrant for extradition; or

b) multiple arrest warrants for extradition

issued against the same defendant are in conflict and the conditions for execution are met as regards more than one state, the Budapest-Capital Regional Court shall decide, assessing all circumstances, which arrest warrant is to be executed. In taking the decision, the court shall take into account, in particular, the material gravity of the criminal offence, the place where the criminal offence was committed, the date when the arrest warrants were issued, and whether the arrest warrant concerned was issued for conducting a criminal proceeding or enforcing a sentence of imprisonment or a measure involving deprivation of liberty.

(5) The provisions under this Title shall not apply to the proceeding if the conflict exists between an arrest warrant for extradition and an extradition request.

Section 36/C (1) The Budapest-Capital Regional Court shall order the detention pending extradition and the simplified extradition of the defendant if the defendant consents to being extradited and the conditions for extradition are met.

(2) The Budapest-Capital Regional Court may provide for ordering detention pending extradition and simplified extradition even before the receipt of the arrest warrant for extradition.

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(3) If the defendant consented to being extradited and only an assurance provided by the issuing judicial authority is to be obtained for taking the decision referred to in paragraph (1), then, following the receipt of the assurance, the Budapest-Capital Regional Court may order the detention pending extradition and simplified extradition of the defendant in provisional detention pending extradition also on the basis of case documents. The defendant shall be informed accordingly when provisional detention pending extradition is ordered.

(4) No appeal shall lie against ordering detention pending extradition and simplified extradition.

(5) The provisions of this Act on the execution of extradition shall apply accordingly to the execution of simplified extradition if detention pending extradition and simplified extradition is ordered.

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Section 36/D (1) The court shall, without delay, send to the Minister and the ILECC its non-conclusive order with administrative finality adopted on extradition.

(2) On the basis of the non-conclusive court order with administrative finality, the Minister shall inform the issuing judicial authority of the decision on extradition and the period for which the defendant was detained on the basis of the arrest warrant for extradition or subject to a coercive measure.

Section 36/E (1) As regards a defendant who did not renounce the speciality rule pursuant to section 16 (4), the Budapest-Capital Regional Court shall consent to the issuing state conducting a criminal proceeding or enforcing a sentence of imprisonment or a measure involving deprivation of liberty for a criminal offence committed before extradition other than the criminal offence on which the extradition of the defendant is based, if the criminal offence on which the new arrest warrant for extradition or request for consent sent by the issuing state for this purpose is based is itself subject to extradition in accordance with the provisions of this Act.

(2) The Budapest-Capital Regional Court shall decide on giving consent on the basis of case documents.

(3) No appeal shall lie against a decision referred to in paragraph (2).

(4) The procedure under paragraphs (1) to (3) shall apply to also a further extradition if the defendant did not renounce the speciality rule and, following extradition, a decision is to be adopted on a European arrest warrant or arrest warrant for extradition issued by another state for a criminal offence committed before extradition or a request for consent from the state entitled to issue such an arrest warrant.

Section 36/F (1) The court, in its decision on extradition, may postpone the execution of the extradition of the defendant to enable the conduct of a criminal proceeding against him within the territory of Hungary or, if he has been already found guilty, the enforcement of a sentence of imprisonment or confinement imposed or a measure involving deprivation of liberty applied for a criminal offence other than the criminal offence for which the arrest warrant for extradition was issued.

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(2) The court shall postpone the execution of the extradition of a defendant if, when extradition is ordered, the defendant is in pre-trial detention, or he is subject to compulsory psychiatric treatment, serves a sentence of imprisonment or confinement, or a measure involving deprivation of liberty is enforced against him.

(3) The court may adopt the decision postponing the execution of extradition referred to in paragraph (1) also after the decision on extradition. The court shall decide on postponing the execution of extradition on the basis of case documents.

(4) The court shall postpone the execution of the extradition of the defendant pursuant to paragraph (3) if, after detention pending extradition is ordered, pre-trial detention or preliminary compulsory psychiatric treatment of the defendant is ordered, or the defendant starts serving a sentence of imprisonment or confinement, or a measure involving deprivation of liberty is enforced against him.

(5) If the court postponed the execution of the extradition of the defendant, it shall *ex officio* review on the basis of case documents whether postponement is justified

a) immediately, in a situation referred to in paragraph (2), after enforcement of detention pending extradition is put into effect or, in a situation referred to in paragraph (4), after enforcement of detention pending extradition is repeatedly put into effect, and three months thereafter;

b) three months after detention pending extradition is ordered in a situation other than those referred to in point a).

(6) Where the period of postponement of the execution of extradition exceeds six months from the commencement date specified in paragraph (5) a) or b), the court shall review whether postponement is justified every three months starting from the sixth month in a panel session in which the participation of a prosecutor is mandatory.

(7) The prosecution service, the defendant and the defence counsel may move for reviewing whether postponement is justified after

a) in a situation referred to in paragraph (2), enforcement of detention pending extradition is put into effect or, in a situation referred to in paragraph (4), enforcement of detention pending extradition is repeatedly put into effect;

b) detention pending extradition is ordered in a situation other than those referred to in point a).

The court may dismiss a motion without stating any reason as to its merits if the defendant and the defence counsel do not invoke a new circumstance in the repeated motion for reviewing postponement.

(8) In the course of reviewing whether postponement is justified, the court

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a) shall request the court or prosecution office conducting the criminal proceeding to provide information as regards the status of the criminal proceeding serving as basis for postponement or the procedural acts planned;

b) shall seek information on the status of the enforcement of the sentence of imprisonment or confinement or the measure involving deprivation of liberty serving as basis for postponement.

(9) The court shall review whether postponement is justified in accordance with the provisions of paragraphs (5) to (8) and adopt a new decision, in which

a) it upholds the postponement of the execution of extradition;

b) it, upholding the postponement, orders temporary surrender of the defendant at the same time; or

c) it orders execution of the extradition of the defendant.

Section 36/G (1) If execution of extradition is postponed, the Budapest-Capital Regional Court may order the temporary surrender of the defendant to the issuing judicial authority in accordance with the conditions set out in a written mutual agreement with the issuing judicial authority.

(2) The Budapest-Capital Regional Court shall decide on temporary surrender on the basis of case documents. The ILECC, with cooperation of the police, shall provide for the surrender and takeover of the defendant.

Section 36/H The court or the prosecution service shall interrogate the defendant at a request of the judicial authority of the state issuing the arrest warrant for extradition. Observing section 3, the provisions of Chapter V shall apply accordingly to the request and the execution of the request.

Title 4

Requesting extradition from the United Kingdom, the Republic of Iceland, and the Kingdom of Norway

Section 36/I (1) The provisions of Title 2 shall apply accordingly to requesting extradition from the United Kingdom, the Republic of Iceland and the Kingdom of Norway subject to the derogations laid down in this Title.

(2) The court shall issue an arrest warrant against a defendant for his apprehension in and extradition from the United Kingdom, the Republic of Iceland, or the Kingdom of Norway (for the purposes of this Title hereinafter “arrest warrant for extradition”) if data available shows that the defendant is in the United Kingdom, the Republic of Iceland, or the Kingdom of Norway.

(3) The power to issue an arrest warrant for extradition shall lie with the court entitled to issue an international arrest warrant.

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(4) An arrest warrant for extradition issued by the court shall qualify as an extradition request.

(5) The court shall send the arrest warrant for extradition to the Minister and the ILECC for transmission to the executing judicial authority.

(6) If the executing judicial authority decided to postpone extradition, the court shall be entitled to initiate temporary surrender of the requested person and, through the Minister, to enter into the agreement.

Chapter III

Transferring and taking over a criminal proceeding;

reporting a crime to a foreign state

Title 1

Transferring a criminal proceeding

Section 37 (1) A criminal proceeding may be transferred if it seems reasonable that it be conducted by an authority of another state, taking into account, in particular, the place where the criminal offence was committed, the place of actual residence of the defendant and the interests of the aggrieved party.

(2) A criminal proceeding already pending in the requested state for the criminal offence subject to the criminal proceeding shall not constitute an obstacle to transferring the criminal proceeding or putting forward a request for transfer of the criminal proceeding.

Section 37/A The transfer of the criminal proceeding shall be mandatory if Hungary, in an international treaty promulgated in an Act, renounced prosecution in a case falling under Hungarian criminal jurisdiction of a criminal offence committed by a foreign national

a) within the territory of Hungary; or

b) on board of a Hungarian ship or Hungarian aircraft beyond the borders of Hungary.

Section 38 (1) The Prosecutor General, before indictment, and the Minister, after indictment, shall decide on the transfer of a criminal proceeding and put forward the relevant request to the foreign state on the basis of a submission by the court or prosecution office conducting the criminal proceeding (hereinafter the "Hungarian judicial authority") and the received case documents.

(2) The Prosecutor General and the Minister may assess whether putting forward a request for legal assistance is justified also upon initiative by a foreign state.

Section 39 (1) For transferring a criminal proceeding, the Prosecutor General or the Minister may consult the foreign state, even before the request is put forward, if justified, as regards in particular

a) the handover of documents or specific parts of documents, the method of handover, and whether the documents are to be translated;

b) things seized or handled as exhibit in the criminal proceeding, their handover, and the method of handover;

c) assets impounded in the criminal proceeding.

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(2) If a criminal proceeding is transferred, procedural acts carried out in Hungary shall be regarded as performed on the basis of a request for legal assistance put forward by the state taking over. The provisions of procedural legal assistance shall apply accordingly to the handover of documents, objects or assets.

Section 40 (1) The Prosecutor General or the Minister shall consult the requested state on the transfer of the defendant if the defendant is in pre-trial detention or subject to another, more lenient coercive measure affecting personal freedom in the Hungarian criminal proceeding on which the request for transfer of the criminal proceeding is based.

(2) The transfer of the defendant may be carried out only after the Hungarian criminal proceeding is taken over.

(3) If, for transferring a criminal proceeding, the transfer of a defendant in pre-trial detention or subject to other, more lenient coercive measure affecting personal freedom in the Hungarian criminal proceeding is carried out, the period of the coercive measure shall last until the surrender of the defendant to the foreign authority.

(4) The court or the prosecution office conducting the proceeding may order that the defendant be taken into custody to ensure transfer if the defendant is subject to criminal supervision and, in light of the consultation under paragraph (3), transfer cannot be carried out in any other way. The coercive measure affecting personal freedom applied shall not be prejudiced by ordering custody for transfer. The period of custody for transfer of the defendant shall last until the defendant is surrendered to the foreign authority, but not longer than seventy-two hours. Custody for transfer shall be terminated if the transfer of the defendant cannot be carried out within its period due to an unavertable obstacle. In such a situation, custody of the defendant for transfer may be ordered repeatedly.

(5) The ILECC, with cooperation of the police, shall provide for the transfer of the defendant in light of the consultation with the foreign authority.

(6) Section 13 (2), section 15 and section 16 shall apply accordingly if the criminal proceeding is transferred with the defendant being in pre-trial detention or subject to another, more lenient coercive measure affecting personal freedom in the Hungarian criminal proceeding.

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Section 41 (1) The criminal proceeding may continue after a request for legal assistance for transfer of a criminal proceeding is put forward, but

a) the proceeding shall not be terminated;

b) indictment shall not be permissible and conditional suspension by a prosecutor shall not be ordered;

c) the case shall not be referred to mediation procedure; and

d) a conclusive decision shall not be adopted.

(2) A request for legal assistance for transfer of a criminal proceeding shall not be withdrawn after the foreign state adopts the decision on taking over the criminal proceeding.

