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- Reply by HUNGARY

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

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SCH-EVAL 38
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NOTE

from : the Republic of Hungary

to : the Schengen evaluation Working Party

No. prev. doc. : 5324/06 SCHEVAL 9 COMIX 47

Subject : Schengen evaluation of the new Member States - Additional questions presented by the Member States at the meeting of the Schengen Evaluation Working Party on 10 January 2006
- Reply by HUNGARY

1) Clarification of meaning of the expression “illegal activities related to illegal migration” mentioned in the presentation of services (BE).

The Hungarian Border Guard applies the CIREFI definition on *apprehended aliens illegally present*, which is as follows:

Apprehended aliens illegally present: “Persons other than those entitled under Community law who are officially found to be on the territory of a Member State having either entered:

- without being in possession of the requisite border documents (passport, residence permit, visa); or
- despite the fact that they were refused of entry at the border; or
- despite the fact that they are subject to an entry or residence prohibition;

or, having been given permission to enter, have become liable to expulsion on the grounds of their remaining illegally.”

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These cases are covered in the Hungarian Law as follows:

- administrative offence of illegal border crossing or its attempt,
- falsification of official documents,
- man-smuggling,
- facilitation of illegal residence,
- breach of prohibition of entry and stay,
- administrative offence of aliens policing rules.

2) Projects aiming at helping Ukraine and Moldova (FR).

UKRAINE

- In the first half of 2004 10-10 Bosnian, Serbian and Ukrainian border guard officers were trained in the field of document forgery in 10-days long courses within the frames of the International Development Cooperation.
- Hungary submitted and implements an ARGO project (ARGO 2004) to further develop the cooperation between the Hungarian-Slovakian-Polish and Ukrainian border policing organizations in the combat against illegal migration and man-smuggling. Concerned fields are: intensified border policing actions, readmission agreements, criminal cooperation and information exchange.
- In order to further develop the effective regional cooperation the Border Guard submitted an other project proposal for the ARGO 2005. The project includes six fields of border policing: document control, criminal cooperation, information exchange, operations and actions etc.
- The Belgian-Ukrainian exchange programme concerning the fight against illegal migration through and from Ukraine took place in February and March 2005. Besides the Belgian migration experts, Hungarian and Slovak migration experts also took place in the project, since Hungary and Slovakia are Ukraine's neighbour countries and such; illegal migration from Ukraine aiming at the European Union directly affects them. It was also an important aspect that Hungary and Slovakia as new EU Member States have comprehensive experience in forming their legal and institutional system to comply with the EU rules. From Hungarian side, experts of the Ministry of the Interior, the Border Guard and the Office of Immigration and Nationality (OIN) took part in the project. The aim of the project was to explore the state of migration management in Ukraine and to share best practices in concerned questions of border management, legal and illegal migration, human smuggling and trafficking. Within the framework of the project two visits took place, the first one to Ukraine (Kiev, Lvov, Ternopil, Uzhgorod), the second one to Belgium (Brussels, Vottem, Antwerp).

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Moldova

- The Budapest Group serves as a consultation forum against illegal migration since 1991; it is composed of more than 40 states and 10 international organizations. Currently the activities of the Group aim at tackling migration related problems of neighbouring countries of the enlarged EU.

The activity aiming at helping Moldova took place within the framework of the sessions of Working Group on Return and Readmission of the Budapest Group; experts of the Office of Immigration and Nationality greatly contributed to the work of this working group.

The aim of this working group was to provide help for the approximation of Moldova's policy against illegal migration and asylum policy to the European standards. Sectors concerned are refugee affairs, illegal migration, visa policy, labour migration, border management, return/readmission and trafficking. Within the framework of this work it was possible to study the Moldavian situation during the meetings in Chisinau and its field visits (e.g. to the Chisinau international airport) and to draw up comprehensive recommendations. As a result of the work of the working group the Moldavian National Action Plan on Migration Management was elaborated.

- The Hungarian Border Guard delegated 5 national experts to the EU Border Assistance Mission to the Ukraine and Moldova (EU BAM).
- The Hungarian Border Guard seconded one border guard officer as a counsellor to the GUAM Framework Programme, to Moldova (Chisinau) in order to contribute to the effective border management. (GUAM-Georgia, Ukraine, Azerbaijan, Moldavia. The government of the USA supported to set up a common counsellor team from American and European experts for assisting in the trade, transport and virtual policing centre).

3) State of play in Debrecen international airport and Sármellék aerodrome (FR).

Fly Balaton Airport in Sármellék

The construction works at the new terminal is under process in the Airport. The next supervisory visit by the relevant authorities to the airport will be in the second half of March. Depending of the result of the visit the competent authority shall decide whether the airport already clarifies for the status of international airports.

Separation of internal and external flights is part of the present construction works ensuring that at the time of the full application of the schengen acquis schengen system could be introduced immediately.

The Regional International Airport of Debrecen

The conditions of the airport will fulfil the requirements of the Schengen acquis by the summer of 2006. The building contractor has take notice of the requirements and will complete the necessary developments by the beginning of the Schengen evaluation visit.

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4) Introduction of community shelters, (refugee) reception centres and aliens policing centres (detention centres) (FR).

	Community Shelter	Refugee Reception Centre	Aliens Policing Centre (Detention Centre)
Serves as accommodation for the following categories of foreigners	- foreigners obliged to stay at a designated place when do not have other place of accommodation - person authorized to stay (non-refoulement established)	- unaccompanied minors obliged to stay at a designated place - persons authorized to stay - asylum seekers - recognized refugees	- persons in detention prior to forced return - persons in aliens policing detention
Run by	Office of Immigration and Nationality (OIN)	OIN	Border Guard
Number of facilities	4	4	8 (2 of these are separated parts of penitentiary institutions)
Total capacity	336	2115	589
Level of deprivation of liberty	Open, possible to leave with permission House order must be kept	open	Closed, guarded
Maximum duration of stay stated by law	18 months on the request of the foreigner in well reasoned cases it is possible to extend	recognized refugees are authorized to stay for 6 months if they have no other place to live This period may be extended once by another 6 months Beyond that the OIN has the right to extend this period if the refugee is past 65 years of age, or the refugee is not able to adapt to the society and live a self-supporting life owing to a permanent and irreversible illness, mental or physical deficiency, supposing that this illness or deficiency does not demand special supply	In case foreigners in detention prior to deportation 5 days which can be extended by the Court up 30 days In case of other detainees 5 days which can be extended by the Court until the foreigner leaves the country but maximum 12 month

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<p>Basic conditions Available facilities</p>	<p>Males and females must be separated; Family members are accommodated together</p> <p>A community shelter may be established in a building where the following can be ensured:</p> <ul style="list-style-type: none"> a) at least 15 m³ of air space and 5 m² floor space per person, b) in addition to the sleeping areas, communal areas for eating space, recreation and receiving visitors, c) a surgery that satisfies minimum requirements for general practitioners for providing basic and emergency care, d) separate room for medical examinations and a room for medical isolation, e) for hygienic purposes, a sufficient number of separate men's and women's washing and shower facilities with hot and cold water, and toilet facilities consistent with the approved capacity of the home, also with natural ventilation and natural light in all of the rooms 	<p>The Refugee Reception Centre shall</p> <ul style="list-style-type: none"> a) provide accommodation and care/maintenance b) ensure medical screening and medical attention of the accommodated persons; c) organize efficient leisure activities; d) ensure a room for community use, in particular for practising e) implement tasks of a refugee integration programme devolving upon the Centre; f) fulfil its information obligation prescribed by the Act on Asylum law, and the data supply obligation of the Office concerning the maintained persons; g) promote the voluntary repatriation to home countries or resettlement to third countries and h) for the duration of maintenance, administer the local register of maintained persons. <p>The reception centre operates continuously in 24 hours.</p>	<p>Aliens policing detention centre can be established in such a building or part of a building, where</p> <ul style="list-style-type: none"> a) in the rooms serving for accommodation for detainees at least 15m³ airspace and 5m² floor space per person, b) communal areas for eating space, recreation and receiving visitors, c) a sufficient number of separate men's and women's washing and shower facilities with hot and cold water, and toilet facilities consistent with the approved capacity of the home, d) surgery for general practitioner that satisfies minimum requirements for general practitioners, e) room serving as place for medical examinations and medical quarantiner, f) room suitable for residing alfresco, g) illumination accordant with the regulations of the National Building Regulations and authority's ordinances, h) non-stop power supply of the
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	<p>and areas occupied by the foreigners. The organ responsible for maintaining the community shelter shall provide to the foreigners:</p> <p>a) accommodation, b) three meals per day, c) personal articles kit.</p>	<p>The operation of</p> <p>a) a healthcare service b) a social, information group c) an economic division and stewardship d) alimentative service and e) reception desk service is ensured.</p>	<p>i) natural aeration in rooms serving for placing detainees and the staff, medical room, the room serving for receiving visitors, the room serving for place of meals and community rooms can be ensured.</p>
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The statistics of the 3 institutions:

Community shelters:

Main nationalities 2002 - 2005

Nationality	2002	2003	2004	2005
Turkish	3	8	10	8
Serbian	36	27	23	15
Afghan	63	14	4	9
Bangladeshi	36	41	0	1
Chinese	28	29	24	7
Iraqi	43	16	10	4
Armenian	11	4	0	1
Sudani	11	7	1	5
Irani	8	5	1	2
Pakistani	0	3	1	2
Vietnamese	2	10	8	2
Nigerian	0	7	6	13
others	57	70	74	48
All together:	298	241	162	117

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Reception Centres:

- **Refugee Reception Centre, Békéscsaba:** is suitable for accommodating up to 350 persons altogether at the same time.

Number of persons accommodated per annum:

2001 – 1216 persons
2002 – 1138 persons
2003 – 813 persons
2004 – 353 persons
2005 – 300 persons

- **Zala County Red Cross' Youth Shelter, Nagykanizsa:** is suitable for accommodating up to 20 persons altogether at the same time

Number of persons accommodated per annum:

2005 – 31 persons

- **Refugee Reception Centre, Debrecen:** is suitable for accommodating up to 1395 persons altogether at the same time

Number of persons accommodated per annum:

2001 – 6853 persons
2002 – 4071 persons
2003 – 1326 persons
2004 – 890 persons
2005 – 596 persons

- **Refugee Reception Centre, Bicske:** is suitable for accommodating up to 350 persons altogether at the same time

Number of persons accommodated per annum:

2001 – 2457 persons
2002 – 1994 persons
2003 – 762 persons
2004 – 465 persons
2005 – 339 persons

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Aliens Policing Centres:

Detention for aliens policing purposes

Main nationalities

2002 - 2005

Nationality	2002	2003	2004	2005
Romanian	153	147	155	125
Moldovan	60	54	68	14
Turkish	26	36	45	22
Chinese	175	63	38	8
Serbian	133	58	26	30
Indian	93	12	15	3
Russian	10	13	4	3
others	434	196	220	169
All together:	1084	579	571	374

Detention prior to forced return

Main nationalities

2002 - 2005

Nationality	2002	2003	2004	2005
Romanian	240	121	37	2
Moldovan	125	16	13	5
Chinese	24	4	6	8
Serbian	101	16	4	6
Iraqi	278	4	3	0
Afghan	88	2	0	0
others	269	131	104	41
All together	1125	294	167	62

5) Border sections and critical points threatened by pressure of illegal migration and the fight against it (PT).

Taking its geographical location into consideration Hungary is crossed by migration routes coming from East and South-East regions towards the Western-European countries. While establishing the border policing system the Border Guard gave special attention to this fact.

Border sections of Hungary subject to threat of migration:

incoming:

- Hungarian-Ukrainian border section,
- Hungarian-Romanian border section,
- Hungarian-Serbian border section.

leaving:

- Hungarian-Austrian border section.

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According to the experiences of the last few years migration routes in these border sections become regular and migrants use them permanent. These *main routes* are the as follows:

From Ukraine border section:

- Csop – Záhony – Nyíregyháza – Budapest

From Romania border section:

- Oradea – Biharkeresztes – Budapest
- Arad – Nagylak – Budapest route

From Serbia border section:

- Subotica – Tompa – Kiskunhalas – Budapest

In the territory of the country:

- Budapest and its surroundings

Towards Austria:

- Budapest – Győr – Hegyeshalom – Nickelsdorf.
- Budapest – Szombathely – Szentgotthárd – Heiligenkreuz

Fight against illegal migration:

- Modernisation of border policing forces dislocated at these border sections started on the basis of experiences gathered from the EU by elaborating and applying new methods and technologies in performing tasks.
At the beginning COP and PHARE programs and the domestic budget and at present the Schengen Facility and the domestic budget have been used as sources for modernising the technical equipment of the Border Guard and for training of the staff. Staff, modern technical equipment, the newly installed border control technologies and methods placed at the external border have widened the manoeuvre capability of the directorates operating at the external borders, the concentration of staff and instruments and the fulfilment of security requirements (see also questions 10, 11., 15.).
- The Border Policing Offices and the Regional Directorates perform *permanent risk analysis* and determine the border sections highly endangered by migration in their area according to the results.
In order to ensure effectiveness in case of significant increase of the migration flow it is possible to strengthen local staff temporarily from the staff of other directorates as well.
- For performing in-depth checks a *complex control system* (Integrated Management Centre) was established. In this system the following authorities coordinate their activity in the fight against illegal migration and related illegal acts: the Border Guard, the National Police, the Office of Immigration and Nationality, the Customs and Finance Guard and the Hungarian Labour Inspectorate (see also questions 6 and 45).

See Annex as well.

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6) jurisdiction of organizations affected by visa issuance, role of the Office of Immigration and Nationality (OIN) in this (ES, PT)

As a main rule, diplomatic and consular missions are entitled to assess visa applications for:

- airport transit visa (“A” type)
- transit visa (“B” type)
- short-term entry visa (“C” type)
- residence visa for seasonal employment (“D” type)
- special residence visa specified by international treaty (hereinafter: national visa) (“D” type)

Consultation mechanism between the consulates and OIN

In the interest of public security, the Minister of Interior may, with the agreement of the Minister of Foreign Affairs, delegate the adjudication of certain visa applications falling under the competence of foreign representations to the competence of the Office (list of countries must be consulted).

In case of transit visa (“B” type) and short-term entry visa (“C” type) applications of citizens of countries appearing on the national consultation list, the diplomatic or consular missions are not entitled to make a decision, they shall forward such applications to the OIN for a decision.

The OIN informs the diplomatic or consular mission about its decision. In case of a decision approving the application, the visa is issued by the diplomatic or consular mission, in case of refusal the diplomatic or consular mission informs the applicant about the refusal of his application.

As an exception to the above-mentioned procedure, diplomatic and consular missions are entitled to assess applications of citizens of countries appearing on the national consultation list in case of application for:

- “C” type visa issued for official purposes;
- “B” and “C” type visa, provided that the applicant is in possession of a valid visa or residence permit issued by an EU Member State, Norway, Liechtenstein, Island, Switzerland, the USA or Canada, the validity of which exceeds the validity of the visa to be issued with at least three months and as a common condition, of such a travel document, which enables the return of the foreigner to his place of residence or home country;
- “B” and “C” type visa, provided the applicant is in possession of a stateless person’s or refugee’s travel document issued by an EEA member state and the application for “B” or “C” type visa of immediate relatives of such persons (spouse, child, adopted or nurse-child, parent, adopter or fosterer, given that they travel together.

The requested Agreements can be found in Annex:

- ANNEX 1) BG-CFG joint measure
- ANNEX 2) BG-OIN-Police joint measure
- ANNEX 3) BG-Police cooperation agreement
- ANNEX 4) Strategy of the BG
- ANNEX 5) Joint Order 20/2004
- ANNEX 6) Overview of IT systems – BG, Police

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ANNEX I

**BORDER GUARD
NATIONAL HEADQUARTERS (BG
HQs)**

*General Directorate of the
Hungarian Customs and
Finance Guard (DG of
HCFG)*

JOINT MEASURE

11/2004. (IV. 27.) BG HQSs – DG of HCFG

issued by

The National Commander of the Border Guard

and

the National Commander of the Customs and Finance Guard

on the regulation of the implementation of cooperative tasks of the two organisations

The main tasks included in Act XXXII of 1997 on the Protection of Borders and the Border Guard (hereinafter: BG Act), the protection of the state borders of the Republic of Hungary, the prevention of illegal crossing thereof, the control of border traffic, the maintenance of the order of the border, furthermore the conduct of combating crime and aliens policing activities set forth in separate legal regulations, also Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code, Act CXXVI of 2003 on the Implementation of Community Customs Law (hereinafter: Act on CCL), the creation of conditions harmonising with the means of the circulation of commodities in a modern market economy, the enforcement of the legal regulations identifying the customs dues ensuring sources of revenue, non-community taxes and tariffs - collected by the Customs and Finance Guard under separate legal regulations - under the Act of 5 April 2004 on the Customs and Finance Guard and the implementation of the statutory obligation of conducting other control activities set forth in separate legal regulations, respectively, entail continuous tasks and responsibilities for the Border Guard and the Customs and Finance Guard.

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For purposes of the implementation of the tasks, furthermore of the more efficient utilisation of the available material, technical, human and financial resources, with the intent to ensure successful cooperation, the following

Joint Measure

is issued under Subsection (1) of Section 37 of the Border Guard Act:

CHAPTER I.

General principles of cooperation

- 1) The scope of this Joint Measure shall cover the central, regional and local units of the Border Guard and of the Customs and Finance Guard (hereinafter: the cooperating agencies).

The tasks resulting from cooperation shall be managed:

- a) at the central level: by the National Commander of the Border Guard and the National Commander of the Customs and Finance Guard via their respective directors general and divisions;
 - b) at the regional level: by the director of the Border Guard Directorate and by the Commander of the Regional HQs of the Customs and Finance Guard;
 - c) at local level: by the head of the office and by the commander of the customs office/head of office.
- 2) The cooperating agencies, within their respective independent official scopes of authority, and on the basis of their obligation to cooperate as set forth in legal regulations, shall do everything they can to ensure the coordinated conduct of border traffic control, to ensure legal entry across the border, to detect and interrupt, respectively, illegal acts, furthermore to improve the public security situation and to maintain law and order at the state border.

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The competent organs of the national headquarters of the agencies concerned shall continuously inform each other of major events related to the border traffic, of the development of the border traffic, and of any changes in the legal regulations regarding the professional activities of the other agency.

CHAPTER II.

Tasks related to the state border and requiring joint action

3) The cooperating agencies shall mutually inform each other within the framework provided for by law and coordinate their respective tasks in the course of implementing their tasks related to the state border:

a) Construction extending beyond the state border

Construction of an edifice physically extending beyond the state border may only take place under an international agreement. The detailed rules of implementation are provided for by the content of the international agreement. In case the construction activities entail crossing of the border at locations other than a border crossing point, and these instances are not regulated in the international agreement, the rules of opening a temporary border crossing point shall apply.

b) Opening of a temporary border crossing point

The opening of a temporary border crossing point shall be jointly authorised - upon request – by the Border Guard Headquarters (hereinafter: BG HQs) in conjunction with the General Directorate of the Customs and Finance Guard (DG of HCFG), under Section 14 of the Act on the BG, also under the provisions of Sections 1 – 6 of Government Decree 184/1997 (X.28) (hereinafter: Decree) on the rules of opening a temporary border crossing point, on the rules of entry into, stay on and exit from, the premises of the border crossing point with a purpose other than crossing the border, further on the settlements belonging to the border area. The BG HQs shall notify the requesting party and other interested parties on the granting of authorization in a formal decision. The BG HQs shall state in the decision the criteria - established in conjunction with the DG of HCFG – which are necessary for the maintenance of the temporary border crossing point, and also the deadline for meeting those criteria. The Decision shall also include advice for the requesting party on the fact that representatives of the BG HQs and the DG of HCFG shall jointly inspect the existence of the prescribed criteria on the day preceding the opening at the latest. Deficient or improper meeting of the criteria the opening of the temporary border crossing point may not take place. In this case the findings shall be recorded in a protocol, on the basis of which the BG HQs shall rescind its earlier decision granting authorization on the grounds of non-compliance with the terms and conditions of the authorization. With respect to sections of the internal border the DG of HCFG shall issue a general approval, the BG HQs shall forward the case-by-case authorizations to the DG of HCFG for information.

