

Government Decree 431/2020 (18 September)
on protective measures during the period of state of epidemiological preparedness

The Government,
acting on the basis of authorisation under point *c*) of section 247 (1b) of Act CLIV of 1997 on healthcare and under point *a*) of section 12 (1) of Act CLXIV of 2005 on trade,
acting, with respect to point *b*) of section 3 (1), on the basis of authorisation under point *i*) of section 12 (1) of Act CLXIV of 2005 on trade,
acting, with respect to subtitles 2 and 3, on the basis of authorisation under point *c*) of section 247 (1b) of Act CLIV of 1997 on healthcare,
acting, with respect to subtitle 4, on the basis of authorisation under points 6 and 11 of section 198 (1) of Act CXLIII of 2015 on public procurement,
acting within its function laid down in Article 15 (1) of the Fundamental Law,
decrees as follows:

1. Mandatory mouth and nose covering

Section 1 (1) With the exception of minors who have not attained the age of six years, everyone shall be obliged to wear a surgical mask, work safety mask or other mask made of fabric or other material (hereinafter jointly “mask”) in a manner that it covers the nose and the mouth at all times

- a*) on means of public transportation,
 - b*) when shopping or working in a store,
 - c*) within the precincts of shopping centres, not including the precincts of offices, premises used for sporting purposes and service premises,
 - d*) with the exception of performers, at venues of events of performances from any branch of performing arts, and in particular theatre, dance and music arts, regardless of whether they are public,
 - e*) within the precincts of cinemas, not including offices and service premises,
 - f*) within the precincts open to visitors
- fa*) of museum institutions within the meaning of the Act on museum institutions, public library services and community culture,
- fb*) of institutions offering public library services within the meaning of the Act on museum institutions, public library services and community culture,
- fc*) of image and sound archives within the meaning of the Act on museum institutions, public library services and community culture,
- fd*) of institutions of community culture within the meaning of the Act on museum institutions, public library services and community culture,
- fe*) of community spaces within the meaning of the Act on museum institutions, public library services and community culture,
- ff*) of integrated cultural institutions within the meaning of the Act on museum institutions, public library services and community culture,
- g*) within the precincts open to third parties
 - ga*) of public archives within the meaning of the Act on public documents, public archives and the protection of private archive materials,
 - gb*) of publicly accessible private archives within the meaning of the Act on public documents, public archives and the protection of private archive materials,
 - h*) during office hours,

- ha)* within the precincts open for public of administrative organs,
- hb)* within premises open for customers operated by a universal postal service provider or a postal intermediary, and
- hc)* within any other premises where customers are received for administering matters and more than 5 persons, including persons employed there, are regularly present at the same time,
- i)* in any other premises for waiting for means of public transportation,
- j)* with the exception of athletes, coaches, referees, umpires and the persons assisting them, when attending a sports competition, at the venue of the sports competition,
- k)* with the exception of speakers at the assembly for the duration of their speech, when attending an open-air assembly under the Act on the right of assembly,
- l)*
- m)* in a catering facility within the meaning of the government decree on the conditions for pursuing commercial activities (hereinafter “catering facility”)
- ma)* when performing work there,
- mb)* when visiting as a customer, in compliance with section 7 (3) and (4).

(2) With the exception under paragraph (3), within the premises of healthcare institutions, everyone shall be obliged to wear a mask in a manner provided for under paragraph (1).

(3) A patient nursed in a healthcare institution shall not be obliged to wear a mask within the ward he is placed in.

(4) In a social care institution

a) persons employed there, when contacting care recipients directly or if continuously staying within 1.5 metres from care recipients,

b) care recipients, if possible during community programmes or when staying in community spaces,

shall wear masks in a manner provided for under paragraph (1).

(5) A mask need not be worn in a shop offering catering services as ancillary activity for the period of consuming any food and beverage purchased there.

(6) If at a venue or within a precinct referred to in section 1 (1) *d)* to *g)* or at a venue of a sports competition (for the purposes of this paragraph hereinafter jointly “venue”) catering services are also offered, a mask need not be worn within the area or premises at the venue designated for the service of food and beverages, but only for the period of consuming any food and beverage purchased there.

Section 2 (1) In a situation under section 1 (1) and section 1 (2) and (4), the operator shall be obliged to ensure that persons staying on the means of public transportation or in the premises wear masks in a manner provided for under section 1 (1); for this purpose, he may apply the measures and sanctions set out in the regulations of the operation and use of the service or the operated institution that may otherwise be applied if the rules of use are violated.

