

# STATUS OF NARCOTIC DRUGS RELATED LEGISLATION

**HUNGARY**  
**up-dated: November 1999.**

## **DRUG-RELATED DATA COLLECTION**

### **Act XLVI of 1993 on the Statistics**

prescribes the main field of statistical data collection and the rules of the data collection

### **Govt. Decree 187/1998 (XI.13.) on its implementation (National Statistical Data Collection System)**

The governmental decree for the implementation of the Statistical law is amended each year, making the data collection system able to react to new needs. The implementing decree bases the nationwide data collection, including drug related data. The latter one is going on under the aegis of the Ministry of Health and of the Ministry of the Interior, resp. on the narcotic drugs and psychotropic substances legal production and trade, on the treatment of drug addicts, mortality, HIV/AIDS and hepatitis co-morbidity, number of offences and of offenders, quantity of seizures of drugs and precursors, drugs plant eradication, drug related penal procedures. accusations. Data on the number of court procedures, and or penalisation are collected in the justice system. (Unified Police, Prosecution and Justice Information System). Data on the legal export import of precursors, or on infringement of the administrative regulation is gathered by the Ministry of Economy.

## **DATA PROTECTION**

**Act LXIII of 1992 on the Protection of Personal Data and the  
Publicity of Data of Public Interest**

**Act XLVII of 1994 on the Handling and Protection of Personal Data in the Health Care**

For those who are not entitled, it is impossible to look into the registers and medical data of the citizens, or to handle such data.

**Act XX of 1996 on the Identification Methods and Codes Entering into Effect instead of the Personal Identity Number**

This regulates how can the Health Insurance system identify those who are entitled for insurance.

Implementing orders:

**Decree 62/1997. (XII.21.) of the Minister of Welfare about Several Questions Related to the Handling of the Personal data in the Health Care.**

**Decree 63/1997. (XIII. 21.) of the Minister of Welfare about the Order on the Reporting of Infectious Diseases**

HIV/AIDS and hepatitis is included, which has a relevancy to drug use.

**DRUGS PREVENTION**

Drugs prevention and health education, health promotion tasks are prescribed by the following legislation:

**Act XXXIV. of 1994 on the Police**

(Prescribes also the prevention of crime and drug abuse)

**Govt. decree 130/1985. on the edition of the National Curriculum**

This includes drugs prevention requirements for the schools. (The National Curriculum is in effect since 1998.)

These requirements are:

- credit point system for drugs prevention courses in the continuous education of teachers,
- pedagogical accreditation process for school drugs prevention programs, which could be part of the continuous education of the teachers,
- implementation of drugs prevention in the framework of school curriculum

- requirements towards the pupils regarding the increased awareness and knowledge on the dangers of the substance abuse, including narcotic drugs.

**Act XI of 1991 on the National Public Health Service (as amended in 1999 by Act LIII.**

The service has to initiate and take measures for the health promotion, health education and improving healthy lifestyle, directs and organises the prevention of widespread diseases, incl. substance abuse.

The National Public Health Service supplies the professional supervision of the primary health care, family, mothers and child care institutes, as well as the school health and youth health services, and the mental-hygiene services.

**Act CLIV of 1997 on the Health Care**

The new law addresses beside the treatment of diseases the priority of health promotion, healthy lifestyle, health education of the population.

**TREATMENT, REHABILITATION , SOCIAL REINTEGRATION**

**Instruction 7/1975 of the Supreme Prosecutor** on the supervision of the lawfulness of the placement to psychiatric divisions, or alcohol detoxification divisions, and on the tasks of the prosecutor for ensuring the allowance for the child of the alcoholic, or drug addict person.

It deals with the control of lawfulness of placement to psychiatric or detoxification division, the release procedure, and the prosecutor's procedure to ensure the allowance for the child of alcohol and drug addicts.

**Act XI of 1991 on the National Public Health Service, as amended by Act LIII. of 1998**

The service informs local governments on the status of the health of population and can submit proposals for the establishment of health care institutes. It gives the licence for the establishment of health service institutes.

**Govt. Decree 22/1992 on the Local Self Governments**

Local governments are responsible for the administration of health care and welfare care of the local communities. The notary can order

compulsory treatment for the alcohol, or drug addict person, if necessary because of their behaviour with the family, or environment.