RESTREINT UE

- c) Changing the opening hours of the border crossing point and granting authorization for the case-by-case utilisation thereof in a manner other than its nature with respect to border traffic.

Under Section 6/A of the Decree the BG HQs, in conjunction with the DG of HCFG shall grant authorisation of the above, in compliance with the provisions pertaining to the opening of a temporary border crossing point.

- d) Granting authorization of transport of goods along Customs byroads

Under Subsections (2) and (3) of Section 9, and Section 72, respectively, of the CCL, authorisation of transport of goods along customs byroads shall be granted by the DG of HCFG, in coordination with the BG HQs and – if justified – with the Ministry of Agriculture and Rural Development, further with the Ministry of Economy and Transport. The DG of HCFG shall notify the requesting party and other interested parties on the granting of authorization in a formal decision. With respect to sections of the internal border the BG HQs shall issue a general approval, the DG of HCFG shall forward the case-by-case authorizations to the BG HQs for information.

- e) Granting permission to proceed following emergency mooring on the waterways and emergency landing by aircraft

The joint permission of the Border Guard and the Customs and Finance Guard to proceed in case of an emergency mooring on the waterways and emergency landing by aircraft shall be granted by either of the two agencies first becoming aware of the event.

In case the event occurs in a border area, the competent Border Guard directorate shall take action in conjunction with the regional Headquarters of the Customs and Finance Guard.

If the event takes place outside the border area, the BG HQs (Border Policing Division, and after working hours the Deployment Service) and the DG of HCFG (Border Control Department and after working hours the Central Duty Desk) shall take action under Subsection (4) of Section 17 of the Act on the Border Guard.

- f) Performing functions of special authority, authorisations

The cooperating agencies shall perform functions of special authority Section 42 and Section 52 of the Act on the Border Guard, also under Government Decree 305/2001. (XII.27.) on the rules of the opening and closing of border crossing points, and of the conditions and regulations of the operation thereof.

Joint authorisation may occur, if an application is submitted for permission of service-type industrial or commercial activities or permission for the construction of an edifice for such purpose is sought within a two-hundred-meter radius of the road border crossing point, but outside the premises of the terminal for trucks. The application shall be jointly authorised by the BG HQs and the DG OF HCFG, of which fact the applicant and other interested parties shall be notified by the DG OF HCFG in a formal decision. In other cases both agencies shall make an independent decision within their own respective official competences.

RESTREINT UE

- g) The establishment of a new border crossing point, improvement of a border crossing point, temporary termination of the traffic of the border crossing point, the closing of the border crossing point, alteration of the order of traffic and termination of traffic

In the process of establishing new border crossing points, the competent organisational units of the DG OF HCFG and BG HQs - with a view to compliance and enforcement of the provisions of Government Decree 305/2001. (XII. 27.) – shall strive after constructive cooperation from the stage of preparation until that of completion.

In the establishment of waterway, railway and air border crossing points, the two agencies shall represent a joint position as that of one special authority during the intra-governmental meetings.

During the drafting process of a government decision concerning the closing of a border crossing point, also in respect of changing the traffic nature and temporary termination of the operation of a border crossing point, the two agencies shall, as far as possible, represent a coordinated position.

After the government decision - in accordance with their respective scope of mission and authority – they shall coordinate the necessary actions and the implementation of tasks.

- 4) In relation to the development of the regulations of the border crossing points, the cooperating agencies shall perform their duties as follows:
- a) The Regulations of the border crossing point shall be prepared by the head of the competent local unit of the Border Guard, with due consideration of the position and opinion of the commander of the customs office, under Section 1 of MoI Decree 34/2001 (XII.22) on the crossing of the border by military units, on airports, river ports and railway stations considered to be state borders, on the railway lines and waterways designated for mobile control, on the border traffic control of aircraft using airports temporarily opened for international air traffic. During the drafting of the regulations of the border crossing point, the opinion of other agencies conducting official activities at the border crossing point shall also be sought.
 - b) The Border Guard shall be responsible for ensuring compliance with regulations a border crossing point on the territory of the Republic of Hungary and for the implementation of the obligations included therein – along with the contribution of all agencies operating there.
 - c) The customs office shall submit the draft regulations of the border crossing point to the regional customs HQ exercising supervision for review. The regional HQ shall within 8 days following the submission return the draft - along with comments - to the customs office for further action.
 - d) The head of the competent local unit for the Border Guard shall submit the draft regulations – after coordination with the local heads of the agencies concerned – to the competent border guard director for approval.

RESTREINT UE

- e) One copy of the approved border crossing point regulations shall be served to the local heads of the agencies concerned within 8 days following its approval.
- f) An extract of the border crossing point regulations pertinent to the persons crossing the border and the movement of vehicles shall be visibly posted in the locations open to the public on the premises of the border crossing point.
- g) The rules of entering the border crossing point and staying there with a purpose other than crossing the border, also the rules of exiting from border crossing point are identified by Sections 7 – 15 of the Decree, whose provisions shall be incorporated in the regulations of the border crossing point.
- h) The local heads of the agencies concerned shall without delay advise the duty officer of the border crossing point of persons (members of their staff) arriving at the border crossing point with a purpose other than crossing the border, but in connection with the border traffic control activities.
- i) The cooperating parties shall assess the situation of cooperation conducted for the purpose of ensuring enforcement of the regulations of the border crossing point with a regularity as follows:
 - At local level, heads of the border guard office and customs office as often as deemed necessary, but at least quarterly,
 - At regional level – with the participation of the heads of the local units – half-yearly,
 - At central level – divisions with supervisory functions – yearly.

5) The regulations of border traffic control:

5) 1. General principles:

The technology of border control as set forth

- in international agreements,
- in the Act on the BG. and
- in the Act on CCL

shall be jointly prepared by the head of the border guard office and the commander of the customs office on the basis of definite criteria – with special respect to the expectations of the quality of control (rapidity, culturedness, safety), and to the Schengen requirements – taking into consideration the special local features of the border crossing point and the professional guidance of the respective national headquarters, with a view to the following:

- a) The technology of border traffic control forms an organic part of the regulations of the border crossing point and shall be treated as an enclosure thereof.

RESTREINT UE

- b) The owner, tenant or trustee of the real estate of the border crossing point shall ensure the objective conditions - as provided by legal regulations - necessary for the speedy, cultured control of the border traffic under the technological regulations.
- c) The technology of border traffic control shall be designed and organised in a way so that it facilitates the smooth, speedy, efficient and cost effective customs and law enforcement control of passenger and goods traffic crossing the border.
- d) Within the regulations of the border crossing point, a separate control area shall be designated for use by both parties for the purpose of conducting rigorous inspections.

5) 2. The technology of passenger traffic control following the abolition of the red corridor and green corridor control mechanism:

The directors of the competent border guard directorates along the external borders and the commanders of the customs command units concerned shall jointly organise the technology of passenger traffic control with a view to the following:

- a) At the border crossing points where the conditions of infrastructure and human resources exist, the one-stop control technology shall be introduced as of 00.00 hours, 1 May 2004.
- b) The introduction of the one-stop control technology is compulsory at all border crossing points of the external borders, where the conditions are available, as of 00.00 hours, 1 November 2004.
- c) The head of the competent local unit of the Border Guard shall develop the control technology in conjunction with the commander of the customs office, taking into consideration the local features (infrastructural conditions), and then shall submit the technology for approval according to the regulations of the border crossing point.
- d) After the introduction of the one-stop control technology at the border crossing points, the border guard and customs units shall control passengers and vehicles with one stop, at a common spot, at the same time, in a coordinated manner. Two officials (one border guard officer and one finance guard officer) shall perform duty details in the passenger lane.
- e) In the case of outward traffic, in as much as the volume of passenger traffic (waiting time reaches or exceeds 30 minutes) justifies the opening of another control lane necessitates, the border crossing point duty officer shall coordinate the opening of the next passenger control lane with the head of section of the customs service. If the number of finance guard officers is insufficient for the assignment of a customs official to the traffic lane to be opened, two border guard officers will temporarily perform the control of outbound passenger traffic within their own competence and remit, in strict compliance with the provisions of Paragraph a) of Article 11) of the present Joint Directive. Once the border traffic situation is back to normal, the traffic lanes thus opened shall be closed.

RESTREINT UE

- f) In the case of inbound traffic, in as much as the volume of passenger traffic (waiting time reaches or exceeds 30 minutes) justifies the opening of another control lane necessitates, the border crossing point duty officer shall coordinate the opening of the next passenger control lane with the head of section of the customs service. If the number of finance guard officers is insufficient for the assignment of a customs official to the traffic lane to be opened, the implementation of the one-stop, one-line control procedure shall be suspended, and the finance guard control point shall be identified in a way that allows the customs control of motor vehicles coming from all lanes. Once the border traffic situation is back to normal, the traffic lanes thus opened shall be closed, and the one-stop control procedure shall be resumed.
- g) Within the one-stop control procedure, the customs clearance starts with obtaining initial information through visual and technical means, with the passenger's customs declaration and acceptance thereof before the single line examination area, during the waiting time of the motor vehicles in the traffic lanes, it is based on risk assessment and is continuously integrated in the process of passport control.
- h) In the passenger traffic lanes the cooperating agencies may only conduct (minimum/basic) control according to nationality categories. Control procedure (itemised customs examination) for the purposes of confirming or excluding probable cause may only be performed in the designated areas; continuous flow of traffic at the checkpoint shall be maintained.
- i) The point of stopping and searching passenger motor vehicles (the checkpoint) shall be designed, to ensure that the procedure is conducted under a roof. The location of the cameras of the automatic number plate recognition system shall be taken into consideration, and, if necessary, registration numbers shall be recorded manually.
- j) During the design of the technology efforts shall be made to eliminate parallel control elements (duplication of stopping the vehicle, of the control of travel documents, of registration and of the search of the vehicle).
- k) During the control of border traffic the simultaneous control of several motor vehicles and of their passengers by collecting the travel documents, the segmentation of traffic in the lanes shall not be permitted.
- l) Customs examination in the technological sequence of the control shall not precede control by the border guard. The border guard control and the finance guard control basically take place simultaneously.
- m) The border guard shall be bound to forward goods found in the possession of passengers subject to procedure on grounds of violation of a ban on entry and stay to the competent unit of the Customs and Finance Guard with the purpose of the conduct of further procedure.

RESTREINT UE

5) 3. Technology of the control of freight traffic:

- a) At border crossing points where freight traffic terminals exist, the Border Guard shall perform the control of travel documents and the basic level external law enforcement inspection of the lorries at the entry point of the terminal. From the point of view of border policing the Border Guard shall permit the free movement of the vehicle and the driver within the premises of the terminal.
- b) The customs service, in the last stage of the control sequence, shall perform the processing of documents accompanying the vehicle and its cargo and – if necessary – the physical inspection of the cargo and shall permit the motor vehicle to proceed from the freight traffic terminal.
- c) At the endpoint of the terminal for trucks, the Border Guard shall maintain order in the terminal, it shall contribute – with a view to customs secret – to the control examination of the motor vehicles, which shall cover establishment of the following facts:
 - whether the transportation vehicle indicated as empty is in fact empty,
 - if the tarpaulin cover of the canopied transport vehicle indicated as loaded is intact;
 - if there is good cause for the assumption of the perpetration of a criminal act or a minor offence.
- d) Ensuring sameness of the goods falls within the competence of the customs authority, which is effected by the placement of a customs seal or identity mark on the transport vehicle. (Section 10, Act on CCL)
- e) At the internal borders and during the in-depth control, with a view to Subsection (4) of Section 10 and to Section 72 of the Community Customs Code, in case probable cause for perpetration of a crime falling under the competence of the Border Guard with respect to a truck closed with a customs seal arises, and the opening of the vehicle is necessary to start the official procedure, furthermore action by the Customs Guard can not be waited for due to the threat of delay, the Border Guard shall be authorised to remove the customs seal or identification mark with simultaneous notification of the duty desk of the regional CHQ. The regional CHQ, with a view to the circumstances, shall appoint the competent Customs and Finance Guard unit taking further action in the case, and shall notify the Border Guard of this decision. The Border Guard shall prepare a protocol of the notification, in which the details of the notification, of the arrival of the Customs and Finance Guard, and of the implementation of the customs examination are recorded. The protocol shall be signed by the members of the Customs Service arriving on the scene. At border crossing points where the Customs and Finance Guard maintains permanent duty posts the removal of the customs seal shall be performed by the Customs and Finance Guard.
- f) After the conclusion of the official procedure according to the above, the Border Guard shall be bound to prepare a protocol of the control, the officer conducting the control shall be bound to sign it, and serve a copy of the protocol to the customs officer. The Border Guard shall be bound to secure the vehicle and the cargo until the arrival of the customs officer.

RESTREINT UE

5) 4. Provisions pertaining to the issuance of the Terminal ticket recorded in Annex 1 of this Joint Directive:

At the border crossing points also conducting control of goods traffic and at freight transportation terminals the Terminal Ticket shall be issued at the entrance of the respective direction of traffic, at the very first checkpoint under the technological regulation. Customs offices shall perform the processing and handling of the Terminal Tickets in compliance with the relevant DG of HCFG Directive in effect.

The Border Guard shall contribute to the issuance and handling of Terminal Tickets. In case a new procedure is introduced, the coordination between the BG HQSS Border Policing Division and the DG of HCFG Border Affairs and Duty Desk Division shall be compulsory. In case new tasks are implemented, agreement of the two divisions is necessary.

5) 5. IT Support for the issuance of the Terminal Ticket:

The two agencies shall take joint actions to increase utilisation of the law enforcement benefits concomitant with the closed border control technology, for the purpose of design, development and installation of a terminal surveillance IT software facilitating the issuance of the Terminal Tickets.

The material and financial costs of the installation of the IT system to be introduced – in compliance with the relevant DG of HCFG Directive - shall be covered by the Customs and Finance Guard; the Border Guard – as agreed upon by the BG HQs Border Policing Department and the DG of HCFG Border Control Department - shall undertake the operation of the system.

The automated system shall be introduced at all border crossing points on the external borders also receiving road freight traffic, in the first stage of the project it will be introduced at terminal-like border crossing points, then at border crossing points without a terminal.

5) 6. In case control action for the purpose of confirming or excluding probable cause for violation of the legal regulations is initiated, the cooperating agencies shall proceed as follows:

- a) In case probable cause for illicit acts falling into the competence of the Customs and Finance Guard during the control of passenger traffic is perceived by, or brought to the knowledge of, the Border Guard, or during a basic control action within the Border Guard's own competence – which control action shall not concern the customs control as identified in the Act on CCL – the Border Guard, under the provisions of Section 15 of the Act on CCL, shall be bound to inform the Customs and Finance Guard without delay.
- b) In case of joint control action at the endpoint of the freight traffic terminal, if justified, and in case of the one-stop, single line passenger traffic control action, the proposal for a customs examination may be communicated to the section chief of the customs service orally. The customs office shall notify the Border Guard of the start of the itemised customs examination. Service members of the Border Guard may be present during the implementation of the control action, they may make a comment, but they shall not take an active part in it, and – with a view to custom secret – their absence shall not hinder the implementation of the control action.

RESTREINT UE

- c) The activity performed at the endpoint – with the exception of the itemised customs examination initiated by the customs service – shall be considered to be joint control and joint detection activity.
 - d) The extra costs incurred during the itemised customs examination – in freight traffic – initiated by the Border Guard shall be reimbursed by the Border Guard against receipt of invoices. An exception to the above shall be the customs examination performed ex officio on grounds of probable cause for an illicit act.
 - e) In case the Border Guard establishes probable cause for perpetration of a criminal at falling under the competence of the customs authority, the Border Guard officers shall be bound to suspend their control action without delay, and refer further action to the customs authority, while securing the scene.
 - f) Rigorous customs examinations on the grounds of probable cause for illicit acts and customs examinations based on border surveillance at the checkpoints can only be initiated by the Border Guard in writing. The customs office shall notify the Border Guard on the start of the itemised customs examination, the Border Guard – with a view to customs secret - may be present during the implementation of the examination, and it may make a comment, and upon request may grant assistance. Absence of the Border Guard shall not impede the implementation of the examination.
 - g) Detection of crime shall be considered to be a joint success. The conduct of the procedure shall be the responsibility of the authority having competence in the case.
 - h) In the course of communication related to detection of crime, the authority having competence in the investigation of the particular crime – with the agreement of the cooperating agencies - shall make a public statement. The public statement shall include specific mention of the cooperating units, and their representative(s) shall be invited to the press conference.
 - i) The sample of the written request, the regulation request form (Request for customs examination) is included in Annex No. 2 of this Directive. The outcome of the examination shall be confirmed by the customs office (Notification on compliance with the request for customs examination). The notification form is included in Annex No. 3 of this Directive. The Border Guard shall submit one copy of the request to the customs office that shall fill in the form upon completion of the customs examination; they shall make a photocopy of the form, and return the original copy to the Border Guard.
- 6) In-depth control:

To improve efficiency of action against illegal migration and related other illegal acts, in addition to the operation of the complex in-depth control system, the mobile control units of the two authorities shall increase their cooperation and plan and implement joint in-depth control actions.

The two agencies shall take joint action – with the involvement of other competent authorities – to design, install and operate the network ensuring in-depth control at the internal borders. Rules of cooperation and of the practical implementation thereof related to the complex in-depth control system shall be regulated by the respective Director Generals for Law Enforcement of the BG HQs and the DG of HCFG in a Joint Directive.

RESTREINT UE

7) Restrictive and prohibitive actions

The BG HQs and the DG of HCFG shall take joint action to ensure implementation of Subsections (1)-(4) of Section 20 of the Act on the BG to effect the necessary changes of the nature of border traffic.

8) Exceptional rules of crossing the state border

- a) Subsection (3) of Section 6 of the Act on the BG provides that the agreement by the competent special authority to the commencement of work under Section 42 of the Act may be by-passed in case it is justified by removal of danger to the public, putting out of fire, technical salvage, relief operations related to industrial disaster, natural disaster or other mishaps. In such cases the Border Guard must be notified afterwards without delay.
- b) In the case of crossing the state border as recorded in Subsection (4) of section 6 of the Act on the BG, in as much as crossing the state border takes place in the presence of the Border Guard, the crossing of the state border shall be executed by the recording of passport numbers, nomenclature, list of names, registration numbers of vehicles, in cooperation with the customs authorities.
- c) In the case of crossing the state border by fleeing population under Paragraph a) of Subsection (1) of Section 18 of Act on the BG – depending on the situation and with consideration of the opportunities – the cooperating agencies shall conduct follow-up control on the basis of documents or written customs declarations available.
- d) For the contingency of violent acts against the security of border traffic control, and for disaster situations, respectively, the head of the competent local unit of the Border Guard shall prepare a Preliminary Action Plan (hereinafter: PAT). For the compilation of the PAT, the head of the competent local unit of the Border Guard shall seek the opinion of the customs office, also of the other agencies performing official functions at the border crossing point.
- e) The head of the competent local unit of the Border Guard and the commander of the customs office shall once every six months order the conduct of a joint exercise for the purpose of training in the skill-level management of contingencies and in the implementation of tasks included in the PAT.

