

Bill no.: **T/10748**

**Act ... of 2020**  
**on the Transitional Provisions related to the Termination of the State of Danger and on  
Epidemiological Preparedness**

In order to facilitate the regulatory transition in connection with the emergency measures taken by the Government during the state of danger for the prevention of the human epidemic causing massive disease outbreaks in 2020 due to the COVID-19 infection and for the elimination of its consequences, taking into consideration, in particular, the requirement for legal certainty, the Parliament shall adopt the following Act of Parliament: [...]

**1. Interpretative provision**

**Article 1**

For the purposes of this Act of Parliament, "state of danger" is the state of danger under Government Decree 40/2020. (III. 11.) on Declaring the State of Danger.

**2. Scope**

**Article 2**

This Act of Parliament determines the rules necessary as a consequence of the state of danger to guarantee for citizens the safety of life and health, personal safety, the safety of assets and legal certainty, as well as the stability of the national economy, and applicable after the termination of the state of danger, in particular, the transitional rules in connection with specific emergency measures enacted during the state of danger.

[...]

**38. Specific rules regarding events**

**Article 86**

The Government may determine specific rules regarding presence at event sites in a decree.

[...]

**40. Transitional rules regarding the election procedure**

**Article 88**

(1) If the dissolution of the representative body of the local government or minority self-government is declared, this decision shall enter into force on the day following the termination of the state of danger.

(2) The date of by-elections may be set starting the day after the state of danger is terminated. A date shall be set within fifteen days of the termination of the state of danger for elections the date of which has not been set or which have been cancelled.

(3) National and local referendums may be initiated from the day after the termination of the state of danger. The deadlines specified in Chapters II–IV of Act CCXXXVIII of 2013 on Initiating Referendums, the European Citizens’ Initiative and the Referendum Procedure shall begin anew the day after the termination of the state of danger. A date shall be set within fifteen days of the termination of the state of danger for national and local referendums the date of which has not been set or which has been cancelled.

[...]

## **84. Transitional provisions related to asylum procedures**

### **Article 267**

The asylum authority shall carry out the adjudication of asylum applications with the differences set out in this subheading until 31 December 2020.

### **Article 268**

(1) By personally submitting a statement of intent, the foreigner informs the asylum authority that he/she wishes to enter Hungary for the purpose of lodging an asylum application.

(2) Submitting a statement of intent for the purpose of lodging an asylum application can be made in a submission addressed to the asylum authority at the foreign representations of Hungary defined by Section 3(1)(a) of Act LXXIII of 2016 on the Foreign Representations of Hungary (hereinafter: Embassy) designated by a government decree, in a format defined and published by the asylum authority.

(3) The asylum authority shall examine the statement of intent, during which it may remotely interview the foreigner at its embassies.

(4) The asylum authority shall inform the embassy regarding the issuance of a single-entry permit to Hungary for the purpose of lodging an asylum application (hereinafter: travel document) within 60 days.

(5) If the asylum authority does not propose to issue a travel document, it shall inform the foreigner thereof via the embassy.

### **Article 269**

Based on the information provided by the asylum authority as defined in Article 269(4), the Embassy shall issue a travel document to the foreigner within 30 days, unless he/she already holds a permit to enter Hungary.

### **Article 270**

(1) An asylum application may only be lodged following the procedures described in Articles 268 and 269, except in cases defined in Article 271.

(2) The foreigner in possession of the travel document shall inform without delay the authority in charge of border protection upon entering Hungary of his/her intent to lodge an asylum application.

(3) The border protection authority shall bring the foreigner to the asylum authority within 24 hours.

(4) The foreigner who lodged his/her asylum application may enjoy the rights provided by the Asylum Act from the moment of having lodged the asylum application before the asylum authority.

(5) The asylum authority may issue a decision (*végzés*) on the placement of the applicant in a closed facility. If four weeks have passed after lodging the asylum application and there are no grounds for asylum

detention, the asylum authority shall designate the place of accommodation for the asylum applicant in accordance with the general rules of the asylum procedure.