Section 42 (1) Following the decision by the foreign state to take over the criminal proceeding, the court or the prosecution office conducting the proceeding shall, taking into account also the transfer of the defendant and the handover of the things seized in the criminal proceeding, establish that the criminal proceeding has been transferred and that the authority of the foreign state shall conduct the criminal proceeding from there on, and shall, accordingly, terminate the criminal proceeding conducted in Hungary.

(2) No legal remedy shall lie against the decision terminating the proceeding.

(3) With the exception specified in paragraph (4), a criminal proceeding transferred shall not be continued in Hungary.

(4) The court or the prosecution service shall order that the criminal proceeding transferred be continued if

a) the foreign state taking over withdraws the decision on taking over the criminal proceeding;

b) after taking over the criminal proceeding, the foreign state taking over establishes that the criminal proceeding should not have been taken over;

c) Hungary takes over the conduct of the criminal proceeding transferred.

Title 2

Taking over a criminal proceeding

Section 43 (1) A criminal proceeding pending in a foreign state may be taken over if it seems reasonable to conduct it in Hungary, taking into account, in particular, the place where the criminal offence was committed, the place of actual residence of the defendant and the interests of the aggrieved party.

(2) A criminal proceeding already pending in Hungary for the criminal offence subject to the criminal proceeding shall not constitute an obstacle to taking over the criminal proceeding pending in a foreign state.

(3) If taking over a criminal proceeding pending in a foreign state is justified, the Prosecutor General may request the foreign state to transfer the criminal proceeding.

Section 44 (1) Decision on taking over a criminal proceeding shall lie with the Prosecutor General.

(2) Section 39 and section 40 (1) shall apply accordingly to a consultation relating to taking over a criminal proceeding.

(3) A defendant subject to a coercive measure affecting personal freedom in a criminal proceeding pending in a foreign state may be taken over only after a decision is taken on taking over the criminal proceeding.

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(4) Provided that the relevant statutory conditions are complied with, the prosecution service shall order, upon taking over the defendant, that he be taken into custody if the defendant is in pre-trial detention or subject to another, more lenient coercive measure affecting personal freedom in the criminal proceeding to be taken over and his transfer is related to the transfer of the criminal proceeding.

(5) The ILECC shall provide for the transfer of the defendant in accordance with the agreement reached with the foreign state and in light of the consultation with the foreign authority.

(6) Section 34/A shall apply accordingly if the criminal proceeding is taken over with the defendant being in pre-trial detention or subject to another, more lenient coercive measure affecting personal freedom in the foreign criminal proceeding.

Section 44/A (1) Procedural acts performed in the criminal proceeding taken over shall be regarded as performed on the basis of procedural legal assistance for obtaining or handing over a means of evidence or performing a procedural act.

(2) Section 391 and, if justified, section 538 of the Code of Criminal Procedure shall apply to the proceeding of the prosecution service if a criminal proceeding is taken over following indictment in the foreign state.

(3) The date of the decision on taking over the criminal proceeding shall be regarded as the date of the interrogation as a suspect of the defendant if the foreign authority interrogated as a suspect the defendant, or he was indicted, in the criminal proceeding taken over. If the criminal proceeding is taken over with the defendant being in pre-trial detention or subject to another, more lenient coercive measure affecting personal freedom in the criminal proceeding pending in the foreign state, the date when the pre-trial detention or the other, more lenient coercive measure affecting personal freedom was ordered abroad shall be regarded as the date of ordering a coercive measure affecting personal freedom subject to judicial permission.

(4) For a criminal offence to be persecuted upon a private motion under Hungarian law, a private motion submitted in the foreign proceeding in accordance with the relevant legislation shall be considered duly submitted also in the proceeding taken over. The person entitled to do so shall be called upon to submit a private motion if the private motion was not submitted in the criminal proceeding pending abroad because the submission of a private motion is not required under the law of the country of the requesting authority. The time limit for the submission of a private motion shall be calculated from the service of the call.

Section 44/B (1) The Prosecutor General shall, at a request of the foreign authority, notify the requesting foreign authority of the conclusion of the criminal proceeding taken over by a conclusive court decision or a non-conclusive court order with administrative finality, and of the prosecution service or the investigating authority adopting a decision on suspension for conditional suspension by a prosecutor or to conduct a mediation procedure, or a decision terminating the proceeding which may not be challenged by further legal remedy.

(2) The entire period of detention or criminal supervision abroad of the defendant ordered in the criminal proceeding conducted in the foreign state shall be credited to the period of any penalty imposed on or measure involving deprivation of liberty applied to the defendant by the court in the course of the criminal proceeding taken over.

Title 3

Reporting a crime to a foreign state

Section 45 (1) Reporting a crime to a foreign state may be initiated, before indictment, by the prosecution service at the Prosecutor General or, after indictment, by the court at the Minister if

a) section 3 of the Criminal Code confers no relevant jurisdiction to Hungary or the Prosecutor General does not order launching a criminal proceeding; or

b) the criminal proceeding is terminated and the jurisdiction of a foreign state can be established over the criminal offence subject to the criminal proceeding, and

the criminal proceeding is likely to be successfully conducted in the foreign state having jurisdiction over the adjudication of the case.

(2) If the criminal proceeding is transferred, the crime shall not be reported to the foreign state under paragraph (1) b) after the criminal proceeding is terminated.

(3) Decision on reporting a crime shall lie with the Prosecutor General or the Minister. The prosecution service and the court shall be informed if a crime is reported.

(4) Reporting a crime to a foreign state, in itself, shall not constitute an obstacle to subsequently resuming the criminal proceeding.

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Chapter IV

LEGAL ASSISTANCE FOR ENFORCEMENT

General rules

Section 46 (1) The Minister shall be responsible for receiving and, unless their execution is excluded under section 2, sending to the court notifications on which the recognition of a final and binding judgment adopted by the court of a foreign state (hereinafter the "foreign judgment") is based as well as foreign requests for transfer of the enforcement of a sentence of imprisonment, a measure involving deprivation of liberty, forfeiture of assets or confiscation, and rendering electronic data permanently inaccessible. The powers to recognise a foreign judgment and to assess whether the statutory conditions are met for enforcement of a sentence of imprisonment, a measure involving deprivation of liberty, forfeiture of assets or confiscation, and rendering electronic data permanently inaccessible shall lie with the Budapest-Capital Regional Court.

(2) Unless otherwise provided in this Act,

a) the proceeding shall be instituted *ex officio* or at a motion by the prosecution service, the defendant or the defence counsel;

b) the court shall proceed as a single judge without the involvement of lay judges;

c) the court shall decide on the basis of documents and hear the prosecutor, the defendant and the defence counsel in a session as necessary; if evidence is taken, a trial shall be held;

d) the second instance court shall adjudicate an appeal challenging the judgment of the first-instance court in a panel session; and

e) third-instance court proceedings shall not be conducted.

(3) No review shall lie against a conclusive decision by the court.

(4) As regards recognition of a foreign judgment and takeover of the enforcement of forfeiture of assets or confiscation and the enforcement of rendering electronic data permanently inaccessible, also a junior judge may proceed.

(5) The court shall terminate the proceeding

a) if a final and binding conclusive decision has been previously adopted on the recognition of the foreign judgment;

b) for another reason specified in this Act.

Title 1

RECOGNITION OF A FOREIGN JUDGMENT

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Section 47 (1) A foreign judgment shall have the same effect as the judgment of a Hungarian court if the Hungarian court recognised the foreign judgment in accordance with this Act. A foreign judgment that is not recognised shall not be taken into account in a criminal proceeding.

(2) The provisions of this title shall not apply to a judgment adopted by a court of a Member State of the European Union and a court of the United Kingdom.

(3) A foreign judgment shall be recognised only if the proceeding conducted against the perpetrator abroad and the penalty imposed and the measure applied are not in conflict with the fundamental principles of the Hungarian legal system.

(4) Time spent in detention or remand detention or under criminal supervision abroad shall be credited to the period of the penalty imposed by the Hungarian court if a foreign court already adjudicated an act falling within Hungarian jurisdiction but the foreign judgment cannot be recognised.

(5) Foreign judgment shall be construed to mean also a final and binding judgment adopted by an international criminal court established by an international treaty promulgated in an Act or a binding decision of the United Nations Security Council.

Section 48 (1) In adopting a conclusive order, the court shall be bound by the facts of the case established by the foreign court.

(2) The court, in the course of its proceeding, shall establish the legal consequences under Hungarian law of conviction. If the penalty or measure imposed in the judgment of the foreign court is not in complete compliance with Hungarian law, the court shall determine in a conclusive order the penalty or measure to be imposed in accordance with Hungarian law so that it corresponds as closely to possible to the penalty or measure imposed by the foreign court, and, if enforcement is requested, provides for enforcement of the penalty or measure accordingly.

(3) The Act in force at the time of the commission of the criminal offence shall apply to determining the penalty or measure to be imposed; if under the Hungarian Act in force at the time of determining the penalty or measure to be imposed the act is not a criminal offence or is to be adjudged more leniently, the new Act shall apply.

(4) If the foreign court imposed in a judgment a concurrent sentence for more than one criminal offence and one of the acts adjudicated by the judgment is not a criminal offence under Hungarian law or, otherwise, cannot be recognised, the court shall, in a conclusive order, determine the punishment in accordance with the rules on sentencing of the Criminal Code ignoring the act concerned and taking into account the further facts of the case(s).

(5) If a sentence of imprisonment imposed by a foreign court is not compatible with Hungarian law due to its enforcement method or period, the court shall determine the punishment and its period within the penalty range set in the Hungarian Criminal Code for the criminal offence corresponding to the facts of the case serving as basis for the judgment taking into account the rules on sentencing, including the rules for determining enforcement method and of release on parole. If the period of imprisonment imposed by the foreign court is shorter than what could be imposed under Hungarian law taking into account also the rules on reduction of punishment in the Criminal Code, then the period of the imprisonment determined by the court shall be equal to the period determined by the foreign court. The period of the punishment established by the court shall not exceed the period of the punishment imposed by the foreign court.

(6) The court shall recognise the punishment imposed in a foreign judgment as imprisonment the enforcement of which is suspended for a probation period if the foreign court imposed imprisonment ordering the enforcement of a specific part of its period and suspending the enforcement of the remaining part for a probation period. In such an event, the court shall specify the period of the punishment ordered to be enforced in the foreign judgment as period served of the suspended imprisonment, and determine, applying paragraph (5) accordingly, the probation period in line with the probation period in the foreign judgment.

(7) The court shall notify the organ maintaining criminal records of the recognition of the validity of a foreign judgment.

(8) Criminal costs incurred in the course of the recognition of a foreign judgment shall be borne by the state.

(9) A release on parole imposed by a foreign court may be terminated, the enforcement of a suspended imprisonment imposed by a foreign court may be ordered, and a temporary release from special education in a juvenile correctional institution or release on probation applied in a foreign judgment may be terminated only if enforcement of the penalty or the measure is taken over.

(10) The court shall set aside a decision on the recognition of a foreign judgment *ex officio* or at a motion by the prosecution service, the defendant or the defence counsel, and terminate the proceeding if a final and binding conclusive decision has been previously adopted on the recognition of the foreign judgment.

Title 2

TAKING OVER ENFORCEMENT OF IMPRISONMENT IMPOSED BY A FOREIGN COURT

Section 49 (1) Enforcement of a sentence of imprisonment to be served imposed by a foreign court may be taken over if the sentenced person detained abroad consented to the takeover and not less than six months of the sentence remain to be served at the time of the receipt by the Minister of the request for takeover or the sentence is for an indefinite period, provided that the sentenced person is a Hungarian national with an address in Hungary or holds the nationality of another Member State of the European Union and has an address in Hungary or is a non-Hungarian national enjoying permanent residence status in, or recognised as a refugee by, Hungary.