10) Crossing the border with immediate control

Crossing the border with immediate control shall be jointly implemented by the cooperating agencies under Section 13 of Government Decree No. 305/2001 (XII.27.) and Section 6 of the Act on CCL immediately, following mutual notification.

RESTREINT UE

11) Cooperation in the border area

- a) The Border Guard, during the performance of its duties, in case of illegal acts perceived in the border area, if it falls within the competence of the Customs and Finance Guard, shall be bound to disrupt the illegal act, arrest the person suspected of the perpetration of the illegal act and transfer the perpetrator, along with the indication of the evidence, to the customs office having competence and jurisdiction in the case (Subsection (2) of Section 36 of Act XIX of 1998 on Penal Procedure /hereinafter: Act on PP/).
- b) The Customs and Finance Guard, during the performance of its duties, in case of illegal acts perceived in the border area, if it falls within the competence of the Border Guard, shall be bound to disrupt the illegal act, arrest the person suspected of the perpetration of the illegal act and transfer the perpetrator, along with the indication of the evidence, to the border traffic control office having competence and jurisdiction in the case (Subsection (3) of Section 36 of: Act on PP).
- c) The Border Guard shall transfer the customs goods found by the Border Guard in the border area to the customs office having jurisdiction.
- d) Customs seals, identification marks may only be removed by the customs office, except for the case described under Article 5) 3. e).
- e) In case a customs procedure must be conducted with respect to a person arrested in the border area (outside the premises of the border crossing point) and arraigned, the Border Guard shall notify the regional command headquarters of the Customs and Finance Guard having jurisdiction in the case. The headquarters shall without delay appoint the customs office for the conduct of the procedure, and the customs office concerned shall be bound to commence the procedure without delay.
- f) The units of the customs organisation shall be bound to bring to the knowledge of the Border Guard unit deployed at the border crossing point all circumstances learnt during the customs control of freight traffic across the state border that are related to the activities of the Border Guard, its missions of crime prevention and criminal prosecution.
- g) The Customs and Finance Guard may, for the purpose of prevention of crimes referred to the competence of the customs authorities under a separate law (Act on PP), in a well-reasoned case, request the deployment of a roadblock. The use of the roadblock shall comply with the provisions of Section 83 of MoI Decree 40/2001 (XII. 23) on the Service Regulations of the Border Guard.
- h) If a service member of the Border Guard notices the landing of waterway vessels navigating on the border waterways – except for the case of emergency mooring – between the borderline and the first river-port, or the illegal re-loading of a lorry in the border area, or presumes probable cause for a criminal act referred to the competence of the Customs and Finance Guard, the Border Guard service member shall notify the nearest customs unit without delay.
- i) If a service member of the Customs and Finance Guard presumes probable cause for a criminal act referred to the competence of the Border Guard, the service member shall notify the nearest Border Guard unit without delay.

RESTREINT UE

CHAPTER III

Cooperation for the purpose of successful action against illegal acts and corruption

- 12) Local units of the cooperating agencies shall be bound to inform each other without delay in case one cooperating agency learns of illegal acts, or probable cause for the perpetration thereof, falling under the competence of the other cooperating agency.
- a) The Border Guard shall act as an investigative authority with respect to the following criminal acts:
- violation of the ban on entry and stay (Section 214 of Act IV of 1978 on the Penal Code /hereinafter: PC/)
 - facilitation of illegal stay within the country (Section 214/A, PC)
 - human smuggling (Section 218, PC)
 - damaging the border sign (Section 217, PC)
 - forgery of a public document with respect to a travel document (Section 274, PC)
- b) The Border Guard shall have the authority to impose on-the-spot fines with respect to the following administrative offences:
- Prohibited swimming (in border waterways) (Section 17 of Government Decree 218/1999 (XII.8) on Administrative Offences /hereinafter AOGD/)
 - Infringement of the rules of walking on ice (border waterways) (Section 18, AOGD)
 - Illegal crossing of the border, minor offence with respect to a travel document (Section 22, AOGD)
 - Border policing minor offence (Section 23, AOGD)
 - Forgery of border signs and damaging of signs (Section 24, AOGD)
 - Minor offence at the road border crossing point related to alien policing (Section 30, AOGD)
 - Driving under the influence of alcoholic beverage or narcotic substances (DUI) at the road border crossing point (Section 42, AOGD)
 - Significant transgression of the speed limit at the road border crossing point (Section 43, AOGD)
 - Violation of the rules of the right of way and of overtaking at the road border crossing point (Section 44, AOGD)
 - Driving a motor vehicle without a valid licence at the road border crossing point (Section 47, AOGD)
 - Driving a motor vehicle unfit for safe use of the roads at the road border crossing point (Section 48, AOGD)
 - Traffic offence related to a traffic sign at the road border crossing point (Section 49, AOGD)
 - Violation of the restrictions imposed on heavy goods vehicles (HGVs) at the road border crossing point (Section 50, AOGD)

RESTREINT UE

- Driving a motor vehicle without a valid third-party liability insurance policy at the road border crossing point (Section 51, AOGD)
- A minor violation of the Traffic Code at the road border crossing point (Section 54, AOGD)

Aliens policing competences of the Border Guard, established in legal regulations:

- control the conditions of entry,
- permission of entry in exceptional cases,
- issuing a certificate authorising temporary stay/residence in case of granting permission of entry in exceptional cases,
- implementation of refusal of entry
(ordering the stay of the person refused of entry at a location/facility identified by legal regulations),
- issue of visas,
- seizure of passports and forwarding it to the issuing authority,
- control legal stay of aliens in Hungary,
- arrest for the purpose of establishing identity and legitimate stay in Hungary,
- implementation of tasks set forth in readmission agreements,
- ordering detention prior to forced return,
- ordering prohibition on entry and stay,
- implementation of a refusal action,
- imposition of a public order fine,
- implementation of retention measures against aliens presented in front of the competent authority,
- ordering a warrant of apprehension for a wanted person,
- formal decision on the financial burdens of the carriers (air, waterway and road transport),
- ordering and implementing expulsion by a formal decision,
- consideration of an objection to the implementation of the expulsion order,
- record fingerprints for purposes of establishing identity,
- record image (photo),
- bodysearch,
- implementation of aliens policing, detention-preparing and refusal of entry custody,
- transportation and escort of aliens under the supervision of the Border Guard.

13) The investigative powers of the Customs and Finance Guard are as follows:

a)

- infringement of an international legal obligation (Section 261/A, PC)
- infringement of an obligation related to flow of products and technologies controlled internationally (Section 287, PC)
- conduct of unauthorised foreign trade activity (Section 298, PC)
- abuse of excise goods (Section 311, PC)
- fencing excise goods (Section 311/A, PC)
- assisting abuse of excise goods (Section 311/B, PC)
- smuggling and customs fencing (Section 312, PC)

RESTREINT UE

b)

- fake labelling of goods (Section 296, PC)
- usurpation (Section 329, PC)
- infringement of copyrights (Section 329/A, PC)
- deceit of technical application ensuring the protection copyright and related rights (Section 329/B, PC)
- falsification of data related to administration of rights (Section 329/C, PC)
- infringement of industrial legal protection rights (Section 329/D, PC)

if the above are perpetrated with respect to excise goods or customs goods.

c)

- tax and social security fraud (Section 310, PC)
- fraud (Section 318, PC)

if perpetrated with respect to tax, contributions or budget subsidy falling within the competence of the Customs and Finance Guard.

d)

With respect to the following criminal acts perpetrated in connection with the criminal acts listed under a)-c):

- forgery of a public document (Section 274, PC)
- forgery of a private document (Section 276, PC)
- falsification of a unique identification mark (Section 277/A, PC)
- counterfeiting of stamps (Section 307, PC)

e)

- drug abuse perpetrated by way of import into and export out of the territory of the country, also by way of transiting through the territory of the country (Sections 282-282/C, PC)
- abuse of substances used for the production of narcotic drugs (precursors) (Section 283/A, PC)

if the criminal act is detected by the Customs and Finance Guard, or the denouncement is filed with the Customs and Finance Guard.

The sphere of competence of the Customs and Finance Guard with respect to minor offences is as follows:

- customs-related minor offence (Section 158 of Act on Administrative Offences /hereinafter: AAO/)
- assisting the perpetrator of a customs-related minor offence (Section 160, AAO)
- hallmark offence (Section 162, AAO)
- violation of the rules pertaining to imitation banknotes and coins (Section 163, AAO)
- minor offence with respect to provision of data, registration official control action, if perpetrated on the occasion of crossing of the border (Paras a)-b) of Subsection 1 of Section 31, AAO)

RESTREINT UE

- 14) In case the border guard officers or finance guard officers on duty detail at the border crossing point become aware of an illegal act falling under the competence of the other agency, they shall immediately notify each other, they shall grant each other assistance in disrupting the illegal act, in recording the facts of the case and of the evidence.
- 15) In case the Border Guard or the Customs and Finance Guard detects an illegal act falling under the competence of the other agency in an inland area, outside the frameworks of the implementation of a joint duty detail, the unit detecting the illegal act shall take action in compliance with the provisions of the legal regulation governing the given illegal act (Act on PP, Act on MO, Act on Excise), shall take the necessary cogent investigative actions, and shall file the denouncement with the competent organisational unit.
- 16) Upon request of the Customs and Finance Guard, the Border Guard shall conduct monitoring of watch lists and stop lists and enforce warrants of apprehension under Section 44 of the Act on the Border Guard.
- Compulsory information shall not jeopardise investigative interests.
- 17) For the purpose of enhancing the anti-corruption preventive activity, the parties shall plan and execute joint control actions at the national, regional and local levels.

CHAPTER IV

Levels of cooperation, the order of the flow of information

At the central level:

- 18) The BG HQs Border Policing Department and the DG of HCFG Border Control Department shall coordinate tasks related to the control of border traffic.
- 19) Cooperation between the BG HQs Border Policing Department and the DG of HCFG Border Control Department shall include the following:
- They shall monitor the development of border traffic, the efficiency of the control actions, and they shall carry out tasks emerging in the implementation and falling under their competence. They shall report cases exceeding their competences and shall propose further action to resolve them.
 - They shall advise each other of the planned restrictions and relieving measures with respect to border traffic.

RESTREINT UE

- c) When designing new border crossing points they shall coordinate their respective need for telecommunication and technical equipment, and other logistic support necessary for the implementation of their control functions.
 - d) They shall jointly draft the specialty related professional background materials in preparation for international agreements.
 - e) They shall conduct preliminary coordination of their position during their work in expert committees.
 - f) They shall mutually send each other the summary reports on the lessons learnt of operations conducted on the basis of central action plans and of the operations organised at the local level.
 - g) On a quarterly basis, or as and when needed, they shall plan and execute joint control actions at the border crossing points. They shall inform each other of their own control experience which concerns the activities of the other agency.
 - h) They shall jointly conduct inquiries (cause inquiries to be conducted) into instances of serious events, deficiencies and negligence emerging in the joint control activities.
 - i) They shall prepare the materials of the national commanders' working meetings, which shall include the comprehensive assessment of cooperation and proposed tasks broken down to specialty areas.
 - j) They shall analyse the throughput capability of the border crossing points, and the reasons for emerging waiting periods, delays of trains, respectively, and they shall take all necessary actions. They shall coordinate their respective responsibilities in drafting tasks to be executed in a qualified period, crisis situation, and during partial and complete closure of the border.
 - k) They shall coordinate the harmonised preparation, drafting and implementation of the so-called border traffic (quadrilateral) working party protocols.
- 20) Other divisions, directorates and offices of the BG HQs and of the DG of HCFG – as and when needed – shall contact each other through the competent general directorates and arrange for the regulation of issues not provided for in this Joint Directive.

RESTREINT UE

- 21) The Intervention Command Service of the BG HQs and the Central Duty Desk of the DG of HCFG shall inform each other of the following:
- a) circumstances influencing the border traffic, measures and information related to the border traffic;
 - b) reportable border traffic events;
 - c) major detections, waiting time, and the reasons for it, through the dispatch of daily reports;
 - d) measures taken by the authorities of the neighbouring countries which have an effect on the border traffic.
- 22) The regional command headquarters of the Border Guard and of the Customs and Finance Guard:
- a) Shall ensure that the personnel acquires knowledge – to the degree necessary for the performance of their respective duty details – on the scope of authority, rules of procedure, powers and obligations of the other agency.
 - b) Shall organise the implementation of the joint tasks resulting from the directives issued by the national headquarters and by themselves, the conduct of joint border control actions. Before issue, they shall coordinate the measures, and shall send each other the draft directives with respect to the joint tasks.
 - c) They shall organise cooperation meetings on an annual basis and, if necessary, *ad hoc* discussions where they shall evaluate the implementation of joint tasks.
 - d) Prior to periods of heavy border traffic they shall jointly examine the control technology and the throughput capability of the border crossing point under their supervision. They shall take action to harmonise working methodologies.
 - e) In the case of requests for the opening of temporary border crossing points they shall take up a common position and shall submit a joint proposal to the national headquarters. In case authorisation is granted they shall organise the implementation.
 - f) They shall organise the information of passengers, they shall ensure making the prognoses public. They shall harmonise press releases and communiqués.
 - g) They shall harmonise their crime prevention and criminal prosecution activities.

RESTREINT UE

23) Heads of the local units shall harmonise the following:

- a) continuous enforcement of the order of the border crossing point, efficient cooperative tasks;
- b) the order of the control of passengers, vehicles, cargos, the joint tasks with respect to perpetrators of violations of the law;
- c) the control of persons detected in the process of the monitoring of watch lists and stop lists and of border warrants of caption, and of persons who can with good cause be suspected of the perpetration of acts of violation of the law, the control of designated categories of passengers, and the itemised customs control of the related vehicles;
- d) the regulations of mobile control aboard passenger trains, in case the conditions thereof exist;
- e) the joint tasks related to the travel of government delegations, of diplomats, and to the control of passengers permitted to cross the border out-of-turn;
- f) the manner of the exchange of information on the data of expected passenger and vehicular traffic, on compliance with security and secrecy regulations;
- g) coordination of the data of passenger and vehicular traffic, the reporting of waiting times;
- h) common tasks with respect to criminal prosecution, alien policing tasks referred to the agency's competence or performed within an assigned sphere of competence, also in relation to the implementation of measures against minor offenders;
- i) tasks – within their respective competence – related to the opening of a temporary border crossing point, emergency mooring and emergency landing;
- j) joint tasks related to the maintenance of the security of border traffic (security of air traffic);
- k) the coordinated order of implementation of the provisions of the PAT, common tasks of exercising;
- l) the order of the control of passengers arriving at the customs office with the purpose of administration;
- m) the duty details shall be organised in accordance with the border traffic forecast, and, if necessary, these shall be organised and adjusted to the prevailing situation.

RESTREINT UE

24) The local units of the Border Guard shall immediately notify the customs office, and the customs office shall immediately notify the local unit of the Border Guard, respectively, if:

- a) the motor vehicle carrying hazardous materials and obliged to follow a designated route reports for crossing the border at a border crossing point other than the designated border crossing point.
- b) after the signal of the detection device (radiation gate) detecting nuclear and/or radioactive radiation it became ascertainable that the radioactive material is being transported illegally.
- c) the encasement of the cargo containing hazardous materials is damaged (dripping, evaporating, smoking, etc.)

If the border crossing point has such a facility, the Border Guard shall direct the vehicles carrying hazardous materials to the parking area designated for hazardous materials and protected with berms.

25) Transfer of daily information affecting duty detail activities shall primarily take place through the duty desk services.

The duty desks at local and regional units shall ensure exchange of information between them daily, and shall – if necessary – further specify the information received.

26) Settlement of disputes

- a) All service members, executives and organisational units of the two agencies shall strive after a uniform interpretation and coordinated implementation of the joint tasks and after mutually providing information related thereto.
- b) Local commanders shall settle possible disputes emerging at the border crossing points between the two agencies.
- c) In case the settlement of the dispute exceeds their competence, or they can not reach agreement, the dispute shall be submitted in a joint report (description of the dispute, position, proposal for the resolution) to the regional command headquarters of the Customs and Finance Guard and to the regional directorate of the Border Guard.
- d) Disputes may only be submitted to the central level – in compliance with Article 26) c) of this Joint Directive – if the dispute exceeds the competence of the regional units or if they are unable to arrive at a decision. At the central level disputes are considered by the director generals for law enforcement. On the part of the BG HQs the Border Policing Division, on the part of the DG of HCFG the Border Affairs and Duty Desk Division shall be involved in the process of consideration and drafting of the decision, in cases concerning investigative powers, the Criminal Investigation and Intelligence Division of the BG HQs, and the Criminal Investigation Directorate of the DG of HCFG, respectively, shall also be involved.

RESTREINT UE

- e) In case disputes arise between director generals, the national commanders shall make a decision. If the national commanders are unable to reach an agreement on the resolution of the disputed issues, the matter shall be submitted to the ministries exercising supervision for a final decision.

CHAPTER V

Closing provisions

- 27) During the planning, command, implementation and control of the joint tasks, all subordinates and executives of the cooperating agencies shall respect the independent scope of authority of the other agency, the customs organisation shall facilitate the implementation of the border protection, law enforcement and criminal prosecution tasks of the Border Guard, the Border Guard shall facilitate the successful implementation of the tasks of the customs organisation. Both agencies shall grant each other assistance in the professional preparation for accession to the European Union.
- 28) The national commanders of the two agencies shall make a decision on awarding the same degree of recognition to those taking part in the cooperation successfully. Proposals of the BG HQs shall be prepared by the Border policing Division, proposals of the DG of HCFG shall be prepared by Border Control Department.
- 29) In connection with the accession to the EU, the BG HQs and the DG of HCFG shall without delay contact the border control authority of the neighbouring countries for the purpose of designing and implementing the one-stop control technology, also for the purpose of billeting needs assessment.
- 30) The present Joint Directive shall enter into force on 01 May 2004, and at the same time, Joint Directive No. 61/1997 shall cease to have effect.
- 31) The present Joint Measure shall be made known to the personnel concerned.

JÓZSEF BÉNDEK
Border Guard Major General
Senior Counsellor of the
Border Guard

DR. JÁNOS NAGY
Finance Guard Major General

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ANNEX No 1.