#### **Article 271**

(1) The submission of a statement of intent as per Article 268 shall not be a precondition for lodging an asylum application

- a) for anyone holding subsidiary protection status who is staying in Hungary,
- b) in case of a person recognised as a refugee or having subsidiary protection status, for his/her family members as defined under the Act on Asylum who are staying in Hungary, and
- c) for anyone who is subject to forced measures, measures or punishments affecting personal liberty, except if they have crossed the border of Hungary in an illegal manner.

(2) For a foreign national who had crossed the state border of Hungary in an illegal manner -- if they state their intention to submit an asylum application before the police -- the police shall direct him/her to the Hungarian embassy located in the neighbouring country from which they had crossed the border.

(3) In cases falling under the scope of paragraph (1), the asylum authority shall proceed in accordance with the general rules of the asylum procedure.

#### **Article 272**

The asylum authority shall process the data of foreigners in connection to the procedure related to their statement of intent for a period of 10 years.

#### **Article 273**

During the asylum procedures, the following provisions shall not be applicable:

- a) Sections 71/A-72 and 80/H-80/K of Act LXXX of 2007 on Asylum,
- b) Chapter VII/A of Government Decree 301/2007 (XI. 9.) on the implementation of Act LXXX of 2007 on Asylum.

#### **Article 274**

The provisions of this subheading shall be applied to asylum applications submitted following the entry into force of Government Decree no. 233/2020. (V. 26.) on the rules of the asylum procedure during the state of danger declared for the prevention of the human epidemic endangering life and property and causing massive disease outbreaks, and for the protection of the health and lives of Hungarian citizens.

(2) The detailed rules necessary for the implementation of this Decree shall be set out by a decree of the Minister of Interior adopted with the agreement of the minister in charge of foreign policy.

#### **Article 275**

(1) The Government shall be authorized to designate the embassies where a statement of intent for the purpose of lodging an asylum application can be submitted in a decree.

(2) The minister responsible for aliens policing and asylum shall be authorized to issue a decree, in agreement with the minister in charge of foreign affairs, setting out the detailed rules necessary for the implementation of this subheading.

[...]

## **92. Amendment to Act CLIV of 1997 on Health Care**

### **Article 311**

The subheading "Miscellaneous Epidemiological Measures" of Act CLIV of 1997 on Health shall be supplemented with the following Article 74/B:

#### **"Article 74/B**

(1) The epidemiological authority shall order that compliance with the rules relating to official home quarantine be monitored by using an electronic software (hereinafter: "quarantine software") suitable for tracking the movements of, and for transferring the facial image of and the health data provided by the adult concerned having capacity to act, provided that the adult concerned makes a statement on the following:

a) the requirements for installing the quarantine software are met, he/she has the appropriate device for that, and

b) he/she voluntarily undertakes to install and use the quarantine software.

(2) To obtain the statement under paragraph (1), the epidemiological authority may ask for the assistance of the police.

(3) Before the person subjected to official home quarantine makes a statement under paragraph (1), the epidemiological authority

a) shall inform him/her of the voluntariness of the installation and use of the quarantine software, as well as the requirements for installing the quarantine software, and the benefits and obligations of using the quarantine software, and

b) shall advise him/her that if he/she does not make a voluntary statement under paragraph (1), enhanced monitoring will be carried out.

(4) The police shall, primarily in an electronic way, monitor the fulfilment of the obligation to install and use the software; to this end, the person making a statement under paragraph (1) (hereinafter: "the person concerned") shall be obliged to cooperate with the police and to perform operations with the quarantine software as required by the police. The police may compare the movement data provided by the quarantine software against the data of the location designated for official home quarantine also in an electronic way. Monitoring may not entail the unnecessary disturbance of the privacy of the person concerned; the rest of the persons concerned may not be disturbed without reason between 10.00 p.m. and 6.00 a.m. Personal monitoring may take place only if there is a suspicion that monitoring by the quarantine software was circumvented or if the person concerned fails to use the quarantine software.

(5) As soon as the official home quarantine terminates, the person concerned shall delete the quarantine software, and the police shall terminate the monitoring of the person concerned.