(2) If the conditions under paragraph (1) are met, enforcement of a sentence of imprisonment or a measure involving deprivation of liberty imposed in a foreign judgment may be taken over also absent the consent of the sentenced person if the sentenced person detained abroad is subject, in connection with the foreign judgment, to forced removal to Hungary or another decision is adopted in accordance with which the sentenced person, in the event of his release, is no longer allowed to stay in the state of the foreign judgment.

(3) If the conditions under paragraph (1) are met, enforcement of the sentence of imprisonment or the measure involving deprivation of liberty imposed in a foreign judgment may be taken over if the sentenced person returns to Hungary before the sentence is enforced. In such an event, enforcement of the sentence may be taken over even absent the consent of the sentenced person.

(4) Paragraph (3) shall not apply to a sentenced person if he was sentenced to imprisonment to be served by a foreign court in his absence, or the foreign court ordered the enforcement of the sentence of imprisonment suspended for a probation period due to him returning to Hungary before the enforcement of the sentence.

(5) If paragraph (2) applies, the provisions on the speciality rule referred to in section 34/A shall apply accordingly to another criminal offence committed before transfer that is different from the criminal offence serving as basis for the final and binding foreign judgment imposing a sentence of imprisonment on or applying a measure involving deprivation of liberty to the sentenced person transferred to Hungary for enforcement, with the proviso that the sentenced person shall make any statement as regards renouncing the speciality rule before the sentence enforcement judge of the place of detention.

(6) The Minister may make taking over enforcement conditional upon the foreign judicial authority giving prior consent to conducting the criminal proceeding for a criminal offence different from the criminal offence serving as basis for the foreign judgment.

(7) If the Minister refuses the takeover of execution, he shall proceed in accordance with section 28.

(8) The Minister, with assistance from the ILECC as necessary, may request data provision from any organ, legal person or organisation without legal personality to acquire information necessary for establishing whether the conditions for taking over enforcement are met.

Section 50 Enforcement shall not be taken over if the act on which the foreign guilty judgment is based was already adjudicated with final and binding effect by the Hungarian court.

Section 51 (1) The court shall scrutinise, together with the request for taking over enforcement of the sentence of imprisonment if it is already known in the proceeding for the recognition of the foreign judgment or the judgment delivered in the United Kingdom, whether the conditions laid down in this Act for taking over enforcement of the sentence are met, and adopt a conclusive order accordingly. The court shall send to the Minister the conclusive order together with the case documents.

(2) If the court previously adopted a final and binding conclusive order on the recognition of the foreign judgment or the judgment delivered in the United Kingdom, the court shall be bound by the decision contained therein in the proceeding for taking over enforcement of the sentence of imprisonment. This rule shall not apply if

a) recognition of the foreign judgment or the judgment delivered in the United Kingdom was refused because the data required for recognition was not available to the court, and the missing data may be obtained in the proceeding for taking over enforcement of the sentence of imprisonment; or

b) taking over enforcement of the sentence of imprisonment requires the recognition of a provision of the foreign judgment that was not covered, or was not covered in accordance with the law, by the conclusive order on recognition adopted previously.

(3) If section 49 (1) and (2) applies, the court shall decide on the basis of case documents; if section 49 (3) applies, the court shall hold a session the prosecutor, the defendant and, where participation of a defence counsel is mandatory pursuant to the Code of Criminal Procedure, the defence counsel is obliged to attend.

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(4) Decision on taking over sentence enforcement shall lie with the Minister. If, according to the conclusive order by the court, the statutory conditions for taking over sentence enforcement are not met, the request shall be dismissed with reference to the conclusive court decision.

Section 52 (1) If, at the time when takeover of enforcement of a foreign judgment is requested, a criminal proceeding is pending against the sentenced person for the act serving as basis for the request, the proceeding may be suspended until a decision is adopted on taking over the proceeding.

(2) If the Minister decides to take over sentence enforcement, the criminal proceeding shall be terminated.

(3) Decision on suspension and termination shall lie with the court or prosecution service of the proceeding.

Section 53 (1) The Minister shall notify the Budapest-Capital Regional Court of the agreement to take over enforcement of a sentence. The ILECC, with cooperation of the police, shall provide for takeover of the sentenced person.

(2) A sentenced person taken over for enforcement of a sentence of imprisonment imposed by a foreign court shall be admitted to the penal institution designated by the minister responsible for prison administration.

Section 54 (1) The period of detention, remand detention or criminal supervision abroad shall be credited to the period of the sentence taken over.

(2) Criminal costs incurred in connection with translation relating to takeover of the enforcement of a sentence of imprisonment imposed by a foreign court shall be borne by the state.

Section 55 Enforcement ordered by a conclusive order of the Budapest-Capital Regional Court of a foreign judgment shall be terminated without delay if the enforceability of the foreign judgment ceased, or it was suspended or interrupted.

Section 55/A (1) If section 49 (3) applies, the court, at a motion by the prosecution service, may, in the course of the execution of a request for taking over enforcement, order the provisional detention pending enforcement of a sentenced person who is within the territory of Hungary if

a) preliminary data show no circumstance prohibiting the takeover of enforcement; and

b) it is reasonable to assume that, if left at liberty, the sentenced person would hide, attempt to escape, or otherwise evade enforcement of the sentence.

(2) If provisional detention pending enforcement of the sentenced person is likely to be ordered, the prosecution service may order that he is taken into custody.

(3) The court shall hold a session as regards provisional detention pending enforcement in which the participation of the prosecutor and the defence counsel is mandatory.

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(4) The period of provisional detention pending enforcement shall not last longer than until the conclusion of the agreement on takeover of enforcement or exceed the period of the sentence. The period spent in custody or provisional detention pending enforcement shall be credited to the sentence of imprisonment or the measure involving deprivation of liberty taken over for enforcement. The court shall review whether the provisional detention pending enforcement is justified every three months.

Title 3

TRANSFERRING ENFORCEMENT OF IMPRISONMENT IMPOSED BY A HUNGARIAN COURT

Section 56 Enforcement of a final and binding sentence of imprisonment imposed by a Hungarian court may be transferred to another state.

Section 57 (1) Enforcement of imprisonment may be transferred only if

a) the foreign state undertakes an obligation to enforce the period not yet enforced of the sentence;

b) in a case where transfer involves the surrender of the sentenced person, the sentenced person consents to transferring enforcement.

(2) Enforcement of a sentence of imprisonment imposed on a Hungarian national may be transferred only if his domicile or habitual place of residence is abroad.

(3) The consent referred to in paragraph (1) b) shall not be withdrawn.

(4) Criminal costs incurred in connection with translation and transporting the defendant relating to the transfer of the enforcement of a sentence of imprisonment imposed by a Hungarian court shall be borne by the state.

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Section 57/A (1) A request for transferring enforcement of a sentence of imprisonment shall be put forward to the proceeding judge when the decision on which legal assistance for enforcement is based is announced or afterwards to the sentence enforcement judge of the seat of the court that proceeded at first instance.

(2) If a court or another authority receives a request it is not competent to administer pursuant to paragraph (1), it shall send it without delay to the competent court and inform the sentenced person accordingly.

(3) If the conditions are met, or a request is put forward, for transferring enforcement of the sentence of imprisonment, the sentenced person shall make his statement of consent before the proceeding judge when the decision on which legal assistance for enforcement is based is announced or afterwards before the sentence enforcement judge of the seat of the court that proceeded at first instance.

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(4) The hearing of the sentenced person shall be recorded in written minutes signed by both the judge and the person making the statement, or, in addition to recording it in written minutes, an image and audio recording shall also be taken of the hearing.

(5) The hearing may be conducted also using a telecommunication device.

(6) When hearing a sentenced person, the judge shall inform him, before he makes his statement,

a) of the substantial circumstances and consequences of transferring enforcement;

b) that his request qualifies as consent;

c) of the speciality rule.

(7) The court proceeding in the criminal case shall send to the sentence enforcement judge the written minutes taken in accordance with the provisions of paragraph (4) together with the other case documents required for transferring enforcement.

(8) If transfer of enforcement is not excluded taking into account the remaining period of the sentence to be served, the sentence enforcement judge shall send to the Minister the written minutes taken in accordance with the provisions of paragraph (4) together with the other case documents required for transferring enforcement. If transfer of enforcement is excluded taking into account the remaining period of the sentence to be served, the sentence enforcement judge shall inform the sentenced person accordingly.

Section 58 (1) The power to request a foreign state to transfer enforcement shall lie with the Minister.

(2) If enforcement of a sentence of imprisonment is transferred, the ILECC, with cooperation of the police, shall provide for the surrender of the sentenced person.

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(3) The Minister, applying section 16 (1) to (3) accordingly, shall decide on a request by a foreign state relating to consent to the conduct of a criminal proceeding against the sentenced person for a criminal offence committed before his transfer other than the criminal offence on which the transfer is based.

Section 59 If enforcement was taken over, the enforcement of the sentence of the sentenced person may be continued in Hungary only if the sentenced person did not subject himself to the enforcement in the state taking over enforcement.

Section 60 If after the transfer of enforcement, the judgment is amended as a result of retrial or review, or enforcement cannot be continued due to an amnesty provision, or the period of the sentence is reduced, the state taking over shall be notified accordingly.

Title 4

TAKING OVER ENFORCEMENT OF A MEASURE INVOLVING DEPRIVATION OF LIBERTY ORDERED BY A FOREIGN COURT AND TRANSFERRING ENFORCEMENT OF A MEASURE INVOLVING DEPRIVATION OF LIBERTY ORDERED BY A HUNGARIAN COURT

Section 60/A (1) If the conditions set out in this Act are met, enforcement of a measure involving deprivation of liberty ordered by a foreign court may be taken over and enforcement of such a measure ordered by a Hungarian court may be transferred.

(2) The measure ordered by a foreign court may only be taken over if the Hungarian law recognises a similar measure or penalty.

(3) The provisions of Titles 2 and 3 shall apply accordingly to taking over and transferring a measure.

Title 5

TAKING OVER ENFORCEMENT OF FORFEITURE OF ASSETS OR CONFISCATION

Section 60/B Enforcement of an enforceable forfeiture of assets or confiscation imposed by a foreign court may be taken over upon request to that effect on the basis of an international treaty.

Section 60/C (1) The court shall examine in accordance with the relevant provisions of this Act and with international treaties whether the conditions are met for the execution of a request to transfer enforcement of forfeiture of assets or confiscation and shall decide accordingly on the recognition of the decision on forfeiture of assets or confiscation of the foreign court or the court of the United Kingdom and the takeover of enforcement.

(2) The court shall send the final and binding conclusive order to the Minister so that the foreign court can be notified. The Minister shall notify the requesting foreign state of the order.

(3) Enforcement ordered on the basis of a decision by a foreign court shall be terminated without delay if the enforceability of the decision by the foreign court ceased.

(4) The Hungarian state shall be entitled to the amount collected from enforcing forfeiture of assets or confiscation if it does not exceed a forint amount equivalent to ten thousand euro. If the amount collected from enforcing forfeiture of assets or confiscation exceeds a forint amount equivalent to ten thousand euro, the court may provide at a request of the foreign state that the Hungarian state shall be entitled to 50 per cent of the amount, while the foreign state shall be entitled to the other 50 per cent.