TERMINAL TICKETBPO year month day hour minute

Border Policing Office

Registration No: at front: at rear: country of origin: Code:

Weighing station

Total weight: kgs Weighing OK, permission to enter granted
Weighing not OK, permission to enter denied
Permission to proceed granted at hours.....minutes

BPO actions:

Total number of passengers: Arrived at hours minutes
Departed at hours minutes

Permission to proceed:

Initial control OK

Secondary control ordered

Secondary control OK

Special control ordered

Forwarding agency

Designation: Code of forwarding agent:

Arrived at hours minutes

Referred to customs clearance hours Minutes

Plant health examination: OK

Quarantine ordered

Entry/Exit must be denied

Arrived at hours minutes

Departed at..... hours minutes

Animal health examination: OK

Quarantine ordered

Entry/Exit must be denied

Arrived at hours minutes

Departed at..... hours minutes

Customs Office actions:

Log Number:

Administrative customs examination:

Random customs examination

Itemised customs emanation

Special examination conducted

Arrived at hours minutes

Departed at..... hours minutes

Permission to proceed:

Forwarding agency again

Designation: Code of forwarding agent:

Arrived at hours minutes

Terminal Ticket returned to driver at hours minutes

Excise TIR ATA T1 T2 EV Other documents Invoice

Mark In/Out Parking place Serial No. Time of entry/exit at hours minutes

Signed by officer performing final control

RESTREINT UE

Annex No. 2.

.....**Border Policing Office**
From the Head of Border Policing Office

File No.:.....

To the Commander,
.....**Customs Office**

REQUEST FOR CUSTOMS EXAMINATION

In compliance with Section of Act of 2004 on the Customs and Finance Guard, I hereby request the implementation of a **customs examination** according to the following details:

Name of passenger/driver:.....direction:

Passport No.:nationality:

Registration number:.....type of vehicle:..... country of registration:.....

Indication of probable cause:

- | | |
|---|--|
| <input type="checkbox"/> alien smuggling, illegal crossing of border | <input type="checkbox"/> customs seal damaged, tampered with, missing |
| <input type="checkbox"/> forgery of public documents
w/respect to travel documents | <input type="checkbox"/> customs seal wire torn, tampered with |
| <input type="checkbox"/> side wall/door damaged | <input type="checkbox"/> tarpaulin torn |
| <input type="checkbox"/> goods smuggling | <input type="checkbox"/> flooring, cargo platform damaged, tampered with |

Commitment to reimburse costs:

- The Border Guard shall not undertake to reimburse costs incurred in relation to the examination.
- I hereby declare that if the itemised customs examination incurs costs (unloading, uploading, use of machine equipment, etc.), I undertake the commitment to reimburse the costs thereof against the invoice sent to my office by the customs agency requested by the customs office to contribute to the implementation of the examination.

Goods referred to customs examination:.....
.....

The Border Policing Office, during the customs examination:

- wishes to be present and represented by: does not wish to be present

At (location).....,minute(s) ...hour(s)... day... month year : 200...

.....
Head/Duty Officer of BPO

I have received the request for customs examination:

At (location).....,minute(s)hour(s)... day... month year: 200...

.....
Commander/Section Chief of customs office

RESTREINT UE

Annex No 3.

Commander

.....**Customs Office**

File No.:.....

To the Head of

.....**Border Policing Office**

NOTIFICATION

ON THE IMPLEMENTATION OF CUSTOMS EXAMINATION

This is to notify you that the customs examination requested under the file number overleaf, was completed by Customs Office.....betweenminute(s).....hours andminute(s).....hours.

The customs office established the following during the customs examination (detailed description of the comment and of the circumstances):

.....
.....
.....
.....

Upon completion of the examination, the passport with the serial number was returned to the BPO.

Costs:

- no costs were incurred during the examination
- during the examination costs amounting to HUF were incurred, due to, the costs were paid for by(name of customs agency) which company will, on the basis of the **Border Guard's commitment**, charge these costs to the Border Guard by forwarding them a formal invoice.

At (location).....,minute(s)hour(s)... day... month year: 200...

.....
Commander/Section Chief of the customs office

I have hereby received the notification on the implementation of the customs examination; I hereby grant the passenger/vehicle permission to proceed by returning the passport to the holder.

At (location).....,minute(s)hour(s)... day... month year: 200...

.....
Head/Duty Officer of the BPO

RESTREINT UE

ANNEX II

Director General,
MINISTRY OF INTERIOR
Office of Immigration and Nationality

National Commander,
BORDER GUARD

High Commissioner,
HUNGARIAN NATIONAL POLICE

JOINT MEASURE

No. 28/2001

**OF THE DIRECTOR GENERAL OF THE
OFFICE OF IMMIGRATION AND NATIONALITY
OF THE MINISTRY OF INTERIOR,
OF THE NATIONAL COMMANDER OF THE BORDER GUARD
AND OF THE HIGH COMMISSIONER OF THE POLICE**

on the joint execution of certain procedural tasks related to foreign nationals

Budapest, 28 December 2001.

For the purpose of the professional and effective execution of certain common tasks derived from Act XXXIX of 2001 On the entry into and stay in Hungary by foreign citizens (hereinafter: Aliens Act), from Act CXXXIX of 1997 on Asylum, furthermore from repatriation agreements, we hereby issue the following

Measure:

1. The scope of the Joint Measure shall cover the central and regional organisational units of the Office of Immigration and Nationality of the Ministry of Interior, units of the Border Guard responsible for alien policing, furthermore the police units contributing to the execution of alien policing functions.
2. The organisations concerned shall be bound to cooperate in the course of the execution of tasks resulting from legal regulations on alien policing and refugee affairs and from the provisions of this Joint Measure in connection with each other's activities.

CONTRIBUTION TO THE REFUGEE PROCEDURE

3. The unit of the Border Guard performing alien policing functions shall be bound to direct the foreign citizen legitimately staying in the country, who voluntarily reports to the Border Guard and declares his or her intent with respect to being recognised as a refugee –following previous notice – to the competent regional asylum affairs unit of the Office of Immigration and Nationality of the Ministry of Interior (hereinafter: regional refugee affairs unit) having jurisdiction with respect to the geographical location of the Border Guard unit. Alien policing procedure shall be started *ex officio* against a foreign national unable to prove legitimacy of their stay in Hungary.

RESTREINT UE

4. The police unit shall be bound to provide information on the data of the foreign citizen who voluntarily reports to the Police and declares his or her intent with respect to being recognised as a refugee via fax to the competent regional alien policing unit of the Office of Immigration and Nationality of the Ministry of Interior (hereinafter: regional alien policing unit) having jurisdiction with respect to the geographical location of the police unit, after working hours to the Duty Desk of the Budapest and Pest County Directorate having national jurisdiction (hereinafter: Regional Duty Desk of the Office), and shall be bound, respectively, to direct the foreign national to the competent alien policing unit identified by the Regional Duty Desk of the Office, respectively.
5. If the foreign national declares his or her intent of being recognised as a refugee during the alien policing procedure, the procedure need not be suspended. The alien policing agencies – with the exceptions included in Point 6 – may order expulsion, refusal, and redirection against the foreigner, and may take the foreign national into alien policing detention, or may obligate the foreign national to stay at a designated facility, but the expulsion, refusal, and redirection, respectively, of the foreign national may not be put into effect before the final (enforceable) decision in the application for asylum is reached.
6. The regional refugee affairs authority shall, out of humanitarian considerations, place
 - a) a family with children
 - b) unaccompanied minors
 - c) persons whose health condition warrants such action

subject to alien policing procedure and declaring their intent with respect to being recognised as refugees in a reception centre for the duration of the asylum procedure. For families with children, and for foreigners whose minor age comes under doubt, respectively, a community shelter as mandatory commorancy may also be designated until establishment of minor age.

7. The regional refugee affairs authority may, if necessary, appoint an expert to establish the age of the foreigner. Placement at the alien reception centre may take place after the expert's opinion becomes known.
8. The statement made by a foreign national declaring his or her intent with respect to being recognised as a refugee shall be committed to writing by the Border Guard and the regional alien policing organisation. During this procedure the declarant's personal identification details, citizenship, the designation of the available identification documents, the number, place and date of issue and expiry date thereof, the reasons for fleeing from the foreigner's country of origin as referred to by the foreigner, the circumstances and route of the flight, the place, date and manner of arrival in Hungary shall be recorded. Two facial photographs shall be taken of the foreigner, and also the foreigner's fingerprints shall be taken.

RESTREINT UE

9. The alien policing units shall be bound, without delay, to forward via fax the foreigner's declaration, in case detention of the foreign national is ordered, to the competent regional refugee affairs authority with respect to the location of the detention, in case mandatory commorancy has been ordered with respect to the mandatory commorancy, in want of mandatory commorancy with respect to the location of the alien policing unit, and afterwards the alien policing unit shall be bound to forward the original copy of the foreigner's declaration, along with the photograph, the ten-print sheet, and the original copies of the foreigner's documents. If the refugee hearing of the foreign national takes place in the alien policing custody suite or at the community shelter, the ten-print sheet of the applicant, two photographs of him/her and his/her documents shall be handed over to the refugee official conducting the hearing by the keeper of the accommodation. In case of transport of the foreign national to a reception centre, if arrival there occurs within working hours, the above items shall be handed over to the member of the refugee affairs authority working at the reception centre or - after the working hours of the refugee affairs authority - to the employee of the reception centre.
10. If the foreign national may be placed at a reception centre under Point 6, the alien policing units shall issue for the foreign national a voucher, included in Annex 2, to facilitate travel to the reception centre, or in a well-reasoned case shall transport the foreign national to the reception centre identified by the refugee affairs authority.
11. If the foreign national declares his/her intent with respect to being recognised as a refugee while in alien policing detention of the Border Guard, the tasks under Points 8 and 9 shall be executed by the Border Guard alien policing section operating the custody suite, at the same time it shall inform the alien policing unit ordering the detention.
12. The alien policing units shall without delay inform, in writing, the competent refugee affairs authority conducting the procedure of all circumstances affecting the refugee affairs procedure (e.g. the applicant has left for an unknown destination), also of any illegal acts perpetrated by the applicant, refugee and temporarily protected person.
13. The competent refugee affairs authority shall be bound to inform without delay the alien policing authority having previously conducted a procedure against the foreign national of all circumstances (e.g. the applicant has lodged a petition of review against the refugee affairs decision, the refugee affairs procedure has come to a final and enforceable conclusion) affecting the alien policing procedure.
14. If no final or enforceable decision is made in the foreigner's asylum case during the refusal detention, further alien policing procedure shall be taken over by the competent alien policing unit with respect to the location of the detention. The regional alien policing unit shall make a decision on the placement of the applicant in a community shelter, reception centre or private accommodation, in consultation with the competent refugee affairs authority.

RESTREINT UE

The refugee affairs authority shall initiate the issuance of a residence permit out of humanitarian consideration with the alien policing unit conducting the alien policing procedure in writing by communicating the foreigner's personal details, place of residence and expiry date of the foreigner's ID document, and by enclosing the photograph of the foreign national at the same time. The alien policing authority shall forward the residence permit thus issued to the refugee affairs authority which in turn shall ensure delivery thereof to the foreign national concerned.

15. If the asylum procedure during the detention is concluded with expulsion, the promulgation/announcement of the decision on expulsion shall take place at the site of detention. If the expulsion order is final and immediately enforceable, the regional refugee affairs authority ordering the expulsion shall inform the regional alien policing authority ordering the detention; it shall inform the Border Guard, furthermore the alien policing authority having jurisdiction with respect to the location of the refugee affairs authority if the detention based on refusal of entry was ordered by the alien policing unit of the Border Guard. The regional alien policing authority shall take action to enforce the expulsion order, if necessary, to order alien policing detention, the alien policing unit of the Border Guard shall take action to terminate detention on based on refusal of entry. Detention shall possibly be executed at the location of the earlier detention.
16. If the refugee affairs authority, in its decision on the refusal of the application for asylum did not order the foreigner's expulsion because there is no safe country of origin or safe third country where the expulsion may be effected, the authority ordering the detention shall be bound to immediately terminate the detention. The placement of the foreign national as a temporarily protected person and the issuance of a residence permit on humanitarian grounds shall be ensured by the alien policing agency which started the alien policing procedure, or if the procedure was conducted by the Border Guard, then the regional alien policing authority having jurisdiction with respect to the location of the Border Guard unit shall proceed.
17. Before the final conclusion of the asylum procedure the alien policing agencies shall not be authorised to take action with the purpose of providing the foreign national with travel documents.
18. If the foreign national reporting at the reception centre can not provide proof of legitimate stay in Hungary, and during the hearing it can be reasonably presumed that he/she entered the territory of the Republic of Hungary illegally, the refugee affairs authority proceeding in the case shall – by indicating the presumed location of crossing the border - inform the competent regional Border Guard directorate, or if the location of the illegal crossing of the border can not be ascertained, the regional Border Guard directorate having jurisdiction with respect to the headquarters of the regional refugee affairs authority. Based on the information no alien policing procedure may be started before the final conclusion of the asylum procedure.

RESTREINT UE

PROVISIONS RELATED TO THE ALIEN POLICING PROCEDURE

Use of the community shelters

19. A community shelter described in Annex 3 may be designated for a foreigner. In case of shortage of accommodation, the Alien Policing Division of the Office of Immigration and Nationality of the Ministry of Interior, after working hours the Regional Duty Desk of the Office – with consideration of available accommodation capacities – shall designate another community shelter on the basis of a request via fax by the ordering authority.
20. If the transportation of the foreign national was carried out by the alien policing authority, the alien policing authority shall - in addition to serving the ordering decision - hand over to the caseworker of the community shelter the photograph of the foreigner, his/her residence permit or certificate authorising temporary residence, his/her travel documents and other documents, respectively, personal objects, an itemised inventory thereof or a possible inventory of their value, in case of external injuries, a physician's report on injuries, in case of a foreign national declaring intent with respect to being recognised as a refugee also the ten-print sheet, 2 photographs and the minutes of the hearing.
21. The foreign national, before being placed at the community shelter, shall be examined by the medical doctor of the Border Guard. The medical examination shall cover revealing external injuries on the foreigner's body (physician's report on injuries), causes thereof, and if there are no external injuries on the foreigner's body, this fact shall be recorded. If there are external injuries on the foreigner's body, the foreign national shall be made to state the causes for the injuries and circumstances under which the injuries were sustained, and the statement shall be recorded in a minutes and signed by two witnesses.
22. The alien policing unit operating at the community shelter shall, on the basis of a commission, represent the ordering alien policing authority in the court proceedings related to the stay at the designated commorancy, detention with a view to expulsion and to alien policing detention.

Detention ordered within an alien policing procedure

23. Detention ordered by the regional alien policing authority with a view to expulsion and the alien policing detention shall be executed in the Border Guard alien policing custody suites according to the jurisdictions listed in Annex 4. In case of shortage of room, the Border Guard National Headquarters Alien Policing and Minor Offences Division (hereinafter: BGNHQ Alien Policing) during working hours, and after working hours the Border Guard National Headquarters Central Duty Desk shall –with a view to available capacities – designate a different alien policing custody suite.

RESTREINT UE

24. If the foreign national is placed in alien policing detention by an authority other than the authority ordering the expulsion of the foreigner, one copy of the detention order shall – for purposes of notification - be faxed without delay to the authority ordering the expulsion. When placing the foreign national in an alien policing custody suite, the Border Guard unit operating the custody suite shall be informed of the alien policing authority ordering the expulsion and also of the alien policing authority commissioned to represent the alien policing authority ordering the expulsion.
25. If the application of the rules pertaining to unaccompanied minors is applicable in the alien policing procedure, the Border Guard or the regional alien policing authority, respectively, shall be bound to take immediate action to appoint an ad hoc curator upon commencement of the procedure. The detention of an unaccompanied minor may not be ordered, and no mandatory commorancy may be designated for the minor, respectively. In case temporary accommodation of the minor is necessary, the police station having jurisdiction with respect to the location of the action shall be approached in writing, and the data necessary for the referral shall be provided. The alien policing authority conducting the procedure shall be bound to ensure transportation of the minor to the location of a nursing facility.

Transportation and escort of foreigners

26. Foreign nationals – aliens without travel documents or residence permits - who can on well-founded grounds be suspected of illegally crossing the Hungarian state border, thus especially persons arrested in the territory of the country, found in hiding places, travelling in motor vehicles and detained, shall be arraigned by the Police and the Border Guard, respectively, to the Border Guard alien policing authority having jurisdiction with respect to the location of the measure.
27. Foreign nationals in possession of expired residence permits, also foreigners entering employment without official permission or pursuing income-earning activities, respectively, furthermore foreigners perpetrating illegal acts forming the legal basis of expulsion, for the purpose of the completion of the police report, and during working hours, respectively, for purposes of coordination with the competent regional alien policing directorate having jurisdiction with respect to the location of the policing action, shall be arraigned by the Police to the local police station or by the Border Guard, respectively, to the Border Protection Office of the Border Guard, and following arraignment, transported to the regional directorate, customer service office or community shelter within the jurisdiction of the regional directorate, as determined during the coordination, and transferred to the alien policing authority.

After working hours, following the arraignment, the desk duty officer of the police station or the desk duty officer of the Border Guard unit shall contact the Regional Duty Desk of the Office, which shall determine the competent alien policing agency proceeding in the case, and, if necessary, shall take action to ensure the call-in of the official on standby duty of this agency. The police or Border Guard unit shall be bound to implement the arraignment of the arrested foreign national to the regional alien policing agency determined by the duty desk.

RESTREINT UE

In case guarding is justified during the arraignment, or if detention with a view to expulsion or alien policing detention is applicable, respectively, the guarding and the transportation to the alien policing custody suite shall be carried out - upon request - without delay by the public security directorate of the police force headquarters having jurisdiction with respect to the competent regional alien policing authority proceeding in the case.

28. The regional alien policing authority shall approach the public security directorate of the police force headquarters during working hours and the central duty desk of the police force headquarters after working hours via fax at least 48 hours before the planned escort if the contribution of the police is necessary

- for the escort of the foreign national released from a penitentiary to the alien policing agency or to the customer service office,
- for the escort of a foreigner, having served imprisonment, to a penitentiary (the prisons of Nagyfa and Pálhalma, respectively) for the purpose of enforcing alien policing detention,
- for the deportation of the foreign national to one of the neighbouring countries or for the transportation of the foreign national to the international airport for purposes of deportation via a commercial flight, respectively, furthermore
- for the transportation of the foreign national in alien policing detention in the penitentiary of Nagyfa or Pálhalma, for the purpose of the foreigner's appearing before court, or, if necessary, for the transportation of the foreign national to and back from diplomatic missions or consular sections for purposes of issuing travel documents for the foreigner.

The details, nationality of the foreigner, the cause for the action, the point of departure and destination, the time of transportation, and information on the foreigner's behaviour shall be communicated in the request. The force headquarters shall be bound to comply with requests received within 48 hours of the planned escort if the transportation must be carried out urgently pursuant to a decision of a court of justice or the prosecution service.

29. In case the detention with a view to expulsion, refusal of entry detention, furthermore alien policing detention is effected in a Border Guard alien policing custody suite, the transportation of the foreign national to the court for a review of the detention, the transportation of the foreign national to the diplomatic mission or consular office and the return transportation, furthermore the transportation of the foreign national to a health service institution, also guarding the foreign national shall be the responsibility of the Border Guard.

30. The transportation to the border crossing point of the foreign national placed by the regional alien policing authority in an alien policing custody suite and awaiting expulsion may be requested from the police force headquarters having jurisdiction with respect to the location of the detention facility, and also from the border guard directorate operating the detention facility if the transportation can thus be carried out more efficiently.