(2) Against persons using means of public transportation without masks or wearing masks in a manner other than that provided for under section 1 (1), the operator shall lay down, in the regulations of use of service, also the further conditions falling within the scope of regulation by the operator promoting compliance with the rules, by at least prescribing an extra fee payment obligation in addition to the fare (penalty fare).

(3) The driver of the means of public transportation shall be obliged to

a) ban from traveling,

b) initiate police action for the suspicion of the commission of the infraction of disturbing the operation of public interest enterprises as set out in section 177/A (1) of Act II of 2012 on infractions, infraction procedure and the infraction records system (hereinafter “Szabstv.”) against, and

c) provide for the removal from the means of public transportation of a person who refuses to wear a mask in a manner provided for under section 1 (1) despite being requested to do so by the driver of the means of public transportation or any other employee of the operator, or to leave the means of public transportation.

(4) The operator shall be obliged to ban from visiting a person who, in a situation under section 1 (1) *b)* to *k)* or section 1 (2) and (4), refuses to wear a mask in a manner provided for under section 1 (1) despite being requested to do so by the operator, and to ensure that such a person leave the premises or the area.

(4a) The organiser of

a) a sports competition shall be obliged to ban from attending a person who, in a situation under section 1 (1) *j)*, refuses to wear a mask in a manner provided for under section 1 (1) despite being requested to do so by the organiser of the sports competition, and to ensure that such person leave the venue of the sports competition;

b) an assembly shall be obliged to request a person who, in a situation under section 1 (1) *k)*, refuses to wear a mask in a manner provided for under section 1 (1) despite being requested to do so by the organiser of the assembly to leave the place of the assembly.

(4b) Organisers of sports competitions under section 1 (1) *j)* and organisers of assemblies under section 1 (1) *k)* shall be obliged to ensure compliance with the rules laid down in paragraph (4a).

(5) Compliance with the obligations set out in paragraphs (1), (3) and (4) shall be checked by

a)

b) the commercial authority, in a situation under section 1 (1) *b)*, *c)*, *e)*, *l)* or *m)*.

(6) Compliance with the obligations set out in paragraphs (1), (3) and (4)

a) shall, with the exception set out in point *b)*, be checked by the organ established to carry out general policing tasks (hereinafter “police”),

b) may, in a situation under section 1 (1) *b)*, *c)*, *e)*, *l)* or *m)*, be checked also by the police.

(7) If when carrying out a check, the police find that an obligation under paragraph (1), (3) or (4) has been violated, they shall draw the attention of the operator to this fact and shall notify the competent organ under paragraph (5) *b)* accordingly.

Section 3 (1) If, as regards a situation under section 1 (1) *b)*, *e)*, *l)* or *m)*, the commercial authority, when carrying out a check, or based on a notification by the police, learns that an obligation under section 2 (1) or section 7 (5) has been violated,

a) it shall impose a rebuke,

b) it may impose a fine ranging from HUF 100 000 to HUF 1 000 000, or

c) it may order the shop or the premises to be temporarily closed for a period of not less than a day, but not more than a year.

(1a) The commercial authority may impose the sanctions under paragraph (1) *b)* and *c)* also together.

(2) If multiple checks are carried out on the same day, the sanctions set out in paragraph (1) may be imposed after each check.

(3) The sanctions under paragraph (1) may not be imposed if the operator took the necessary steps to eliminate the unlawful situation, and in particular if

a) he requested the person committing the violation to leave,

b) he refused to serve the person committing the violation,

c) he informed the police after the person committing the violation refused to comply with the request to leave.

(4) If the operator failed to take the necessary steps referred to in paragraph (3) to eliminate the unlawful situation, or only took such steps in part, the commercial authority, when imposing the sanctions set out in paragraph (1), shall take into account the steps taken by the operator for the restoration of the lawful situation.

1/A. Designation of the police as commercial authority

Section 3/A The Government designates also the police as a commercial authority

a) for carrying out checks referred to in section 2 (5) *b)* and

b) for imposing the sanctions under section 3 (1).

Section 3/B The power under section 3/A shall be exercised

a) by the police department of the location of the check,

b) by the Airport Police Directorate at Budapest Liszt Ferenc International Airport.

2. Protective measures relating to public upbringing and vocational education and training

Section 4 (1) With respect to public upbringing institutions within the meaning of Act CXC of 2011 on national public upbringing and to vocational training institutions within the meaning of Act LXXX of 2019 on vocational education and training (hereinafter jointly “institution”),

a) for persons specified under section 5 (1) *a)* to *c)* or adult students, entry shall only be allowed if their body temperature does not exceed the level specified by the Chief Medical Officer,

b) children and minor students whose body temperature reaches or exceeds upon entry the level specified by the Chief Medical Officer shall be separated from other children and students; their parent or statutory representative shall be notified accordingly without delay by way of a telecommunications device.

(2) The Chief Medical Officer shall determine in a decision the level of body temperature acceptable for entering the institutions.

(3) In addition to its public announcement in accordance with section 89 (2) of Act CL of 2016 on the Code of General Administrative Procedure, the announcement on the decision under paragraph (2) shall be published in the *Hivatalos Értesítő*.

(4) The head of the institution shall provide for compliance with the provision under paragraph (1).

(5) Upon arriving at the institution everyone shall be obliged to subject themselves to a body temperature check.

Section 5 (1) Persons other than

a) a person employed there,

b) a person carrying out necessary maintenance or repair works there,

c) a person entering with a view to carrying out an obligation set out by law,

d) a child or student, and

e) an adult person accompanying, in accordance with paragraph (2), a child or student shall not be allowed to enter the premises of the institution.

(2) A single adult person accompanying the child or student arriving at, or going home from, the institution who wears a mask in compliance with section 1 (1) may enter the premises of the institution, but may not advance further than the body temperature check point.

Section 5/A During the period of the preparation of voting, voting and establishing the results under Act XXXVI of 2013 on electoral procedure, the provisions of this subtitle shall not apply to an institution, in which a polling station is located.

3. Provisions on holding music and dance events and on the opening hours of catering facilities

Section 6

Section 7 (1) With the exception specified in paragraph (2) and except for those employed there, staying in a catering facility between 11 p.m. and 6 a.m. shall be forbidden.

(2) Staying in a catering facility shall be allowed between 11 p.m. and 6 a.m. for the purpose and the period of ordering and receiving, or paying for, food for takeaway.

(3) With the exception set out in paragraph (4), a person staying in a catering facility as a customer shall be required to wear a mask in a manner provided for under section 1 (1).

(4) A person staying in a catering facility as a customer shall not be required to wear a mask

a) when sitting at a table of the catering facility or

b) if the food or beverage purchased at the catering facility can also be consumed without sitting at a table, but only for the period of consuming the food or beverage.

(5) If a person refuses to wear a mask in a manner provided for under section 1 (1) despite being requested to do so by the operator of the catering facility or an employee of the operator of the catering facility, the operator shall be obliged to ban from visiting that person and to ensure that that person leave the catering facility.

3/A Provisions on opening hours of casinos and card rooms

Section 7/A Except for those employed there, the representatives of the operator and the persons carrying out technical tasks, staying within the premises of casinos and card rooms between 11 p.m. and 6 a.m. shall be forbidden.

4. Procuring medical devices or personal protective equipment facilitating containment

Section 8 (1) If an organ or person performing public duties that participates in containment during the period of state of epidemiological preparedness introduced with regard to the coronavirus pandemic certifiably cannot, acting within its own competence, procure a medical device, personal protective equipment or other device (hereinafter jointly “device”) facilitating the containment of SARS-CoV-2 coronavirus, or can only procure it at a disproportionate cost, then that organ or person may initiate the procurement of the device concerned by the National Healthcare Service Centre (hereinafter “ÁEEK”).

(2) In the case of an initiative under paragraph (1), if approved by the head of the Operational Corps operating during the period of state of epidemiological preparedness, the ÁEEK shall act as a representative of the initiating organ or person when procuring the device concerned.

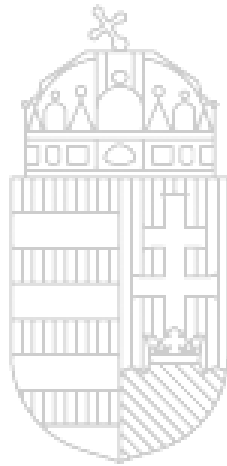
5. Final provisions

Section 9 For the purposes of the infraction of violation of a protective measure set out in section 239/A (1) of the Szabstv., the provisions set out in section 1, section 2 (3) to (4b), section 4 (5), section 5, section 7 (1), (3) and (5), and section 7/A shall qualify as protective measures.

Section 10 (1) With the exception specified in paragraphs (2) to (4), this Decree shall enter into force on the day following its promulgation.

- (2) Sections 1, 2, 6, 7, 9 and 11 shall enter into force on 21 September 2020.
(3) Section 3 shall enter into force on the 15th day following the promulgation of this Decree.
(4) Sections 4 and 5 shall enter into force on 1 October 2020.

Section 11



MINISTRY OF JUSTICE
HUNGARY