**Act III of 1993 on the Social Administration and Social Care**

It regulates the establishment, operation, tasks and financing of the social care institutes, which includes the rehabilitation and social reintegration institutes of drug addicts.

**Decree 2/1994 of the Minister of Welfare on the Professional and Operational Conditions of the Institutes Offering Personal Care**

Social care, counselling, help for families, rehabilitation of drug addicts, therapeutic occupational and social reintegration employment, professional and methodological prescriptions for the staff.

**Govt. decree 113/1996 on the Licensing of health care services**

This includes the licensing of those institutes who provide treatment and health care services for drug addicts.

**Govt. Decree 161/1996 on the licensing of the operation of the social care institutes**

This includes the licensing of drugs rehabilitation and social reintegration services.

**Act CLIV of 1997 on the Health Care**

**General regulation on the health care, treatment services, patients right, accessibility and availability of services, etc.**

**Decree 21/1998 of the Minister of Welfare on the Minimal Professional Conditions of the Health Care Services**

This includes the physical conditions for the Drug Outpatient Clinics.

**CONTROL**

Pharmaceutical control

**Act IV of 1965 on the Single Convention on Narcotic Drugs**

**Joint Decree 1/1968 of the Ministers of Health and Interior on the Production, Trafficking, Import, Export, Storage and Use of Narcotic Drugs (incl. schedules)**

**Joint Decree 8/1968 of the Ministers of Health and Interior on the tasks concerning the implementation of the Single Convention on Narcotic Drugs**

**Order 8/1977 (EuK) of the Minister of Health on the rules on the ordering, issuing, prescribing of narcotic drugs for health care purposes and on the acquiring, handling, registering and destroying of the narcotic drugs in the pharmacies and health care institutes**

**Act XXV of 1979 on the UN Convention of Psychotropic Substances**

**Joint Decree 4/1980 of the Ministers of Health and Interior on the Production, Trafficking, Import, Export, Storage and Use of Psychotropic Substances (incl. schedules)**

**Act XI of 1991 on the National Public Health Service as amended by Act XCVI of 1999**

The National Public Health Service provides professional supervision of the supply of the population with medicines via the (chief) pharmaceutical officers as defined in a separate law (XXV. Act of 1998. on medicines for human purposes) and the supervision of the handling of narcotic drugs and psychotropic substances

**Decree 3/1993 of the Minister of Welfare on the Prescription of medicines and narcotic drugs**

The chief public health officer licenses the medical prescriptions of the strictly controlled narcotic drugs prescribed by specialists (as morphine, methadone, and several others).

**Act XXXIV 1994 on the Police**

The Police Narcotic Drugs Administration Division supervises pharmacies, hospital pharmacies, pharmaceutical factories, wholesale storehouses, to control production, trade, storing and shipments of narcotic drugs and psychotropic substances, in order to prevent diversion and abuse. They can start procedures in case of infringing administrative regulations, advise on security measures, and report suspected diversion to the law enforcement division.

The Police is one of the state armed forces, protecting the order, implementing crime prevention, policing, administration and law enforcement tasks.

**22/1996 (VII.9.) Decree of the Minister of Agriculture on the veterinarian medicine preparations**

**43/1996 (XI.29.) Decree of the Minister of Welfare on the products, which can be marketed in pharmacies**

**50/1996 (XII.27.) Decree on the fees to be paid for the state administration procedures, or for administrative type of services in the welfare sector.**

Here are regulated also the fees to be paid for their production, manufacturing, marketing, export-import of narcotic drugs and psychotropic substances for legal purposes, incl. for the purposes of research, education and poppy straw for flower bouquets.

**Joint Decree 27/1997 of the Minister of Welfare and Interior amending the 4/1980 Joint Decree**

The Ist Schedule of the List of Psychotropic Substances of the 1979 UN Convention (advertised by Act XXV. of 1979) was amended with 11 new synthetic drugs (amphetamine type stimulants and ketamine), as follows: MBDB, 2-CT-T, AL, MAL, 1-PEA, N-Me-1-PEA, DOC, PLEA, 2CB (NEXUS), BDB, ketamin.