(6) If the person subjected to official home quarantine does not make a statement under paragraph (1), compliance with the rules relating to official home quarantine shall be subject to monitoring in person by the police."

[...]

### **Article 313**

The following provisions shall replace Article 228 (1) and (2) of Act CLIV of 1997 on Health Care:

“(1) At the proposal of the Chief Medical Officer, and based upon the motion of the Minister, the Government may declare a state of medical crisis, if an epidemiological emergency referred to under point a) of paragraph 2, or any other circumstance referred to under point b) and c) of paragraph (2) render it necessary. During a state of medical crisis, healthcare for patients shall be provided within the framework of medical crisis care.

(2) A state of medical crisis may be declared in the event of:

a) a public health and epidemiological emergency of international concern or any other epidemiological risks (epidemiological emergency), as provided for by the Act of Parliament on the promulgation of the International Health Regulations of the World Health Organization,

b) any other, usually unexpected event not covered by point a), which endangers the life, physical integrity and health of citizens or the operation of healthcare providers, or damages them to such an extent that it results in a disproportion between healthcare needs and the locally available capacity, and furthermore, necessitates the cooperation of the government agency for healthcare, the healthcare providers and other state and local government bodies,

c) any other case not covered by points a) and b) which severely and directly inhibit providing medical care to the people falling within the coverage area of the healthcare facility under the specific legal provisions, provided that providing medical care to the people falling within the coverage area by another healthcare facility would create disproportionate difficulties.”

#### **Article 314**

The following paragraphs (2a)–(2c) shall be inserted into Article 228 of Act CLIV of 1997 on Health Care:

“(2a) The Chief Medical Officer is under the obligation to continuously monitor whether the conditions for the state of medical crisis prevail, and should the conditions for declaring the state of medical crisis no longer exist, the Chief Medical Officer shall initiate with the Minister to propose the Government to repeal the government decree specified in paragraph (1). The Minister submits his/her proposal to the Government without delay and the Government shall discuss it as a matter of priority and if the preconditions for declaring a state of medical crisis do not exist, it shall repeal the government decree specified in paragraph (1).

(2b) The government decree specified in paragraph (1) shall remain in force for a maximum of six months, with the exception of an extension of its force by the Government. The Government may extend the force of the government decree specified in paragraph (1) if the preconditions for declaring a state of medical crisis exist at the time of extension.

(2c) The Government shall report on the extension of the force of the government decree specified in paragraph (1) to the standing committee of the Parliament dealing with healthcare.”

#### **Article 315**

The following provision shall replace Article 228(4) of Act CLIV of 1997 on Health Care:

“(4) A state of medical crisis may be declared for the whole territory of Hungary, or for a specified area thereof.”

## **Article 316**

The following paragraph (5) shall be inserted into Article 228 of Act CLIV of 1997 on Health Care:

“(5) If a state of medical crisis is declared, Article 74 (2)–(4) shall not be applicable.”

## **Article 317**

The following provisions shall replace Article 232/B of Act CLIV of 1997 on Health Care:

### **“Article 232/B**

(1) During a state of medical crisis, in order to coordinate the measures taken to eliminate the condition pursuant to Article 228(2) and the provision of medical crisis care, an Operational Group shall be operated (hereinafter: “Operational Group”), as set out in a government decree. The Operational Group shall be established by the Government by a decree, provided that the nature of the declared state of medical crisis necessitates it.

(2) The Operational Group operates an on-call duty centre as its work organization.

(3) The Operational Group may establish action groups for particular tasks falling under its responsibilities.

(4) In order to prevent, learn about, detect and contain the spread of the condition specified in Article 228(2), and to organize the coordinated performance of tasks by the public authorities, the Operational Group may, exclusively to the extent strictly necessary to achieve that objective and taking into account the principle of data minimization, request information from any body, legal person or organization without a legal personality, upon which they shall fulfil the request for data without delay and free of charge.