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(5) The euro amount received from forfeiture of assets or confiscation shall be determined at the exchange rate published by the Hungarian National Bank that is valid on the day of the adoption of the decision by the foreign court ordering forfeiture of assets or confiscation.

(6) The Hungarian state and the foreign state may conclude an *ad hoc* agreement on the division of the amount received from forfeiture of assets and confiscation. In such a situation, the states concluding the agreement may deviate from the provisions of paragraph (4). When concluding the *ad hoc* agreement, the Hungarian state shall be represented by the Minister. If an *ad hoc* agreement is concluded, the Minister shall request a statement on reciprocity from the foreign state and shall, if requested by the foreign state, make a statement on reciprocity.

Title 6

TRANSFERRING ENFORCEMENT OF FORFEITURE OF ASSETS AND CONFISCATION

Section 60/D (1) If permitted by an international treaty, enforcement of forfeiture of assets or confiscation ordered by a Hungarian court with final and binding effect may be transferred to the foreign state within the territory of which the assets subject to forfeiture of assets or the thing subject to confiscation are located.

(2) The court shall send the request, meeting the conditions set out by the relevant international treaty, for enforcement abroad of its final and binding conclusive decision ordering forfeiture of assets or confiscation to the Minister so that it is forwarded to the foreign state. The power to request a foreign state to transfer enforcement shall lie with the Minister.

(3) In the request referred to in paragraph (2), the court may indicate its claim to divide the amount received from forfeiture of assets or confiscation according to the ratio set out in section 60/C (4).

(4) If the foreign state does not agree with the ratio referred to in paragraph (3), section 60/C (6) shall apply also if enforcement of forfeiture of assets or confiscation is transferred.

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Section 60/E If after the transfer of enforcement, the defendant was acquitted as a result of extraordinary legal remedy or the proceeding against him was terminated or the conclusive decision adopted in the extraordinary legal remedy proceeding does not order forfeiture of assets or confiscation or orders it for a lesser amount, the state taking over shall be notified accordingly.

Title 7

TAKING OVER ENFORCEMENT OF RENDERING ELECTRONIC DATA PERMANENTLY INACCESSIBLE

Section 60/F Enforcement of rendering electronic data permanently inaccessible imposed by a foreign court may be taken over upon request to that effect.

Section 60/G (1) The court shall examine whether the conditions are met for the execution of a request to transfer enforcement of rendering electronic data permanently inaccessible and whether the request includes the data for identifying the source of the electronic data that is required for enforcement in Hungary. The court shall provide, accordingly, for recognition and takeover of enforcement of the foreign judgment on rendering electronic data permanently inaccessible and order enforcement of rendering electronic data permanently inaccessible by removing the electronic data.

(2) The court shall send the final and binding conclusive order with statement of reasons to the Minister so that the foreign court can be notified. The Minister shall, without delay, notify the requesting foreign state of the conclusive order.

(3) Enforcement ordered on the basis of a foreign judgment shall be terminated without delay if the enforceability of the foreign judgment ceased.

Title 8

TRANSFERRING ENFORCEMENT OF RENDERING ELECTRONIC DATA PERMANENTLY INACCESSIBLE

Section 60/H (1) Enforcement of rendering electronic data permanently inaccessible ordered by a Hungarian court may be transferred to the foreign state within the territory of which the seat or establishment of the hosting service provider is located.

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(2) The court shall send the request for enforcement abroad of its final and binding conclusive decision ordering rendering electronic data permanently inaccessible to the Minister so that it is forwarded to the foreign state. The power to request a foreign state to transfer enforcement shall lie with the Minister.

(3) The court shall, in its request for rendering electronic data permanently inaccessible, inform the foreign state that if it is unable to comply with the request within thirty days, then the court shall order enforcement of rendering electronic data permanently inaccessible by permanently preventing access to the electronic data.

(4) The Minister shall, without delay, inform the court of the outcome of the request and, if applicable, of not having received a response to the request from the foreign state within thirty days.

Chapter V

Procedural legal assistance

Title 1

Putting forward and executing a request for procedural legal assistance absent international treaty or reciprocity

Section 61 (1) Absent international treaty or reciprocity, a request for procedural legal assistance cannot be executed or put forward if

a) the condition set out in section 5 (1) a) is not met;

b) execution of the request for procedural legal assistance requires the application of a coercive measure;

c) execution of the request for procedural legal assistance requires transfer of a detained person;

d) controlled delivery is applied;

e) an undercover investigator is used;

f) covert means subject to permission of a judge are used;

g) a joint investigation team is set up;

h) an object is returned.

(2) Taking into account section 76 (1), the Prosecutor General shall be responsible for receiving a request for procedural legal assistance and, if the conditions set out in this Act for rendering legal assistance are met, he shall arrange for sending it to the prosecution office designated to render legal assistance

(3) The court shall be entitled to execute a request for procedural legal assistance only at a specific request to that effect by the requesting judicial authority or if the power to perform the requested procedural act lies with the court pursuant to Hungarian legislation.

(4) If paragraph (3) applies, the Prosecutor General shall send the request for procedural legal assistance to the Minister so that it is forwarded to the court.

(5) Hungary shall accept requests only in the Hungarian language. A request by Hungary shall be put forward translated into the official language, or one of the official languages, of the requested state.

(6) A request for procedural legal assistance shall be issued by the Prosecutor General before the indictment; the Minister shall be entitled to forward the request after the indictment.

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(7) In the course of the execution of a request for procedural legal assistance, communication with the requesting judicial authority shall be possible through the Prosecutor General or the Minister.

(8) The outcome of the execution of a request for procedural legal assistance shall be handed over to or received from the requesting judicial authority by the Prosecutor General or the Minister.

(9) Reimbursement of the criminal costs incurred in the course of the execution of the request for procedural legal assistance may be claimed from the requesting state. Should the execution of the request for procedural legal assistance entail significant costs, the requesting state may be requested to advance them in part or in full.

(10) The Hungarian state shall, at a request of the requested state, advance or reimburse the costs incurred in the course of executing the request for procedural legal assistance.

(11) Absent an international treaty or reciprocity, the provisions of this Chapter shall apply with the derogations set out in paragraphs (1) to (10).

Title 2

General rules on procedural legal assistance rendered on the basis of an international treaty or reciprocity

Section 62 (1) Unless this Act provides otherwise, the Hungarian judicial authority shall be entitled to directly receive, after a criminal proceeding is instituted, a request for procedural legal assistance put forward by a judicial authority of the requesting state.

(2) If, in accordance with this Act or the law of the foreign state, a central authority, minister or other authority is entitled to put forward or receive a request for procedural legal assistance, the provisions applicable to the foreign judicial authority and the Hungarian judicial authority in the context of the execution of a request for procedural legal assistance shall apply accordingly to the authority entitled to put forward or receive the request.

(3) On the basis of a request for procedural legal assistance, any procedural act that is requested by the requesting judicial authority and enforceable under the Code of Criminal Procedure may be performed, provided that the procedural act concerned could be performed also in a Hungarian criminal proceeding for the criminal offence on which the request for procedural legal assistance is based.

Section 62/A (1) Unless this Act provides otherwise, a district court, or the prosecution office with subject-matter competence under the Code of Criminal Procedure over the criminal offence on which the request is based, shall have competence for the execution of a request for procedural legal assistance.

(2) The competence of a Hungarian judicial authority shall be based on the location where the procedural act is to be performed. Where more than one performance location can be established, or the performance location cannot be identified, the Hungarian judicial authority that took action earlier in the case shall proceed.

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(3) Unless otherwise follows from the request, the power to execute a request for procedural legal assistance put forward as regards a legal person shall lie with the Hungarian judicial authority of the seat or establishment of the legal person.

(4) Where the Prosecutor General or the superior prosecution office so provides with a view to the efficient execution of a request for procedural legal assistance, a prosecution office may proceed even if it is not competent under paragraphs (1) to (3).

(5) Should a Hungarian authority receive a request for procedural legal assistance for the execution of which it has no subject-matter or territorial competence, it shall send the request to the competent Minister or Hungarian judicial authority.

(6) Where a request for procedural legal assistance is put forward for an act that constitutes an infraction under Hungarian law, the Hungarian judicial authority shall send the request to the central authority specified in the Act on legal assistance in infraction matters for execution.

Section 62/B (1) A request for procedural legal assistance may be put forward in any form that enables the establishment of the authenticity of the request. A request for procedural legal assistance so put forward shall be considered duly put forward.

(2) A request for procedural legal assistance that may be put forward directly may, in an urgent case, be put forward also through the ILECC. A request for procedural legal assistance so put forward shall be considered duly put forward.

(3) Provisions of paragraphs (1) and (2) shall apply accordingly to also other documents and information transmitted by the requesting judicial authority and, if the requesting state does not prescribe any other form of communication, to documents and information transmitted by the Hungarian judicial authority.

Section 62/C (1) Following the receipt of a request for procedural legal assistance, the Hungarian judicial authority shall examine whether the conditions for the execution of the request under Hungarian law are met.

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(2) Where, on the basis of the content of the request of procedural legal assistance, execution is not possible, or is possible only in part, the Hungarian judicial authority shall immediately inform accordingly the requesting judicial authority and initiate, if appropriate, consultations enabling it to specify the data and documents access to, and making available of, which is required for the execution of the request. The Hungarian judicial authority may set a reasonable time limit for sending the data and documents required for the execution of the request.

(3) If an obstacle preventing execution cannot be eliminated by consultations under paragraph (2), the Hungarian judicial authority shall execute the part of the request for procedural legal assistance not affected by the obstacle.

Section 62/D (1) The rules of the Hungarian criminal procedure shall apply to executing a request for procedural legal assistance. Other procedural rules or technical method may be applied at a request of the requesting judicial authority, provided that it is not inconsistent with the fundamental principles of the Hungarian legal system.

(2) In the course of the execution of a request for procedural legal assistance, the investigating authority may perform a procedural act indicated in the request and may assist in the execution of the request for procedural legal assistance also in any other way on the basis of a provision to that effect by the prosecution office.

(3) The provisions on interrogation, refusal to provide testimony, and exemptions and obstacles to giving testimony under Hungarian law and, upon request to that effect, under the law of the requesting state shall apply to interrogating as a witness or defendant the person concerned in the course of the execution of request for procedural legal assistance.

(4) A request for procedural legal assistance shall be executed observing the time limit requested by the requesting judicial authority. If so requested in the request, the Hungarian authority executing the request shall inform in due time the proceeding foreign authority of the time and place of executing the request.

Section 62/E Where required for the efficient execution of a request for procedural legal assistance, the Hungarian judicial authority and the requesting judicial authority shall consult with each other.

Section 62/F (1) At the request of the requesting judicial authority, the Hungarian judicial authority may enable a member of an authority of the requesting state to attend a procedural act performed in the course of execution if this is not inconsistent with the fundamental principles of the Hungarian legal system.

(2) The Hungarian judicial authority shall comply in accordance with paragraph (1) with a request relating to the attendance of a member of the foreign authority if, taking into account the attendance of the member of the foreign judicial authority, it is likely that the request for procedural legal assistance may be executed in a way that ensures the avoidance of any further supplementation of the request.

(3) The provisions of the Code of Criminal Procedure on attendance at a procedural act shall apply accordingly to the rights of the member of the foreign authority in attendance.

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(4) The Hungarian State shall be liable, under Hungarian law, in accordance with the rules on damage caused by a public officer, for any damage caused within the territory of Hungary by the member of the foreign authority in attendance in the course of the performance of his task. The Hungarian State may request from the requesting state reimbursement for the total amount of damages paid under this provision. No further claim for damages may be pursued against the requesting state.

