

UDC 343

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RULES GOVERNING THE MOVEMENT OF HUNGARIAN CITIZENS ACROSS BORDERS DURING THE FIRST WAVE OF CORONAVIRUS PANDEMIC

The infection of COVID-19 initiated in China in 2019, and last year it has reached the level of pandemic by early 2020, significantly effecting all European countries, including Hungary, whilst there was not any known global solution combating against the disease, thus all countries had to establish their own strategies for prevention and containment the coronavirus.¹

In consideration of the above, the Hungarian Government declared state of danger in the entire territory of Hungary for the elimination of the consequences of the human epidemic endangering life and property and causing massive disease outbreaks, and for the protection of health and lives of Hungarian citizens, and authorised the Prime Minister to act as the member in charge for the elimination of the state of danger.²

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¹ The proposer's final preamble to Act XII of 2020 on the containment of the coronavirus <https://uj.jogtar.hu/#doc/db/4/id/A2000012.TVI/>

² Section 2 of Government Decree 40/2020 (11 March) on the declaration of state of danger

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Entry of Hungarian citizens arriving from abroad and EEA citizens entitled to permanent residence falling under the same treatment

According to Government Decree 81/2020 (1 April) on extraordinary measures relating to the state of danger declared for the protection of health and lives and for the restoration of economy, the general rule of personal traffic crossing the border was that Hungarian citizens arriving from abroad by personal traffic (or EEA citizens entitled to permanent residence falling under the same treatment) were entitled to enter into the territory of Hungary, but must undergo a health screening procedure that they had to tolerate. In case of suspected COVID-19 infection, the entering person was placed in the designated quarantine facility, while in the lack of suspected COVID-19 the person had to stay in official home quarantine for 14 days. However, from the very beginning of the state of danger any Hungarian citizen arriving from abroad and also any EEA citizen entitled to permanent residence falling under the same treatment could produce credible evidence that

- a) he recovered from COVID-19 infection and does not show any symptoms of infection, or
- b) he was subject to epidemiological observation for at least 14 days directly prior to the entry.³

Furthermore, Hungarian citizens arriving from abroad, and also EEA citizens entitled to permanent residence falling under the same treatment could avoid to subject themselves to official home quarantine

- if he arrived from the territory of the Czech Republic, the Republic of Poland, the Republic of Korea, the Federal Republic of Germany, the Republic of Austria, the Republic of Slovakia or Japan, in case the person is the citizen of

³ Section 3 (2) of Government Decree 81/2020

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the given country and if the business purpose of travelling is rendered very similar upon the agreement concluded for commuting purposes in accordance with the rules set forth in the decision of the National Chief of Police,⁴

- conditions of commuting purposes were met (crossing the border for commuting purposes is conditioned to the verification of the purpose set forth in a bilateral agreement concluded with the certain neighbouring state for such cases).⁵

In line with obstructing and slowing down the spread of COVID-19's infection the rules of official home quarantine have proportionally and continuously changed during the term of state of danger and in the course of protection. Towards the termination of the ordered state of danger several Governmental Decrees or modifications came into force, leading to the extenuation of the rules thereto, so Hungarian citizens arriving from abroad were no longer obliged to subject themselves to epidemiological observation at their place of domicile or residence (stay in official home quarantine) for 14 days if

- the Hungarian citizen entered the country from the territory of the Republic of Serbia (The person entering the country was warned that he was obliged to notify the epidemiological authority by phone, without any delay if he experienced the symptoms of COVID-19 infection within 14 days accounted from his arrival, also, that he could not leave his domicile, place of residency or accommodation)⁶;

⁴ Section 4/A (1) and (3) of Government Decree 81/2020

⁵ Announcement published in issue No. 17/2020 of the Official Bulletin on the rules of crossing of the border, residing within the territory of and passage through Hungary, routs, stopping possibilities and special transportation relating to humanitarian transit traffic for neighbouring country nationals and in the course transit passage for humanitarian purpose

⁶ Section 2 (1) of Government Decree 226/2020 (25 May)

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- the Hungarian citizen entered the country from the territory of the Republic of Slovenia (The person entering the country was warned that he was obliged to notify the epidemiological authority by phone, without any delay if he experienced the symptoms of COVID-19 infection within 14 days accounted from his arrival, also, that he could not leave his domicile, place of residency or accommodation.)⁷;

- the Hungarian citizen entered the country from the territory of the Republic of Bulgaria, in case the purpose of his travel was performing official duty, participation in the operations of an international organisation, travelling for business reasons or humanitarian activity, or visiting a relative⁸;

- the Hungarian citizen entered the country from the territory of the Republic of Romania, in case the final destination of his leaving was Bulgaria in order to perform official duty, to participate in the activity of an international organisation, to be involved in business or humanitarian activity, or to visit a relative⁹;

- the Hungarian citizen has entered the country from territory of either the Check Republic, the Federal Republic of Germany, the Republic of Austria, the Republic of Slovakia.¹⁰