RESTREINT UE

31. In the case of expulsion to a neighbouring country – seating capacity allowing -, the service vehicles of the Border Guard may be used for transportation to the border, pursuant to preliminary coordination with the regional alien policing authority. In such a case the unit carrying out the transportation shall inform via fax the requesting authority on the execution of the expulsion, the time of border-crossing.
32. During transportation and escort by the Border Guard, any police unit may grant assistance upon request from the Border Guard, but the responsibility for guarding shall continue to lie with the escort detachment of the Border Guard.
33. In the case of transportation of a large group, the police unit responsible for the transportation shall via the Central Duty Desk of the National Police HQ, and the Border Guard unit responsible for the transportation shall via the Border Guard National Headquarters, respectively, inform - at least 8 hours before the start of the scheduled transportation - the Regional Duty Desk of the Office of the route and time of the transportation; the Regional Duty Desk of the Office shall in turn advise the regional alien policing authorities and shall coordinate the tasks related to the transportation.
34. The county police force headquarters shall be bound to grant assistance to the Border Guard in the event of possible reportable incidents, to ensure guarding and further safe transportation.
35. If the foreign national is transported to the state border by the police upon request of the regional alien policing authority, the requesting alien policing authority shall be bound to notify the competent border traffic control office with respect to the location of the expulsion via the Border Guard National Headquarters Central Duty Desk at least 4 hours prior to arrival at the border.
36. The commander of the escort shall be responsible for transportation. Following the arrival at the border crossing point, the border traffic control office shall authorise the exit of the foreign national expelled. The transport vehicle may only start its return trip after the expelled foreign national has left the country, following confirmation of this fact by the border crossing point duty officer. In case expulsion fails, the commander of the transport vehicle shall be bound to transport the foreign national to a facility identified by the regional alien policing authority requesting the transportation.
37. The unit of the Border Guard performing alien policing functions shall be authorised to take alien policing action against a foreign national staying in the transit area of the Ferihegy (Budapest) International Airport and denied entry into the country.

RESTREINT UE

Deportation via air

38. In case execution of deportation via air requires the involvement of the police, the escort guards shall be requested by the Alien Policing Division of the Office of Immigration and Nationality of the Ministry of Interior in writing directly from the Commander of the Rapid Response Police Unit¹, five days before the air travel.
39. For purposes of determining the size of the escort, the Alien Policing Division of the OIN of the MoI shall advise the chief of the police unit requested to contribute to the execution of the deportation of the personal details of the foreigners, of the reason for the expulsion, of intelligence on the foreigner's behaviour, the route of the planned escort, times of departure and arrival, and details of the commercial flight to be used. Furthermore it shall provide information on whether the police officers executing the escort shall bear their private or service passports, and whether they are required to obtain visas. In case the escort can only be executed in possession of visas, obtaining the visas shall be the responsibility of the Alien Policing Division of the OIN of the MoI.
40. The Commander of the Rapid Response Police Units shall within two working days inform the Alien Policing Division of the OIN of the MoI in writing of the names, ranks, duty positions and telephone numbers of the police officers assigned to the escort.
41. Following preliminary coordination, the Alien Policing Division of the OIN of the MoI shall order the air tickets for the escort officers and shall ensure that hotel accommodation is reserved for them in the country of destination.
42. If conditions of air transportation are met, the Alien Policing Division of the OIN of the MoI shall inform the authority ordering the action of the specific details of the airport terminal where, and the time when, it wishes to receive the foreign national for purposes of executing the deportation order. The authority ordering the expulsion may request the assistance of the Border Guard or police unit having jurisdiction with respect to the location of the detention in transporting the foreign national to the place and before the time indicated in the notification.
43. The search of the baggage and clothing of the foreigners to be deported via air shall be performed by the officers of the Rapid Response Police Unit in the service facilities of the Passenger Security Control Sub-Department of the Public Security Department of the Airport Security Service after they have taken custody of the deportees.

¹ -note: in 2004, the Service was re-named as Police Security Service.

RESTREINT UE

44. The police or border guard officers transporting the deportees to the airport may not leave the premises of the airport before the take-off of the aircraft carrying the deportees and the escort officers; the Airport Security Service shall inform the transport duty detail on the departure time. In case deportation by air fails, an official of the Alien Policing Division of the OIN of the MoI shall inform the Regional Duty Desk of the Office, which in consultation with the Budapest Border Guard Directorate shall ensure, until further action is taken, that the deportees are re-arrested and placed in detention in a custody suite maintained by the Directorate.

Tasks resulting from readmission agreements

45. The alien policing authorities shall at all stages of the alien policing procedure against a foreign national look into the case to see if in the case of the given foreign national some bilateral readmission contract is applicable. If conditions of readmission exist, the surrender of the foreign national shall be initiated under the relevant contract.
46. The alien policing authority shall initiate the surrender of the foreigners directly at the competent Hungarian authority specified in the agreements. If the Agreement identifies the Law Enforcement General Directorate of the Border Guard National Headquarters as the competent authority, the request shall be sent to the Alien Policing Division of the BGNHQ. The request shall include all the data which the bilateral contract or the agreement on the execution thereof prescribes. An incomplete request or a request with inadequate content shall be returned by the competent border guard authority by fax to the authority initiating the surrender.
47. Points 26 – 36 of this Joint Measure shall apply to the transportation or escort, respectively, of the foreign national to the border traffic control office with respect to the location of the surrender.
48. Under the provisions of the contracts, if the competent authorities of the Contracting Parties establish after the surrender that conditions under the Contract of the surrender are missing, the foreign national shall be returned to the Hungarian authorities. The Border Guard – following preliminary coordination - shall determine the date and time of the return of the foreign national in a way that allows the authority initiating the surrender to be present. The authority initiating the surrender shall be advised via fax of the date and time of the return coordinated with the foreign authorities, and the initiating authority shall be bound to transport the returned foreign national from the border traffic control office on the date and at the time given.
49. If under the readmission contract the requests shall be sent to the Border Guard National Headquarters, the execution of the surrender and reception of the foreign national shall be coordinated by the BGNHQ Alien Policing Division.
50. Requests for official transit transportation regulated in the bilateral readmission contracts are administered by the Alien Policing Division of the OIN of the MoI.

RESTREINT UE

51. For purposes of coordinating the transit transportation of deportees, the Alien Policing Division of the OIN of the MoI shall inform the BGNHQ Alien Policing Division of the written requests sent by foreign authorities in the case of transit transportation by road, and if the official escort shall be executed aboard an aircraft, it shall inform the Rapid Response Police Unit.
52. The Alien Policing Division of the BGNHQ shall, without delay, inform the Alien Policing Division of the OIN of the MoI of the arrangements for the transit transportation, of the Border Guard Directorates involved in the transit transportation, and of the date and location of the surrender of the deportee, and the APD of the OIN shall in turn inform the requesting foreign authorities of the above.
53. Regional alien policing agencies may submit their request for official transit transportation of deportees across the territory of foreign countries directly, and border guard directorates may submit the same via the BGNHQ Alien Policing Division to the Alien Policing Division of the OIN of the MoI. The request must include all the data prescribed by the bilateral repatriation contract or the agreement on its implementation.
54. With regard to the requests for deportation via air, the Alien Policing Division of the OIN of the MoI shall examine the applicability of the provisions for official transit transportation of the bilateral repatriation contracts. If these provisions are considered to be applicable, the Alien Policing Division of the OIN of the MoI shall contact the requesting authority with the purpose of communicating the data provided for in the contracts.
55. If the official transit transportation fails and the foreigner surrendered is returned by the authorities of the recipient state, the Alien Policing Division of the OIN of the MoI shall take out-of- turn action towards the authorities of the requesting state for purposes of speedy repatriation.
56. This Joint Measure shall enter into force on 1 January 2002 and it shall be made known to the personnel concerned. Its provisions shall be applicable also in cases being processed at the time of the entry into force.
57. On the day of the entry into force of this Joint Measure, Joint Measure No. 1/2000 (X.18) on the joint execution of certain procedural tasks related to foreign nationals issued by the Director General of the Office of Immigration and Nationality of the MoI, the National Commander of the Border Guard and the High Commissioner of the Hungarian National Police shall cease to have effect.

Dr. ZSUZSANNA VÉGH
Director General
Office of Immigration and
Nationality of the MoI
m.p.

JÓZSEF BÉNDEK
BG Major-General
National Commander,
Border Guard
m.p.

DR. PÉTER ORBÁN
Police Lieutenant-General
High Commissioner,
Hungarian National Police
m.p.

RESTREINT UE

Annex No. 1.
of Joint Measure No. 28/2001

The jurisdictions of the refugee affairs units of the regional directorates of the Office of Immigration and Nationality of the Ministry of Interior

Budapest and Pest County Regional Directorate:

Seat: Budapest

- Budapest;
- Pest County;
- Nógrád County;
- Heves County.

Central Transdanubian Regional Directorate:

Seat: Székesfehérvár

- Komárom-Esztergom County;
- Fejér County;
- Veszprém County;
- Somogy County;
- Tolna County.

West Transdanubian Regional Directorate:

Seat: Győr

- Győr-Moson-Sopron County;
- Vas County;
- Zala County.

North Lowland Regional Directorate:

Seat: Debrecen

- Szabolcs-Szatmár-Bereg County;
- Borsod-Abaúj-Zemplén County;
- Hajdú-Bihar County;
- Jász-Nagykun-Szolnok County.

South Lowland Regional Directorate:

Seat: Szeged

- Békés County;
- Csongrád County;
- Bács-Kiskun County;
- Baranya County.

RESTREINT UE

The jurisdictions of the refugee affairs units of the regional directorates of the Office of Immigration and Nationality of the Ministry of Interior, with respect to border guard directorates

Budapest and Pest County Regional Directorate:

Seat: Budapest

- Border Guard Directorate of Budapest;
- Border Guard Directorate of Balassagyarmat;

West Transdanubian Regional Directorate:

Seat: Győr

- Border Guard Directorate of Győr;
- Border Guard Directorate of Szombathely;
- Border Guard Directorate of Nagykanizsa.

North Lowland Regional Directorate:

Seat: Debrecen

- Border Guard Directorate of Nyírbátor;
- Border Guard Directorate of Miskolc;

South Lowland Regional Directorate:

Seat: Szeged

- Border Guard Directorate of Orosháza;
- Border Guard Directorate of Kiskunhalas;
- Border Guard Directorate of Pécs

Note:

Deviation from the rules of jurisdiction included in this Annex is permitted if the Refugee Affairs Department of the Directorate, within its own procedure, permits the applicant to use accommodation within the jurisdiction of another Refugee Affairs Department.

RESTREINT UE

Annex No. 2
of Joint Measure No. 28/2001

File No.:

ATTESTATION

..... (name), (DOB) has been directed by
.....
..... (designation of the alien policing or refugee affairs authority) to
.....(designation of the locality/settlement)

Relative(s):	Name	Date of birth
.....
.....
.....

The person written above, **applying for recognition as a refugee** (and his/her relatives listed above)

is/are, under Sections 9 and 11/A of Government Decree 287/1997 (XII. 29.) on travel fare discounts of public passenger transport, entitled to purchase second class single ticket(s) for the public passenger train lines and scheduled coach services **at 90 % discount of the normal fare**

from(point of departure) to(destination)

The attestation shall be valid for 24 hours following issue.

Issued at(place of issue)(year) (month) (date) (hour)

l.s.

.....
signature of official

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Annex No. 3
Of Joint Measure No 28/2001

L I S T
of community shelters
that can be designated as compulsory
commorancies

1. Community shelter of the West Transdanubian Regional Directorate
Seat: Győr

- West Transdanubian Regional Directorate
- Budapest and Pest County Regional Directorate
- Central Transdanubian Regional Directorate

2. Community shelter of the South Transdanubian Regional Directorate
Seat: Nagykanizsa

- South Transdanubian Regional Directorate
- West Transdanubian Regional Directorate
- Central Transdanubian Regional Directorate

3. Community shelter of the North Hungary Regional Directorate
Seat: Balassagyarmat

- North Hungary Regional Directorate
- Budapest and Pest County Regional Directorate

4. Community shelter of the North Lowland Regional Directorate
Seat: Nyírbátor

- North Lowland Regional Directorate
- South Lowland Regional Directorate
- North Hungary Regional Directorate

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Annex No. 4
of Joint Measure No 28/2001

LIST of border guard alien policing custody suites designated for the execution of alien policing detention

Alien policing custody suite of the Border Guard Directorate of Győr:

Seat: Győr

- West Transdanubian Regional Directorate
- Central Transdanubian Regional Directorate
- Budapest and Pest County Regional Directorate

Alien policing custody suite of the Border Guard Directorate of Szombathely:

Seat: Szombathely

- West Transdanubian Regional Directorate
- Central Transdanubian Regional Directorate
- South Transdanubian Regional Directorate

Alien policing custody suite of the Border Guard Directorate of Nagykanizsa:

Seat: Nagykanizsa

- Central Transdanubian Regional Directorate
- South Transdanubian Regional Directorate
- West Transdanubian Regional Directorate

Alien policing custody suite of the Border Guard Directorate of Kiskunhalas:

Seat: Kiskunhalas

- Budapest and Pest County Regional Directorate
- South Lowland Regional Directorate

Alien policing custody suite of the Border Guard Directorate of Orosháza:

Seat: Orosháza

- South Lowland Regional Directorate
- North Lowland Regional Directorate

Alien policing custody suite of the Border Guard Directorate of Nyírbátor:

Seat: Nyírbátor

- North Lowland Regional Directorate
- North Hungary Regional Directorate
- Budapest and Pest County Regional Directorate

**Border Guard
National Headquarters**

**Hungarian National
Police Headquarters**

File No:

File No:

COOPERATION AGREEMENT

The Border Guard National Headquarters (hereinafter referred to as: BGNHQ) and the Hungarian National Police Headquarters (hereinafter referred to as: HNPHQ, or hereinafter jointly: the Parties), based on Subsection (1) of Section 37 of Act XXXII of 1997 on Protecting the Borders and the Border Guard (hereinafter: Act on BG) and on Paragraph a) of Subsection (2) of Section 2 of Act XXXIV of 1994 on the Police (hereinafter: Police Act) have agreed as follows:

I. General Principles

1. The purpose of cooperation is to render mutual assistance in the execution of the tasks set forth for the Border Guard and the Police in legal regulations, in other instruments of governance, furthermore of tasks defined by the internal regulations of the Parties, and to render assistance in the execution of tasks deriving on Hungary from membership in the European Union, further to mutually facilitate possible subsequent integration activities, to improve the efficiency of the execution of common tasks – especially of the Public Administration and Law Enforcement Sector Strategy of the Ministry of Interior.
2. The following shall take part in the cooperation:
 - a) central, regional and local units of the Border Guard,
 - b) central, regional and local units of the Police.
3. The main areas of cooperation are in particular:
 - a) the prevention, detection, interruption of criminal acts, establishing the perpetrators' identity, quest for and arrest of wanted persons;
 - b) prosecution of organised crime – within this particularly of drug crime, man smuggling and trafficking in human beings;
 - c) conduct of criminal prosecution related to the state border, and of cross-border criminal prosecution;
 - d) taking action against terrorism, also against gun running and the smuggling of explosives and smuggling, furthermore against illegal trafficking in firearms;
 - e) reduction of illegal migration;
 - f) maintaining law and order of public areas and of the state border;
 - g) coordinating law enforcement and official tasks devolving on the Parties;
 - h) joint execution of tasks emerging in a state of emergency, conflict and disaster situation, furthermore of tasks emerging during the management of a refugee crisis;
 - i) coordination of the execution of tasks and of meeting the requirements arising from EU membership;
 - j) coordinating the meeting of obligations and commitments arising from the Convention, signed on 19 June 1990. in Schengen, on the implementation of the Agreement on the gradual abolition of checks at the common borders, signed on 14 July 1985 in Schengen and from other international treaties;
 - k) the protection of Very Important Persons from the point of view of the state interests of the Republic of Hungary, the guarding of key facilities;

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- l) coordination of recruitment activities, of retention of staff, ensuring transition of staff between the Parties;
- m) mutual use of the institutions of basic health care and recreation allocated to the Parties;
- n) coordination of the practice of disciplinary actions, prevention and detection of corrupt acts;
- o) joint conduct of academic research, education and training, further training, furthermore of preparatory training for foreign missions and secondments and joint service tasks;
- p) mutual use of training and sports facilities;
- q) exchange of experience and expertise related to managerial administrative activities, coordination of the main directions thereof.

4. Areas of cooperation:

- a) executive,
- b) professional, within this:
 - criminal prosecution,
 - public security and border control,
 - defence,
 - personal protection and physical security,
 - duty desk,
 - human resources,
 - training,
 - economic resource management,
 - legal,
 - data protection and information security,
 - communication

5. For purposes of achieving the main directions of cooperation, the parties shall, within the framework of the pertinent legal regulations, as and when needed, mutually make their equipment and registration databases available.

6. Methods of cooperation are, in particular:

- a) information sharing, exchange of experience, briefing, provision of data;
- b) establishment of joint investigative teams;
- c) organisation and conduct of joint control activities and duty details;
- d) coordination of certain official activities;
- e) joint events and meetings;
- f) if required, rendering mutual criminal, technical and expert or personnel assistance.

II.

Executive cooperation

7. The National Commander of the Border Guard and the High Commissioner, respectively, shall within their own powers and competences identify key tasks for the Border Guard and the Police that are related to the whole of the cooperation and to the strategy, respectively.

8. The top executives concerned shall ensure regular control of the cooperation with regard to their own professional fields, and shall advise the other Party of any obstacles emerging.

9. Director Generals of the BGHQ and the NPHQ, respectively, may regulate specific tasks necessary for the implementation of the present Agreement in a Joint Provision, while taking into consideration their own scope of duties, powers and jurisdictions.

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10. Directors of the Border Guard Directorates, furthermore chief constables of the police force headquarters, the Commander of the Law Enforcement Security Service (hereinafter: LESS) - with a view to their own jurisdictions – shall within 60 days conclude cooperation agreements to identify tasks related to the whole or some specific part of the cooperation, or they shall, within the same time limits, ensure the updating of the already existing cooperation agreements. Conclusion of a cooperation agreement is compulsory for county police force headquarters along the state borders and for the LESS, executives of regional agencies not adjacent to the state borders shall, within their own executive competence make a decision on the necessity of concluding an agreement.
11. The Parties may hold joint press conferences on coordinated issues, during which they shall jointly identify the type and sphere of data or information that may be disclosed, and shall prepare a communiqué that may be released to the press, they may hold a joint executive meeting, further they may organise joint projects and joint field or study trips with the purpose of adapting international experience in this country.

III.

Professional cooperation (first-line execution and administration)

Criminal prosecution area

12. The Parties, during their activities, shall mutually assist each other's successful criminal prosecution through the sharing of information related to criminal acts referred to their respective competence under Act XIX of 1998 on Penal Procedure (hereinafter: Act on PP) and though the sharing of experience that can be utilised with a general relevance.
13. To the extent necessary, the Parties may involve each other in the detection, interruption and dismantling of criminal acts falling within their competence – in compliance with the information security and data protection regulations.
14. If necessary, the Parties may initiate the establishment of a joint investigative team under Subsection (3) of Section 37 of Act on PP.
15. The Parties shall mutually assist each other's criminal prosecution, crime prevention and covert intelligence gathering activities through the sharing of information, provision of data, sharing of experience acquired during the execution of their tasks, and through providing coordination, granting practical advice – and if possible and necessary, also through granting technical assistance.
16. The cooperating partner upon the written request – in case of justified urgency, delivered subsequently – of the other Partner shall provide experts for each other to perform their Partner's tasks, and for the purpose of organizing and executing operations.
17. The Police shall receive an individual or individuals arraigned by the Border Guard and suspected of the perpetration of a criminal act falling within the competence of the Police, and handed over with a formal denunciation at the scene of arraignment within 8 hours. Following the arraignment, the Border Guard, without delay, shall notify the competent police unit having jurisdiction in the case.
18. The Border Guard and the Police, respectively, may be utilised as a cover institution under Subsection (7) of Section 64 of the Act on the Police.
19. The HNPHQ – at the regional county force headquarters – shall ensure the automated processing of the Uniform Police and Prosecution Service Criminal Statistics (UPPSCS) data sheet filled out by the Criminal Intelligence Department and units of the Border Guard under a separate agreement.

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Public security and border policing tasks

20. The Parties shall cooperate in controlling compliance with the legal regulations pertaining to the manufacture, sale, use and legality of the possession of firearms, and of devices and substances that are especially dangerous with respect to public security.
21. The Parties shall grant each other assistance in the execution of law enforcement and official tasks ensuring the maintenance of law and order in public areas.
22. The Parties shall coordinate the organisation and execution of law enforcement and official tasks related to waterway, air, rail and public road transport.
23. The Police – under a separate agreement including details of payment for the service provided – shall ensure custody suite placement for individuals subjected to criminal procedure and limited in their personal freedom by the Border Guard.
24. The Police, upon request and under the Joint Provision of the HNPHQ-OIN¹-BGHQ, shall grant assistance in executing the tasks identified in legal regulations pertaining to foreigners' entry into and stay in Hungary.
25. The Police – upon request, according to their capabilities – shall grant assistance in controlling cross-border passenger and vehicular traffic and consignments, respectively, from a public security and traffic enforcement point of view.
26. The Parties shall endeavour to harmonise their positions formulated as special authorities in the public administration procedures defined in legal regulations.
27. The Parties shall take part in cooperation with other state agencies and NGO-s after jointly formulating their position.
28. The Parties – if necessary – shall cooperate in the organisation and execution of complex, in-depth checks along highways, motor-roads (hereinafter: motorways), also in ensuring the flow of information, advice to drivers along motorways crossing the state border.

Troop-level deployment specialty area

29. The Parties shall cooperate in the local, district, regional and national operations mounted with the aim of preventing and detecting illegal migration, of arresting the perpetrators.
30. The Parties shall cooperate in the maintenance of law and order in the border zone, in the management or elimination of traffic blockades mounted by demonstrators in the vicinity of border crossing points.
31. The Parties shall cooperate in securing a disaster area, the scenes of road, air, railway and waterway accidents and averages, and other scenes of large proportions.
32. The Parties shall cooperate in deploying troop-level units for the purpose of securing political, cultural, sports and religious events in the border zone and mainland, and of controlling and managing the activity of crowds.

¹ Office of Immigration and Nationality

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33. The Parties shall cooperate in situations arising in, or originating from the territory of, neighbouring countries, and moving across the state border, where threat to the public security in the border zone, the fortification of the migration process, the threat of a refugee crisis, the emergence of a conflict situation, the blooming of organised and international crime and a shift of its hub must be reckoned with.
34. The Parties shall cooperate through the deployment of troop-level units in an operation mounted with the intent of disrupting acts of terror, hijacking aircraft, vehicle, waterway vessel, road public transport vehicle or a heavy goods vehicle and other major crimes.
35. The Parties shall mutually advise each other on the progress in the execution of the joint troop-level deployment tasks, and on the related operational intelligence, they shall ensure continuous exchange of information.
36. The Parties shall cooperate in the special training and instruction of police and border guard troop-level units and subunits.

Defence specialty area

37. The Parties shall grant each other mutual assistance in cases falling under the category of conflict management, defence and emergency planning, during the training of commanders and staffs and also during participation in exercises.
38. The Parties shall prepare coordinated plans for peacetime missions and missions of qualified periods.
39. Upon announcement of higher alert level(s), the Parties shall cooperate with the purpose of executing tasks related to these.
40. The parties shall conduct preliminary coordination with the purpose of executing tasks set forth in Article 19/E of the Constitution and in decrees issued for the execution of the Police Act and of the Act on the Border Guard, in MoI directives.
41. The Parties shall mutually advise each other on the standing of the execution of common tasks, on operational information, and they shall ensure continuous exchange of information.
42. In compliance with NATO and EU policies, expectations and best practices, on the basis of security and defence policy targets, the Parties shall cooperate in establishing capabilities, possession of which enables them to perform crisis management – peacekeeping and peace enforcement -, rescue and humanitarian functions at a high level.
43. The Parties shall conduct enhanced cooperation in search and rescue operations aimed at granting assistance to the aircraft in distress, in the prevention of natural and industrial disasters and serious accidents, and in the consequence management operations related to them.

RESTREINT UE

Personal protection and physical security tasks

44. The Parties shall coordinate tasks related to protected domestic and foreign dignitaries and shall cooperate in the execution of VIP-protection tasks.
45. The Parties – through their respective central duty desks – shall inform each other without delay on events related to the protected dignitaries that call for immediate action.
46. The Parties shall cooperate in executing the tasks related to the guarding of key facilities.

Human resources specialty area

47. The Parties shall cooperate in announcing applications for job positions within the Europol open to the staff of law enforcement agencies.
48. With the exception of the position-specific psychological aptitude test, the Parties – in case appropriate professional expertise exists – shall mutually accept each other's terms of employment.
49. The Parties shall jointly train members of their staff responsible for recruitment.
50. If required, the Parties shall coordinate their own measures related to the reception of graduates of law enforcement vocational schools, and related to the placement of possible applicants (graduates) above the TO/E levels.
51. The Parties, for the purpose of establishing compliance with entry criteria shall cooperate in the execution of the preliminary, overt control of applicants; applicants shall be checked by the police or border control agency working in the jurisdiction of the applicant's domicile address.
52. In case of transfers in the interest of the service or on grounds of appreciable private reasons the Parties may, as far as they are able to, offer vacant job positions.
53. The Parties shall give each other advance notice of organisational changes within their agency affecting a large number of staff.
54. The Parties shall establish a common system of human resource management and shall operate common professional forums.
55. The Parties shall inform each other of their cooperation with their interest representation organisations.
56. In relation to ensuring equal opportunities the Parties shall coordinate their activities in order to facilitate a greater representation of young gypsies on the staff of law enforcement agencies.
57. The Parties shall work together in the financial, moral recognition of the staff, in the protection of their health and in providing them with opportunities for recreation.
64. The Parties shall inform each other on their proposals prepared for the improvement of the wages and grading system.
65. The Parties shall recognise and mutually propagate major achievements reached during joint execution of duty details.

RESTREINT UE

66. The Parties shall coordinate their capabilities ensuring the resting and recreation of their staff, they shall jointly initiate the broadening of opportunities.
67. The Parties shall jointly coordinate the management of disaster situations through HR means.
68. The Parties shall cooperate in the field of care for the service pensioners and in performing obituary functions.
69. The Parties shall inform each other about their best practices in disciplinary actions, on the tasks carried out in relation to the prevention and detection of corrupt acts, about the experience gained during the execution of these tasks.

Training specialty area

70. The Parties – based on advance coordination - shall ensure for each other participation in further training courses, special training courses, the mutual use or utilisation of facilities, technical equipment (devices), special equipment and training methodological manuals.
71. If necessary, the Parties shall jointly initiate the review and updating of training documents law enforcement special training, they shall assert the interests of the Border Guard and of the Police in the training and instruction process.
72. The Parties, for purposes of ensuring fresh supply and improvement of the quality of staff shall, in conjunction with the Educational Division of the MoI, seek the opportunities for new forms of training, thereby the opportunity of involving new target groups in the border control occupational area (accredited remote learning style training of law enforcement specialists within adult education for the 25 – 33-year-old age group).
73. In case of joint tasks at central, regional and local level (establishment of an Integrated Command Centre, operation of a network of checkpoints of controlling in-depth migration, patrolling, closure of roads, search operations, pursuit of offenders, securing a crime scene, tasks related to the guarding of foreign diplomatic missions and to expulsion, etc.) the Parties shall train the participants in a uniform manner, the relevant experience shall be exchanged on joint further training events.
74. The Police, under a separate agreement, shall ensure for the designated staff of the Border Guard participation in service small boat-driver, firearms, sniper, SWAT team, driving instructor (senior instructor), dog-handler's, crime scene technician, forensic expert, document expert special training courses, examinations and further training courses, also participation in service dog training courses.
75. At professional further training courses the Parties shall mutually delegate instructors to work in these training events, with special regard to the exchange of professionally qualified firearms instructors, tactical intervention and driving instructors.
76. For purposes of testing the physical condition of the sworn staff and of newcomers, parties shall mutually provide for each other specialists qualified in sports, they shall standardise the evaluation of the physical fitness tests, they shall mutually accept each other's rating of service members' physical tests.
77. The Parties shall jointly support optional education in law enforcement in the civilian secondary schools; they shall coordinate the curriculum and the instructors' work.

RESTREINT UE

78. The staff of the two agencies may jointly use the outdoor and indoor shooting ranges managed (used) by the parties under a separate agreement.
79. For purposes of carrying out training and sports tasks the Parties – under a separate agreement – shall make the facilities under their own management available to each other.
80. For the purpose of the smooth execution of the training in safe driving skills, the Parties - under a separate agreement – shall make the driver training facilities under their own management (or in their own use) available to each other.
81. The Parties shall conduct continuous exchange of experience on the operation of the Psychological Aptitude Test system, they shall utilise each other's achievements.
82. Copies of the centrally prepared methodological manuals that can be utilised in the training and further training of staff shall be sent by the Border Guard to the Further Training and Coordination Department of the HNPHQ Law Enforcement Agencies' Training Centre and by the Police to BGNHQ Training and Methodological Division.
83. The re-training programmes for service members ensuring inter-agency movement of staff shall be jointly designed and prepared by the Parties, in cooperation with the MoI Educational General Directorate.
84. The academic councils of the Parties shall coordinate their events, competitions and research work, in their publications they shall mutually ensure placement of the other Party's essays, studies, conference documents. For service members involved in academic research or attending PhD courses, the Parties shall, with due consideration of the relevant legal regulations, ensure research opportunities (access to archives and reference libraries) and the opportunity for professional field visits.

Economic cooperation

85. In the area of economic resource management, the Parties shall cooperate on the basis of executing the core missions of the two law enforcement agencies, on the basis of the efficient and economical use of available (financial-materiel) resources, of the mutual vindication of advantages stemming from joint activities.
86. Cooperation between the Parties during the implementation of MoI level provisions shall extend to the joint development of economic strategy, to the coordination of regulations governing the activities of the special service branches, to the development and assertion of a common position.
87. For purposes of the harmonisation of the resource management and quality improvement of the two agencies, the Parties shall contribute to the development of a standard economic management system (integrated management information database) supporting law enforcement activities in line with the regulations and recommendations of the EU.
88. The Parties shall mutually hand over their positive experience acquired in the area of resource management. They shall organise and conduct joint conferences, consultations and exchange of experience on economic resource management, where they jointly review their activities in this field.

RESTREINT UE

89. On the basis of the requirements stemming from their core missions, the Parties shall jointly initiate the conduct of procedures of bringing equipment into service, and for this purpose they shall establish an IT database with a uniform technical basis.
90. For the purpose of further training of their employees, providing accommodation for service members on a service trip, for purposes of recreation and cultural events, the Parties may avail themselves of each other's facilities, recreation homes and reserve command posts, and the services provided therein. In such cases the Parties shall use the charges and tariffs established for their own employees.
91. The Parties shall mutually inform each other on the acquisition procedures with respect to equipment of identical designation and not falling under the central public acquisition procedure, and shall – pending the circumstances - jointly prepare and conduct such procedures.
92. The Parties shall monitor domestic and international competitions, and based on information on them shall examine and coordinate the opportunities for preparing and submitting common applications.
93. The Parties shall mutually examine opportunities for transferring and receiving technical equipment which is redundant for them, but which is still usable for the other agency in the course of its activities, the manner of offset (compensation) shall be agreed upon separately.
94. The rules of financial accounting and other details of services mutually provided by the Parties shall be settled in separate case-by-case agreements.

Legal specialty area

95. With regard to regulatory concepts and draft statutes equally applicable to the Border Guard and the Police, the Parties shall coordinate their position.
96. The Parties shall jointly initiate the necessary amendments of legal regulations applicable to both of them.
97. In case of unique legal problems also affecting the other Party, the Parties shall give each other an opportunity for case-by-case consultation.
98. The Parties shall regularly exchange their experience obtained during representation in court proceedings.
99. The Parties – for the purpose of exchanging their experience and of discussing emerging issues - may organise joint meetings of their legal experts.
100. The Parties shall assist each other's legal activities also by making available, as required, EU acquis documents, reference literature, and evaluation reports on a particular area of law (e.g. human rights) pertaining to both agencies.

RESTREINT UE

Cooperation in the area of communication

101. The Parties shall develop the main directions of their communication strategy in a coordinated manner; they shall include highlighted elements of cooperation in their medium term and annual plans.
102. On all forums of joint communication, the Parties shall highlight the emphasis on the law enforcement functions and social commitment and role of the two agencies.
103. The Parties, on the basis of the general principles included in the present Agreement shall communicate the tasks and achievements of professional cooperation in a concerted, cooperative manner.
104. The Parties, while informing the public, shall communicate in a coordinated manner the achievements made during the execution of joint law enforcement tasks.
105. Informing the public, releasing information on the operations and tasks jointly executed by units of the BGNHQ and the HNPHQ may only take place if the competent commanders of the units of both Parties taking part in the operation have agreed to such communication. The Parties shall coordinate their communication related to criminal prosecution, crime prevention, victim protection and equal opportunities.
106. Both Parties shall be prepared for communicating crisis situations, and, upon perception of a crisis situation indicating involvement of the other Party, shall undertake the obligation of transferring the information.
107. During crisis situations affecting either of the agencies independently, the Parties, on the basis of coordination, shall mutually assist the conduct of crisis communication, and shall mutually share their relevant experience.
108. Within the internal communication of the agencies, the Parties shall implement the generalisation of each other's experience, the disclosure of achievements; they shall make the necessity of cooperation understood.
109. During joint activities the parties shall continually strive after the methodological enrichment of communication, after the implementation of offensive and proactive information.
110. The parties shall mutually represent themselves at each other's events, following coordination they shall organise annual communication training courses and periodical executive level consultations.

111.

IV.

Provisions on data protection and information security

112. The Parties shall provide each other data from their respective data-processing systems within the framework of the pertinent legal regulations – thus especially of the Act on the Police and the Act on the Border Guard – in case the necessary statutory authorisation exists, and in compliance with the principle of expediency of the data processing. The Parties shall mutually make available to the other Party the statistical reports and charts prepared in connection with their activities.

RESTREINT UE

113. The Parties shall ensure for the other Party the opportunity for data query from their own data system either through direct access, pending the technical conditions available to them, or through a case-by-case provision of data – based on a written request or verbal inquiry via a telecommunication device.
114. During the transmission of classified information, provisions of Act LXV of 1995 on State and Service Secrets, furthermore of Government Decree 79/1995 (VI.30) on the Rules of processing classified information, also of Government Decree 179/2003 (XI.5.) on Rules of procedure of the protection of classified information received on the basis of an international agreement or generated through international obligation shall apply. In case classified data are transmitted through the use of a remote data-transfer network, the classified data may be transmitted exclusively in an encrypted form.
115. The Party initiating the provision of data shall recognise the fact that the data requested may not be used for any purpose other than indicated in the request and that the data – except for the case of explicit statutory authorisation – may not be transmitted or released to a third party individual or organisation without the prior consent of the Party providing the data.
116. Information on personal data kept in registration databases provided through the use of a telecommunication device may only take place through organisationally operating customer service or duty desk service, after the member of either of these services answering the call has established the identity of the caller. The name and the job position of the caller, the purpose of the data provision – e.g. by recording the file number of the underlying case – shall be documented.
117. In the written request for data, the party initiating the unique provision of data shall be bound to cite the statutory provisions authorising the provision of data and to state the purpose of access to the data.
118. In case technical conditions of direct-access data query exist, the Parties – in compliance with Article 24 of MoI Decree 33/1999 (BK. 22) on several rules of the handling and protection of personal data and data of public interest within the area of interior administration – shall settle in an agreement the conditions of the use of system allowing direct query.
119. In case of a direct query, the purpose of the query shall be recorded in the data file of the system created for this purpose. In case there is no appropriate technical solution for this, the Party requesting the data shall be bound to take the necessary action to ensure that those who perform the data query shall document the purpose of the data query in an appropriate manner.
120. Request for data and data query from the registration databases shall be authorised only by the heads of the bodies and units having competence according to the subject matter of the specific case involved by the Parties' data query.

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V

Closing Provisions

121. The National Commander of the Border Guard and the High Commissioner shall evaluate the execution of tasks set forth in this Agreement once a year, and, if necessary, shall initiate the discussion of emerging issues at a joint executive meeting, and shall take action to amend the Agreement, respectively. The evaluation – the next time is due at the end of the year 2006. – shall be organised and hosted by the BGNHQ in even years, by the HNPHQ in odd years.
122. The BG and HNP units bound under Article 10 of this Agreement to conclude a cooperation agreement shall evaluate the execution of their cooperative tasks under the provisions of the regulations of the cooperation between them.
123. In disputes arising in the course of the cooperation, the next higher commanders of the heads of the specialty areas concerned shall make a decision.
124. This Agreement shall enter into force on the 15th day following its promulgation. At the same time, the Cooperation Agreement concluded by the National Police Headquarters and the Border Guard National Headquarters in Budapest on 03 March 2004 shall cease to have effect.
125. Both the National Commander of the Border Guard and the High Commissioner of the Police shall ensure that the present Agreement – in compliance with the rules of establishing regulatory rules – is properly promulgated before the date of entry into force.

Done in B u d a p e s t, on 6th September 2005.

Border Guard Major General József Béndek
m.p.
Senior Counsellor of the Border Guard
National Commander, Border Guard

Police Major General Dr. László Bene
m.p.
Senior Police Counsellor
High Commissioner, HNP



**STRATEGY OF THE BORDER GUARD
UNTIL FULL ACCESSION TO
THE SCHENGEN CONVENTION
AND IN THE PERIOD IMMEDIATELY
FOLLOWING ACCESSION**

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STRATEGY OF THE BORDER GUARD UNTIL FULL ACCESSION TO THE SCHENGEN CONVENTION AND FOR THE PERIOD IMMEDIATELY FOLLOWING ACCESSION

INTRODUCTION

The Border Guard, in compliance with the objectives of the **Medium-Term Professional Strategy**¹ has **met** the criteria necessary for accession to the EU, it is **creating** the conditions that are essential for full and complete Schengen operations, and is **preparing** for successfully filling its position and performing its functions in the national and European security system, and in the EU after the foreseen further expansion.

As a result of the amendment of the Constitution, the defence functions of the Border Guard have ceased to exist, it has become a purely law enforcement agency, and it can utilise its special capabilities to the fullest extent in this particular area.

After accession to the EU, during the Schengen operations, irrespective of the ratio of external and internal borders, **the function guaranteeing complex security will dominate in the law and order and law enforcement activities of the Border Guard, and the specific features (alien policing), international character of border guard activities will strengthen. Border security, the issue of managing illegal migration has become one of the most significant factors of security in the enlarged European Union. Since the events of 9/11 of 2001, the significance of the agencies responsible for border control and management of illegal migration in the realm of security, the importance of alien policing activity, the capability of guaranteeing security have grown significantly.**

In our world becoming ever more global, **threats and crime** are also becoming more and more organised and international therefore the fight against them can only be successful if the agencies responsible for security **cooperate** in a complex manner, relying on purposeful **coordination, striving after a division of missions** based on competences and capabilities.

This is especially true in the European Union becoming more and more unified which aim is to “pull down” the internal borders, where Hungary and **the Hungarian Border Guard, by virtue of its geo-strategic location may fill an important role in the fight against illegal migration and the related threats against security, outstandingly in the fight against international organised crime and terrorism, and in the management of the so-called “internal migration”, furthermore in the coordinated prevention of trans-national threats, in reducing their effects.**

¹ Provision No. 9/2003 (BK Special Issue) of the MoI State Secretary for Public Administration on the execution of the public administration and law enforcement strategy by the official bodies and services of the MoI for the years 2003 – 2006, MoI Information Bulletin No. 8001/2003 (BK Special Issue) (part of which is the Medium-Term Professional Strategy of the Border Guard)

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I.

Assessment of the situation

a) Hungary and the Hungarian Border Guard

- aa) The Border Guard have prepared for accession to the EU in planned manner, in accordance with the expectations. In the area of the development of the institutional system, of the conditions of structural activities, the modernisation of procedure-technology it is able to - in a scheduled process before accession to full Schengen implementation - meet the requirements of the Schengen best practices.¹ **The Border Guard fills a more and more significant role in alien policing –security coordination covering the whole territory of the country.**

Based also on the professional achievements and international recognition and networking of the BG (**International Border Policing Conference**) there is a realistic opportunity for the BG to take up a professional position within the border control coordination institution² (FRONTEX) of the EU, and respectively, for developing the **role of a border security “centre” in the Central East European region**. Recognised procedure-technologies of a security relevance have been and are being developed within the BG that are considered to be effective and exemplary both on the national and international level, which may form the **basis of “security export” of a European scale**, in line with the objectives of the Hague Programme.

- ab) **The feasibility of preparation for full Schengen accession is realistic**; however, the foreseeable changes that affect the organisation will require further budgetary resources, which in turn will facilitate **institution building**, the expected level of **operation** and the meeting of **quality requirements**.

The BG wishes to facilitate the process of modernisation and organisational change expected of the law enforcement sphere through **strategic partnership and initiatives striving after mutually beneficial, rational solutions**, and will, through the reasonable and effective use of the resources within a complex concept ensure that the organisational and activity **priorities** are asserted.

- ac) The BG, in line with the **Medium Term Professional Strategy**, started **organisational modernisation** in 2004, as a result of which the border surveillance and border traffic offices were merged. In further stages, on the basis of effect studies, the rationalisation of the central and regional management bodies and organisational units and components will continue, thereby the structures of management and professional guidance will become simpler and more transparent, which will entail a reduction in the number and proportion of the command-level organisational elements.

¹ Best practices, EU Schengen Catalogue External Borders Control

² European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union

RESTREINT UE

ad) In terms of **illegal migration**, Hungary is currently considered to be a **transit country** rather than a target country.

Of the four land-based migration routes towards the EU, two directly crosses Hungary, thus the responsibility of the BG can be clearly stated (central-eastern and south-eastern routes).

One third of illegal migration affecting the countries acceding to the EU in 2004 go through Hungary towards the target countries, thus **half** of the falsified and counterfeit travel documents (public documents) are intercepted by the Hungarian Border Guard.

As for the perpetrators of illegal acts falling within the category of illegal migration – with the increase of the efficiency of surveillance of the green border – the number of persons attempt to cross the border illegally decreased, while the number of procedures initiated for other illegal acts increased. Due to the fluctuant nature of the trend, the possibility of changes in such numbers will exist for a prolonged period.

This is closely correlated with the phenomenon which is the characteristics of **migration within the EU**. Despite control of the external borders according to uniform standards the extent of illegal migration across internal borders exceeds the one going through external borders, and this represents a prolonged trend which, according to EU analysts, will be significant in the future.¹

This fact also underlines the strategic fact that instead of the single preference of the external borders, emphasis should be placed on the complex border security management and of integrated action against illegal migration, respectively, extending to the whole territory of the country.

Since 1993 up to now, the Hungarian Border Guard has reduced illegal migration to countries of the EU via Hungary to less than half of its initial volume.

After accession to the EU there are significant changes in the quality and effect mechanism of threats, which requires continuous and flexible adaptation of existing capabilities to the situation.

b) The European Union and the Hungarian Border Guard

ba) The EU with a population of 450 million, including 25 countries, having a wide range of instruments and producing one quarters of the world's GNP, is, of necessity a global player of world politics. This is reinforced by the growing identity of European interests, and a greater solidarity within the EU, which can make the EU credible and efficient in the area of foreign relations. **Europe needs to be prepared to share the responsibility for creating global security.**

Since the essence of the EU's strategy is **stabilisation**, within that the support for **regional-based values**, stability can primarily be guaranteed through strengthening **security**.

¹ RAC – Risk Analysis on Future EU External Borders, Helsinki, April 2004, Document reference 13/A/04

RESTREINT UE

Operability of the EU's institutions is ensured through the development and operation of **global, regional and local prevention systems**. It is within this framework that **conflict and crisis management, and - outstandingly - actions against terrorism, respectively**, take place. To guarantee security, the EU needs **trustworthy "neighbours"** (third countries). For geographical reasons, this could be ensured through the new member states – thus through the commitment of the Republic of Hungary and of the Hungarian Border Guard. **The regional commitment of the Border Guard can be well positioned and implemented in this process.**

- bb) Hungary, due to its geo-strategic location, lies at the gates of the **Ukrainian (eastern) and Balkans (south-eastern) directions**. **One key to the further enlargement of the EU is stabilisation in the Balkans**. EU-membership of Romania, Bulgaria and then Croatia can be expected to happen in 2007 at the earliest.

The EU's interests in the **Balkans** were formulated by the Thessalonica Conference unambiguously: the process of democratisation and stabilisation must be continued. The linguistic, cultural, ethnic and historical heterogeneity can only be consolidated from outside, if there is a proper mediator, and the mediator is recognised and accepted by the participating parties, and the mediator can organically link into the process.

In the international focus on countering terrorism, with respect to European security, the Balkans are expected, for a long time to come, to be given a highlighted role.

For purposes of strategic planning of the future, it is expedient to ensure the Hungarian BG initiative, thereby implementing the principle which says that one must be where the events take place, at a time when the presence is well-founded.

Based on the situation analysis Hungary and the Hungarian Border Guard both before and after full accession to the Schengen Agreement, in the national an international competitive situation has potential and real opportunities to play a coordination role in the region for purposes of complex security - basically in the area of border security and management of illegal migration. To this end government support and the well-timed allocation of resources in the justified extent are necessary.

Future prospects

The **future situation of the Border Guard** will continue to be basically determined by the **Schengen modernisation environment**, i.e. by the **alignment to the system of criteria** of the Euro-Atlantic integration and operation within a narrower regional system, the geo-strategic location of the country, further development of illegal migration, the governments aspirations after state administration reforms, the directions of the organisational development of the law enforcement agencies, and the **ability of the organisation, respectively, to renew, to meet challenges in an innovative way, to strengthen and expand its capabilities.**

RESTREINT UE

With the full accession of two of our neighbours, Slovakia and Slovenia to the Schengen Agreement in the near future, together with the fact that Austria is already a full member of the Schengen system, 50.8 % of our state borders will be Schengen internal borders. In relation to the efforts made by Romania, Bulgaria and Croatia at accession to the EU, we need to be prepared for the so-called second round of EU-enlargement, which will be followed by the further process of the above countries reaching full membership in the Schengen system. The volume of illegal migration continues to qualify as significant and the reduction of the waves of immigration is an important point both at national and at EU level.¹

a) EUROPE

In connection with the **main threats**² characterising the new security environment – although aggression against an EU MS is not likely to happen - the **threats** against Europe, including Hungary, are more complex, less visible and less predictable:

- **International terrorism** poses a threat of a strategic nature, and Europe can become the target, and on occasion even the basis of terrorists.
- **Uncontrolled proliferation of WMD-s and related technologies** poses the most significant threat against peace among the nations and general security.
- **Regional conflicts directly threaten European security.** Illegal migration becoming a massive phenomenon in the economically underdeveloped regions and in regions stricken with tensions and conflicts. The intensity of illegal migration activities is changeable, the threat, however, will be long-lasting and foreseeably constant.
- **Europe is a key target** of international organised crime. **This internal source of threat has an important external factor: cross-border drug-smuggling, illicit trade of firearms and alien smuggling belong to the main sphere of activities of the criminal organisations whose wires can even lead to terrorism and at the same time form the economic basis thereof.**
- **Migration within the European Union** – we must also reckon with internal movement generated by the differences between the MS-s in economic development and which utilises the permeability of the internal borders of the EU due to the existing deficiencies of administration, which can bring about consequences with respect to security.
- Civil and environmental disasters emerging from wilful or neglectful acts of jeopardy **in the area of Hungary and of the EU**, activities damaging the environment, other endemic diseases are significant factors and sources of jeopardy and risk.

A common feature of the main risks and threats is that they are linked to movement, mobility, trans-national networks, which raises the issue of integrated management of migration. „Since Tampere the EU Commission has been making special efforts to integrate migration policy into the EU’s external policies and programmes”.³

¹ Brussels, 2004.06.04.COM(2004)412 Final Document Part II, Paragraph 1.

² A SECURE EUROPE IN A BETTER WORLD (European Security Strategy)

³ Brussels, 2004.06.04.COM(2004)412 Final Document Part II, Article 2.3 Paragraph 1.

RESTREINT UE

In order to guarantee security, the external borders must be controlled according to the strictest regulations, however, this in itself is not enough, it needs to be supplemented with a national and community level integration of activities forming a complex border security system, which ensures the effective, systematic management of the emerging challenges, in compliance with the Schengen principles and expectations.

b) HUNGARY

Upon full accession to the Schengen Agreement the abolition of border control along the future internal borders must not result in a security deficit, therefore the operation of a complex, intelligent integrated alien policing - border security mechanism covering the whole territory of the country, closely interconnected with the border security system, complying with the Schengen principles, based on wide-ranging national and community cooperation, centrally commanded, professionally coordinated, having a high degree of IT and technical support is justified.

European Union and NATO policies expectations and best practices unambiguously indicate that on the basis of security and defence policy objectives MS-s are **obliged** to develop **capabilities** that enable them to perform crisis management, **peacekeeping and law and order**, relief and humanitarian functions of the EU. The main emphasis is on peaceful means of crisis and conflict management. It follows from the above that the Border Guard needs to possess special organisational structure, capabilities, and procedure-technology, also human and material resources accordingly.

On the basis of the National Security Strategy of the Republic of Hungary, the emphasis is on the coordinated assertion of the national and community interests. **The main features of today's law enforcement activities are speediness, accuracy, flexible adaptability and responding capability, efficiency, special preparedness, the minimalisation of losses.**

Within the law enforcement activities the competence-based integration of activities will increase, as a result of which a profile-cleaning based on specialisation will take place that will eliminate parallelisms, it will increase efficiency, and will reduce costs.

After the **amendment of the Constitution**, whilst the Border Guard has become a **law enforcement – alien policing agency (managing illegal migration)**, it continues to possess those capabilities which allow it to assume a supportive role in limited missions of a defensive nature and its pre-planned participation in military administration, respectively.

In the preparation and implementation of the **second round of EU-enlargement** Hungary and the Hungarian Border Guard will unequivocally play an **assisting, preparatory, managerial** role in the Central-East European region.

RESTREINT UE

c) CONCLUSION

- After full accession to the Schengen Agreement we should be aware of **threats** mentioned above **in the long term**, especially illegal migration, international organised crime, threats of a terrorist nature and other threats against public order and public security;
All of the above necessitates the operation of a complex border security system, within that the efficient activity of the Border Guard in the area of alien policing, criminal prosecution and public security.
Up-to-date border-security – border policing activities include control of the **external borders** according to Schengen standards, migration screening and special criminal prosecution screening, **covering the whole of the country** and executed with an integrated law enforcement approach and in close cooperation, furthermore, as a part of this latter, basically special border policing activities conducted **in the area of the internal border**, directed at the mobile directions and focussing on alien policing, crime prevention and public security.
- Knowing the schedule of EU enlargement, the change in the nature of the internal borders must be reckoned with. With Slovenia, Austria and Slovakia we are going to have common **Schengen internal borders**. In this period **EU membership** of Romania and the n of Croatia may be reckoned with, and in the period of the next 4-5 years with the full Schengen membership of these countries, respectively, which creates a totally new border security situation.
- **In the long run, new concept missions derived from the constitutional function of the Border Guard must be reckoned with, its special capabilities need to be reinforced, and the organisation must be made suitable for the conduct of activities that go together with modification and expansion of the system of its tasks.**
- **The Border Guard plays a marked role in the management of illegal migration; it carries out its activities within the framework of a complex border security system.**
- **With the further broadening of strategic partnership, the consummation of competence-based profile cleaning affecting the system of tasks among the law enforcement agencies (authorities) is expected. It is justified to examine the connections of the activity areas (especially of the management of illegal and legal migration), the areas of solution in jointly with other agencies concerned. It is well justified to identify, in conjunction with the Police, the framework of the future law and order, law enforcement (common) philosophy, the coordinated tasks of countering terrorism, fighting international organised crime and action against illegal migration.**
- The Border Guard will be able to truly perform its core function in the future if it undertakes a significant commitment to complex national security, if it further expands its existing international relations, takes a greater share in carrying out the border control and professional coordination tasks of the EU (FRONTEX), if it consolidates its regional role and position in the professional coordination of further EU enlargement.

RESTREINT UE

II.

The vision, mission and strategic objectives of the Border Guard

a) Vision

In the **medium term** the Border Guard will perform its functions in compliance with the requirements and expectations of the Euro-Atlantic and Schengen integration process, of the national law enforcement strategy, as a continually and purposefully renewing, basically centrally structured **independent** law enforcement – alien policing – agency standing on qualitative foundations, **playing a definitive role in the management of illegal migration**, striving after a reasonable division of tasks and integration of activities among fellow law enforcement agencies, broadening its international relations, undertaking an ever greater commitment in support of European and national complex security architecture.

By the end of this decade the Border Guard wishes to belong to the most respected border policing – alien policing agencies of the EU, which may serve as a model standard to be achieved by countries taking part in the process of further enlargement. The Border Guard plays a significant role in the fight against illegal migration, it possesses the scope of authority necessary for the execution of tasks, the powers of taking action and of applying coercive measures, it has the necessary organisational structure and strength of staff, which are necessary for the prevention and disruption of illegal acts, for the “security distancing” aligned with the EU and Schengen principles, furthermore it has the legal instruments and strength absolutely necessary for the ordering of sanctions applicable against perpetrators and for the enforcement thereof, respectively. In addition, the scope of the forms of activities linked to internal security grows in a marked way.

b) Mission

The Border Guard, in the area of maintaining complex national and European security, of managing illegal migration wishes to strengthen the country's security position within the EU by coordinative, proactive contribution based on integration of activities – covering the whole of the country –, by assuming a coordinating and initiative role in the harmonisation of European and regional borders security, by contributing to international missions and by executing tasks functioning as catalysts of accession.

c) Strategic objectives

The organisation will have achieved the objectives of the Medium Term Professional Strategy by 2007-2008. It will prepare a new strategy for the ensuing period, it will get ready for the accession by Romania and Croatia to the EU and the Schengen Agreement, for the management of tasks resulting from the emerging situation.

RESTREINT UE

The present strategic objectives:

- ca) Responsible, active, measurable and **coordinative** contribution to the complex national and Euro-Atlantic security, to the maintenance and **strengthening** of action against illegal migration.
- cb) Organisational operation in line with national and Euro-Atlantic expectations, substantial participation in the activities of the European Agency for the Management of Operational Cooperation at the External Borders (FRONTEX), the qualitative expansion of border policing relationships (for the operation of the forum of the border policing agencies of the world), effective **organisational structure and the development and implementation of procedure-technologies supported by the integration of activities.**
- cc) Implementation of **quality border guard activities**, ensuring professional excellence, maintenance of cost-effective, flexible and effective response capabilities.

III.

Implementation of the strategic objectives

In the course of implementing the strategic objectives of the Border Guard, full accession to the Schengen Agreement, the planned date of the neighbouring countries' accession to the EU and to the Schengen Agreement are of determinant significance.

a) In the area of law enforcement activities

From 2005 until full accession to the Schengen Agreement:

- further strengthening of the system of external borders (redeployment of staff, motor vehicle and IT upgrading, refurbishment of facilities);
- development of new structure of activities in the interest of the security of internal borders (introduction of in-depth controls);
- effective operation of the border policing offices merged in 2004 (mutual assignability of patrol and passport control staff to each other's duty roles);
- continuous improvement of the border traffic control technology required by EU membership (maintaining the balance of security, speediness and culturedness);
- review of the authorities and spheres of competence for the better execution of tasks (railway and waterway policing, air security, execution of readmission agreements, alien policing activities, powers of investigation, public security missions, guarding of the facilities of foreign diplomatic missions), and the full implementation of scopes of authority ensuring operation;
- finalisation of the activity model for deployment, the full implementation of the new type of deployment system (acceleration and automation of the flow of information between the agencies);

RESTREINT UE

- systemic operation of the Integrated Management Centre (increasing the capability of the Border Guard, Police, Customs and Financial Guard, Office of Immigration and Nationality, National General Directorate of Labour Safety and Labour Inspectorate to plan operations jointly);
- the full-scale implementation of training for the staff for purposes of participation in international missions, guarding facilities of foreign diplomatic missions;
- the comprehensive installation of the Schengen type border control technology, organising the full-scale operation of the border security system fitting into the complex security system, (Schengen-compatible technology at the external borders, operating a network against illegal migration covering the whole territory of the country, furthermore the coordinated conduct of security-centred control activities also guaranteeing the security of internal borders, the enhancement of cross-border law enforcement activity);
- completion of the conditions for accession to the SIS-II. System (development of the IT network and installation of the system);
- **expansion of intensive „Schengen-training” to the whole of the staff, preparation for the evaluation until 01 January 2006.**

After full accession to the Schengen Agreement

- **the harmonized operation at the external borders, in in-depth areas and in areas of outside the border area, and of the regions of adjacent to the internal borders;**
- further strengthening of the law enforcement coordination role in the area of alien policing;
- maintaining full-scale relations with Schengen-MS-s;
- after the accession of Romania and Croatia to the EU, the preparation of the modification of the border control system along the sections of the border concerned, of the further rationalisation of deployment of units; merger of directorates, reduction of the number their management, control and support units.

b) **In the area of institutional development**

The Border Guard responds to changes with the flexibility of institutional operation, with – methodical - organisational development which meets the conditions of the environment and the expectations.

From 2005 until full accession to the Schengen Agreement:

- development of new type border policing offices on the basis of the merged offices;
- restructuring of central and regional management and professional guidance units;
- a review and centralisation of the organisational structure of economic resource management, implementation of restructuring;
- correction of the deployment and competences of the organisational units in connection with the public administration reform, ensuring regional synchrony of the border security system, rationalising the directorates along the internal borders (Austria, Slovenia, Slovakia);
- changing the control system along internal border, preparation - in line with the border security system – the regrouping of staff and positions, respectively to other duty tasks, or external and other recipient organisations;

RESTREINT UE

With the amendment of the Constitution the defence functions of the Border Guard have been abolished, thereby the strength became suitable for reducing it by some 700. Therefore, as of 2006, the earlier Schengen strength of 14,000 was reduced to **13,300**, broken down as follows: **The expected strength of the Border Guard: 11,500 officers**, plus 1,800 officers from other law enforcement agencies performing or supporting border control functions.

Within this supplement:

400 officers from the staff of the Law Enforcement Security Service, seconded to the Border Guard and under BG command for the duration of the execution of the duties; 100 officers from the staffs of the waterway and motorway police units deployed in the **border area**; 500 officers from the active duty staff of 40 sub-regional police elements → a total of 1,000 officers;

Officers from the staff of the Customs and Finance Guard deployed at the external borders and of the Mobile Groups along the border areas → a total of 800 officers;

Connected to the above, reducing **the number and proportion of command and professional guidance organisational elements**, the proportion of operational staff will increase.

After full accession to the Schengen Agreement

- merging directorates along the internal borders in line with border security, reduction of their staff number;
- in the Romanian and Croatian directions, depending on the neighbouring countries full membership to the Schengen system, a review of reduction in staff, preparation for merging of further directorates;
- continuation of the redeployment of staff from the internal borders, in line with the implementation of the border security system (further decrease is expected after 2007).

c) In the area of financial management

From 2005 until full accession to the Schengen Agreement:

- restructuring of financial management units, reduction of the size and rate of the command and professional guidance units; (*a study of the restructuring of the logistics system on the basis of regionality, implementation thereof*)
- development of the e-administration Border Guard IT system;
- continuation and completion of investments;
- ensuring the operational and financial management system of the merged offices;
- developing the financial ground of the new type offices established on the basis of merged offices;
- restructuring of real property management, installation of future border policing facilities and the initiation of the sale of redundant facilities;
- completion of the installation of the SIS-II. system;
- ensuring the purposeful, coordinated and efficient utilisation of the Schengen Facility and of available resources.

RESTREINT UE

After full accession to the Schengen Agreement

- participation in the design and implementation of integrated law enforcement logistic systems;
- pending the full accession to the Schengen Agreement by Romania and Croatia, the coordination of the changes in the deployment in the directions concerned, preparation of the installation of functional centres on the basis of the a freed-up facilities.

d) In the area of networking and cooperation by the Border Guard

From 2005 until full accession to the Schengen Agreement:

- continuation of strategic partnership with the Police and other law enforcement agencies, Office of Immigration and Nationality;
- design and implementation of the EU-conform operational system of the International Border Policing Conference;
- creation of complete system of common contact points, active participation in Joint Operations (JO-s);
- execution of specialty area tasks related to the activities of FRONTEX;
- ensuring Hungarian representation in the European centres of border control;
- preparation for participations in international missions;
- a proactive participation in further enlargement of the EU;
- deployment of experts to third countries;
- maintaining international border policing relations outside Europe.

After full accession to the Schengen Agreement

- assuming an active role in the regional coordination of the second round of enlargement;
- conduct of activity in international missions.

e) In the area of quality management

The quality-centred approach enables the Border Guard units to implement a customer-oriented, service-type enforcement based on self-improvement, while ensuring continuous renewal.

RESTREINT UE

Means of meeting the objectives

- **CAF-based self-assessment system** introduced in 2004, which provides an annual opportunity for maintaining the process. A repeated self-assessment is due in 2006/2007;
- from 2005 the **Border Guard Innovation Databank is being prepared, and self-assessment according to the EFQM model has started.;**
- **between 2005 and 2007 the ISO quality management system will be implemented;**
- from 2006/2007 the Border Guard will become suitable for competing for the European Excellence Award;
- from 2007 the full-scale quality management activity will be introduced within the Border Guard.

Conclusion

The Border Guard wishes to **meet the objectives** with support from and **approval by the Minister of Interior**, relying on its **own intellectual potential**, utilising Community (Schengen Funds) and other resources, **in close cooperation with the national law enforcement agencies** – in the EU countries, respectively, with the law enforcement agencies performing same functions – relying on the appeal and active support of the population, adapting the progressive traditions and procedural experience of the EU, through the rational utilisation of the available budgetary resources. **The possible shifting of the planned timelines may be flexibly followed with the re-specification (adjustment) of the content of the implementation of the strategic objectives.**

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Made by BG Colonel dr. András Teke, Ph.D.

Ministry of Interior – Ministry of Labour and Employment– Ministry of Finance

Joint Order No. 20/2004. (BK 15.)

on coordinating and increasing the efficiency of municipal and enforcement actions against illegal migration and related illegal activities

For the purpose of coordinating and increasing the efficiency of municipal and enforcement actions against illegal migration and other related illegal activities – with a view to Paragraphs (3) and (4) of Article 6 of the Convention, signed on 19 June 1990 in Schengen, on the implementation of the Agreement on the gradual abolition of checks at the common borders, signed on 14 July 1985 in Schengen, also to Paragraphs 6 and 9 of the Decision of the Schengen Executive Committee of 27 October 1998 on the implementation of measures against illegal immigration - the following

Order

is hereby issued:

1. A complex control system shall be developed and operated for the purpose of increasing the efficiency of municipal and enforcement actions against foreigners entering Hungary illegally and staying in this country, also against foreigners illegally entering employment in Hungary (hereinafter: illegal migration), and against other illegal acts related to illegal migration, for the purpose of coordinating these actions, respectively, also for the purpose of improving public order and public security.
2. The function of the complex control system is to ensure in the whole territory of the country the implementation of the control of foreigners by the authorities as provided by law, in a differentiated and selective manner, through the coordination in space and time, also in methodology of the activities by the competent services and authorities, by the economical use of the forces and resources available, by the acceleration of the exchange of information, by putting aside total control, furthermore to ensure the detection of illegal migration and related other illegal acts, and the conduct of the necessary procedures by the authorities.
3. The complex control system shall be installed within the framework of the jurisdictions and competences, as provided for by law, of the central and regional units (hereinafter, jointly: the authorities) of the Border Guard, the Police, the Office of Immigration and Nationality of the Ministry of Interior (hereinafter: OIN), of the Customs and Financial Guard (hereinafter: CFG), furthermore of the National Labour Inspectorate (hereinafter: NLI), and it shall be operated through the involvement of local units of the above agencies.
4. The authorities shall be bound to carry out the tasks related to the development, installation and operation of the complex control system, and shall be bound to cooperate with each other under the provisions of the present Order, respectively.

RESTREINT UE

5. Cooperation between the authorities shall cover

- a)* the development of a joint strategy for action against illegal migration and related illegal acts, identification of the key directions of the cooperation between the agencies, development of the principles and of practice, furthermore the drafting of proposals for the creation and improvement, respectively, of the legal framework necessary for the implementation of the above;
- b)* the development of proposals for the coordination of the utilisation of domestic and international funds available for the fight against illegal migration, the development of proposals for joint technological improvements, the identification of common training tasks;
- c)* the design, installation and operation of the complex control system covering the whole of the territory of the country, the drafting of comprehensive situational analyses related to illegal migration;
- d)* the coordinated or joint training of the active duty personnel and public servants at operational level, taking into consideration the following: the rules pertaining to foreigners' stay in Hungary, their entering employment, travel documents, permits authorising the holder to enter into and stay in, this country, residence permits, labour permits and inspection of these; modus operandi and means or devices used by illegal migrants, illegal labourers, man smugglers and goods smugglers;
- e)* exchange of experience and information, respectively, related to illegal migration, alien smuggling and goods smuggling, and of experience related to the conduct of procedures by the authorities;
- f)* the coordinated or joint alien policing, labour or public order/public security control of areas, routes, interconnection points and workplaces affected by illegal migration;
- g)* the performance of joint alien policing and labour law control tasks involving the use of the staff of the authorities;
- h)* joint alien policing and labour law inspection operations organised and performed by the authorities;
- i)* the designation of organisational units, further of active duty staff members (hereinafter: active duty staff) and public servants, respectively, charged with the coordination of tasks related to the installation and operation of the complex control system.

6. For purposes of the coordination and execution of the cooperation tasks listed under Number 5, furthermore for purposes of the continuous operation of the complex control system, an Integrated Command Centre shall be established.

RESTREINT UE

7. The central organ of the Integrated Management Centre shall be the Management Board, the Head of which shall be the Director General for Law Enforcement of the Border Guard, its members shall be as follows:

- a)* the Director General for Public Security of the National Police Headquarters (hereinafter: NPHQ)
- b)* the Deputy Director General of the OIN,
- c)* the Deputy Director General for Enforcement of CFGHQ,
- d)* the Chairperson of the NLI.

8. Tasks of the Executive Council are:

- a)* fight against illegal migration and related illegal acts, furthermore the central direction of the national operation of the complex control system;
- b)* formulation of the strategy for joint action by the authorities against illegal migration and other related illegal acts;
- c)* identification of the major course of action within the cooperation between the authorities, development of the theory and practice thereof, furthermore the creation of the legal framework necessary for their implementation, and the drafting of proposals related to their improvement;
- d)* the development of proposals for the coordination of the utilisation of domestic and international funds available for the fight against illegal migration, the development of proposals for joint technological improvements, the identification of common training tasks,
- e)* the assignment of the joint forces and means taking part in the fight against illegal migration;
- f)* initiation of actions and operations in conjunction with joint alien policing, labour law and public security control activities of the authorities, and of criminal control actions and operations in conjunction with illegal migration respectively, at the national or regional level;
- g)* preparation of comprehensive situation analyses in relation to illegal migration;
- h)* settling disputes arising between the cooperating agencies;
- i)* submission of the summary report to the ministers involved on the activities of the Integrated Management Centre in the previous year, before 30 January each year.

9. The Management Board shall - for the purpose of evaluating of the tasks implemented in conjunction with the installation and operation of the complex control system and of the experiences, furthermore of the setting of further tasks - meet as often as may be deemed necessary, but at least once in every six months.

10. In matters which can not be settled at the level of the Management Board, the ministers involved shall pass a joint decision.

RESTREINT UE

11. The Management Board itself shall establish its own regulations and detailed work programme.
12. The Integrated Management Team shall be the operational executive body of the Integrated Management Centre, its Head being the Head of the Deployment Department of the Border Guard.
13. Members of the Integrated Management Team are:
 - a) 3 border guard officer of the Border Guard Deployment Department,
 - b) 2 police officer of the Public Order Department of the NPHQ's Public Security General Directorate,
 - c) 1 police officer of the NPHQ National Bureau of Investigation,
 - d) 1 police officer of the Organised Crime Coordination Centre,
 - e) 1 customs officer of the CFGHQ,
 - f) 1 officer of the Alien Policing Division of OIN,
 - g) 1 public servant of the Supervision Division of NLI.
14. Tasks of the Integrated Management Team are:
 - a) it develops the regime of coordination - at central and regional levels - of the specific tasks related to the installation and operation of the complex control system, also the system of contact;
 - b) based on the work programme of the Management Board, it prepares and organises the meetings of the Management Board, and also prepares the draft agenda of the meetings and prepares other drafts and proposals, reports, briefings and analyses necessary for the Management Board to make its decisions;
 - c) it continuously collects, analyses and evaluates information on trends in illegal migration and related illegal acts, on the system of alien policing, labour law and public security control activities of the authorities, furthermore on case-by-case and general measures planned on the basis of experience;
 - d) it organises the transfer and exchange of experience, control methods and information with respect to the control of illegal migration and the detection of related other illegal acts, further to the conduct of procedures by the authorities, and drafts proposals with respect to the education and training of the first line active duty service members and public employees;
 - e) it organises the national or regional joint alien policing and labour law and public security control activities and operations, provides early advice for the cooperating authorities not directly taking part in the control activities or operations;
 - f) prepares for the management Board a quarterly summary report on the collected and evaluated data, along with proposals for further action;
 - g) conducts monthly coordination and weekly finalisation of the joint alien policing and labour law and public security control activities and operations by the authorities, and harmonises implementation thereof;
 - h) on a weekly basis – with daily finalisation – conducts coordination of service activities falling outside the control activities and operations and aimed at detection of illegal migration and related other illicit acts.

RESTREINT UE

15. Detailed rules of the activities of the Integrated Management Team shall be established in the regulations, which shall be approved by the Head of the Management Board agreed with the members.
16. Executives of the organisations listed under Number 3 shall be bound to appoint members of the Integrated Management Team, furthermore they shall be bound to take action to ensure that chiefs of the regional units under their command appoint the officers and public servants (hereinafter jointly referred to as Liaison Officers) and their substitutes within their own respective units, who are responsible for the coordination of specific tasks of installing and operating the complex control system and for the implementation of the cooperation tasks.
17. The Liaison Officers, having regard to, and covering, respectively, the jurisdictions and spheres of competence of the agencies they represent shall perform their tasks under the guidance of the Integrated Management Team.
18. Provisions pertaining to the installation and operation of the complex control system as defined under this Directive shall not apply to the functions, spheres of competence, jurisdictions and information security and data protection rules and regulations as established by separate laws of the agencies listed under Number 3.
19. During a joint alien policing and labour law, also public security control activity or operation the active duty service member or public servant assigned to command the action or operation shall be identified, but members of the staff implementing the joint action or operation shall take action exclusively on the basis of their own pertinent legal regulations, and shall be held accountable for any action taken under those pertinent legal regulations.
20. The authorities shall ensure the technical equipment and devices necessary for the joint activity in a coordinated way, with regard to the nature of the joint activity and to the available resources of the authorities taking part in the joint activity, in line with their tasks established by law.
21. Costs of the installation and operation of the complex control system, also costs incurred during the joint alien policing and labour law, and public security control activities and operations mounted by the authorities shall be borne by the respective authorities, and the authorities concerned may not invoice these costs to one another.
22. The detailed rules of performing the tasks established in this Order shall be recorded by the authorities in Memorandums of Understanding, or shall amend the already existing Memorandums of Understanding in line with the provisions of this Order, respectively.
23. This Order shall enter into force on the 15th day following its promulgation, at the same time Joint Order No. 2/2002. (BK 10) of the MoI-MoF-MoSFA (Minister of Interior-Minister of Finance- Minister of Social and Family Affairs) on the establishment and operation of a complex system of in-depth control of illegal migration and other related illicit acts shall cease to have effect.

Border Guard

Name of System	Data Content	Authorities with Access Rights	Access Level (local, regional, central)	Method of Access (direct/indirect)	Reason for Access	Connection to Other System(s)
AFIS - Automated Fingerprint Identification System	register of fingerprints	border policing, alien policing and criminal authorities	local, central and regional	direct	criminal and alien policing control	
HIDRA - Support Network for Alien Policing Administration	electronic documents relating to alien policing procedures	alien policing authorities	local, central and regional	direct	administration relating to alien policing	HERR, and some elements of the registry system of the workflow processing system of Office of Immigration and Nationality
HERR - Border Control and Registration System	check in the national databases on every third country nationals and their vehicles crossing external borders	judicial, criminal persecutor, national security, alien policing and refugee authorities	local, central and regional	direct	criminal persecution and crime prevention	HIDRA
Robotzaru NEO (ROBOCOP NEO)	integrated criminal workflow processing system	criminal, investigation and intelligence authorities	local, central and regional	direct	criminal and public security control	registers of Central Data Processing, Registration and Election Office (Mol), Netzсарu
OPERA	computer aided processing of secret information-gathering	criminal, investigation and intelligence authorities	local, central and regional	indirect	data provision for criminal reasons to Central Office for Cooperation in	
NETZSARU (NETCOP)	national criminal queries from ROBOCOP's database, electronic tool for practicing supervisory jurisdiction of public prosecutors	criminal, investigation and intelligence authorities, public prosecutors	local, central and regional	direct	criminal control, legality supervision	
Warrant Information System	wanted persons, vehicles and documents	Border Guard, Police	local, regional and central	direct	criminal and alien policing control	HERR
OZIRIS	statistical data on illegal acts detected by the Border Guard	Border Guard	local, regional and central	direct	risk analysis	

RESTREINT UE

National Police Headquarters

January 2006

Name of System	Data Content	Authorities with Access Rights	Access Level (local, regional, central)	Method of Access (direct/indirect)	Reason for Access	Connection to Other System(s)
ROBOTZSARU 2000	data on criminal procedures (person, object, place, event, etc.) local data	Border Guard, Police, Hungarian Customs and Finance Guard	local, regional, central	direct	workflow processing on issue handling	Mol Register on Persons and Addresses, Mol Register on Criminal Offenders, Warrant System, NETZSARU
NETZSARU	data on criminal investigations (person, object, place, event, etc.) aggregated data on national level	Border Guard, Police	local, regional, central	direct	investigation on preceding events, seeking and searching	Robotzsaru 2000, Warrant System
FEGYVER (firearms)	register on civil arms	Border Guard, Police, Hungarian Customs and Finance Guard, Public Prosecutors, Courts	local, regional, central	direct for Police, for others by phone/fax/transcription	investigation on precedents, seeking and searching	No
RSZABS	data on administrative offence procedures	Police	local	direct	workflow processing on issue handling	No
KATICA	point system on traffic record	Police	local, regional, central	direct	workflow processing on issue handling	Mol Point Register on Traffic Record
FEGYVER-ÚTLEVÉL (EU firearms-pass)	data on European firearms passes	Police	local, regional, central	direct	workflow processing on issue handling, querying	No
FLÓBERT	register on flaubert guns, pneumatic weapons, and pop-guns	Police	local, regional, central	direct	workflow processing on issue handling, querying	No
DISCOVER	criminal analyst-evaluation system	Police	local, regional, central	direct	workflow processing on issue handling, querying	NETZSARU
POLIGON	criminal operational analyst-evaluation system (secret)	Police	regional, central	direct	workflow processing on issue handling, querying	No
INTERPOL ÜGYVITEL (INTERPOL Business Administration)	international requests	Police	central	direct	workflow processing on issue handling, querying	No
KVR (Kriminálisztikai Vizsgáló Rendszer) (Criminal Investigation System)	criminal object-traces, characteristics of objects	Police	local	direct	workflow processing on issue handling, querying	No
MODUS OPERANDI	characteristics of crimes, methods of perpetration, data on perpetrators, description and photos and special earmarks of perpetrators	Boarder Guard, Police, Hungarian Customs and Finance Guard, Public Prosecutors, Courts	local, regional, central	semi-manual (computer aided manual register)	querying	No
MAGÁNNYOMOZÓI-VAGYONŐRI (private inv. - property guard)	data on private detectives and property guards	Boarder Guard, Police, Hungarian Customs and Finance Guard, Public Prosecutors, Courts	local, regional, central	direct	querying	No
GYANUS	persons interrogated as suspected	Boarder Guard, Police, Hungarian Customs and Finance Guard, Public Prosecutors, Courts	local, regional, central	direct	querying	NETZSARU