

Government Decree 408/2020 (30 August)
on travel restrictions during the period of state of epidemiological preparedness

The Government,
on the basis of authorisation under point *c*) of section 247 (1b) of Act CLIV of 1997 on healthcare,
acting, with respect to sections 9, 10 and 19, within its original legislative power laid down in Article 15 (3) of the Fundamental Law,
acting, with respect to 16, on the basis of authorisation under point *a*) of section 15 (4) of Act XI of 1991 on healthcare authorities and administration,
acting within its function laid down in Article 15 (1) of the Fundamental Law
decrees as follows:

1. General provisions

Section 1 (1) The scope of this Decree shall cover border crossings with an ordinary passport or other travel document for reasons other than official reasons.

(2) For the purposes of this Decree, the following shall receive the same treatment as Hungarian citizens:

a) persons entitled to permanent residence in Hungary and their family members, provided that this right is certified by a document, and

b) persons holding a valid permit to reside for more than 90 days within the territory of Hungary issued by the immigration authority under any legal title, who present the document to that effect upon entering the country,

c) competitors and sports technicians, as defined by the Act on sports, of any Hungarian sports organisations, when entering the territory of Hungary after having participated in an international sports event organised abroad,

d) persons participating, on the basis of a personal invitation or delegation by a Hungarian sports organisation, in an international sports event organised abroad, when entering the territory of Hungary after having participated in an international sports event organised abroad.

(3) The following shall not fall within the scope of this Decree:

a) border-crossing freight traffic,

b) border crossing with an official passport defined in section 6/A (2) of Act XII of 1998 on travelling abroad, and

c) persons who, upon entering the territory of Hungary, certify in a credible way that they have gone through COVID-19 disease (hereinafter “infection”) within 6 months before the day of presenting themselves at the border.

(4) For the purposes of this Decree, border crossing for official reasons means crossing the border with an ordinary passport or other travel document to conduct an official visit.

2. Rules governing the entry into Hungary of Hungarian citizens

Section 2 (1) With the exceptions specified in an Act or a government decree, when entering the territory of Hungary by personal traffic, Hungarian citizens or the family members of a Hungarian citizen not holding Hungarian citizenship (hereinafter jointly “Hungarian citizen”) arriving from abroad may be subjected to a health screening, which they shall be required to tolerate.

(2) A Hungarian citizen whose health screening raises the suspicion of the infection shall be placed in a quarantine facility designated in accordance with the provisions determined by the competent district (capital district) office acting within its functions relating to public health and having material competence under section 7 (1) of Government Decree 385/2016 (2 December) on the public health tasks of capital and county government offices and district (capital district) offices and the designation of the healthcare state administration organ (hereinafter “competent epidemiological authority”) or, if doing so does not pose any epidemiological risk, in an official home quarantine.

Section 3 A Hungarian citizen whose health screening raises no suspicion of the infection

a) shall be placed in official home quarantine for 14 days, provided that he has a domicile or place of residence in Hungary,

b) shall be placed in a quarantine facility designated by the competent epidemiological authority for 14 days, provided that he does not live abroad and does not have a domicile or place of residence in Hungary,

c) shall be placed in a quarantine facility designated by the competent epidemiological authority or in official home quarantine for 14 days, provided that he lives abroad and does not have a domicile or place of residence in Hungary.

Section 4 (1) At the request of the person placed in quarantine under section 3, the epidemiological authority competent to issue a decision ordering quarantine may allow the person placed in quarantine to take part in molecular biological examinations (SARS-CoV-2 PCR tests) complying with the professional rules of healthcare on two occasions within 5 days, with at least 48 hours passing between the examinations, in order to receive the exemption under paragraph (2).

(2) In a situation under paragraph (1), if the molecular biological examinations (SARS-CoV-2 PCR tests) carried out on two occasions verify that at the time of the examination, the SARS-CoV-2 coronavirus could not be detected in the person placed in quarantine, the epidemiological authority competent to issue a decision ordering quarantine shall grant exemption from the provision ordering quarantine.

3. Rules governing the entry into Hungary of persons not holding Hungarian citizenship

Section 5 With the exceptions specified in an Act or a government decree, access to the territory of Hungary shall be denied to persons other than Hungarian citizens arriving from abroad by personal traffic.

Section 6 (1) In a situation specified in paragraph (2), the competent local police organ of the location of the planned entry into the territory of Hungary or, in case of border crossing at the Budapest Ferenc Liszt International Airport, the District 18 Police Department of the Budapest Police Headquarters (hereinafter “police organ”) may, upon application, grant exemption from the provisions set out in section 5.

(2) With the exception set out in paragraph 8, the police organ may authorise entry under paragraph (1) if the applicant certifies that the objective of entry is

a) participating in a procedural act relating to the proceedings in Hungary of a court or an authority that is certified by a document issued by the Hungarian court or authority,

b) carrying out a business activity or other work the necessity of which is certified by a letter of invitation issued by a central government administration organ, independent regulatory organ or autonomous state administration organ,

c) receiving healthcare services on the basis of a referral issued by a healthcare institution or other appropriate certificate,

d) fulfilling a study or examination obligation arising from a student or pupil status, provided that it is certified by a certificate issued by the education institution,

e) travelling by personal traffic in connection with work related to carriage activities if it is aimed at arriving at the starting point of the carriage task (the location of commencement of work), or going home by personal traffic after such work, provided that it is certified by a certificate issued by the employer,

f) participating in family events (marriage, baptism, funeral),

g) caring for or nursing a relative as defined in Act V of 2013 on the Civil Code,

h) participating in sports, cultural or church events of major importance that have international relevance,

i) any legitimate reason other than those specified in points *a)* to *h)*.

(3) An application referred to in paragraph (1)

a) may be submitted only in electronic form and in Hungarian or English language,

b) may be submitted also by way of a statutory representative or by way of an agent designated in an authorisation drawn up as a private deed of full probative value.

(4) An agent may submit a single application in the name of multiple persons, provided that their entry takes place at the same time and for the same reason and the authorisations by the persons concerned are attached to the application.

(5) For close relatives living in the same household as the applicant, only a single application needs to be submitted in accordance with paragraph (4) if the border crossing takes place for the same reason and at the same time.

(6) The application shall specify the objective of entry under paragraph (2), the document suitable for personal identification to be used for crossing the state border and the identification number of that document, and shall be supplemented by the following:

a) a copy of the document certifying the objective of entry under paragraph (2) if it is possible taking into account the reasons for the application,

b) an authorisation if acting through an agent.

(7) An application referred to in paragraph (1) may be submitted only by filling in and sending

a) an electronic form through the e-government service “Cégkapu” (Company Gate) or “Ügyfélkapu” (Client Gate) in the course of administering matters electronically,

b) an intelligent form available on the website of the police if using “Cégkapu” or “Ügyfélkapu” is not possible.

(8) The police organ shall dismiss an application if

a) any doubt arises relating to the objective of entry under paragraph (2),

b) the entry poses any risk for

ba) epidemiological,

bb) public safety or

bc) national security

reasons.

(9) Appeals against the decision of the police organ shall be adjudicated by the county (capital) police headquarters responsible for the direction of the police organ.

Section 7 (1) Upon request by a police officer, when entering the territory of Hungary, the person exempted from the entry ban (hereinafter “permit holder”) shall present the original document submitted under section 6 (2) or section 6 (6) *a)* to certify the grounds for application (hereinafter “certificate of grounds”).

(2) Entry shall be denied if the permit holder fails to present the original certificate of grounds in accordance with paragraph (1), or any doubt arises regarding its authenticity upon entry.

(3) Upon entering the territory of Hungary, the permit holder may be subjected to a health screening, which he shall be required to tolerate;

a) a person whose health screening raises the suspicion of the infection shall not be granted entry to the territory of Hungary,

b) a person whose health screening raises no suspicion of the infection shall be placed in a quarantine facility designated by the competent epidemiological authority or official home quarantine for 14 days.

(4) At the request of the person placed in quarantine under paragraph (3) *b)*, the epidemiological authority competent to issue a decision ordering quarantine may allow the person placed in quarantine to take part in molecular biological examinations (SARS-CoV-2 PCR tests) complying with the professional rules of healthcare on two occasions within 5 days, with at least 48 hours passing between the examinations, in order to receive the exemption under paragraph (5).

(5) In a situation under paragraph (4), if the molecular biological examinations (SARS-CoV-2 PCR tests) carried out on two occasions verify that at the time of the examination, the SARS-CoV-2 coronavirus could not be detected in the person placed in quarantine under paragraph (3) *b)*, the epidemiological authority competent to issue a decision ordering quarantine shall grant exemption from the provision ordering quarantine.

4. Provisions on the entry of military convoys

Section 8 Military convoys shall be entitled to enter, or passage through, the territory of Hungary, provided that in the course of troop movements, only technical devices, equipment and personnel are moved, authorisation to crossing the border is ensured by neighbouring countries, and

a) it is carried out for the performance of a task arising from obligations of allies or international agreements,

b) it qualifies as troop movement already authorised by the National Assembly or the Government,

c) its sole purpose is passage through the territory of Hungary, and

d) it is secured by the Hungarian police or military police and carried out using a specific route and, except for refuelling if strictly necessary or rest at a location determined by those securing the passage, without stopping.

5. Provisions on travel between affiliated undertakings

Section 9 (1) A person arriving from abroad may enter, without any restrictions, the territory of Hungary from the territory of other states determined by the minister responsible for public safety, provided that he is an executive officer or employee of a company registered in Hungary or in any of the states determined by the minister responsible for public safety that has an affiliated relation within the meaning of point 23 of section 4 of Act LXXXI of 1996 on corporate tax and dividend tax with a company registered in at least one of the states determined by the minister responsible for public safety.

(2) Entry without restrictions as provided for under paragraph (1) may only take place if the person referred to in paragraph (1) substantiates that the trip is for business reasons.

6. Cross-border workers

Section 10 (1) Citizens of, and Hungarian citizens living in, neighbouring states determined by the minister responsible for foreign policy in agreement with the minister responsible for border management shall be entitled to enter the territory of Hungary to stay within 30 kilometres of the state border for a period of no more than 24 hours.

(2) A person staying within the territory of Hungary under paragraph (1) shall stay within a 30-kilometre zone from the state border and shall leave the territory of Hungary within 24 hours from entry.

(3) When returning from the territory of a neighbouring country determined by the minister responsible for foreign policy under paragraph (1), Hungarian citizens living in the territory of Hungary within a 30-kilometre zone from the state border between Hungary and that neighbouring country may enter the territory of Hungary without any restrictions, provided that the period of their stay abroad did not exceed 24 hours and they did not leave the 30-kilometre zone from the state border in the neighbouring country.

7. Provisions on competitors, sports technicians and persons participating in sports events

Section 11 (1) If a person

a) who is a competitor or sports technician, as defined by the Act on sports, of a Hungarian sports organisation, or

b) participating, on the basis of a personal invitation or delegation by a Hungarian sports organisation, in an international sports event organised abroad

enters the territory of Hungary after having participated in an international sports event organised abroad, the provision of section 3 shall apply subject to the derogations laid down in paragraphs (2) to (5).

(2) If the person specified under paragraph (1) has a domicile or place of residence in Hungary, the area of the real estate used for sporting activities by the sports organisation shall also be designated as the location of official home quarantine.

(3) By way of derogation from section 3 *b)* and *c)*, if the person specified under paragraph (1) has no domicile or place of residence in Hungary, in place of the designated quarantine, the area of the real estate used for sporting activities by the sports organisation shall be designated as the location of official home quarantine.

(4) During the period of official home quarantine, the person referred to in paragraph (2) may travel between his domicile or place of residence and the real estate used for sporting activities by the sports organisation in a way ensured by the sports organisation.

(5) Persons referred to in paragraphs (2) and (3) may participate in training organised by the sports organisation.

(6) For persons referred to in paragraph (1), 24 hours shall pass between molecular biological examinations under section 4 (1) (SARS-CoV-2 PCR tests) complying with the professional rules of healthcare carried out on two occasions.

Section 12 (1) A person other than a Hungarian citizen

a) who is a participant, other than a member of the audience, in an international sports event organised within the territory of Hungary,

b) who has a personal letter of invitation issued by the official organiser of a sports competition held in Hungary,

c) who arrives at the invitation of a Hungarian sports organisation or national sports association

ca) as a competitor holding a competition licence,

cb) as a sports technician, or

cc) as a person assisting in the conduct of the sports competition

may, with the exception set out in paragraph (2), enter the territory of Hungary, provided that he certifies that at the time of the examination, the SARS-CoV-2 coronavirus could not be detected in him by furnishing a document in Hungarian or English language that contains the results of molecular biological examinations (SARS-CoV-2 PCR tests) complying with

the professional rules of healthcare, carried out on two occasions within 5 days, with at least 48 hours passing between the examinations.

(2) By way of derogation from paragraph (1), a person referred to in paragraph (1) may also enter the territory of Hungary if he certifies that at the time of examination, the SARS-CoV-2 coronavirus could not be detected in him by furnishing a document in Hungarian or English language that contains the results of a molecular biological examination (SARS-CoV-2 PCR test) complying with the professional rules of healthcare, carried out on a single occasion within 3 days before the sports event or competition, taking into account also the relevant protocol of the Union of European Football Associations.

Section 13 The Government shall be authorised to elaborate further government decrees on epidemiological rules applicable to sports competitions of major importance.

8. Rules pertaining to persons passing through the territory of Hungary

Section 14 (1) Persons other than Hungarian citizens arriving from abroad by personal traffic may enter the territory of Hungary for the purpose of transit passage, provided that they agree to undergo health screening upon entry and the health screening does not establish suspicion of the infection.

