

Issue I

Airport Communication Project

Recommendation 1

Governments are encouraged to continue their financial and technical support to the Airport Communication Project (AIRCOP) of the United Nations Office on Drugs and Crime (UNODC) so as to support the establishment of new operational joint airport interdiction task force units and the ongoing professional development of established operations.

Any action taken YES NO

Comments:

The Airport Police has not yet established cooperation or contact with UNODC within the framework of the AIRCOP project.

Recommendation 2

Where they have not already done so, airport-based law enforcement agencies should be encouraged to open a dialogue with the joint airport interdiction task force units, formed under the AIRCOP initiative, to commence information sharing and to build professional networks that will in turn support more effective operational responses against trafficking.

Any action taken YES NO

Comments:

The Airport Police has not yet established an airport interdiction task force unit. The Criminal Department of the National Police is responsible for the tasks and duties regarding drug related crimes at the Budapest Liszt Ferenc International Airport, but the Department has no contact with UNODC.

Recommendation 3

Governments are encouraged to support initiatives that facilitate close operational cooperation in the sharing of information between authorities (such as advanced passenger information, passenger name records, and advanced cargo information), in accordance with applicable privacy requirements, to enable effective and timely risk assessment of passengers and airfreight.

Any action taken YES NO

Comments:

The Counter Terrorism Information and Criminal Analytical Center established a PNR Unit and the Center is responsible for cooperation and information sharing related to API and PNR data.

Issue II

Container Control Programme

Recommendation 4

Governments should encourage their drug law enforcement authorities to work more closely with drug source countries and transit States through capacity-building programmes such as the UNODC/World Customs Organization (WCO) Container Control Programme.

Any action taken YES NO

Comments:

Yes, at the customs administration trainings on drugs are continuous.
The Hungarian tax and customs administration does not have power to investigate drug cases, however, customs is involved in detection and risk analyses. In this respect cooperation with source and transit countries is carried out through EU mutual assistance agreements in customs matters.

Recommendation 5

Governments should be encouraged to assist other countries in investigating drug seizures made in containerized freight destined for Europe, so as to secure the conviction of those who organize those shipments and the dismantlement of the organized crime networks that profit from their operation.

Any action taken YES NO

Comments:

Recommendation 6

Governments should be encouraged to support source countries by making law enforcement experts and relevant technical equipment available to them to improve the technical skills and professional knowledge of their border law enforcement agencies in assessing the threat from organized criminal groups involved in illicit drug trafficking through their territories and designing measures to counter them.

Any action taken YES NO

Comments:

The Hungarian tax and customs administration does not have power to investigate drug cases, however, EU mutual assistance agreements in customs matters gives a framework and legal bases to carry out such trainings.

Issue III

Handling synthetic drug production and responding to changing trends in drug use, new psychoactive substances and precursors

Recommendation 7

Governments are encouraged to urgently address the necessary control measures regarding the status of new psychoactive substances, which are sometimes marketed as “legal highs”, so as to remove ambiguity in the minds of consumers.

Any action taken YES NO

Comments:

The rapid appearance of the new substances forced Hungarian decision-makers to elaborate a new monitoring and risk-assessment system, which can be used to provide the appropriate information to make responsible decisions regarding the control of designer drugs. Act XCV of 2005 (Medicines Act) lays down the framework of the new legislation, while Government Decree 66/2012 (IV. 2.) determines the processes and the responsible institutions in connection with the reporting of new psychoactive substances, their preliminary assessment, their scheduling and risk assessment. The Medicines Act defines “new psychoactive substances” as substances or groups of compounds recently appearing on the market that have no medicinal use and that, due to their effect on the central nervous system, are suitable for altering a person’s state of consciousness, behaviour or senses, and therefore represent a threat to public health similar to the substances listed in the illicit drug and psychotropic substance schedules, and so with respect to this, in the past the Government classified them as such materials in a decree. The Medicines Act and the Government Decree created a new schedule for the new psychoactive substances, which contains both individual compounds and compound groups providing a list of individual compounds and a generic approach). According to the Medicines Act and the Government Decree, if EMCDDA sends a notification about a substance on the basis of Council Decision no 2005/387/JHA, the National Centre for Addictions subjects it to a special preliminary assessment to determine whether the substance may be included in the list. In order for a substance to be included in the schedule of new psychoactive substances it must be proven that the Hungarian authorities and professional institutions have no knowledge of any data that refers to the medical use of the substance indicated in the notice, and that excludes that the substance poses a similar risk to public health as the substances included in the schedule of illicit drugs and psychotropic substances. The individual compounds included in the schedule of new psychoactive substances must be subjected to a risk assessment within one year of their inclusion in the schedule. Depending on the result of the risk assessment, the compound must be transferred to the list of psychotropic substances or to Schedule D of the Government Decree. If there is insufficient data available to complete the above risk assessment according to the findings of the expert body, the classification of the new psychoactive substance may be extended for a further year. This risk assessment obligation is not applicable for compound groups, which remain in the schedule of new psychoactive substances until at least one of the substances in the group complies with the conditions for the preliminary assessment. Activities defined by the relevant legislation in connection with new psychoactive substances may only be performed in possession of a permit issued by the state administration body for health. The Criminal Code contains a section entitled “Misuse of New Psychoactive Substances”, which follows the structure of the previous articles, but regulates the offences related to new psychoactive substances with more lenient punishments. The aggravated cases of the new regulation are essentially the same as those relating to illicit drugs, however, it does not include perpetrations with a substantial quantity. The lenient cases relate to perpetration with a small amount, the upper limit of which is 10 grams with respect to the total amount of the given substance. The punishable acts also include acquisition and possession of new psychoactive substances as long as the amount exceeds the small amount. It was not the purpose of the legislators to establish the criminal liability of users of new psychoactive substances, therefore consumption is not punishable, nor is acquisition and possession of a small amount.

Recommendation 8

Governments are encouraged to urgently undertake research regarding the harmful effects of new psychoactive substances on human health, and to take steps to improve the knowledge of their law enforcement authorities about the manufacture and supply of such substances, including the involvement of organized criminal groups in their trafficking and distribution.

Any action taken YES NO

Comments:

The Hungarian Police pays a special attention for NPS's, which constitute a serious problem in Hungary. The Police regularly seized considerable amounts of NPS's every year. Due to the Police's efforts, the amount of NPS's seized in 2015 and 2016 show a decreasing trend.

The Police also arrested members of several criminal groups, and eliminated their work.

Recommendation 9

Given the important role the Internet plays in promoting the sale of new psychoactive substances, and given the use made of international postal and courier services to deliver them, Governments are encouraged to support their law enforcement agencies in establishing close partnerships with the services concerned to develop new and effective strategies to intercept such substances, including by encouraging the development and use of relevant technical equipment.

Any action taken YES NO

Comments:

The Hungarian Police has started the process of drafting a memorandum of agreement about the issue, however it is not yet finalized, the process is ongoing.

Issue IV

Measures to counter money-laundering and illicit financial flows

Recommendation 10

Governments should encourage their drug law enforcement agencies to share information with their national financial intelligence units at the early stages of investigations.

Any action taken YES NO

Comments:

Recommendation 11

Governments are encouraged to establish inter-agency joint investigation teams to investigate the laundering of proceeds of drug trafficking.

Any action taken YES NO

Comments:

In Hungary, the Police is responsible for investigations into drug crimes and drug related money laundering. There is no need for special rules allowing joint inter-agency investigations. All investigative elements of the police are entitled to obtain financial information and to seize and forfeit assets. Asset recovery procedure, defined in paragraphs 554/P and 554/R of the Criminal Procedure Act, also provide another form of intra and inter-agency cooperation. All investigative authorities, independently from its responsibility and authority, and also the prosecutor can request the support of the Asset Recovery Office, which can proceed a parallel financial investigation.

Recommendation 12

Governments are encouraged to support UNODC in the implementation of capacity-building to combat money-laundering and illicit financial flows stemming from drug trafficking.

Any action taken YES NO

Comments: