

LAKATOS, KÖVES ÉS TÁRSAI
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THE HUNGARIAN GOVERNMENT EXTENDS STATE OF EMERGENCY AND INTRODUCES NEW RESTRICTIONS

On 10 November 2020, the Hungarian Parliament passed Act No. CIX of 2020 on Protection Against the Second Wave of Covid-19 (the “Act”). The Act entered into force on 11 November 2020 and extends the state of emergency originally declared by Government Decree no. 478/2020. (XI.3.) until 19 February 2021 and empowers the Government to extend the effect of its decrees until the end of the state of emergency.

TWO DECREES HAVE BEEN PASSED PURSUANT TO THE ACT:

The **Government Decree no. 485/2020 (XI.10.) on the measures for the protection of the economy in the state of emergency** includes the following main benefits for businesses:

- Businesses with their principal services listed in the Decree (i.e. film screening, catering services, performing arts) may request to be released from their obligation to pay certain taxes, such as social contribution tax, contribution to vocational training or other social charges for the period of the restrictions, namely for the month of November;
- Businesses with their principal services listed in the Decree may request 50% wage subsidies for the period of the restrictions, namely for the month of November, provided that they do not dismiss any of their employees.

The Hungarian Government also passed Government Decree no. 484/2020 (XI.10.) **on the second phase of protective measures applied in the state of emergency**. The Government Decree shall remain in force until 11 December 2020, but may be prolonged, and includes the following main provisions:

1. NEW REGULATIONS ON MASK WEARING

The previous regulations on the obligatory wearing of masks indoors and in certain places (i.e. inside catering establishments, at bus stops) remain in force with additional restrictions. From 12 November 2020 wearing a mask is mandatory in certain public areas of settlements with more than 10.000 inhabitants. The designation of such public areas is the duty of the mayors and municipalities. In Budapest, the regulation may differ from district to district, but based on the information available so far most districts have extended the mandatory mask wearing to all public areas.

2. IMPOSING A CURFEW BETWEEN 8PM AND 5AM, PROHIBITION OF GATHERING AND ASSEMBLY

As a main rule, everyone shall stay at their permanent address, residence or accommodation between 8PM and 5AM, with the following exceptions. Staying in public areas is allowed provided that it is:

- for avoiding damage to health, danger to life or serious injury and for life protection purposes;
- for working purposes;
- for transportation to the place of work, or from the place of work to the permanent address, residence or accommodation;
- for competitive sport purposes, meaning the athlete’s participation on trainings and sport events, the transportation to the place of training and sport event, and from the place of training and sport event to the permanent address, residence or accommodation;
- for dog walking within 500 meters from the permanent address, residence or accommodation

and it is verified by appropriate documentation. Without verification, all cases of staying in public areas between 8PM and 5AM is considered illegal and subject to sanctions.



Attila Ungár

Partner

attila.ungar@lakatoskoves.hu



Tamás Oláh

Lawyer

tamas.olah@lakatoskoves.hu

Lakatos, Köves and Partners

1075 Budapest

Madách Imre út 14.

Tel: +36 (1) 429 1300

Fax: +36 (1) 429 1390

www.lakatoskoves.hu

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The mandatory form of the documentation verifying staying in public areas between 8PM and 5AM is also regulated. The officially accepted form of such documentation can be found in the following [link](#).

In addition, any gathering and / or assembly in public places is generally prohibited. Pursuant to the Act on Police the gathering of at least three persons constitutes a gathering.

3. RESTRICTIONS ON ATTENDING AND ORGANIZING EVENTS

A) As a main rule it is prohibited to organize or attend any kind of event or gathering. Pursuant to the non-exhaustive list of the Government Decree it is prohibited to organize (a) musical events that on either a regular basis or on specific occasions or times; (b) cultural events; (c) sport events; (d) private events; and (e) Christmas fairs.

Based on the Decree the following events are not considered events in the application of these rules:

- the online streaming of cultural events and music services, if only the performer and the essential technical staff is present at the venue of the event;
- the events of religious communities, with the exception of weddings and funerals.

B) The Decree also includes exceptions from the main rule of prohibition of events:

- sport events can be held behind 'closed gates', without spectators;
- private events and family gatherings can be held with a maximum of 10 people present;
- funerals can be held with a maximum of 50 people present;
- weddings can be held if only the essential people and the close relatives are present.

4. CLOSING OF BUSINESSES, HOTEL AND CATERING SERVICES

A) Only employees are allowed to be at restaurants and places of catering services. Customers may only stay in such places until they receive their order for 'take away'. Apart from this, only home delivery is possible and the administrative burden of home delivery has been reduced by the Government in respect of the new rules.

The above-described prohibitions are not applicable to the following catering establishments which may remain open:

- Canteens if only those working at that place and / or building are served;
- On-site restaurants of accommodations, when only the guests of the accommodation are served;
- School canteens, when only employees and students are served; and
- Canteens of healthcare institutions.

B) Hotels can only accept guests arriving for business, economic or educational purposes, otherwise only the persons employed at the hotel are allowed to stay at the premise.

C) All shops – except for pharmacies and petrol stations – must be closed between 7PM and 5AM.

D) The use of leisure facilities and the visiting of events for performing arts, museums, cinemas, gyms, swimming pools, public baths, skating rinks, zoos, adventure parks, public libraries, image and sound archives, public cultural institutions, theaters, integrated cultural institutions is prohibited, only operators and employees are allowed to be present at these places.

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5. REGULATION ON EDUCATIONAL INSTITUTIONS

Institutions of higher education must continue their operation through digital education. The closing or opening of the institution's dormitory is the competence of the Rector of the university.

All crèches, kindergartens and primary schools up to 8th grade continue to operate unchanged in person, however people with increased body temperature are not allowed in such institutions. Secondary education from 9th grade shall continue digitally, and the operation of the dormitories of secondary institutions falls within the discretion of the principal of the school.

6. SANCTIONS

In the event of the infringement of the above rules – except for the curfew, the sanctions of which are still unclear – the police (with the assistance of the Hungarian Armed Forces) at its own discretion may use any of the sanctions described below:

- as the mildest sanction give a verbal warning to the infringer;
- impose a fine between 100,000 HUF and 1,000,000 HUF;
- temporarily close the premises, the area or the venue of the event for a period of at least one day and a maximum of one year.

These newly introduced rules are subject to uncertainties and ambiguities and it is anticipated that enforcement of the rules may not be uniform and that further changes will be made, driven both by political factors and the development of the epidemic.