(2) As an additional requirement for entry for an objective specified under paragraph (1),

a) the Hungarian citizen arriving from abroad shall meet the entry conditions set out in the Schengen Borders Code,

b) the Hungarian citizen arriving from abroad shall certify in a credible way the objective of travel and the destination country, and

c) the entry of the Hungarian citizen arriving from abroad to the destination country and any state neighbouring Hungary that is on his route planned for this purpose needs to be ensured.

(3) When passing through the territory of Hungary, a person other than a Hungarian citizen arriving from abroad who was granted entry under paragraph (1) shall be allowed to use only the route determined in accordance with paragraph (5); may, with the exception specified under paragraph (4), stop only for reasons inevitably necessary for passing through, and in particular for health or technical reasons, and at rest areas determined in accordance with paragraph (5); and shall leave the territory of Hungary within the period determined in accordance with paragraph (5), but no later than within 24 hours.

(4) With the exception of stopping at rest areas determined in accordance with paragraph (5), only in technical or health emergency situations requiring immediate intervention may a person other than a Hungarian citizen who was granted entry under paragraph (1) interrupt his travel on the designated route.

(5) The National Chief of Police shall determine and publish on the official website of the police the border crossings for transit traffic to enter and leave, the route for traffic passing through, the rest areas and the period available for leaving Hungary.

9. Processing of epidemiological data

Section 15 The competent epidemiological authority shall register persons placed in a designated quarantine facility or official home quarantine.

Section 16 (1) The Government shall designate also the organ established to carry out general policing tasks (hereinafter “police”) as healthcare state administration organ

a) to monitor compliance with the rules on epidemiological isolation, observation, quarantine and restriction,

b) to register persons subjected to epidemiological isolation, observation, quarantine or restriction,

c) to register persons exposed to public health or epidemiological risks and persons who are connected to, or got into contact with, such persons and, therefore, are exposed to a public health or epidemiological risk.

(2) For the purpose of contributing to the tasks of the police as an epidemiological authority, data controllers shall transmit, at the request of the police, personal data processed under section 5 (3) of Act XLVII of 1997 on the processing and protection of health data and related personal data without delay, free of charge, and as a matter of priority compared to other data transmission obligations.

(3) The competent epidemiological authority shall forward to the police, for the performance of its monitoring tasks, any decision on ordering official home quarantine or on epidemiological isolation, observation, quarantine or restriction under Act CLIV of 1997 on healthcare (hereinafter “Eütv.”) as a matter of priority.

(4) The police shall register data under paragraph (3) for monitoring compliance with rules on epidemiological containment and official home quarantine. Data not required for monitoring compliance with rules on epidemiological containment and official home quarantine shall not be registered. Registered data shall be deleted at the time when the official home quarantine, epidemiological isolation, observation, quarantine or restriction is lifted.

10. Final provisions

Section 17 In the application of this Decree, the provisions of section 67/A (4) of the Eütv. shall be observed even if, in the situation specified in section 3 b) and c) or section 7 (3) b), designating an official home quarantine for the person subjected to the epidemiological measure was not possible due to the absence of an appropriate home or fenced area of it.

Section 18 For the purpose of the infraction of violation of a protective measure set out in section 239/A (1) of Act II of 2012 on infractions, infraction procedure and the infraction records system, sections 2 (1), 7 (1) and (3), 9 (2), 10 (2) and (3), 11 (4) and 14 (2) to (4) shall qualify as protective measures.

Section 19 (1) Authorisation shall be given to the minister responsible for public safety to determine in a decree the states, under section 9 (1), in the case of which the executive officers or employees of companies having an affiliated relation within the meaning of point 23 of section 4 of Act LXXXI of 1996 on corporate tax and dividend tax may enter the territory of Hungary without any restrictions.

(2) Authorisation shall be given to the minister responsible for foreign policy to determine in a decree, in agreement with the minister responsible for border management, those neighbouring states, under section 10 (1), from which their citizens, and any Hungarian citizens living there, may enter the territory of Hungary to stay within a 30-kilometre zone from the state border for a period of no more than 24 hours.

Section 20 The Chief Medical Officer shall, after seeking the opinion of the Operational Corps operating during the period of state of epidemiological preparedness and established on the basis of section 1 (1) of Government Decree 286/2020 (17 June) setting out the responsibilities of the Operational Corps, determine the scope of, and method for carrying out, the examinations to be carried out during the health screening prior to entering the territory of Hungary.

Section 21 This Decree shall enter into force on 1 September 2020.

Section 22

Section 23