



UNITED NATIONS

**E/NL.2004/56-57**  
**21 December 2004**  
**English only**

## **LAWS AND REGULATIONS**

### **PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES**

*In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances,  
the Secretary-General has the honour to communicate the following legislative text / texts*

### **HUNGARY**

Communicated by the Government of Hungary

#### Note by the Secretariat

- (a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [ ] have been added or changed by the Secretariat
- (b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non relevant parts or laws and regulations have been deleted by the Secretariat, such deletions are indicated by [...].

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**ACT LXXXVII OF 1998 (THE PENAL CODE) (extracts)**

**Section 282**

(1) Any person who, in violation of official regulations, produces, manufactures, acquires, possesses, imports into or exports narcotic drugs from Hungary, or transports such through the territory of Hungary, commits a felony offense and shall be punishable with imprisonment of up to five years.

(2) Any person who, in violation of official regulations, offers or supplies narcotic drugs, or is engaged in the distribution, trafficking or dealing of such, commits a felony offense and shall be punishable with imprisonment between two to eight years.

(3) The punishment shall be imprisonment between two to eight years in respect of Subsection (1) or between five to ten years in respect of Subsection (2), if the criminal act is committed

- a) in a business-like manner,
- b) while armed,
- c) by an official person or a person performing public duties,
- d) by a person over the age of eighteen using a person under the age of eighteen, or if narcotic drugs are transferred into the possession of such person in consequence of the act,
- e) by a person who is not addicted to drugs using a drug-addicted person.

(4) In respect of Subsection (2), the punishment shall be imprisonment between five to ten years if the criminal act is committed inside or in the proximity of a building serving the purpose of education, public learning, child welfare, child protection or cultural and educational activities, in facilities of the armed forces or in penal or detention facilities.

(5) The punishment shall be imprisonment between five to fifteen years in respect of Subsection (1) or between ten to fifteen years in respect of Subsection (2), if the criminal act is committed

- a) in respect of a substantial quantity of narcotic drugs;
- b) as a member of or on behalf of a criminal organization.

(6) Any person providing the financial means for the perpetration of the criminal act of criminal misuse of narcotic drugs shall be punishable as set forth in Subsections (1)-(5).

(7) Any person who instigates, suggests or offers the commission of criminal misuse of narcotic drugs, or agrees in the joint execution of such, commits a felony offense and shall be punishable with imprisonment of up to three years.

(8) If the criminal misuse of narcotic drugs is committed in respect of a small quantity, the punishment shall be imprisonment of up to two years, labor in the public interest or a fine in respect of Subsection (1), or imprisonment of up to two years in respect of the offering and supplying described in Subsection (2).

(9) Any person who

- a) consumes narcotic drugs in violation of official regulations,
- b) publicly instigates the use of narcotic drugs,

commits a misdemeanor offense and shall be punishable with imprisonment of up to two years, if such act does not result in a criminal act of greater gravity.

#### **Section 282/A**

(1) A drug-addicted person who, in violation of official regulations, produces, manufactures, acquires, possesses, imports into or exports narcotic drugs from Hungary, or transports such through the territory of Hungary, commits a misdemeanor offense and shall be punishable with imprisonment of up to two years.

(2) A drug-addicted person who, in violation of official regulations, offers or supplies narcotic drugs, or is engaged in the distribution, trafficking or dealing of such, commits a felony offense and shall be punishable with imprisonment of up to three years.

(3) The punishment shall be imprisonment of up to three years in respect of Subsection (1) or up to five years in respect of Subsection (2), if the criminal act is committed in a business-like manner.

(4) The punishment shall be imprisonment between two to eight years in respect of Subsection (1) or between five to ten years in respect of Subsection (2), if the criminal act is committed in respect of a substantial quantity of narcotic drugs.

(5) A drug-addicted person who, in violation of official regulations

- a) consumes narcotic drugs or possesses such for his own use,
- b) produces, manufactures or acquires a small quantity narcotic drugs for his own use,
- c) offers or supplies narcotic drugs for consumption to a person under the age of eighteen,

commits a misdemeanor offense and shall be punishable with imprisonment of up to one year, labor in the public interest or a fine.