(5) In order to prevent, learn about, detect and contain the spread of the condition specified in Article 228(2), and to organize the coordinated performance of tasks by the public authorities, the Operational Group shall manage, exclusively to the extent strictly necessary to achieve that objective and taking into account the principle of data minimization, the personal data directly related to the purpose of data processing of

a) persons affected by the condition pursuant to Article 228(2),

b) persons that are in contact with or have been in contact with persons defined in point a), in particular persons who are vulnerable from public health and epidemiological aspects, and

c) persons it has become otherwise aware of, as part of the data provision specified in paragraph (4) or otherwise through its activities.

(6) The operator of the Electronic Health Service System ensures that the Operational Group shall directly receive the information related to the condition pursuant to Article 228(2), containing personal data as well, if necessary.

(7) Pursuant to paragraphs (2)–(4), the Operational Group shall only become aware of and manage health data allowing the identification of the data subject, excluding the fact of involvement with the circumstance pursuant to Article 228(2), in the manner specified in paragraph (8) and strictly necessary for taking an immediate measure in order to prevent, learn about, detect and contain the spread of the condition specified in Article 228 (2), and at the same time it can be reasonably assumed that

a) the measure could not be taken by rendering the personal data allowing the identification of the data subject unidentifiable, pseudonymised or by accessing other data which do not require the identification of the data subject, or

b) to take the action in accordance with point a) would be disproportionately difficult or detrimental to the success of the action.

(8) Health data obtained pursuant to paragraph (7), allowing the identification of the data subject, may only be disclosed to a doctor directly involved in the activity of the Operational Group, its work organisation or action group in order to carry out a measure, otherwise such data can be only disclosed to an individual not directly involved in carrying out the measure after the data was made unidentifiable or was pseudonymised, unless provided otherwise by law or a binding act of the European Union.

### **Article 318**

The following Article 232/D shall be inserted into Act CLIV of 1997 on Health Care:

#### **"Article 232/D**

(1) In the framework of epidemiological preparedness under a state of medical crisis, the Government may in a decree

a) restrict or prohibit

aa) the operation of all institutions and facilities, attending or organizing events, and performing activities that may facilitate the spread of the epidemic,

ab) the operation and opening hours of businesses,

ac) the passenger, livestock or freight traffic between certain areas of the country, as well as between Hungary and other countries,

ad) personal contact between the residents of certain areas of the country, as well as between the residents of Hungary and other countries,

ae) visiting certain institutions, in particular, outpatient care facilities, in-patient institutions, as well as institutions of public education, vocational training, higher education, social, child protection, child welfare and community culture,

af) departure from certain areas,

ag) the sale, consumption and purchase of certain foods and products,

ah) the consumption of drinking water,

ai) the keeping of specific animals,

b) introduce measures regarding the supply of medicines and medical aids, as well as the order of accessing health care services,

c) introduce measures necessary to preserve medical supplies, and for that purpose the participation of the Police or the Hungarian Armed Forces may be set forth, the participation of law enforcement agencies or the Hungarian Armed Forces may be set forth to perform hospital commander duties, the tasks of the hospital commander and the obligations of the head of the institution may be set forth, and the operation of the hospital commander may be extended to institutions providing permanent or transitional care for the elderly;

d) establish the rules on social distancing and on wearing protective equipment decreasing the risk of infection, and the time slot to be used for shopping in stores and markets exclusively by groups of the population most endangered by the disease caused by the epidemic,

e) establish specific provisions on public education, higher education, vocational training and adult education,

f) impose traffic restrictions or traffic bans,

g) establish provisions for epidemiological separation;

- h) establish specific provisions on the delivery of postal items,
- i) establish specific provisions on coordinating the medical care of a protected leader, as well as the performance and monitoring of health care rules for a protected leader,
- j) order epidemiological measures that are provided for by an Act of Parliament;
- k) adopt other provisions specified by an Act of Parliament.

(2) The Government may exercise its powers under paragraph (1) to the extent necessary and proportionate to the objective pursued, so as to prevent, control and eliminate the condition specified in Article 228(2), and to prevent and avert the harmful effects thereof, and may not introduce a lockdown.

(3) Under a state of medical crisis, diverting from the provisions of the Act on Parliament on commerce and the government decree issued to implement it, the representative body of the local government may establish the rules of the opening hours of markets and fairs operating on the local government's territory and of the stores operating at the premises of the markets and fairs in a decree issued under its original law-making powers."

### **Article 319**

The following Article 232/E shall be inserted into Act CLIV of 1997 on Health Care:

#### **"Article 232/E**

(1) During a state of medical crisis, in addition to the procurements under Article 231(2), the other contracting authority pursuant to Articles (5)–(7) of Act CXLIII of 2015 on Public Procurements (hereinafter: "PPA") is entitled to carry out procurements (hereinafter, for the purpose of this article: "procurement") serving the effective functioning of public bodies and groups directly related to handling the condition specified in Article 228(2) or those managing containment during the state of medical crisis in a manner that derogates from the public procurement and procurement rules, based on the individual exemption of the Prime Minister.

(2) The Prime Minister shall decide as a priority on the exemption request for the procurement. The Prime Minister may delegate the decision-making power regarding the exemption request for procurement to another member of the Government.

(3) Pursuant to the derogation laid down in paragraph (1), the contracting authority is entitled to carry out the procurement by inviting three bids if possible, without conducting a public procurement procedure or any other procurement procedure, with the exception specified in paragraph (7), and provided that the threshold specified in Article 15(1)b) of the PPA is reached or exceeded.

(4) In the event of procurement, the contracting authority must ascertain in advance whether its procurement need could be satisfied by applying a framework agreement concluded as a result of a centralized public procurement procedure, or through any other framework contract.

(5) Where a procurement pursuant to paragraph (4) is chosen, the contracting authority is exempt from the fees payable to the tender.

(6) Framework agreements and other framework contracts suitable for satisfying the procurement needs pursuant to paragraph (4) may be modified to an extent proportional to the handling of the condition specified in Article 228(2), without examining the conditions referred to in Article 141(6) of the PPA.

(7) In the event of extreme urgency, a specific economic operator may be directly invited to tender, without regard for the procedural rules above.

(8) The regularity of the procurements shall be verified on an ex-post basis by the Minister responsible for public finances.

(9) If European Union development funds are utilized, the rules pursuant to paragraphs (1)–(8) shall not be applicable.

[...]

#### **Article 321**

The following paragraph (1b) shall be inserted into Article 247 of Act CLIV of 1997 on Health Care:

“(1b) The Government shall be authorized, in the framework of epidemiological preparedness, if necessary in a decree, to

- a) introduce epidemiological preparedness by declaring a state of medical crisis,
- b) provide for the establishment of the Operational Group, and to determine the rules of the composition, organization and functioning of the Operational Group,
- c) in a state of medical crisis, take the measures and establish the provisions pursuant to Article 232/D(1).”

[...]

### **101. Amendment to Act CXXVIII of 2011 on Disaster Management and the Amendment of Certain Related Acts**

#### **Article 353**

The following subheading 24/A shall be inserted into Chapter V of Act CCXVIII of 2011 on Disaster Management and the Amendment of Certain Related Acts:

**“24/A. Emergency measures of the Government in a state of danger related to a human epidemic causing mass disease outbreaks**

#### **Article 51/A**

(1) During a state of danger declared in order to prevent a human epidemic causing mass disease outbreaks endangering life and property, to eliminate its consequences, and to protect the health and life of Hungarian citizens, the Government may – in addition to the extraordinary measures and regulations set forth in Subheadings 21–24 – suspend the application of certain Acts of Parliament, derogate from the provisions of Acts and take other extraordinary measures by means of a decree, in order to guarantee for citizens the safety of life and health, personal safety, the safety of assets and legal certainty, as well as the stability of the national economy.

(2) The Government shall exercise its powers conferred under paragraph (1) to the extent necessary and proportionate to the objective pursued, so as to prevent, control and eliminate the human epidemic, and to prevent and avert the harmful effects thereof.”

[...]

### **102. Amendment to Act CLI of 2011 on the Constitutional Court**

#### **Article 355**

The following Article 48/A shall be inserted into Act CLI of 2011 on the Constitutional Court:

#### **“Article 48/A**

The full session of the Constitutional Court, as well as its council session may be held via using an electronic communication device as well on the basis of the President’s decision.”

### **Article 356**

The following Article 68/A shall be inserted into Subheading 23 of Act CLI of 2011 on the Constitutional Court:

### **"Article 68/A**

During a special legal order,

- a) the President and the Secretary General shall ensure the continuous operation of the Constitutional Court and take the required organizational, operational, administrative and preparatory measures, furthermore,
- b) the President may allow a derogation from the Constitutional Court's rules of procedure."

## **General justification**

In the event the state of danger is terminated, the government decree under Article 53(2) of the Fundamental Law shall be repealed upon the termination of the state of danger, in accordance with Article 53(4) of the Fundamental Law. The principle of legal certainty requires that the termination of the state of danger and repealing the government decrees issued in the state of danger shall not occur without the establishment of proper transitional provisions.

The purpose of the Bill is that the Parliament, with regard to the subject matters affected by state of danger legislation, in order to ensure legal certainty, regulates the legal relationships and entitlements established during the state of danger in such a way after the state of danger that the regulatory transition is guaranteed in a clear and predictable manner, while also taking the requirement for the protection of legitimate expectations into consideration, and that the unchanged regulatory environment is guaranteed by an Act of Parliament. [...]

## **Detailed justification**

### **Articles 1–2**

Interpretative provision for the state of danger, and the material scope of the Bill is determined.

[...]

### **Article 86**

The rule makes it unequivocal that the Government may in its decree determine specific rules regarding presence at event sites.

[...]

### **Article 88**

The act on the containment of the coronavirus has determined rules regarding the election procedures for the period of the state of danger.

The purpose of the rules is for the statutory provisions recommended for deregulation to be preserved, in order to safeguard legal certainty and to adequately ensure the continuation of the procedures after the state of danger has been terminated.

[...]

### **Article 267**

During the epidemiological situation cause by COVID-19, people arriving from outside the borders of the country through uncontrolled circumstances pose a significant risk of infection. The transit zone proved to be capable of preventing the spread of the infection, by preventing access from the transit zone to the territory of Hungary. In accordance with the judgment of the Court of Justice of the EU of 14 May 2020, in Cases C-924/19 PPU. and C-925/19 PPU., the emptying out of the transit zone became necessary. In order to further prevent the spread of the disease, a new procedure was established through Government Decree no .../2020 (... . ...) on the rules for the asylum procedure during the state of danger declared 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 the health and lives of Hungarian citizens. The legislation introduced to prepare for the possible additional waves of the epidemic must be upheld in the transitional period following the termination of the state of danger.

#### **Article 268**

The precondition for submitting the asylum request is to submit a statement of intent at a foreign representation of Hungary. Based on the statement of intent, the refugee authority shall make a decision within 60 days on whether a travel document for a single entry to Hungary (hereinafter: travel document) may be issued for the purpose of submitting an asylum request in Hungary.

#### **Article 269**

The travel document shall be issued by the embassy and is valid for 30 days.

#### **Article 270**

As per principle, the condition for submitting the asylum request is to submit the statement of intent, and to have the travel document. Upon entry into Hungary, the foreign national shall notify the border management authority, that he/she wishes to submit an asylum request and the border management authority shall bring him/her to the refugee authority within 24 hours. The rights provided under the law on asylum are granted to the foreign national once the asylum request has been submitted to the refugee authority, and he/she is moved to a closed reception facility for a maximum of 4 weeks.

#### **Article 271**

Exemptions from the obligation of submitting a statement of intent. Submission of a statement of intent is not required for a beneficiary of subsidiary protection and the family member of a person recognized as a refugee or a beneficiary of subsidiary protection, and for a person under the effect of a coercive measure, action or penalty involving a deprivation of personal liberty. Those who unlawfully crossed borders of Hungary are exempt from the latter category of individuals, as they shall be directed to the Hungarian Embassy located in the country neighboring the point of entry into the country.

#### **Article 272**

Rule on data management, according to which the refugee authority shall manage the data of the foreign national pertaining to the statement of intent, for 10 years.

