

Ügyészség



Magyarország



# European Investigation Order - Hungary

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# IMPLEMENTATION

Implementation on time,  
in force since **23 May 2017**

Language: Hungarian

**But:** In case of urgency or in case the transmission of the EIO in Hungarian language meets extreme difficulties, English, French or German language is accepted.



# **TRANSITION**



**With MSs implemented: EIO**

**With Ireland and Danemark: 2000  
Convention**

**With MSs late with the implementation:  
incoming: 2000 Convention  
outgoing: EIO**

# ISSUING AUTHORITIES

**Criminal procedure → Judicial authorities**

**- public prosecutor (pre-trial phase)**

**- judge (trial phase)**

In case of urgency, controlled deliveries or the application of covert investigators can be issued by the competent director of the investigating authority for the duration of 24 hours, with the immediate notification of the competent public prosecutor, whose subsequent approval is required.



## **ISSUING AUTHORITIES II.**

**If an EIO is issued by a public prosecutor for a measure which falls into the competence of the investigative judge according to the CPA, the EIO needs to be validated by an investigative judge →  
Section L in the form**

**(Administrative offences: issued by the competent authority, validated by the prosecutor)**

# **RECEIVING AUTHORITY**

**Same as the issuing**

**EJN, Eurojust can be used as channels**

**Administrative offences: central authority  
→ Prosecutor General's Office**





# EXECUTING AUTHORITIES



**Same:**        - public prosecutor  
                     - judge

In case of urgency, controlled deliveries or the application of covert investigators can be authorized by the competent director of the investigating authority for the duration of 24 hours, with the immediate notification of the competent public prosecutor, whose subsequent approval is required.

# **POTENTIAL ISSUES**

**Actions against issuing : was there a remedy against MLA?**

**Rights of defense during investigative steps: as per the CPA**

**Exception: the HU CPA does not recognise hearing via telephone → the defense rights according to the requesting MS should apply**



# **POTENTIAL ISSUES II.**



**Involving the EJV: granted by the implementing law**

**Proportionality check: as per the EAV regime – a non-issue in practice**

**The KEY: communication between the stakeholders**





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**Thank you for your attention!**