Rules of entry upon the exemption granted by the deputy of the National Chief of Police and law enforcement forces in cases deserving special consideration

⁷ Section 2 (1) of Government Decree 243/2020 (28 May)

⁸ Section 3 (1) of Government Decree 251/2020 (29 May)

⁹ Section 3 (2) of Government Decree 251/2020 (29 May)

¹⁰ Section 3 a-d) of Government Decree 263/2020 (6 June)

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In cases deserving special consideration the deputy of the National Chief of Police and law enforcement forces was entitled to establish individual rules of behaviour or grant exemption from the restrictions of entry (such as, for example, epidemiological observation for 14 days, official home quarantine) to Hungarian nationals or EEA citizens entitled to permanent residence falling under the same treatment.

According to the provisions of Government Decree 194/2020 (11 May) on the practice of the special leniency application the request for the decision of the deputy of the National Chief of Police and law enforcement forces must be submitted electronically, whereas the substantive and formal requirements of the application were established in the resolution of the National Chief of Police.

In accordance with the Announcement on the rules of exemptions under the restrictions applicable for personal traffic crossing the state border upon the deputy National Police Chief's decision and on the formal and substantive requirements of the electronic leniency application the application must be submitted in Hungarian language. In case several persons intended to enter at the same time and for the same travelling purpose, upon their power of attorney(s) their representative was entitled to submit a single application in their names and interest. Also, if the cohabitant close relatives intended to cross the border at the same time and for the same reason, filing a single request was sufficient.

As mandatory content of the application, the applicant was obliged to substantiate the circumstances deserving special consideration, name the identification documents he intended to use to cross the border with the stipulation of the documents serial number, also, in special cases he was obliged to attach:

- a) the copy of the document proving the reason why the application

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would deserve special consideration, if possible with regards to reason of the request;

b) the power of attorney, in case the procedure is pursued by a representative.

It was deemed as a case deserving special consideration if the applicant could prove that the purpose of the entry was

a) the requirement to participate in the procedural measure related to the procedure of a Hungarian court or authority, confirmed by an official document issued by a Hungarian court or authority;

b) business activity or other employment, verified by the letter of invitation issued by a central governmental administrative body, autonomous regulatory body, or autonomous administrative body;

c) undertaking medical treatment, if confirmed by a referral of the health care institution or other equivalent certificate;

d) taking an exam upon student's legal relationship, if confirmed by the certificate of the educational institution;

e) travelling in personal traffic in connection with employment in transportation, for the purpose to reach the launching point of carriage task (place of starting work) or returning home in personal traffic after the same sort of working activity, if confirmed in a certificate issued by the employer;

f) being present at the funeral ceremony of a close relative.¹¹

Application were only be accepted if forwarded electronically, in a standard form, either through client or company gateways, or otherwise by filling and forwarding the so-called 'intelligent form' accessible on the website of the police.

¹¹ Announcement published in issue No. 17/2020 of the Official Bulletin on the rules of exemptions under the restrictions applicable for personal traffic crossing the state border upon the deputy National Police Chief's decision and on the formal and substantive requirements of the electronic leniency application

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General condition of the exemption is that

- a) the health screening raises no suspicion of COVID-19 infection, and
- b) the applicant shall be registered for the term of he spent at the designated quarantine facility of at the official home quarantine.¹²

However, even in cases of entry based on exemption health screening remained mandatory condition of crossing the state border.

Summary

On June 18, 2020 the Government terminated the state of danger under Government Decree 40/2020 (11 March) on the declaration of state of danger declared on March 11, 2020 for the prevention of the human epidemic endangering life and property and causing massive disease outbreaks for the elimination of its consequences, and for the protection of health and lives of Hungarian citizens.¹³

To sum it up, we may state that the statutory provisions approved during the term of state of danger, among them the regulations on crossing borders significantly supported preventing and slowing down further spread of COVID-19 infection, and to the protection of human health.

Police managed to handle the obstacles and challenges smoothly and effectively, as it also solved the nominated controlling, security and other tasks, granting significant support to the success of prevention. Hungary has come

¹² Announcement published in issue No. 17/2020 of the Official Bulletin on the rules of exemptions under the restrictions applicable for personal traffic crossing the state border upon the deputy National Police Chief's decision and on the formal and substantive requirements of the electronic leniency application

¹³ Government Decree 282/2020 (17 June) terminating the state of danger declared on 11 March, 2020

over the epidemic and we may agree that in accordance with the available data it has prepared for an eventual second wave of the disease.

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Abstract

Ordering the state of danger Hungary has adapted an extraordinary legal order during the pandemic for the elimination and slowing down the spread of COVID-19 infections, to support the combat against the infection and to protect human health. By changing the rules of crossing the state border the approved measures had significant impact on the lives of Hungarian citizens arriving from abroad. This study shall present the Hungarian rules of crossing of the borders that were applicable during the state of danger.

Key words: corona virus, state of danger, quarantine, crossing borders.

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