#### **Article 273**

Taking the new procedural rules into consideration, the specific special procedural rules pursuant to the Act on Asylum and the related implementation decree are not applicable.

#### **Article 274**

The provisions must be applied for asylum applications submitted after the entry into force of Government Decree no .../2020 (... . ...) on the rules for the asylum procedure during the state of danger declared 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 the health and lives of Hungarian citizens.

## **Article 275**

Authorizing provision for laying down the detailed procedural rules.

[...]

## **Article 311–318, 321**

By modifying the rules of the state of medical crisis, the Bill ensures that during a state of medical crisis, the Government takes the necessary measures for the effective management of the state of medical crisis in the form of decrees.

The Bill provides the wide range of crisis management powers with the proper guarantees. The Chief Medical Officer is under the obligation to continuously monitor whether the conditions for the state of medical crisis exist, and should the conditions for declaring the state of medical crisis no longer exist, the Chief Medical Officer shall initiate with the Minister to propose the Government to repeal the government decree adopted during the state of medical crisis. The Minister submits his/her proposal to the Government without delay and the Government shall discuss it as a matter of priority, and if the preconditions for declaring a state of medical crisis no longer exist, it shall repeal the government decree. Furthermore, the government decree adopted under the state of medical crisis shall remain in force for a maximum of six months, with the exception of an extension of its force by the Government. The Government may extend the force of the government decree adopted under the state of medical crisis, if the preconditions for declaring a state of medical crisis exist at the time of the extension. The Government shall report on the extension of the force of the government decree adopted during the state of medical crisis to the standing committee of the Parliament responsible for healthcare.

Furthermore, the Bill also provides for the possibility for the Government, provided the nature of the declared state of medical crisis necessitates it, to establish an Operational Group in a decree, in order to coordinate the medical crisis services. The Bill sets out the legal provisions pertaining to the data management by the Operational Group.

Furthermore, based on the positive practical experiences, the Bill regulates the basic rules relating to official home quarantine and the use of an electronic software (quarantine software) suitable for tracking the movements of, and for transferring the facial image of and the health data provided by the adult concerned having capacity to act for the purpose of complying with the rules of the official home quarantine.

## **Article 319**

The Bill determines the derogations from Act CXLIII of 2015 on Public Procurements during the state of medical crisis.

[...]

## **Articles 353–354**

With consideration to Article 54(4) of the Fundamental Law, the Bill includes as a cardinal provision that during the state of danger declared in order to prevent a human epidemic causing mass disease outbreaks endangering life and property, to eliminate its consequences, and to protect the health and life of Hungarian citizens, the Government may, for the purpose of managing this specific situation with adequate efficiency, suspend the application of certain Acts of Parliament, derogate from the provisions of Acts and take other extraordinary measures by means of a decree, in order to guarantee for citizens the safety of life and health, personal safety, the safety of assets and legal certainty, as well as the stability of the national economy.

With this rule, the Bill provides the Government with greater freedom to act as compared to a state of danger declared for any other reason, which, as demonstrated by the practical experiences of managing the COVID-19 epidemic, is an essential condition for the protection of the lives and health of the people, and the national economy.

It is a guarantee that the Government may only exercise this power to the extent necessary and proportionate to the objective pursued, so as to prevent, control and eliminate the human epidemic, and to prevent and avert the harmful effects thereof.

### **Articles 355–356**

Emphasizing the fact that the operation of the Constitutional Court, which functions as the principal body for protecting the Fundamental Law, is a particular guarantee during a special legal order for the preservation of the democratic rule of law, the constitutional order, and the internal consistency of the legal system, as well as to enforce the principle of the division of powers, the Bill prescribes for the President of the Constitutional Court and the Secretary General of the Constitutional Court to ensure the continuous operation of the Constitutional Court during the special legal order and to take the required organizational, operational, administrative and preparatory measures in order to ensure this. The Bill explicitly refers to the possibility of holding sessions using an electronic communication device, which will be an applicable procedure outside the period of special legal order as well, however, this does not happen automatically, but upon the decision of the President of the Constitutional Court.