(6) A drug-addicted person shall not be punishable

- a) in respect of Paragraph a)-b) of Subsection (5), or
- b) if having committed another criminal act related to the use of narcotic drugs that is punishable with two years of imprisonment at most,

provided, that he proves with a document prior to the rendering of the sentence in the first instance, that he has received continuous treatment for drug-addiction for at least six months.

#### **Arousing Pathological Addiction**

##### **Section 283**

The person who has completed his eighteenth year of age, and offers assistance or strives to persuade, a person who has not yet completed his eighteenth year to engage in the pathological enjoyment of a substance or agent of narcotic effect, commits a felony, and shall be punishable with imprisonment of up to three years.

#### **Aiding in the Production of Narcotic Drugs**

##### **Section 283/A**

(1) Any person who provides the conditions for or facilitating the illicit production or manufacture of narcotic drugs, and any person who

- a) produces or has produced,

b) supplies, distributes or is engaged in the trafficking of materials, products, equipment and/or accessories for the production or manufacture of narcotic drugs, commits a felony offense and shall be punishable with imprisonment of up to three years, if such act does not result in a criminal act of greater gravity.

(2) Any person who provides business, technical or organizational know-how of pecuniary value for or facilitating the illicit production or manufacture of narcotic drugs to the producer or manufacturer of such, shall be punishable as set forth in Subsection (1).

(3) In respect of Paragraph a) of Subsection (1), any person who confesses his conduct in providing assistance for the production of narcotic drugs before the authorities gains knowledge of the materials, products, equipment and/or accessories having been produced or ordered to be produced for the production or manufacture of narcotic drugs, and if such person surrenders such produced things to the authorities and assists in the efforts to identify the other persons engaged in such production, shall not be punishable.

### **Criminal misuse of Performance-Improving Substances or Techniques**

#### **Section 283/B**

(1) Any person who, in violation of the provisions set forth in international treaties, by international organizations, or in legal regulations and in ordinances, produces, manufactures, acquires, possesses, imports into or exports performance-improving substances from Hungary, or transports such through the territory of Hungary for the purpose of increasing the performance of athletes commits a misdemeanor offense and shall be punishable with imprisonment of up to one year, labor in the public interest or a fine.

(2) Any person who subjects himself to a procedure intended to stimulate performance for the purpose of sporting activities in violation of the provisions set forth in international treaties, by international organizations, or in legal regulations and in ordinances shall be punishable as set forth in Subsection (1).

(3) Any person who, in violation of the provisions set forth in international treaties, by international organizations, or in legal regulations and in ordinances, supplies, distributes or is engaged in the trafficking of performance-improving substances for the purpose of increasing the performance of athletes commits a misdemeanor offense and shall be punishable with imprisonment of up to two years.

(4) Any person who performs a procedure intended to stimulate the performance of an athlete in violation of the provisions set forth in international treaties, by international organizations, or in legal regulations and in ordinances shall be punishable as set forth in Subsection (3).

(5) In respect of Subsections (3)-(4), any person who commits the criminal act

- a) in a business-like manner,
- b) as part of a criminal conspiracy,

shall be punishable for a felony offense with imprisonment of up to five years, if such act does not result in a criminal act of greater gravity.

(6) Any person who commits the criminal act set forth in Subsections (3)-(4) and thereby provides performance-improving substances to or performs a procedure for the purpose of increasing performance on a person under the age of eighteen shall be punishable, if such act does not result in a criminal act of greater gravity, as set forth in Subsection (5), as well as any person who commits the criminal act described in Subsection (3) by using a person under the age of eighteen as an accomplice.

(7) In respect of Subsection (1), any person who confesses his conduct in providing assistance for the production of performance-improving substances before the authorities gains knowledge of materials, products, equipment and/or accessories having been produced or ordered to be produced for the production or manufacture of performance-improving substances, and if such person surrenders such performance-improving substances produced, obtained, possessed or imported into the country to the authorities and assists in the efforts to identify the other persons participating in the production, acquisition and/or transportation of such performance-improving substances, shall not be punishable.

(8) Any person who reveals his use of performance-improving substances or having been subjected to a procedure to increase performance while engaged in sporting activities before the medical examination conducted by the authorities shall not be subject to punishment.