**Act XXV of 1998 on Medicines Used for Human Purposes**

This includes the special measures regarding the protection, trafficking, whole-sale trade and pharmaceutical trade, storage, the medical prescription and the use of narcotic drugs and psychotropic substances, referring to other formerly existing regulations.

**Act LIII of 1999 on the amendment of some Acts regarding the health care and the supply with medicine**

The licensing of pharmaceutical whole-salers' activity became the task of the National Public Health Service. Pharmaceuticals involve also narcotic drugs and psychotropic substances.

Drugs plant cultivation and control

**Govt. Decree 94/1997 on the Order of the Cultivation, trafficking and utilisation of plants appropriate also for the production of narcotic drugs**

Regulates legal activities with the poppy intended for nutritional purposes, and with the high opiates content poppy for licensed pharmaceutical industry purposes. It states also, that only the low

THC content cannabis can be cultivated, for fibre industry purposes. The conditions for genetic work are also prescribed.

**Joint Decree 10/1998 of the Ministers of Agriculture and Welfare on the regulation of the licensing of plants appropriate for the production of narcotic drugs.**

This is amending the 94/1997 Govt. Decree.

Precursors

**Act I of 1968 on the Infringement of Administrative Regulations**

Trade or operation of an enterprise without licence is subject of fine. It stipulates also the forging medical prescription, which is an official document.

**Act C of 1996 on the Customs legislation, Customs Procedure and Customs Administration**

**Govt. Decree 100/1996 on the Regulation of activities performed by certain chemical substances used for the Illicit Production of Narcotic Drugs („precursors”)**

Measures for the licensing of export-import and transit of precursors, control and prevention of diversion.

**Joint Decree 57/1999 (X.15.) of the Ministries of Economy, of the Interior, of Finance, of Health and the Minister without portfolio for National Security** on the regulation of the activities related to the illegal production of narcotic drugs, performed by the authorities defined in the Govt. Decree 100/1996. (VII.12.), as well as on the scope of the data to be stored and the order of their accessibility necessary for the implementation of the tasks of the police and of the National Security Office.

**LAW ENFORCEMENT, PENAL LEGISLATION**

**Act I of 1973 on the Penal Procedure**

Amended several times to include new special investigative techniques and methods used in the criminal procedure against organised and drug-related crimes.

**Act IV of 1978 on the Penal Code**

Former amendment of drugs related measures introduced in 1993 had been changed in December 1998, which has entered into force by March 1999. The amendment includes new text for drug-related offences.

- Penalisation for the drug consumption was reintroduced.
- Penal measures for the illegal production, storing, trafficking, trading of narcotic drugs and psychotropic substances became more serious, and in case of organised crime and armed commitment can merit also life-long prison sentence.
- The treatment, as an alternative during penal procedure for drug users having committed is in effect, as it was between 1993-98.
- The alternatives for the prison sentence: fine and public work (the latter one is new solution).
- Penalisation of driving in drunken, or in a drugged state (the latter one is a new emphasis).
- Obligatory treatment for alcohol and drug addicts who endanger their family and environment.
- prohibits the use of substances increasing the performance in the sport activities (“doping”) and introduces penalisation (new).

**Act V of 1979 on placing into effect and implement Act 4 of 1978 on the Penal Code.**

Its amendment in 1999 redefined the exact quantities for the „small” and „significant” quantities of illegal drugs.

**Joint Order 1/1993 of the Ministers of Justice, Interior and Finance on the Amendment of the 117/1984 (IK.12.)** Joint instruction of the Ministers of Justice, of the Interior and of Finance, the Supreme Prosecutor on the Management and Registration of substances seized during the penal procedure.

It prescribes the measures regarding the seized narcotic drugs. If the corpus delicti confiscated is narcotic drugs, it has to be destroyed in the presence of a committee consisting of the responsible authorities, except if the public health authority does not find it convenient for further human use.

**Act XXXIV of 1994 on the Police**

The Police Force is one of the state armed forces, protecting the order, implementing crime prevention, policing, administration,

investigation and law enforcement tasks. Controlled delivery is also among the accepted tools.