Section 62/G At a request of the requesting judicial authority or if it becomes justified in the course of the execution of a request for procedural legal assistance, the Hungarian judicial authority may provide for the protection of the person participating in the criminal proceeding, or another person with regard to a person participating in the criminal proceeding, in accordance with the provisions under section 85 (1) and section 86 (2) a), c), d), f) and g) of the Code of Criminal Procedure. As regards the application of protective measures, consultations may be initiated with the requesting judicial authority.

Section 62/H (1) The Hungarian judicial authority may postpone the execution of the request for procedural legal assistance, the performance of certain procedural acts specified in the request, or the handover of a means of evidence obtained in accordance with the request for a reasonable period if a criminal or other proceeding is pending in Hungary and the execution of the request for procedural legal assistance or the performance of the procedural act would jeopardise the success of that proceeding.

(2) The Hungarian judicial authority shall inform the requesting judicial authority of a postponement under paragraph (1) specifying the reasons for and the expected period of the postponement.

Section 62/I (1) The Hungarian judicial authority shall handover to the requesting judicial authority the means of evidence obtained in the course of the execution of the request for procedural legal assistance and the related documents. Consultation shall be permissible as regards the handover of means of evidence and related documents.

(2) The return, in the condition as at the time of handover, of objects and other original documents by the requesting state may be set as a condition for their handover to the requesting judicial authority.

(3) In place of applying paragraph (2), unless the requesting authority requests otherwise, a request for procedural legal assistance shall be executed by handing over a copy or in another appropriate manner replacing the handover of the original objects and documents.

(4) The Hungarian law shall apply to any arrangements as regards a means of evidence seized or secured in any other way in the course of the execution of a request for procedural legal assistance until its handover. If handover of a means of evidence was not subject to the condition referred to in paragraph (2), the law of the requesting state shall apply to any arrangements as regards that means of evidence following its handover.

Section 62/J The Hungarian judicial authority shall inform the requesting judicial authority if any circumstance, due to which the request for procedural legal assistance cannot be executed, arises in the course of the execution of the request for procedural legal assistance.

Section 62/K The Hungarian judicial authority may provide information on the execution of a request for procedural legal assistance in accordance with the provisions of the Code of Criminal Procedure after informing the requesting judicial authority in advance and taking into account the position of the requesting judicial authority.

Section 62/L (1) Unless this Act provides otherwise, any criminal costs incurred within the territory of Hungary in the course of the execution of the request for procedural legal assistance shall be borne by the Hungarian State.

(2) The requesting state may be requested to bear any criminal costs relating to the attendance of a witness and the official appointment of an expert.

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(3) Where the execution of a request for procedural legal assistance entails substantial costs, the Hungarian judicial authority shall inform the requesting judicial authority of the amount of foreseeable costs and may make execution conditional upon the advancement or reimbursement, in part or in full, of the costs by the requesting judicial authority. Consultation shall be initiated by the Hungarian judicial authority as regards the advancement or reimbursement of costs relating to the execution of the request.

Section 62/M (1) The Hungarian judicial authority shall, setting a reasonable time limit, request information from the requesting judicial authority as to whether it is justified to maintain a coercive measure affecting assets that was ordered in the course of the execution of a request for procedural legal assistance if

a) more than one year has passed since the ordering of the coercive measure affecting assets or the most recent information provision;

b) it is justified due to the nature, condition or storage conditions of the thing or asset affected by seizure or sequestration;

c) it is moved for by a party with a pecuniary interest;

and, in addition, it shall inform the requesting judicial authority of the provisions of paragraph (2).

(2) If the requesting judicial authority does not provide information on whether it is justified to maintain the coercive measure within the time limit set in accordance with paragraph (1), the Hungarian judicial authority shall lift seizure and release the seized thing to the person from whom it was seized, lift sequestration or lift rendering electronic data temporarily inaccessible and order the restoration of the electronic data temporarily removed.

Title 3

General rules on putting forward a request for procedural legal assistance on the basis of an international treaty or reciprocity

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Section 63 (1) Unless this Act provides otherwise, the power to directly put forward a request for procedural legal assistance shall lie, after a criminal proceeding is instituted but before indictment, with the prosecution service and, following indictment, the court.

(2) The request for procedural legal assistance shall be forwarded to the competent judicial authority of the requested state. If the judicial authority competent to execute the request cannot be identified on the basis of data available, the request shall be sent directly to the central authority of the foreign state.

(3) A request for procedural legal assistance may be put forward if it is necessary and proportionate in the criminal proceeding, and the procedural act indicated in the request could be performed under the conditions set out therein also under Hungarian law.

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(4) The Hungarian judicial authority may initiate the performance of any procedural act under the Code of Criminal Procedure in a request for procedural legal assistance, provided that the indicated procedural act could be performed under the conditions set out therein also under Hungarian law.

Section 63/A (1) A request for procedural legal assistance shall be sent translated into the official language or one of the official languages of the requested stated or the language specified by the requested state.

(2) A request for procedural legal assistance may be put forward in any manner that enables the establishment of the authenticity of the request.

(3) A request for procedural legal assistance that may be sent directly may, in an urgent case, be put forward also through the ILECC.

(4) Provisions of paragraphs (1) to (3) shall apply accordingly to other documents and information forwarded by a Hungarian judicial authority and to documents and information forwarded by the requested judicial authority to the Hungarian judicial authority.

(5) When putting forward a request, sending other documents or providing information, documents shall be forwarded in a manner specified by the state concerned, forwarded to the central authority or ministry of the state concerned, or forwarded, in addition to the requested judicial authority, also to these organs, in line with the relevant provision by the requested state.

(6) Where required for the efficient execution of a request for procedural legal assistance, the Hungarian judicial authority and the requested judicial authority may, applying paragraphs (1) to (5) as appropriate, consult with each other.

(7) If, in accordance with this Act or the law of the foreign state, a minister, central authority or other authority is entitled to put forward or receive a request for procedural legal assistance, the provisions applicable to the Hungarian judicial authority and the foreign judicial authority in the context of putting forward a request for procedural legal assistance shall apply accordingly to the authority entitled to put forward or receive the request.

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Section 63/B (1) The Hungarian judicial authority may request the requested judicial authority to perform the procedural act indicated in the request observing Hungarian laws and using the specified technical method.

(2) In the request for procedural legal assistance, the Hungarian judicial authority may request that the procedural act be performed within a specific time limit or on a specific due date.

Section 63/C (1) The Hungarian judicial authority may request that the attendance of one or more members of the Hungarian judicial or investigating authority be enabled at the performance of the procedural act within the territory of the requested state.

(2) If a member of the Hungarian judicial or investigating authority attends the performance of the procedural act within the territory of the requested state, he shall act in accordance with the rules of the requested state in the course of performing his task.

(3) The Hungarian state shall reimburse, in accordance with the law of the requested state, the full amount of damages paid by the requested state due to damage caused by the member of the Hungarian judicial or investigating authority present in the requested state in the course of the performance of his tasks in connection with the execution of the request for procedural legal assistance.

Section 63/D If, in the course of the execution of a request for procedural legal assistance, the protection of a person participating in the criminal proceeding or another person with regard to the person participating in the criminal proceeding is justified in the requested state, the Hungarian judicial authority may consult the requested judicial authority as regards the means of protection that can be afforded in the requested state. In doing so, the Hungarian judicial authority may request the application of the provisions of section 85 (1) and section 86 (2) a), c), d), f) and g) of the Code of Criminal Procedure.

Section 63/E (1) The Hungarian judicial authority may initiate consultation as regards the receipt of a means of evidence and related documents obtained in the course of the execution of a request for procedural legal assistance.

(2) Should the requested judicial authority so request at the time of handover of a means of evidence, the Hungarian judicial authority shall return the means of evidence in a condition as at the time of handover as soon as it is no longer required in Hungary.

(3) Should the requested judicial authority postpone the handover of the means of evidence, the Hungarian judicial authority may initiate the temporary handover of the means of evidence.

(4) If a request for procedural legal assistance is put forward, the laws of the requested state shall apply to making arrangements as regards a means of evidence seized or secured in any other way in the requested state until that means of evidence is handed over to Hungary. If handover of the means of evidence was not subject to any condition referred to in paragraphs (2) and (3), the Hungarian law shall apply to making arrangements as regards the means of evidence following its handover.

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Section 63/F The Hungarian judicial authority shall inform the requested judicial authority if the reason for executing the request for procedural legal assistance ceases to apply.

Section 63/G (1) Any costs incurred within the territory of Hungary relating to putting forward a request for procedural legal assistance shall constitute criminal costs.

(2) The Hungarian judicial authority shall, at the request of the requested state, reimburse any costs relating to the attendance of a witness or the official appointment of an expert in connection with the execution of a request for procedural legal assistance.

(3) Where, based on information from the requested judicial authority, the execution of a request for procedural legal assistance entails substantial costs, the Hungarian judicial authority shall consult the requested state judicial authority and examine whether the intended objective intended of the request may be achieved by way of a procedural act entailing lower costs. The Hungarian judicial authority may modify or supplement the request for procedural legal assistance where possible.

(4) Where the requested judicial authority makes the execution of a request for procedural legal assistance conditional upon the advancement or reimbursement, in part or in full, of the costs of execution by the Hungarian state, an agreement may be concluded as regards the advancement or reimbursement of costs. Should the agreement not be concluded, the Hungarian judicial authority may modify, supplement or withdraw the request for procedural legal assistance.

(5) Any costs reimbursed by the Hungarian judicial authority to the foreign authority relating to the execution of a request for procedural legal assistance shall constitute criminal costs.

Title 4

Special rules for specific types of procedural legal assistance

Section 64 Types of procedural legal assistance shall be, in particular, the following:

a) temporary surrender of a detained person to the state putting forward the request for procedural legal assistance;

b) temporary surrender of a detained person to the state executing the request for procedural legal assistance;

c) interrogation using a telecommunication device;

d)

e) controlled delivery;

f) using an undercover investigator;

g) setting up a joint investigation team;

h) information provision without request;

i) return of an object;

j) service of official document.

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Title 5

Temporary surrender of a detained person to the state putting forward the request for procedural legal assistance

Section 65 (1) Receipt of a request for temporary surrender of a person detained in Hungary to ensure his attendance at a procedural act to be performed within the territory of the requesting state shall lie with the Minister.

(2) Temporary surrender of a detained person shall be permissible on the basis of an agreement with the requesting state to be concluded by the Minister with the competent authority of the requesting state.

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(3) The Minister shall consult

a) for a person in pre-trial detention, the proceeding court or prosecution service;

b) for a person serving a final and binding sentence of imprisonment or confinement or a final and binding measure involving deprivation of liberty, the sentence enforcement judge

on whether the request for procedural legal assistance can be executed.

(4) The Hungarian judicial authority referred to in paragraph (3) shall take the statement of the detained person on whether he consents to temporary surrender. The detained person may make his statement in writing, orally before the court or the prosecution office, or in minuted form. Where the detained person has a defence counsel, the detained person shall be ensured the possibility to consult the defence counsel as regards consent to temporary surrender.

(5) When executing a request for procedural legal assistance, the following shall be taken into account:

a) executing a request shall not jeopardise the timeliness of the criminal proceeding pending in Hungary; to this end, the execution of the request may be postponed;

b) temporary surrender shall not result in an extension of the period of detention.

(6) If the extension of pre-trial detention may become justified in the course of the execution of temporary surrender, this, in itself, shall not constitute an obstacle to the temporary surrender of the person in pre-trial detention. In such a situation, the Hungarian judicial authority, in cooperation with the requesting judicial authority, shall ensure participation of the person in pre-trial detention in the decision-making process as regards the extension of pre-trial detention.

(7) The entire period of detention abroad in relation to the execution of a request for procedural legal assistance shall be credited to the period of pre-trial detention ordered, penalty imposed and measure involving deprivation of liberty applied.

(8) All costs relating to the transfer to the requesting state and the transfer back to the territory of Hungary of the detained person shall be borne by the requesting state.

(9) The ILECC, with assistance from the police, shall provide for transferring to the requesting state and transferring back to territory of Hungary the detained person.

Section 65/A (1) The Minister shall be responsible for putting forward a request for temporary takeover of a person detained in the requested state to ensure his attendance at a procedural act to be performed within the territory of Hungary; the request shall be sent to the minister responsible for justice of the requested state.

(2) The temporary takeover of a person detained in the requested state shall be permissible on the basis of an agreement with the requested state to be concluded by the Minister with the competent authority of the requesting state.

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(3) The court or the prosecution office of the case shall be entitled to submit a request to the Minister for putting forward a request for procedural legal assistance.

(4) Detention of the person concerned shall be ensured in Hungary in line with the provision by the Minister, in the manner that is the most appropriate taking into account the nature of detention, and in accordance with Hungarian prison rules.

(5) If necessary on the basis of information from the judicial authority of the requested state, the court or prosecution office of the case shall ensure the participation of the detained person in the decision-making process as regards the extension of detention in accordance with the provision of the relevant agreement or on the basis of consultation with the judicial authority of the requested state.

(6) Where, pursuant to information from the requested state, the ground for detention ceased to exist, the detained person shall be released without delay.

(7) Against the detained person, no criminal proceeding may be launched in Hungary, and he shall not be found guilty or be deprived of freedom in another way, for a criminal offence committed before transfer.

(8) Paragraph (7) shall not apply if

a) the detained person is subject to temporary takeover as a defendant as regards the criminal offence on which the request is based;

b) the requested state consents to the conduct of the criminal proceeding;

c) the person concerned did not leave the territory of Hungary within fifteen days of release despite having the opportunity to do so; or

d) the person concerned returned to the territory of Hungary.

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(9) If the relevant conditions are met, paragraphs (7) to (8) shall be without prejudice to launching or conducting, in accordance with the rules of a proceeding in the absence of a defendant staying abroad, a criminal proceeding against a person subject to temporary takeover during the period of temporary takeover or following his transfer back to the requested state.

(10) The ILECC, with assistance from the police, shall provide for transferring to Hungary and transferring back to the requested state the detained person, applying Chapter V/A as necessary. The requested state shall be informed of any assistance from a third state.

(11) All costs incurred in connection with the transfer to Hungary and the transfer back to the requested state of the detained person shall constitute criminal costs. Costs incurred in connection with the detention of the person concerned in Hungary shall be borne by the Hungarian state.

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Title 6

Temporary surrender of a detained person to the state executing the request for procedural legal assistance

Section 66 (1) As regards the performance in Hungary of a procedural act indicated in the request for procedural legal assistance, the Minister shall receive the request for legal assistance for temporary surrender to Hungary of a person detained in the requesting state to ensure his attendance at the procedural act.

(2) Temporary takeover of a detained person shall be permissible on the basis of an agreement with the requesting state to be concluded by the Minister with the competent authority of the requesting state.

(3) Detention of the person subject to temporary transfer shall be ensured within the territory of Hungary in line with the provision by the Minister, in the manner that is the most appropriate taking into account the nature of detention, and in accordance with Hungarian prison rules.

(4) Section 65/A (7) to (9) shall apply accordingly to the detained person as regards any criminal offence committed before transfer.

(5) The ILECC, with assistance from the police, shall provide for transferring to the territory of Hungary and transferring back to the requesting state the detained person.

(6) All costs relating to the transfer to the territory of Hungary and the transfer back to the requesting state of the detained person shall be borne by the requesting state. Costs incurred in connection with the detention of the person concerned in Hungary shall be borne by the Hungarian state.

Section 66/A (1) As regards the performance in a foreign state of a procedural act indicated in the request for procedural legal assistance, the Minister shall put forward the request for temporary surrender to the requested state of a person detained in Hungary to ensure his attendance at the procedural act; the request shall be sent to the minister responsible for justice of the requested state.

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(2) Temporary surrender of a person detained in Hungary shall be permissible on the basis of an agreement with the requested state to be concluded by the Minister with the competent authority of the requesting state.

(3) The court or the prosecution office of the case shall be entitled to submit a request to the Minister for putting forward a request for procedural legal assistance.

(4) If, pursuant to the provision of the requested state, the temporary surrender of a person in detention requires the preliminary consent of the person concerned, the document containing the declaration of consent of the detained person and its translation shall be attached to the request for procedural legal assistance. Section 65/A (4) shall apply accordingly to the declaration of the detained person and his consultation with the defence counsel.

(5) The entire period of detention abroad in relation to the execution of a request for procedural legal assistance shall be credited to the period of pre-trial detention ordered, penalty imposed and measure involving deprivation of liberty applied.

(6) The ILECC, with assistance from the police, shall provide for transferring to the requested state and transferring back to the territory of Hungary the detained person, applying Chapter V/A as necessary.

(7) All costs relating to the transfer to the requested state and the transfer back to the territory of Hungary of the detained person shall constitute criminal costs.

Title 7

Interrogation using a telecommunication device

Section 67 (1) The court or the prosecution office shall execute a request for procedural legal assistance put forward by the requesting judicial authority for the interrogation or hearing as a witness, defendant or expert of a person in Hungary using an audio-visual device, or the interrogation as a witness or hearing as an expert of a person in Hungary by means of teleconferencing, by ordering the interrogation or hearing of the person concerned using a telecommunication device.

(2) Execution of a request for procedural legal assistance for the interrogation using an audio-visual device of the defendant shall be conditional upon consent by the defendant. The execution of a request for procedural legal assistance for interrogating a witness or hearing an expert by means of teleconferencing shall be conditional upon consent by the witness or the expert.

(3) The district court or the district prosecution office of the place of actual residence of the person to be interrogated as a witness or defendant, or the place of actual residence or seat of the person to be heard as an expert shall be competent to execute the request for procedural legal assistance. If the person to be interrogated as a witness or defendant who is at liberty does not have a place of actual residence, or the person to be heard as an expert does not have a seat or a place of actual residence, in Hungary, the Central District Court of Pest or the Budapest-Capital Chief Prosecutor's Office shall be competent to proceed as regards the execution of the request for procedural legal assistance.

(4) The laws of the requesting state, observing the provisions of paragraphs (5) to (7), shall apply to the interrogation and the hearing. The requesting judicial authority shall conduct the interrogation and the hearing.

(5) A member of the court or the prosecution office executing the request shall proceed at the place in Hungary of the interrogation or hearing and he shall provide, applying the rules of the Code of Criminal Procedure, for verifying the identity of the person to be interrogated or heard and ensure that Hungarian laws are respected. This task may be performed by also a junior judge or junior prosecutor.

(6) The person to be interrogated or heard may exercise the right to refusal to testify and to provide assistance also in accordance with Hungarian law. The person concerned shall be advised accordingly before the interrogation or hearing.

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(7) The court or the prosecution office may decide to officially appoint an interpreter to ensure the appropriate execution of the request for procedural legal assistance and appropriate communication with the requesting judicial authority.

(8) The court or the prosecution office may, on the basis of consultation with the requesting judicial authority, upon a motion or *ex officio*, officially appoint an interpreter to ensure that the person concerned understand the Hungarian language or the language of the proceeding of the requesting authority.

(9) The court or the prosecution office shall send the minutes of the interrogation or hearing using a telecommunication device and the recording referred to in section 125 (2) of the Code of Criminal Procedure to the Member State judicial authority.

(10) The requesting judicial authority may be requested to reimburse all costs incurred within the territory of Hungary in relation to the execution of the request for procedural legal assistance.

Section 67/A (1) The proceeding court or prosecution office may put forward a request for procedural legal assistance for interrogating as a witness or defendant, or hearing as an expert, using a telecommunication device a person who is in the requesting state.

(2) Interrogation of the defendant using a telecommunication device shall be permissible taking into account the consent of the requested state and the conditions laid down in the law of the requested state.

(3) The court or the prosecution office shall conduct the interrogation and the hearing in accordance with Hungarian law.

(4) The court or the prosecution office may, in the course of the interrogation or the hearing, decide to officially appoint an interpreter to ensure appropriate communication with the judicial authority of the requested state. In the course of the performance of a procedural act, the court or the prosecution office may consult the requested judicial authority to ensure the availability of an interpreter required to facilitate appropriate comprehension by the persons and authorities concerned.

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Title 8

Section 68

Title 9

Controlled delivery

Section 69 (1) Competence to execute a request for procedural legal assistance for controlled delivery through the territory of Hungary shall lie with the county chief prosecutor's office.

(2) A request for controlled delivery shall be permissible only for a criminal offence for which extradition may be applied.

(3) The execution of controlled delivery shall require an *ad hoc* agreement with the requesting state. The *ad hoc* agreement shall be prepared by the organ designated by law for the execution of controlled delivery of the police or the National Tax and Customs Administration.

(4) An *ad hoc* agreement shall contain provisions on the following:

a) content, expected route, expected duration and method of delivery and data suitable for identifying the means of delivery;

b) person in charge of controlled delivery;

c) organ assisting in controlled delivery;

d) method of communication between participants;

e) method of escort;

f) number of escorting persons;

g) conditions of handover and receipt of the delivery;

h) measures to be applied in case of apprehension;

i) measures to be applied in case of an unexpected event.

(5) In cases where delays are unacceptable, where the conclusion or approval by the prosecution office of an *ad hoc* agreement would jeopardise or frustrate the successful execution of controlled delivery, also the head of the organ designated by law for the execution of controlled delivery of the police or the National Tax and Customs Administration that is competent as regards the criminal offence on which the request for procedural legal assistance is based may authorise controlled delivery for a period of twenty-four hours. In such a situation, the prosecution office shall be informed accordingly at the time of preliminary authorisation of controlled delivery. After such information is provided, the prosecution office shall decide on authorising controlled delivery without delay. Should the prosecution office not authorise controlled delivery, the outcome of controlled delivery performed on the basis of preliminary authorisation shall not be used as evidence.

(6) The Hungarian law shall apply to the execution of controlled delivery through the territory of Hungary, including its management and monitoring. The organ assisting in controlled delivery shall cooperate with the requesting judicial authority and other organs participating in the controlled delivery. A request concerning the execution of controlled delivery by an organ initiating or participating in controlled delivery may be complied with only if it is not contrary to the fundamental principles of the Hungarian legal system.

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(7) If authorised by the prosecution office, a member of the judicial authority of the requesting state may also participate in escorting the controlled delivery. An undercover investigator may participate in escorting controlled delivery in accordance with the rules on using undercover investigators.

Section 69/A (1) The prosecution service may put forward a request for procedural legal assistance for controlled delivery through the territory of one or more foreign states.

(2) Putting forward a request for controlled delivery shall be permissible only for a criminal offence for which extradition may be applied.

(3) Execution of controlled delivery shall require an *ad hoc* agreement with the foreign state. The *ad hoc* agreement shall be prepared by the organ designated by law for the execution of controlled delivery of the police or the National Tax and Customs Administration.

(4) In cases where delays are unacceptable, where the conclusion of the *ad hoc* agreement would jeopardise or frustrate the successful execution of controlled delivery, also the head of the organ designated by law for the execution of controlled delivery of the police or the National Tax and Customs Administration may initiate controlled delivery for a period of twenty-four hours. In such a situation, the prosecution office shall be informed accordingly at the time of preliminary initiation of controlled delivery. After such information is provided, the prosecution office shall decide on initiating controlled delivery without delay. Should the prosecution office not initiate controlled delivery, the outcome of controlled delivery performed on the basis of preliminary initiation shall not be used as evidence.

(5) Should controlled delivery affect more than one foreign state, the request for procedural legal assistance shall be sent to all foreign states concerned. The foreign state shall be informed of further states involved in the controlled delivery.

(6) The provisions of section 69 (4) shall apply to the content of an *ad hoc* agreement, and the provisions of section 69 (7) shall apply to assistance by a member of an investigating authority or an undercover investigator.

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Title 10

Using an undercover investigator

Section 70 (1) The prosecution office authorised to permit the use of an undercover investigator shall be competent to execute a request for procedural legal assistance put forward for using an undercover investigator of a foreign state within the territory of Hungary or a Hungarian undercover investigator within the territory of Hungary or a foreign state.

(2) The use of an undercover investigator shall require an *ad hoc* agreement concluded with the requesting judicial authority. The *ad hoc* agreement shall be prepared by the organ designated by law for the execution of the use of an undercover investigator of the police or the National Tax and Customs Administration.

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(3) In cases where delays are unacceptable, where the conclusion or approval by the prosecution office of an *ad hoc* agreement would jeopardise or frustrate the successful use of an undercover investigator, also the head of the organ designated by law for the execution of the use of an undercover investigator of the police or the National Tax and Customs Administration that is competent as regards the criminal offence on which the request for procedural legal assistance is based may authorise the use of an undercover investigator under paragraph (1) for a period of twenty-four hours. In such a situation, the prosecution office shall be informed accordingly at the time of preliminary authorisation of the use of an undercover investigator. After such information is provided, the prosecution office shall decide on authorising the use of an undercover investigator without delay. Should the prosecution office not authorise the use of an undercover investigator, the outcome of any use thereof performed on the basis of preliminary authorisation shall not be used as evidence.

(4) The Hungarian law shall apply to using a Hungarian undercover investigator or an undercover investigator of a foreign state within the territory of Hungary. The organ in charge of the execution of the use of an undercover investigator shall cooperate with the authority of the requesting state or, if a foreign undercover investigator is used, with the organ employing the foreign undercover investigator. In the course of using an undercover investigator, a request by an authority of the requesting state, or the organ employing the foreign undercover investigator, may be complied with only if it is not contrary to the fundamental principles of the Hungarian legal system.

(5) The law of the state concerned shall apply to using a Hungarian undercover investigator within the territory of a foreign state, with the proviso that the Hungarian undercover investigator shall, when performing his activities, comply with the obligations also under Hungarian law. In the course of using an undercover investigator, the organ employing the Hungarian undercover investigator shall cooperate with the foreign state authority.

Section 70/A (1) The prosecution office shall be responsible for putting forward a request for procedural legal assistance for using a Hungarian undercover investigator within the territory of the requested state or a foreign undercover investigator within the territory of Hungary or a foreign state.

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(2) Use of an undercover investigator shall require an *ad hoc* agreement concluded with the foreign state. The *ad hoc* agreement shall be prepared by the organ designated by law for the execution of the use of an undercover investigator of the police or the National Tax and Customs Administration.

(3) In cases where delays are unacceptable, where the conclusion of an *ad hoc* agreement would jeopardise or frustrate the successful use of an undercover investigator, also the head of the organ designated by law for the execution of the use of an undercover investigator of the police or the National Tax and Customs Administration may initiate the use of an undercover investigator under paragraph (1) for a period of twenty-four hours. In such a situation, the prosecution office shall be informed accordingly at the time of preliminary initiation for the use of an undercover investigator. After such information is provided, the prosecution office shall decide on initiating the use of an undercover investigator without delay. Should the prosecution office not initiate the use of an undercover investigator, the outcome of any use thereof performed on the basis of preliminary initiation shall not be used as evidence.

(4) The law of the state of the use of the undercover investigator shall apply to using a Hungarian or foreign undercover investigator within the territory of a foreign state, with the proviso that a Hungarian undercover investigator shall, when performing his activities, comply with the obligations also under Hungarian law. In the course of using a Hungarian undercover investigator, the organ employing the Hungarian undercover investigator shall cooperate with the foreign state authority.

(5) Hungarian law shall apply to using a foreign undercover investigator within the territory of Hungary. The organ in charge of the execution of the use of an undercover investigator shall cooperate with the authority of the requested state and the organ employing the foreign undercover investigator. In the course of using an undercover investigator, a request by an authority of the requested state, or the organ employing the foreign undercover investigator, may be complied with only if it is not contrary to the fundamental principles of the Hungarian legal system.

Title 11

Setting up a joint investigation team

Section 71 (1) Competence to execute or initiate a request for procedural legal assistance by the requesting judicial authority for setting up a joint investigation team shall lie with the Prosecutor General or the prosecutor designated by the Prosecutor General

(2) The Prosecutor General and the prosecutor designated by the Prosecutor General may execute or put forward a request for procedural legal assistance for setting up a joint investigation team in the following cases:

a) in the course of the investigation if the detection of a criminal offence affecting more than one foreign state is exceptionally difficult;

b) if more than one state conducts criminal proceeding for the criminal offence and, thus, the investigations have to be coordinated.

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Section 72 (1) A joint investigation team is set up by means of an *ad hoc* agreement between the Prosecutor General or the prosecutor designated by the Prosecutor General and the competent foreign state authority.

(2) An *ad hoc* agreement setting up a joint investigation team shall include, in particular, the following:

a) description of the criminal offence for which the joint investigation team was set up;

b) area in which the joint investigation team operates;

c) composition of the joint investigation team;

d) leader or leaders of the joint investigation team

e) period of operation of the joint investigation team and conditions of extension;

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f) rights and obligations of a member of the joint investigation team acting in another state;

g) conditions of the operation of the joint investigation team;

h) method of initiating and performing procedural acts in the course of the operation of the joint investigation team and of handing over the outcome of procedural acts as well as other means of evidence obtained within the framework of the joint investigation team;

i) bearing of operational costs;

j) detailed information about rules of liability for damage caused by a member of the joint investigation team acting in another state in relation to his activities.

(3) Only a prosecutor may act as the Hungarian leader of a joint investigation team.

(4) Means of evidence obtained or handed over, or a procedural act performed, in Hungary or a foreign state by a Hungarian or foreign member of a joint investigation team in the course of the operation of the joint investigation team and in accordance with the provisions of the agreement shall be regarded as performed within the framework of procedural legal assistance for obtaining or handing over a means of evidence or performing a procedural act.

Section 72/A (1) To a procedural act performed within the territory of Hungary in the course of the operation of a joint investigation team, the following shall apply:

a) unless the agreement provides otherwise, the joint investigation team shall act in accordance with Hungarian legislation;

b) the Hungarian leader of the joint investigation team shall direct the operation of the joint investigation team in accordance with the provisions of the agreement;

c) within the territory of Hungary, a foreign member of the joint investigation team shall act observing the orders of the Hungarian leader of the joint investigation team;

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d) the Hungarian leader of the joint investigation team shall provide, in cooperation with the investigating authority where justified, the conditions for the operation of the joint investigation team.

(2) The Hungarian leader of the joint investigation team shall inform without delay the foreign authority concerned if a foreign member of the joint investigation team commits any act punishable under Hungarian law.

Section 72/B (1) To a procedural act performed within the territory of a foreign state in the course of the operation of a joint investigation team, the following shall apply:

a) the joint investigation team shall act in accordance with legislation of the foreign state;

b) the leader based on the place where the procedural act is performed shall direct the operation of the joint investigation team in accordance with the provisions of the agreement and he shall ensure the operation of the joint investigation team.

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(2) When performing a procedural act within the territory of a foreign state, a Hungarian member of the joint investigation team shall act observing the orders of the foreign leader of the joint investigation team. A Hungarian member of a joint investigation team shall not be ordered to perform a procedural act that is in conflict with the principles of the Hungarian legal system. If such an order is given, the Hungarian member of the joint investigation team shall refuse to comply with the order and inform accordingly the Hungarian leader of the joint investigation team without delay.

Title 12

Information exchange without request

Section 73 (1) The Hungarian judicial authority may provide information directly, even without a request for information, to a foreign judicial or investigation authority as regards a pending or completed criminal proceeding if it is reasonable to assume that the information provided is necessary for the foreign authority for the prevention or detection of a criminal offence or for any other reason with a view to the effective conduct of a criminal proceeding.

(2) The Hungarian judicial authority may consent to using as evidence data provided as part of information provision only if the conditions for using the data as evidence under the Code of Criminal Procedure are met.

(3) A Hungarian judicial or investigating authority may receive information directly, even without a request for information, from a foreign authority in a criminal proceeding pending. Data provided as part of information provision shall not be used as evidence without consent from the authority providing the information.

Title 13

Return of an object

Section 74 (1) Competence to execute a request for procedural legal assistance for return to the aggrieved party or the entitled person put forward by the requesting judicial authority shall lie with the prosecution service. The prosecution service of the location of the object or asset specified in the request shall have territorial competence for execution.

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(2) A request referred to in paragraph (1) may be executed only if the requesting judicial authority

a) proves beyond reasonable doubt the ownership of the aggrieved party or the eligible person; and

b) the object or asset specified in the request may be seized in accordance with section 72 (1) c) or section 74 (1) a) and d) of the Criminal Code.

(3) If an Act so provides, another authority may also order seizure.

(4) With the exceptions specified in paragraphs (5) to (7), an object or asset seized shall be handed over to the requesting judicial authority so that it is returned to the aggrieved party.

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(5) If, on the basis of data available or consultation with the foreign authority, seizure may be lifted in accordance with section 320 (1) of the Code of Criminal Procedure and the seized object or asset may, in accordance with section 321 (1), or taking into account the arrangements by the requesting authority, section 321 (2), of the Code of Criminal Procedure, the prosecution service or, if the prosecution service or an Act so provides, the authority ordering the seizure shall lift the seizure and return the object or asset to the aggrieved party or, if the requesting judicial authority so provides, the entitled person.

(6) Seizure of an object or asset shall not infringe on the rights of a third party acting in good faith.

(7) If an obstacle to seizure referred to in paragraph (6) exists, the prosecution service shall inform accordingly the requesting judicial authority without delay. If the obstacle referred to in paragraph (6) can be established after seizure, the prosecution service or, if the prosecution service or an Act so provides, the authority ordering the seizure shall lift the seizure and release the seized thing to the person from whom that object or asset was seized.

Section 75 (1) The Hungarian judicial authority may put forward a request for procedural legal assistance for seizing and handing over an object or asset

a) that may be seized in accordance with section 72 (1) c) and section 74 (1) a) and d) of the Criminal Code; and

b) the seizure of which may be lifted following the handover and identification of the object or asset sought in accordance with section 320 (1) of the Code of Criminal Procedure and that may be released in accordance with section 321 (1) of the Code of Criminal Procedure.

(2) A request for legal assistance shall specify the data supporting beyond reasonable doubt the ownership of the aggrieved party and, if required, the supporting means of evidence shall be attached as well.

(3) If, when executing a request for legal assistance, the requested judicial authority handed over an object or asset seized in a foreign state, the Hungarian judicial authority shall, following the identification of the object or asset sought, lift seizure without delay in accordance with section 320 (1) of the Code of Criminal Procedure and return the object or asset to the aggrieved party in accordance with section 321 (1) of the Code of Criminal Procedure.

(4) Before the handover of an object or asset seized in a foreign state, the Hungarian judicial authority may consent to lifting the seizure of the object or asset sought if

a) the object or asset may be identified beyond reasonable doubt; and

b) after the seizure is lifted, the authority of the requested state returns the object or asset to the aggrieved party.

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(5) If a foreign authority provides information on having found an object wanted for compliance with the provisions of paragraph (1) and it is enabled under the legislation of the foreign state, the Hungarian judicial authority and, in the course of the investigation informing the prosecution service at the same time, the investigating authority may, without a request for procedural legal assistance, applying the provisions of paragraph (4) as appropriate, consent to returning to the aggrieved party the object or asset found.

Title 14

Service of an official document

Section 75/A (1) The Hungarian judicial authority shall send an official document to an addressee in a foreign state in a sealed envelope directly by post as a postal item with certificate of delivery sent with acknowledgement of receipt as special service.

(2) If the addressee does not know the Hungarian language, the official document shall be translated into the mother tongue of the addressee, to another language specified as known by him, or, if these are not known to the Hungarian judicial authority, into the official language or one of the official languages of the state of the place of actual residence of the addressee or into a language specified by the foreign state. Information to the addressee about procedural rights and obligations shall be attached to the document.

(3) An official document may be sent to the judicial authority of the foreign state of the place of actual residence of the addressee for service through procedural legal assistance only if

a) the address of the addressee is unknown;

b) service by post was not possible;

c) it is reasonable to assume that service by post will remain unsuccessful; or

d) the addressee is in detention in the requested state.

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(4) If the official document is served in accordance with paragraph (3) and a translation of the official document is not available in the official language or one of the official languages of the requested state or in the language specified by the requested state in accordance with paragraph (2), an extract of the essence of the official document to be served shall be prepared for the requested state that shall be translated into the official language or one of the official languages of the requested state or the language specified by the requested state. The extract shall be attached to the request for procedural legal assistance.

(5) If a person staying abroad fails to appear despite being summoned by the Hungarian judicial authority, the provisions of the Code of Criminal Procedure on failure to appear upon summons shall not be applied.

(6) If a person staying abroad appears upon summons by the Hungarian judicial authority, the provisions of section 65/A (7) to (9) shall apply accordingly to the witness, the expert and, with the exception of the criminal proceeding in which he is summoned, the defendant.

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(7) If the court or the prosecution service summons a witness or expert from abroad through procedural legal assistance, an advance may be disbursed to him to cover the costs of travel and staying in Hungary.

(8) A request for procedural legal assistance for service of an official document put forward by the requesting judicial authority may be executed only if the requesting judicial authority

a) provides a translation into the mother tongue of the addressee or another language specified as known by him or, if these are not known to the requesting judicial authority, a Hungarian translation of the official document to be served if the addressee does not know the official language of the requesting state; and

b) sends the request including a summons for the defendant to the Hungarian judicial authority at least forty days before the date set for his appearance.

Chapter V/A

TRANSIT

Section 75/B (1) The rules on legal assistance on which transit is based shall apply accordingly to transit subject to the derogations laid down in this Chapter.

(2) Decision on authorising transit through the territory of Hungary of a person detained abroad for the purpose of rendering legal assistance in criminal matters between foreign states at a request of the requesting state shall lie with the Minister.

(3) Authorisation by the Minister shall not be required for transit planned by air without landing.

(4) If transit takes place by air with landing planned within the territory of Hungary, or by means other than air, all conditions under which transit takes place shall be specified when authorising transit.

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(5) If the Minister authorised the transit of a detained person, without permission from the requesting state, the person concerned may be detained within the territory of Hungary only for the purposes of transit; he may be deprived from personal freedom for any other reason only if he commits another criminal offence during transit within the territory of Hungary.

(6) The ILECC, with cooperation of the police, shall provide for transit within the territory of Hungary. The person concerned shall be in police custody during the period of transit.

(7) Custody of the person concerned shall be ordered if

a) transit is planned by air without landing and an unforeseen landing takes place within the territory of Hungary; or

b) transit planned by means other than air is interrupted due to an unforeseen obstacle and the obstacle cannot be eliminated within reasonable time.

Section 75/C (1) Putting forward a request for transit through the territory of another state of a detained person for the purpose of rendering legal assistance in criminal matters shall lie with the Minister.

(2) A request for transit need not be put forward for transit planned by air without landing.

(3) The ILECC shall prepare transit and perform it with cooperation from the police.

(4) If transit is interrupted in the requested state or unplanned landing takes place in the course of transit by air, the Minister shall make arrangements for transporting further and detaining the person concerned; a relevant request for legal assistance shall be put forward if justified.

Chapter VI

Rules related to form and costs

Section 76 (1) Requests for legal assistance in criminal matters shall be put forward in writing through diplomatic channels. The Minister and the Prosecutor General may accept a request put forward by means other than through diplomatic channels and may put forward a request by such means also.

(2) Unless otherwise provided in this Act, a request shall include the following:

a) designation of the requesting judicial authority;

b) object of request;

c) description of the criminal offence for which the proceeding is conducted, and legal qualification of the criminal offence;

d) personal data, including nationality, of the defendant or the sentenced person.

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(3) For a request from a foreign state, the provision of a Hungarian translation of the request and its attachments may be demanded only if the requesting state does not accept similar requests put forward in the Hungarian language.

(4) If a request is deficient to an extent that prevents taking a position as regards its executability or administering its professionally, the Prosecutor General or the Minister shall call upon the requesting state to remedy the deficiency or provide supplementary data. Such a call shall not constitute an obstacle to taking an urgent measure requested by the foreign state if it can be taken on the basis of the request and it is permissible under Hungarian law. A failure to remedy or to appropriately remedy the deficiency may serve as grounds for dismissal of the execution of the request.

Section 77 In addition to data listed in section 76 (2), a request for extradition shall include the following:

a) statutory provisions on the criminal offence for which extradition is sought and on statute of limitations;

b) for an extradition request received from abroad, the commitments under section 15, section 16 (1) and section 30 (3) b).

Section 78 (1) In addition to data listed in section 76 (2), a request for transferring or taking over a proceeding and for reporting a crime to a foreign authority shall include the following and the following shall be attached to it:

a)

b) specification of evidence;

c)

d) for a criminal offence punishable upon private motion, the private motion;

e) civil claim if applicable.

(2) In addition to the data and attachments listed in paragraph (1) everything that the authority deems necessary for the well-grounded assessment of the case may be attached to the request.

Section 79 (1) In addition to data listed in section 76 (2), a request for transferring or taking over the enforcement of a sentence shall include the following:

a) if the sentence is already enforced in part, the relevant data, in particular, exact data relating to time spent in detention;

b) declaration of consent by the sentenced person.

(2) The final and binding conclusive court decision or its certified copy shall be attached to the request.

Section 79/A (1) In addition to data listed in section 76 (2), a request for rendering electronic data temporarily inaccessible or rendering electronic data permanently inaccessible shall include the following:

a) data affected by the coercive measure or the measure and their relevance to the criminal offence;

b) name and address of the hosting service provider or its designation and address of its seat, establishment or branch;

c) other data for identifying the source of electronic data;

d) time limit available for executing the request.

(2) In addition to data listed in paragraph (1), an authentic copy or certified copy of the ordering court decision shall be attached to a request referred to in paragraph (1).

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(3) If enabled under an international treaty, in urgent cases, a request referred to in paragraph (1) may be put forward by the Minister or the Prosecutor General also

a) directly to the judicial authority of the requested state; or

b) by way of the ILECC.

(4) If a request is put forward in accordance with paragraph (3) a), the Minister or the Prosecutor General shall send a copy of the documents to the central authority of the foreign state when putting forward the request.

Section 80 (1) In addition to data listed in section 76 (2), a request for procedural legal assistance shall include the data necessary for the professional administration of the request.

(1a)

(2)

(3) For a request for service it shall be sufficient for the request to include the subject matter of the case, the name, address and procedural role of the addressee and the type of the document.

(4) A request for search, body search, seizure or another coercive measure

a) may be executed only if the requesting state provides credible proof, including sending the foreign authority decision ordering the coercive measure, that the foreign authority is entitled to order the coercive measure under the law of the foreign state;

b) shall be put forward attaching the decision ordering the coercive measure to the request for procedural legal assistance.

Section 81 (1) If execution of a request for legal assistance in criminal matters is conditional upon a declaration of consent under this Act, separate minutes shall be taken of the declaration of consent that is to be signed by the single judge or the panel chair and the person making the declaration or, if that person is unable to give consent validly, his representative.

(2) If the person making the declaration is in detention, the sentence enforcement judge of the place of detention shall take minutes of the declaration of consent in accordance with paragraph (1) and send it to the court that acted at first instance.

Section 82 (1) If the foreign state requires the provision of a translation of the request and its attachments or it is likely that the request for legal assistance will not be executed if the documents are not translated, the entity entitled to put forward the request for legal assistance shall provide for translating the Hungarian request for legal assistance in criminal matters and its attachments into the official language or one of the official languages of the requested state. Where translation into this language would entail disproportionate difficulties or costs, the documents shall be translated into an intermediary language in use in the requested state.

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(2) If the delay relating to the translation referred to in paragraph (1) jeopardises putting forward or executing the request for legal assistance, the central authority, the Minister or another authority acting relating to the legal assistance shall be entitled to make arrangements for the translation of the documents. Costs arising as a result of this shall be advanced by the central authority, the Minister or the other authority.

Section 83 (1) The requesting foreign state shall bear the costs relating to the transfer and transit of the persons if the transfer to or from Hungary or transit through the territory of Hungary of the person concerned takes place at the initiative of the requesting foreign state.

(2) The following shall constitute criminal costs:

a) costs arising under section 82;

b) fees and costs of officially appointed defence counsel;

c) costs arising in the course of the extradition proceeding if extradition takes place from Hungary;

d) costs relating to transfer and transit of persons if the transfer to or from Hungary or transit through the territory of Hungary or another state of the person concerned takes place in relation to the execution of a request for legal assistance initiated by Hungary; and

e) costs of translating into Hungarian the foreign-language documents sent by a foreign authority in a situation where a foreign judgment or a judgment adopted in the United Kingdom is recognised, or the enforcement of a sentence of imprisonment or a measure involving deprivation of liberty imposed by a foreign court is taken over.

(3) Other costs relating to rendering legal assistance for enforcement shall be borne by Hungary, provided that reciprocity is ensured also in this regard.

(4) to (5)

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Chapter VII

Final provisions

Title 1

Provisions on entry into force

Section 84 This Act shall enter into force on the 15th day of the second month following its promulgation.

Section 84/A The provisions of this Act as introduced by Act CXII of 2013 amending certain Acts to improve the timeliness of criminal proceedings (hereinafter the "Amending Act") shall apply to cases received by the court following the entry into force of the Amending Act.

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Title 2

Compliance with the law of the European Union

Section 85 This Act serves the purpose of compliance with the law of the European Union as follows:

a) section 46 with Council Framework Decision 2008/675/JHA of 24 July 2008 on taking account of convictions in the Member States of the European Union in the course of new criminal proceedings;

b) section 46 (1), sections 60/F to H and Chapter V with Article 25 of Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA;

c) sections 48 and 54 with Article 8 (3) and (4) and Article 17 (2) of Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union;

d) section 12 (1) f) and (3) and section 16 (1) a) and (2) with Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States.

Section 86 This Act contains provisions for the implementation of Part Three of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part.

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