**JOINT DECREE OF THE MINISTER OF AGRICULTURE AND RURAL  
DEVELOPMENT AND THE MINISTER OF HEALTH NO.10/1998 (VIII. 7)  
CONCERNING THE RULES OF LICENSING THE CULTIVATION OF PLANTS  
SUITABLE FOR MANUFACTURING NARCOTICS**

Based on the authorization granted under Section 10 (2) of Government Decree 94/1997. (VI. 5.) Korm. (hereinafter Government Decree) on the order of the cultivation and marketing of plants suitable for the manufacturing of narcotics, we ordain the following:

Section 1 (1) In Hungary, exclusively the organisation having the license of the Ministry of Agriculture and Rural Development (hereinafter the Ministry) may engage in the improvement and breeding of, experimentation with and the warehousing of the genetic materials of high alkaloid content poppy specified in *Annex 1* (hereinafter the poppy improving organisation).

(2) The business organisation or natural person not in a contractual relationship with the concessionaire company according to Section 2 of the Government Decree concerning poppy cultivation, may only grow the low alkaloid content poppy varieties listed in *Annex 2*.

(3) In Hungary, only the institute having the license of the Ministry may engage in the cultivation and production of hemp and hemp seed with a tetrahydrocannabinol (hereinafter: THC) content in excess of 0.3% and its improvement for medical and scientific purposes and the maintenance of the species (hereinafter hemp improving institute).

Section 2 (1) The activity specified under Subsections (1) and (3) of Section 1 may be performed by the poppy improving organisation and the hemp improving institute (hereinafter jointly referred to as Institution) which

- (a) pursues research and development activities among its core operations,
  - (b) has its own chemical analytical laboratory and methods required for determining the effective agent content of high alkaloid content poppy varieties, prospective varieties and experimental populations,
  - (c) is capable of ensuring continuous safeguarding during the growing season from the green pod condition to harvest during the growing of high alkaloid content poppy varieties, prospective varieties and experimental populations and throughout the growing of hemp,
  - (d) has its own or leased land for the cultivation, processing and storage of high alkaloid content poppy varieties, prospective varieties and experimental populations.
- (2) Applications for the license shall be submitted to the Ministry.
- (3) The application for the license shall contain
- (a) name and address of the institution,
  - (b) specification of the core activities of the institution,
  - (c) the tax number of the institution,
  - (d) the range of plants under research which may be used for manufacturing narcotics and the form of research,

- (e) the commitment to maintain the species in relation to plants which may be used for the manufacturing of narcotics,
      - (f) the place of seed production and the quantity produced.
    - (4) The following shall be enclosed with the application for the license:
      - (a) A copy of the deed of foundation of the institution or, in the case of a business organisation, a statement of the trade registry not older than 30 days,
      - (b) an outline blueprint of the plant of the institution or the parts of the plant concerned and its warehouse, wherein the location of the installed security technical instruments shall be indicated; also, an expert opinion verifying the operational capability of the security technical system.
      - (c) the opinion of the regionally competent county (Budapest) State Public Health and Medical Officer Service,
      - (d) authentic copy of the degree verifying qualifications from higher education of the expert performing research and/or improvement at the institution.
    - (5) The Ministry shall issue the license concerning the activity specified under Section 1 (1) and (3) (hereinafter the License) with the approval of the Ministry of Health.
    - (6) The Institution shall notify the Ministry of any changes in the conditions according to Subsection (4) within 15 days.
    - (7) The Ministry shall send a copy of the license to the National Police Headquarters.
    - (8) The License shall be valid until withdrawn. When the operation of the Institution or the practice of its activities fails to meet the conditions according to the present Decree in the longer term, the Ministry shall withdraw the License.
- Section 3 (1) The present Decree shall enter into force on the 30th day following its promulgation.
- (2) The institution engaged in the activity according to Section 1 (1) at the time of the entry into force of the present Decree shall submit its application for the License as specified in this Decree within 90 days from the coming into effect of the Decree.

**Annex 1 to Joint Decree 10/1998 (VIII.7) FVM-EüM**

High alkaloid content poppy varieties for the purposes of the implementation of Government Decree 94/1997 (VI. 5) Korm. and this Decree

Kék Gemona

Szőke Tisza (A-1)

Monaco

**Annex 2 to Joint Decree 10/1998 (VIII.7) FVM-EüM**

Low alkaloid content poppy varieties for the purposes of the implementation of Government Decree 94/1997 (VI. 5) Korm. and this Decree

Kompolti M

Kék Duna

Kozmosz

Gödi N

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