**Decree 15/1994 of the Minister of Interior on the Scope and Responsibility of the Police Regarding Investigation.**

**Decree 19/1994 of the Minister of Interior on the Order of the Police Custody.**

**Act XXIV of 1994 on the Prevention and Hindering of Money Laundering**

The prevention and detection of money laundering in connection with organised crime and drugs crime became possible by the introduction of this legislation in 1994. The maximum amount, which can be placed in a bank in cash without personal declaration on its lawful origine, is 2 M HUF (the equivalent of 8.000 EURO).

**Act C of 1995 on the Customs Legislation, Customs Procedure and Customs Administration.**

The detection, seizures of illegal shipments is task of the customs services. The amendments of this Act in 1998 and in 1999 give the right to detect narcotic drugs, by using investigative methods, including controlled delivery, equipment and measures regulated by the Act on the Police. *Full investigative power is under consideration.*

**Act XXXVIII of 1996 on the International Legal Assistance in Criminal Matters**

Mutual legal assistance, extradition, acceptance of criminal proceedings, prison sentences of foreign states, procedural assistance is regulated.

**Act LXXV of 1999 on the Provision of Combating Organised Crime and Certain Phenomena connected thereto and on the Amendments of the Relevant Legislation**

It is the basic legislation for the fight against organised crime and drugs crime. The regulation of prostitution is also included.

**NATIONAL SECURITY**

**Act CXXV of 1995 on the National Security**

Includes measures on hindering organised crime, drugs crime and terrorism, which might endanger national security.

## SECTORIAL TASKS

**Sectorial tasks and responsibilities** are regulated in governmental decrees on the scope of activities of the different ministries. In case of national agencies it is regulated in the respective laws. Most of the ministries have any tasks in the field of the fight against drug abuse and/or prevention. The basic drug related obligations are those of the Ministry of Health (health care and public health services, health education, promotion of healthy lifestyle), the Ministry of the Interior (Police drug law enforcement, crime prevention, drugs administration). The Ministry of Justice (legislation, court, prison), the Ministry of Finance (money laundering, and the Customs Services) has also special drugs related tasks. The Ministry of Industry is the licensing authority for precursors export-import, the Ministry of Agriculture has responsibilities in the field of poppy and cannabis cultivation. The Prosecution service has a supervising role regarding lawfulness of the penal procedure.

The Ministry of Youth and Sports was established in January 1999. **Govt. Decree 113/1999 (VII.21.)** is regulating its tasks and responsibilities. Its basic obligation is the directing the sports activities and the youth care. The latter one includes also the implementation of nationwide drug prevention activities among young people. In the field of drugs they have got an important task by chairing the National Drugs Co-ordination Committee. The co-chairman of the Committee is the Minister of Health.

## CO-ORDINATION

### **Govt. Decision 1039/1998 on the Drugs Co-ordination Committee**

Defines the participating ministries and national agencies, prescribes yearly 4 sessions and makes the committee's obligation the preparation and supervision of the national drugs strategy.

## INTERNATIONAL CONVENTIONS

Hungary has ratified the **1961 Single Convention** on Narcotic Drugs in 1965, its Amending Protocol in 1988, the 1971 Convention on Psychotropic Substances in 1979. *The respective legislation see above under the heading “Control” and “Law Enforcement and Penal Legislation”.*

The **1988 UN Convention** against the Illegal Trafficking of Narcotic Drugs and Psychotropic Substances was signed in 1988, and the reatification took place after the harmonisation of the legislation, in 1998. *The respective legislation See under the heading of “Law Enforcement and Penal Legislation”.*

The **Council of Europe Convention of 1990 on the Laundering, Search, Seizure and Confiscation of the Proceeds, Deriving from Crime** has been signed and the ratification is in progress.

**European Convention on Extradition** is scheduled for ratification.

**Act LIV of 1999** on the Cooperation and Information Exchange with the Law Enforcement Network of the European Union and the International Criminal Police Organisation.

## **BILATERAL AGREEMENTS**

Hungary is party to **more, than 40 bilateral agreements** in the fields of the fight against drugs, terrorism and organized crime, and/or in the judicial cooperation. All of them were concluded in the nineties, and workplans renewed in the last 2-3 years.

The agreements concluded with neighboring countries and EU member states are currently under revision to include data protection and confidentiality provisions for operative co-operation and to create possibility of cross-border Police co-operation similar to that in the Schengen Implementing Agreement.

There are advertised in the form of legal text in the Official Journal of the Government, or of the Ministry of Interior.