

European Shoah Legacy Institute's Restitution Database Initiative

Questionnaire

I. Basic information regarding the responding agency

Country:	Hungary
Office/Ministry:	Prime Minister's Office
Title of contact person:	negotiation coordinator
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Date questionnaire submitted:	Okt. 19. 2015

II. Whom may we contact in your country for additional information about the responses below? This may include other individuals / agencies in government, local NGOs / advocacy groups. Please include the individual's name, affiliation, and contact information (e.g., email address).

1. Igazságügyi Hivatal (1145 Budapest, Róna u. 135.; titkarsag@igazsagugy.gov.hu) – vagyoni kárpótlási jogszabályokkal kapcsolatban [1991. évi XXV. törvény (Kpt. I.), 1992. évi XXIV. törvény (Kpt. II.).] Office of Justice (1145 Budapest, Róna u. 135; titkarsag@igazsagugy.gov.hu) – in connection with property compensation laws [Act XXV of 1991 (First Compensation Act), Act XXIV of 1992 (Second Compensation Act)]
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3.
4.
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III. Overview of Immovable Property Restitution/Compensation Regime – Hungary (as of 1 July 2015)

Post-war Armistice, Treaties and Agreements Dealing with Restitution of Immovable Property

During World War II, Hungary fought against the Soviet Union, the United Kingdom, the United States of America and other United Nations as an ally of Germany until 28 December 1944, at which time it broke off relations with and declared war on Germany. Hungary's Jewish population was about 800,000 before the war but less than one-fourth survived. The current Jewish population of Hungary is estimated to be somewhere between 35,000 to 125,000. It is

also estimated that the Hungarian Roma population was decimated in similar proportion to Hungarian Jews during the war.

On 20 January 1945, Hungary concluded an **Armistice Agreement** with the Allies (the Agreement Concerning an Armistice between the Union of Soviet Socialist Republics, The United Kingdom of Great Britain and Northern Ireland, and the United States of America on One Hand and Hungary on the Other). **Article 13** of the of the **Armistice Agreement** required that “[t]he Government of Hungary undertake[] to restore all legal rights and interests of the United Nations and their nationals on Hungarian territory as they existed before the war and also to return their property in complete good order.”

Articles 26 and 27 from the **Treaty of Peace with Hungary**, signed on 10 February 1947, also addressed immovable property restitution and compensation, and confirmed Hungary’s previous obligations as set out in the **Armistice Agreement**. **Article 26** related to the restoration of property in Hungary belonging to the United Nations and their nationals. **Article 27** related both to the restoration of immovable property confiscated “on account of the racial origin or religion of such persons”, as well to treatment of heirless or unclaimed property.

On 6 March 1973, Hungary concluded a **Bilateral Agreement** between it and the United States (Agreement between the Government of the United States of America and the Government of the Hungarian People’s Republic Regarding the Settlement of Claims). In the **Bilateral Agreement**, Hungary agreed to pay \$18,900,000 “in full and final settlement and in discharge of all claims of the Government and nationals of the United States against the Government and nationals of the Hungarian People’s Republic” (see **Bilateral Agreement, Article 1**), which included claims for “obligations of the Hungarian People’s Republic under Articles 26 and 27 of the Treaty of Peace” (see **Bilateral Agreement, Article 2(3)**). Pursuant to **Article 29** of the **Treaty of Peace with Hungary**, the United States had previously allocated \$2,235,750.65 in blocked Hungarian assets located in the U.S. for use in paying claims of nationals of the United States for losses arising out of war damages, nationalization, compulsory liquidation, or other taking of property prior to August 9, 1955. In total, the United States, through its Foreign Claims Settlement Commission, awarded nearly \$62,000,000 to U.S. national claimants in the Hungary Claims Program. However, only approximately \$20,000,000 was available for payment based upon the terms of the **Bilateral Agreement** and the **Treaty of Peace with Hungary**. Successful claimants therefore received only \$1,000 plus 37% of the principal of their awards. See Foreign Claims Settlement Commission of the U.S., Hungary: Program Overview, available at: <http://www.justice.gov/fcsc/completed-programs-hungary> (last accessed 28 June 2015).

Restitution of Private Property

Hungary currently has two laws on the books which relate to private property, **Act XXV of 1991** (on the partial compensation damages of the settlement of ownership relations) and **Act XXIV of 1992** (on the partial compensation of damages wrongfully caused by the state to the property of citizens by application of legal regulations adopted between 1 May 1939 and 8 June 1949, for the purpose of the settlement of ownership relations).

These laws were intended to address both the confiscation of Jewish property during World War II and the expropriations by the socialist regime. This restitution/compensation regime was

concluded in 1994. It is our understanding that the claims process is currently closed and no additional claims can be brought.

Since becoming a signatory to the Terezin Declaration, no new laws have been passed relating to the restitution of private property.

Restitution of Communal Property

Act XXXII of 1991 (on the settlement of the ownership status of former church owned real properties) provided for compensation for religious properties confiscated *after* 1946. The compensation/restitution regime for communal property was completed in 2011. It is our understanding that the claims process is currently closed and no additional claims can be brought.

The umbrella organization for the Jewish community in Hungary is MAZSIHISZ (the Federation of Hungarian Jewish Communities) (<http://www.mazsihisz.hu/about-mazsihisz-37.html>).

Since becoming a signatory to the Terezin Declaration, no new laws have been passed relating to the restitution of communal property.

Restitution of Heirless Property

Article 27(2) of the **Treaty of Peace with Hungary** stated that all property that had been confiscated on account of race or religion and “remain[ed] heirless or unclaimed . . . shall be transferred by the Hungarian Government to organisations in Hungary representative of such persons, organisations or communities.” (**Act XXV of 1946**, which was enacted just prior to the **Treaty of Peace with Hungary**, provided that the **Restitution Fund** would be the legal heir of Jewish property.)

In 1993, the Constitutional Court found that **Article 27(2)** of the **Treaty of Peace with Hungary** had not been complied with and directed Parliament to take the necessary measures to implement the Article relating to heirless property.

In response, Parliament passed **Act X of 1997**. The law created the **Hungarian Jewish Heritage Fund (MAZSOK)**, which was comprised of certain heirless assets and the remaining money that had previously been in the **Restitution Fund**. **MAZSOK** was used to pay annuities to survivors meeting certain criteria. In 2007, negotiations between the government and the World Jewish Restitution Organization culminated in a \$21 million commitment from the government to **MAZSOK** (paid in installments) to assist with the urgent needs of aging Hungarian Holocaust survivors. The \$21 million was to be considered a down payment by the government against the value of all heirless Jewish property in Hungary.

A special joint commission – comprised of representatives from the government and the Jewish community – was established in 2007 to address all remaining property restitution matters, including heirless property. The Prime Minister disbanded this commission in 2010 and a replacement commission has yet to be created.

Since becoming a signatory to the Terezin Declaration, no new laws have been passed relating to the restitution of private property.

IV. Questions relating to specific immovable property restitution /compensation regimes in Hungary

The following questions aim to elicit additional information relating the laws generally described in the Section III Overview.

<p><u>20 January 1945</u> <u>Armistice</u> <u>Agreement with</u> <u>Hungary</u></p>	<p>Please describe what laws, if any, were enacted to give effect to Article 13 of the Agreement Concerning an Armistice Between the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America on One Hand and Hungary on the Other (the “Armistice Agreement with Hungary”), which stated that “[t]he Government of Hungary undertakes to restore all legal rights and interests of the United Nations and their nationals on Hungarian territory as they existed before the war and also to return their property in complete good order.”</p>	<p>Act V of 1945 on the Ratification of the Armistice Agreement Concluded on 20 January 1945 in Moscow</p> <p>Decree 7590/1945 of the Prime Minister on Returning Shops, furnishings (Equipment), as well as Stocks of Goods and Materials Lost by virtue of Regulations Containing Discriminatory Provisions against Jews or of Leftist Behavior</p> <p>Decree 3630/1945 of the Prime Minister on Paying the Value of Taking Over Business Furnishings (Equipment) and of Investments (Reconstructions) Related to Licenses to Sell Alcoholic Beverages Withdrawn Based on the Anti-Jew Laws</p> <p>Decree 10.480/1945 of the Prime Minister on Settling Personal Pharmacy Licenses Lost by virtue of Regulations Containing Discriminatory Provisions against Jews</p>
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	Does the Armistice Agreement with Hungary apply to immovable property that was confiscated during the Holocaust (Shoah) Era, 1933-1945?	The Armistice Agreement with Hungary uses the concept of property in general.
	What type of property can be claimed pursuant to Article 13 of the Armistice Agreement with Hungary ? (Private, Communal, Heirless?)	The Armistice Agreement with Hungary uses the concept of property in general.
	Please describe whose immovable property has been returned pursuant to Article 13 of the Armistice Agreement with Hungary .	The person who demand immovable property.
	If properties have been restituted <i>in rem</i> pursuant to Article 13 of the Armistice Agreement with Hungary , how many have been restituted and at what value ?	We do not have any information about this.
	Pursuant to Article 13 of the Armistice Agreement with Hungary , who determined whether restitution <i>in rem</i> was possible, and based upon what criteria?	We do not have any information about this.
	Pursuant to Article 13 of the Armistice Agreement with Hungary , what percent of the actual market value of the claimed property have claimants received in cash, or in vouchers as compensation?	Article 13 of the Armistice Agreement with Hungary did not deal with these issues.

	<p>Pursuant to Article 13 of the Armistice Agreement with Hungary, how much has been paid in compensation for immovable property?</p>	<p>Article 13 of the Armistice Agreement with Hungary did not deal with these issues.</p>
	<p>How much of the potential immovable property that could have been restituted/compensated pursuant to Article 13 of the Armistice Agreement with Hungary, has been restituted/compensated?</p>	<p>We do not have any information about this.</p>

<p><u>10 February 1947 Treaty of Peace with Hungary</u></p>	<p>Please describe what laws, if any, have been enacted to give effect to Articles 26 and 27 of the 10 February 1947 Treaty of Peace with Hungary, which addressed the return of, or compensation for, immovable property.</p>	<p>Decree 300/1946 of the Prime Minister on Settling Movable Property Lost by virtue of Regulations Containing Discriminatory Provisions against Jews</p> <p>Decree 12.530/1946 of the Prime Minister on Deleting Proprietary rights of Certain Immovable Properties Registered for the Benefit of the State Treasury</p> <p>Decree 6400/1947 of the Prime Minister on Farm Equipment Lost by virtue of Regulations Containing Discriminatory Provisions against Jews</p> <p>Decree 5280/1947 of the Prime Minister on the Restrictions on Returning Cold Stores and Poultry Processing Plants Lost by virtue of Regulations Containing Discriminatory Provisions against Jews or of Leftist Behavior</p> <p>Government Decree 13.160/1947 on Handling Abandoned Property of Jews [Section 4(2)]</p>
	<p>Do Articles 26 and 27 of the Treaty of Peace with Hungary apply to immovable property that was confiscated during the Holocaust (Shoah) Era, 1933-1945?</p>	<p>Yes, Országos Zsidó Helyreállítási Alap (National Jewish Rehabilitation Fund) was established for this purpose.</p>

	<p>What type of property can be claimed pursuant to Articles 26 and 27 of the Treaty of Peace with Hungary? (Private, Communal, Heirless?)</p>	<p>The Treaty of Peace with Hungary uses the concept of property in general, but evades, on the one hand, private property and, on the other hand, communal property as well.</p>
	<p>Please describe whose immovable property has been returned pursuant to Articles 26 and 27 of the Treaty of Peace with Hungary.</p>	<p>We do not have any information about this.</p>
	<p>If properties have been restituted <i>in rem</i> pursuant to Articles 26 and 27 of the Treaty of Peace with Hungary, how many have been restituted and at what value?</p>	<p>We do not have any information about this.</p>
	<p>Pursuant to Articles 26 and 27 of the Treaty of Peace with Hungary, who determined whether restitution <i>in rem</i> was possible, and based upon what criteria?</p>	<p>We do not have any information about this.</p>
	<p>Pursuant to Articles 26 and 27 of the Treaty of Peace with Hungary, what percent of the actual market value of the claimed property have claimants received in cash, or in vouchers as compensation?</p>	<p>We do not have information about the percent, but we know who received any kind of compensation, that happened in cash.</p>
	<p>Pursuant to Articles 26 and 27 of the Treaty of Peace with Hungary, how much has been paid in compensation for immovable property?</p>	

	<p>How much of the potential immovable property that could have been restituted/compensated pursuant to Articles 26 and 27 of the Treaty of Peace with Hungary, has been restituted/compensated?</p>	<p>The specifying of exact number has been under determination process.</p>
<p><u>Additional Restitution/Compensation Treaties or Agreements</u></p>	<p>Please describe any other treaties or agreements between Hungary and other countries – in addition to the following:</p> <ol style="list-style-type: none"> 1. The Armistice Agreement with Hungary (Article 13); 2. The Treaty of Peace with Hungary (Articles 26 and 27); and 3. The 6 March 1973 Agreement between the Government of the United States of America and the Government of the Hungarian People’s Republic Regarding the Settlement of Claims; <p>which address restitution and/or compensation for immovable property that was confiscated or otherwise wrongfully taken during the Holocaust era between 1933-1945.</p>	<p>West Germany - Federal Republic of Germany.</p>
<p><u>Private Property - Act XXV of 1991</u></p>	<p>Does Act XXV of 1991 (on the Partial Compensation of Damages Wrongfully Caused by the State to the Property of Citizens, for the Purpose of the Settlement of Ownership Relations) apply to immovable property that was confiscated during the Holocaust (Shoah) Era, 1933-1945?</p>	<p>No, because pursuant to the Act, those natural persons are entitled to compensation to whose private property the regulations introduced after 08 June 1949 and listed in the Annex of the Act were prejudicial.</p>

	<p>What type of property can be claimed pursuant to Act XXV of 1991? (Private, Communal, Heirless?)</p>	<p>Private.</p>
	<p>Please describe whose immovable property has been returned pursuant to Act XXV of 1991.</p>	<p>Based on the Act it was not possible to return confiscated property.</p>
	<p>If properties have been restituted <i>in rem</i> pursuant to Act XXV of 1991, how many have been restituted and at what value?</p>	<p>Based on the Act it was not possible to return confiscated property.</p>
	<p>Pursuant to Act XXV of 1991, who determined whether restitution <i>in rem</i> was possible, and based upon what criteria?</p>	<p>Based on the Act it was not possible to return confiscated property.</p>
	<p>Pursuant to Act XXV of 1991 what percent of the actual market value of the claimed property have claimants received in cash, or in vouchers as compensation?</p>	<p>No data.</p>
	<p>Pursuant to Act XXV of 1991, how much has been paid in compensation for immovable property?</p>	<p>Compensation notes in a value of HUF 55 367 233 000 and so-called vouchers supporting agricultural enterprises in a value of HUF 3 109 786 000</p>
	<p>How much of the potential immovable property that could have been restituted/compensated pursuant to Act XXV of 1991, has been restituted/compensated?</p>	<p>No data.</p>

<p><u>Private Property - Act XXIV of 1992</u></p>	<p>Does Act XXIV of 1992 (on the Partial Compensation of Damages Wrongfully Caused by the State to the Property of Citizens by Application of Legal Regulations Adopted between 1 May 1939 and 8 June 1949, for the Purpose of the Settlement of Ownership Relations) apply to immovable property that was confiscated during the Holocaust (Shoah) Era, 1933-1945?</p>	<p>Yes, the purpose of the Act is to remedy damages wrongfully caused by the state to the property of citizens by the application of regulations introduced between 01 May 1939 and 08 June 1949.</p>
	<p>What type of property can be claimed pursuant to Act XXIV of 1992? (Private, Communal, Heirless?)</p>	<p>Private.</p>
	<p>Please describe whose immovable property has been returned pursuant to Act XXIV of 1992.</p>	<p>Based on the Act it was not possible to return confiscated property.</p>
	<p>If properties have been restituted <i>in rem</i> pursuant to Act XXIV of 1992, how many have been restituted and at what value?</p>	<p>Based on the Act it was not possible to return confiscated property.</p>
	<p>Pursuant to Act XXIV of 1992, who determined whether restitution <i>in rem</i> was possible, and based upon what criteria?</p>	<p>Based on the Act it was not possible to return confiscated property.</p>
	<p>Pursuant to Act XXIV of 1992, what percent of the actual market value of the claimed property have claimants received in cash, or in vouchers as compensation?</p>	<p>No data.</p>

	Pursuant to Act XXIV of 1992 , how much has been paid in compensation for immovable property?	Compensation notes in a value of HUF 10 982 379 000 and so-called vouchers supporting agricultural enterprises in a value of HUF 663 041 000
	How much of the potential immovable property that could have been restituted/compensated pursuant to Act XXIV of 1992 , has been restituted/compensated?	No data.
<u>Heirless Property – Act XXV of 1946</u>	Does Act XXV of 1946 , which established the Restitution Fund , apply to immovable property that was confiscated during the Holocaust (Shoah) Era, 1933-1945?	No data.
	What type of property can be claimed pursuant to Act XXV of 1946 ? (Private, Communal, Heirless?)	No data.
	Please describe whose immovable property has been returned pursuant to Act XXV of 1946 .	No data.
	If properties have been restituted <i>in rem</i> pursuant to Act XXV of 1946 , how many have been restituted and at what value ?	No data.
	Pursuant to Act XXV of 1946 , who determined whether restitution <i>in rem</i> was possible , and based upon what criteria?	No data.

	Pursuant to Act XXV of 1946 , what percent of the actual market value of the claimed property have claimants received in cash, or in vouchers as compensation?	No data.
	Pursuant to Act XXV of 1946 , how much has been paid in compensation for immovable property?	No data.
	How much of the potential immovable property that could have been restituted/compensated pursuant to Act XXV of 1946 , has been restituted/compensated?	No data.
<u>Heirless Property - Act X of 1997</u>	Please describe how Act X of 1997 (on the Implementation of Paragraph 2 of Article 27 of Act XVIII of 1947 on the Treaty of Peace with Hungary), and the law's creation of the Hungarian Jewish Heritage Fund (MAZSOK) , have served to address the issue of heirless property in Hungary.	See: XIII. point The full original Hungarian version of the Act X of 1997.
<u>Heirless Property</u>	What is the current status of the remaining balance of money that Hungary committed to MAZSOK as an initial payment against the value of all heirless, formerly Jewish property in Hungary, to be distributed to survivors living in Hungary as well as survivors of Hungarian origin living outside of Hungary?	Finished

<u>Heirless Property</u>	What measures have been taken in Hungary to establish a replacement for the special joint commission – approved by the government and established in 2007 – that was tasked with addressing the issue of heirless property, but which was disbanded in spring 2010?	Finished
<u>Communal Property - Act XXXII of 1991</u>	Does Act XXXII of 1991 (on the Settlement of the Ownership status of Former Church Owned Real Properties) apply to immovable property that was confiscated during the Holocaust (Shoah) Era, 1933-1945?	See: V. point
	What type of property can be claimed pursuant to Act XXXII of 1991 ? (Private, Communal, Heirless?)	See: V. point
	Please describe whose immovable property has been returned pursuant to Act XXXII of 1991 .	See: V. point
	If properties have been restituted <i>in rem</i> pursuant to Act XXXII of 1991 , how many have been restituted and at what value ?	See: V. point
	Pursuant to Act XXXII of 1991 , who determined whether restitution <i>in rem</i> was possible , and based upon what criteria?	See: V. point

	<p>Pursuant to Act XXXII of 1991, what percent of the actual market value of the claimed property have claimants received in cash, or in vouchers as compensation?</p>	<p>See: V.point</p>
	<p>Pursuant to Act XXXII of 1991, how much has been paid in compensation for immovable property?</p>	<p>See: V.point</p>
	<p>How much of the potential immovable property that could have been restituted/compensated pursuant to Act XXXII of 1991, has been restituted/compensated?</p>	<p>See: V.point</p>

<p><u>Additional Legislation Relating to Immovable Property</u></p>	<p>Please describe any other laws in Hungary – in addition to the following:</p> <ol style="list-style-type: none"> 1. Act XXV of 1991 (on the Partial Compensation of Damages Wrongfully Caused by the State to the Property of Citizens, for the Purpose of the Settlement of Ownership Relations); 2. Act XXIV of 1992 (on the Partial Compensation of Damages Wrongfully Caused by the State to the Property of Citizens by Application of Legal Regulations Adopted between 1 May 1939 and 8 June 1949, for the Purpose of the Settlement of Ownership Relations); 3. Act X of 1997 (on the Implementation of Paragraph 2 of Article 27 of Act XVIII of 1947 on the Paris Peace Treaty); and 4. Act XXXII of 1991 (on the Settlement of the Ownership status of Former Church Owned Real Properties); <p>which relate to the restitution or compensation of immovable property confiscated during the Holocaust (Shoah) Era, 1933-1945.</p>	<p>Act II of 1994 on the deadline for submitting compensation claims and on the amendment of Act XXV of 1991 on the Partial Compensation of Damages Wrongfully Caused to the Property of Citizens,</p> <p>Act XXXII of 1992 on the Compensation of Persons Unlawfully Deprived of their Life and Liberty for Political Reasons, Section 10</p>
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V. Questions relating to Hungary’s commitments under the Terezin Declaration and Guidelines and Best Practices

<p><u>Restitution/Compensation Laws</u></p> <p>What measures has Hungary taken to comply with the Terezin Declaration and Guidelines and Best Practices (“GBP”) para. a, which states that “[r]estitution and compensation laws should apply to immovable (real) property which was owned by” –</p>	<p><i>“(i) <u>religious or communal organizations</u> . . . and then subject to confiscation or other wrongful takings during the Holocaust (Shoah) Era between 1933-1945”?</i> (see Terezin Declaration GBP, para. a)</p>	<p>Act XXXII of 1991 on the Settlement of the Ownership status of Former Church Owned Real Properties</p> <p>Act X of 1997 on the Implementation of Paragraph 2 of Article 27 of Act XVIII of 1947 on the Paris Peace Treaty</p>
	<p><i>“(ii) <u>private individuals or legal persons</u> and then subject to confiscation or other wrongful takings during the Holocaust (Shoah) Era between 1933-1945”?</i> (see Terezin Declaration GBP, para. a)</p>	<p>Act XXV of 1991 on the Partial Compensation of Damages Wrongfully Caused by the State to the Property of Citizens, for the Purpose of the Settlement of Ownership Relations</p> <p>Act XXIV of 1992 on the Partial Compensation of Damages Wrongfully Caused by the State to the Property of Citizens by Application of Legal Regulations Adopted between 1 May 1939 and 8 June 1949, for the Purpose of the Settlement of Ownership Relations</p>
<p><u>Restitution/Compensation Processes</u></p> <p>What measures has Hungary taken to comply with the Terezin Declaration and GBP para. c – which states that the “<i>restitution and compensation process should recognize the</i></p>	<p>If the property owner was not a Hungarian citizen at the time of the taking?</p>	<p>Act XXV of 1991 on the Partial Compensation of Damages Wrongfully Caused by the State to the Property of Citizens, for the Purpose of the Settlement of Ownership Relations</p> <p>Section 2(1) The following persons are entitled to compensation:</p>

<p><i>lawful owner or holder of other legal property rights as listed in property record files as of the last date before commencement of persecution against them by the Nazis, Fascists and their collaborators during the Holocaust (Shoah) era between 1933 and 1945 including the period of WWII”? (see Terezin Declaration GBP, paras. c, d) –</i></p>	<p>If the claimant was not a Hungarian citizen at the time of the filing of the claim?</p>	<p>a) Hungarian citizens,</p> <p>b) any person who was Hungarian citizen at the time of suffering damage,</p> <p>c) who suffered damage in conjunction with the deprivation of Hungarian citizenship,</p> <p>d) non-Hungarian citizens who were permanent residents of Hungary on 31 December 1990.</p>
	<p>If the claimant was not a Hungarian resident at the time of the filing of the claim?</p>	<p>(2) If the person specified in Paragraph (1) (hereinafter the former owner) died, his/her descendants or, in lack of that, surviving spouse may claim compensation.</p> <p>(3) The descendants are entitled to compensation in equal shares only by right of the ancestor and to the extent of the Ancestor’s entitlement. If any of the descendants died and has no descendants, no compensation may be granted against the ownership interest of the deceased person.</p> <p>(4) If there are no descendants, the surviving spouse, who lived in marriage with the former owner at the time of his/her death and of suffering damage, is entitled to compensation</p>

<p><u>Restitution and Compensation Processes</u></p> <p>What measures has Hungary taken to comply with the Terezin Declaration and GBP para. d, which states that “<i>[t]he property restitution and compensation processes, including the filing of claims, should be accessible, transparent, simple, expeditious, non-discriminatory</i>”? (see Terezin Declaration, and GBP, para. d)</p>	
<p><u>Archival Access</u></p> <p>What measures has Hungary taken to comply with the Terezin Declaration and GBP para. e, which states that claimants “<i>have unfettered and free access to all relevant local, regional, and national archives</i>”? (see Terezin Declaration, and GBP, para. e)?</p>	<p>Pursuant to Section 17(2) of Government Decree 104/1991 (03 August) on the Implementation of Act XXV of 1991 on the Partial Compensation of Damages Wrongfully Caused by the State to the Property of Citizens, for the Purpose of the Settlement of Ownership Relations, state administration bodies, notaries of local governments, business associations under the Act on Civil Procedure, archives and all legal entities having such data - unless otherwise provided by a legal regulation - are obliged to make the data, documents or copies thereof, necessary for granting a compensation claim, available for the claimant, at his/her request.</p> <p>Pursuant to Section 17(3) of the same Government Decree, the costs of obtaining the documentary evidence shall be borne by the claimant.</p>
<p><u>In Rem Restitution</u></p> <p>What measures has Hungary taken to comply with the Terezin Declaration and GBP para. h, which states that “<i>[r]estitution in rem is a preferred outcome, especially for publicly held property</i>”? (see Terezin Declaration, and GBP, para.</p>	
<p><u>Genuine and Adequate Compensation</u></p> <p>What measures has Hungary taken to comply with</p>	

<p>the Terezin Declaration and the GBP para. h, which urge compensation to be “<i>genuinely fair and adequate</i>”? (see Terezin Declaration, and GBP, para. h)</p>		
<p><u>Forms of Compensation</u> If compensation for immovable property in Hungary is issued in the form of government vouchers (securities) (see Terezin Declaration, and GBP, para. h) -</p>	<p>May a claimant sell the voucher?</p>	<p>Yes, compensation notes are securities that are payable to bearer and transferable and that represent a claim to the state at nominal value and correspond to the amount of compensation.</p>
	<p>May a claimant trade the vouchers on the stock exchange?</p>	<p>Yes.</p>
	<p>What limitations are there, if any, on the type of immovable property that may be purchased with the vouchers?</p>	<p>There are no limitations.</p>
<p><u>Prompt Decisions</u> What measures has Hungary taken to comply with the Terezin Declaration and GBP paras. f and h, which state that “[d]ecisions should be prompt” and “[t]ransfer of property title or payment of compensation should be effected promptly”? (see Terezin Declaration, and GBP, para. f, h)</p>	<p>The “Terezin Declaration” was not installed into the Hungarian rule of law in 2009.</p>	
<p><u>Heirless Property</u> What measures has Hungary taken to comply with the Terezin Declaration and GBP para. j, which encourages states to “<i>create solutions for the restitution and compensation of heirless or unclaimed property from victims of persecution by Nazis, Fascists and their collaborators</i>”? (see Terezin Declaration, and GBP, para. j)</p>	<p>The research is in progress.</p>	

<p><u>Heirless Property</u></p> <p>Has Hungary conducted a survey to assess the total amount of heirless property located in the country? (<i>see Terezin Declaration, and GBP, para. j</i>)</p>	<p>The research is in progress.</p>
<p><u>Heirless Property</u></p> <p>Who, or what organization, if any, has been designated as the proper recipient of Jewish heirless property, which is still retained by Hungary for any reason? (<i>see Terezin Declaration, and GBP, para. j</i>)</p>	<p>The research is in progress.</p>
<p><u>Heirless Property</u></p> <p>If an organization, person, or group of persons have been designated as the proper recipients of Jewish heirless property in Hungary, what properties have been restituted or compensated to them to date? (<i>see Terezin Declaration, and GBP, para. j</i>)</p>	<p>The research is in progress.</p>
<p><u>Communal Property</u></p> <p>What provisions have been made in Hungary for the return of Jewish communal property? (<i>see Terezin Declaration, and GBP, paras. a, b, k</i>)</p>	<p>see: Act XXXII of 1991.</p>
<p><u>Communal Property</u></p> <p>Please describe all Jewish communal property in Hungary that has been returned. (<i>see Terezin Declaration, and GBP, paras. a, b, k</i>)</p>	<p>see: Act XXXII of 1991.</p>
<p><u>Communal Property</u></p> <p>Please describe any Jewish communal property that remains in the possession of the Hungarian state. (<i>see Terezin Declaration, and GBP, paras. a, b, k</i>)</p>	<p>-</p>

<p><u>Current Mechanisms</u></p> <p>Are there currently any legal or administrative mechanisms in Hungary by which a claimant (Hungarian or non-Hungarian citizen) can seek restitution and/or compensation of immovable property seized between 1933 and 1945? If yes, please identify. (<i>see Terezin Declaration, and GBP paras. d, k</i>)</p>	<p>The research is in progress.</p>
<p><u>Fulfillment of Terezin Declaration Commitments</u></p> <p>Does Hungary currently view its commitments under the Terezin Declaration and Guidelines and Best Practices (“GBP”) as being fulfilled? (<i>see Terezin Declaration, and GBP, paras. a-m</i>)</p>	<p>In progress. See: XII. point</p>
<p><u>Fulfillment of Terezin Declaration Commitments</u></p> <p>What specifically has Hungary done to fulfill its commitments under the Terezin Declaration and GBP? (<i>see Terezin Declaration, and GBP, paras. a-m</i>)</p>	<p>In progress. See: XII. point</p>
<p><u>Fulfillment of Terezin Declaration Commitments</u></p> <p>Since Hungary’s signing of the Terezin Declaration in 2009, what new laws or regulations, if any, have been passed and/or enacted, which promote the goals of the Terezin Declaration and GBP? (<i>see Terezin Declaration, and GBP</i>)</p>	<ul style="list-style-type: none"> - Civil code - Penal code - Compensation Act - Act X of 1997 - Social legislation - Education legislation

[If your country has more than one law that relates to Shoah era restitution/compensation of immovable property, please complete Sections VI-XIII of the Questionnaire for each law**]**

VI. Legislation / Regulation relating to restitution and/or compensation of Shoah era immovable property – Basic information (pursuant to Terezin Declaration, Guidelines and Best Practices (“GBP”), para. k)

Territory:	Hungary
Title:	<p>Act XXIV of 1992 on the Partial Compensation of Damages Wrongfully Caused by the State to the Property of Citizens by Application of Legal Regulations Adopted between 1 May 1939 and 8 June 1949, for the Purpose of the Settlement of Ownership Relations</p> <p>(1992. évi XXIV. törvénya tulajdonviszonyok rendezése érdekében, az állam által az állampolgárok tulajdonában az 1939. május 1-jétől 1949. június 8-ig terjedő időben alkotott jogszabályok alkalmazásával igazságtalanul okozott károk részleges kárpótlásáról)</p>
Text (original language):	<p>1992. évi XXIV. törvény</p> <p>a tulajdonviszonyok rendezése érdekében, az állam által az állampolgárok tulajdonában az 1939. május 1-jétől 1949. június 8-ig terjedő időben alkotott jogszabályok alkalmazásával igazságtalanul okozott károk részleges kárpótlásáról</p> <p>Az Országgyűlés a tulajdonviszonyok biztonságának megteremtése érdekében - a jogállamiság elvétől vezérelve, a társadalom igazságérzetét és teherbíró képességét egyaránt figyelembe véve - az 1991. évi XXV. törvény 1. § (3) bekezdésében foglaltaknak megfelelően az 1939. május 1-jétől 1949. június 8-ig terjedő időben alkotott jogszabályok alkalmazásával az állam által az állampolgárok tulajdonában igazságtalanul okozott károk orvoslása céljából a következő törvényt alkotja:</p> <p>1. § (1) E törvény alapján részleges kárpótlás (a továbbiakban: kárpótlás) illeti meg azokat a természetes személyeket, akiknek magántulajdona az állam által az 1939. május 1-jétől 1949. június 8-ig terjedő időben alkotott jogszabályok alkalmazása által sérelmet szenvedett.</p> <p>(2) Az (1) bekezdésben meghatározott sérelmek kárpótlására az 1991. évi XXV. törvény (a továbbiakban: Kpt.) rendelkezéseit az e törvényben meghatározott eltérésekkel és kiegészítésekkel kell alkalmazni.</p> <p>2. § (1) A törvény hatálya Magyarországnak a Párizsi Békeszerződés által meghatározott határai között elszenvedett tulajdoni sérelmekre terjed ki.</p> <p>(2) Nem illeti meg kárpótlás azt, akit háborús vagy népellenes bűncselekmény elkövetése miatt jogerősen elítéltek és a tulajdoni sérelemre ezzel összefüggésben került sor.</p> <p>(3) Nem jár kárpótlás annak, akinek tulajdoni sérelmét az e törvény <i>1. számú mellékletében</i> felsorolt jogszabályok alkalmazásával, illetőleg más jogcímen orvosolták.</p> <p>3. § Az egyes vagyontárgyak kötelező letétbe helyezését, illetve zár alá vételét előíró - a Kpt. 1. számú mellékletének 6. pontjában és az e törvény 2. számú mellékletének 2., 4. és 6. pontjában megjelölt - jogszabályok alkalmazásával okozott kár mértékét a <i>3. számú mellékletben</i> foglaltak szerint</p>

kell meghatározni.

4. § Ha a kárpótlásra jogosultat mind a Kpt., mind pedig e törvény alapján kárpótlás illeti meg, annak mértékét úgy kell megállapítani, mintha összes kárpótlási igényét ugyanazon törvény alapján érvényesítette volna.

5. § Az e törvény alapján kibocsátott kárpótlási jegy kamatát - a kibocsátás időpontjától függetlenül - a Kpt. hatálybalépésének napjától kell számítani.

6. §¹A kárpótlás iránti kérelmet a jogosult e törvény hatálybalépését követő 120 napon belül nyújthatja be az illetékes kárpótlási hatósághoz.

7. § (1) Ez a törvény a kihirdetését követő 30. napon lép hatályba.

(2) A Kpt. 1. és 2. számú melléklete az e törvény 2. számú melléklete szerint egészül ki. Az e mellékletben felsorolt jogszabályok alkalmazásával okozott tulajdoni sérelmek kárpótlása iránti igények benyújtására a 6. § rendelkezése az irányadó.

(3)²

(4) Felhatalmazást kap a Kormány az eljárási szabályok megállapítására.³

1. számú melléklet az 1992. évi XXIV. törvényhez

1. 7590/1945. ME r. a zsidókra hátrányos megkülönböztetést tartalmazó jogszabályok vagy baloldali magatartás folytán elveszett üzlethelyiségek, berendezési (felszerelési) tárgyak, valamint áru- és anyagkészletek visszabocsátásáról

2. 3630/1945. ME r. a zsidótörvények alapján megvont italmérési engedélyek visszajuttatásával kapcsolatban az üzleti berendezés (felszerelés) átvétele és a beruházások (helyreállítások) értékének megfizetése

3. 10.480/1945. ME r. a zsidókra hátrányos megkülönböztetést tartalmazó jogszabályok folytán elvesztett személyjogú gyógyszerári jogosítványok rendezése

4. 300/1946. ME r. a zsidókra hátrányos megkülönböztetést tartalmazó jogszabályok folytán elvesztett ingóságok rendezése tárgyában

5. 12.530/1946. ME r. az államkincstár javára bejegyzett tulajdonjognak egyes ingatlanokról törlése tárgyában

6. 6400/1947. ME r. a zsidókra hátrányos megkülönböztetést tartalmazó jogszabályok folytán elvesztett gazdasági felszerelésekről

7. 5280/1947. ME r. a zsidókra hátrányos megkülönböztetést tartalmazó jogszabályok vagy baloldali magatartás folytán elvesztett hűtőházak és baromfifeldolgozó telepek visszabocsátásának korlátozása tárgyában

8. 13.160/1947. Korm. r. a zsidók elhagyott javainak kezelése tárgyában [4. § (2) bek.]

2. számú melléklet az 1992. évi XXIV. törvényhez

1. 147/1950. (V. 24.) MT r.-tel módosított és kiegészített 5410/1945. ME r.

¹ Módosította: 2009. évi LVI. törvény 47. §.

² Hatályon kívül helyezte: 2007. évi LXXXII. törvény 2. § 96. Hatálytalan: 2007. VII. 1-től.

³ Lásd: 92/1992. (VI. 10.) Korm. rendelet.

az iparügyi miniszternek üzemi felszerelési tárgyak és anyagkészletek igénybevételére szóló felhatalmazása tárgyában

2. 8400/1946. ME r. a külföldi fizetési eszközök és követelések, a külföldi értékpapírok és az arany forgalmának, valamint a fizetési eszközök kivitelének újabb szabályozása tárgyában

3. 1948: XXVIII. tc. az elhagyott javak kérdésének rendezéséről

4. 326400/1949. (XII. 30.) PM r. az ipari és kereskedelmi tevékenység körébe tartozó arany- és platinakészletek letétbe helyezése tárgyában

5. 113/1950. (IV. 18.) MT r.-tel kiegészített és módosított 4247/1949. (IX. 22.) MT r. az egyes vállalatok felszámolásának szabályozása tárgyában

6. 1954. évi 13. tvr. a múzeumokról és műemlékekről szóló 1949. évi 13. tvr. kiegészítéséről és módosításáról [9. § (1) bek.]

7. A Polgári Törvénykönyvről szóló 1959. évi IV. törvény 674. § (2) bekezdése, amennyiben a visszautasítás következményeképpen az állam örökölt

8. Az erdőkről és a vadgazdálkodásról szóló 1961. évi VII. törvény 8. §-ának (1) és (2) bekezdése

9. Az 1976. évi 35. tvr. az ingatlannyilvántartásról szóló 1972. évi 31. tvr. módosításáról (13. §)

3. számú melléklet az 1992. évi XXIV. törvényhez

I.

A kötelező letétbe helyezéssel okozott kár mértékének meghatározása során alkalmazandó átalányértékek:

a) Az aranytárgyak értéke finomságtól függően:

Karát	Ft/g
14	90
16	100
18	110
20	120
22	130
24	140

b) A platinatárgyak értéke 300 Ft/g

c) Ha a letétbe helyezett aranytárgy finomsága nem állapítható meg, a 16 karátos értéket kell figyelembe venni.

d) Ha a letétbe helyezett arany (platina) tárgy súlya nem állapítható meg, az alábbi átlagsúlyokat kell figyelembe venni.

	g/db
Férfi aranytárgyak:	
jegygyűrű	3
gyűrű, köves	4
pecsétgyűrű	8
nyakkendőtű	3
kézjelgomb	6

	óralánc 12 óra 30 nyaklánc 14 cigaretaszelence 150 Női aranytárgyak: gyűrű 3 gyűrű, köves 4 melltű 4 fülbevaló 2 ,5 nyaklánc 3 függelék 2 aranyóra 10 karkötő 22 Gyermek aranytárgyak: lánc 3 gyűrű 2 fülbevaló 1 Egyéb aranytárgyak: 2 e) a brill (csiszolt gyémánt) kövek értéke súlytól függően: 1 karát 80 000 Ft/kő f) Ha a letétbe helyezett brill (csiszolt gyémánt) kövek súlya nem állapítható meg, 0,25 karát értéket kell figyelembe venni. II. Az 1954. évi 13. tvr. 9. § (1) bekezdésében foglaltak alapján állami tulajdonba került vagyontárgyak esetében a kár mértékének az 1954. évi forgalmi érték hatszorosát kell tekinteni.
Text (English):	No official or unofficial translation is available.
Date of passage:	7 April 1992
Date of entry into force:	7 June 1992
Promulgating authority:	Parliament of Hungary
Citation(s):	Hungarian Official Journal No. 1992/47 (V. 8.) (Magyar Közlöny 1992/47 (V. 8.))
URL:	http://njt.hu/cgi_bin/njt_doc.cgi?docid=17022.269426

Other:	

VII. Scope of this Legislation / Regulation (pursuant to Terezin Declaration, and GBP, paras. c, d, g, h, k)

What type of recovery is permitted?	Restitution? If yes, describe scope of possible recovery.	Based on the Act it was not possible to return confiscated property.
	Compensation? If yes, describe scope of possible recovery.	Arable lands, farms, buildings, apartments, enterprises, gold objects, brilliant cut diamonds brill, platinum.
	Other?	
What time period does the law cover?	Pre-1945? If yes, for which years?	Yes. As a general rule, compensation shall be due for damages caused through the enforcement of the statutory provisions enacted during the period between 1 May 1939 and 8 June 1949.
	Post-1945? If yes, for which years?	Yes. As a general rule, compensation shall be due for damages caused through the enforcement of the statutory provisions enacted during the period between 1 May 1939 and 8 June 1949.
	Other?	
What type of property can be claimed?	Movable property? If yes, describe scope of property that may be claimed.	Based on the Act it was not possible to return confiscated property.
	Immovable	Based on the Act it was not possible to return confiscated

	property? If yes, describe scope of property that may be claimed.	property.
	Private property? If yes, describe scope of property that may be claimed.	Based on the Act it was not possible to return confiscated property.
	Heirless property? If yes, describe scope of property that may be claimed.	Based on the Act it was not possible to return confiscated property.
	Communal property? If yes, describe scope of property that may be claimed.	Based on the Act it was not possible to return confiscated property.
	Other?	
Who has legal standing to bring a claim?	Citizens? If yes, describe who is eligible to make a claim.	Yes. (Paragraph 1 (a) of Article 2 of Act XXV of 1991)
	Noncitizens? If yes, describe who is eligible to make a	Persons who were Hungarian citizens at the time of suffering the damage.

	claim.	<ul style="list-style-type: none"> - Persons who suffered damage in conjunction with being deprived of their Hungarian citizenship. (Paragraph 1 (b-c) of Article 2 of Act XXV of 1991) - Non-Hungarian citizens who were permanent residents in Hungary on 31 December 1990.
	Foreign residents? If yes, describe who is eligible to make a claim.	<p>Persons who were Hungarian citizens at the time of suffering the damage.</p> <ul style="list-style-type: none"> - Persons who suffered damage in conjunction with being deprived of their Hungarian citizenship. (Paragraph 1 (b-c) of Article 2 of Act XXV of 1991) - Non-Hungarian citizens who were permanent residents in Hungary on 31 December 1990.
	Direct heirs? If yes, describe who is eligible to make a claim.	Yes. (Paragraph 2 of Article 2 of Act XXV of 1991)
	Indirect heirs? If yes, describe who is eligible to make a claim.	No.
	Other?	<p>If there is no direct heir, compensation shall be due to the surviving spouse who lived together in marriage with the former owner at the time of death of the latter and at the time when the damage was suffered. (Paragraph 4 of Article 2 of Act XXV of 1991)</p> <p>No compensation shall be due to a person whose claim has already been settled by international agreement (Paragraph 5 of Article 2 of Act XXV of 1991).</p> <p>An international agreement of this nature exists between Hungary and the United States of America (Agreement Between the Government of the United States of America and the Government of the Hungarian People's Republic Regarding the Settlement of Claims, signed in Washington, D.C. on 6 March 1973, and which came into force on the same day, 168 UNTS 1974).</p> <p>No compensation shall be due for damages compensated through application of legal regulations listed in Annex 1 of this Act or otherwise.</p>

		Compensation shall be due for damages caused in the territory of Hungary as outlined by the Paris Peace Treaty.
Is there a special fund from which these claims are paid?	No.	
What is the limitations (prescription) period for making the claims, if any?	Applications for compensation can only be submitted to the competent compensation authority by no later than the 120th day calculated from this Act's entry into force. Act II of 1994 reopened the deadline for submitting any application for compensation; thus, claims could be submitted in the period starting on 15 February 1994 and ending on 15 March 1994. Notwithstanding those dates, no applications can be submitted after 15 March 1994. Failure to comply with the deadline shall result in forfeiture of right.	

VIII. Identifying claimants (pursuant to Terezin Declaration, and GBP, paras. d, e, g, l)

What measures are available for identifying the current titleholder ?	
What measures have been taken to make government archives accessible to persons seeking property ownership documents?	<p>Holocaust Research</p> <p>The fall of communism in 1989-1990 and the birth of parliamentary democracy in Hungary brought about the freedom of research and publication. The events of the twentieth century, among them the Holocaust, became the increasing focus of scholarly and public interest. There is a considerable amount of works published about modern Jewish history and the Holocaust in the last twenty-five years, as exemplified by the size of Randolph Braham's nearly one-thousand-page <i>Bibliography of the Holocaust in Hungary</i> (2011). This tendency characterized the reporting period between 2007 and 2014 as well.</p> <p>Main topics of Holocaust scholarship in Hungary include the history of the Arrow Cross and other native extreme right movements, the collaboration of various Hungarian state agencies in the Holocaust, with special emphasis on regional case studies and the expropriation of Jewish property and socio-economic interpretations of genocide. Besides historical studies, a lot of original publications have been written about the social psychological, sociological, literary, etc. aspects of the</p>

	<p>Holocaust.</p> <p>The key foreign language publications on the topic are published and mostly authored by foreign scholars, such as, for example, Tim Cole (<i>Holocaust City, Traces of the Holocaust</i>), Christian Gerlach and Götz Aly (<i>Das Letzte Kapitel</i>), Holly Case (<i>Between States: the Transylvanian question and the European Idea during World War II</i>) and Kinga Frojimovics (<i>I have been a Stranger in a Strange Land. The Hungarian State and Jewish Refugees in Hungary, 1933-1945</i>). In recent years, however, Hungarian scholars have also contributed greatly to the international literature on the topic, as recently witnessed by various entries in Randolph L. Braham's Jewish Book Award winning <i>Encyclopedia of the Holocaust in Hungary</i> (2013) and the volume of Zoltán Vági, László Csösz and Gábor Kádár published by the US Holocaust Memorial Museum (<i>The Holocaust in Hungary. Evolution of a Genocide</i>, 2013).</p> <p>Even though Hungary lacks any specialised university department or research institute dedicated exclusively to Holocaust and genocide studies, there is a number of prolific scholars working at universities (including Budapest, Szeged, Miskolc and Debrecen) and research institutions (Historical Institute of the Hungarian Academy of Sciences, various archives and libraries) who are teaching and studying subjects regarding the Second World War and the Holocaust and a growing number of graduate and doctoral students are training, focusing their lenses on this historical period. Hungarian state archives are open for unrestricted historical research and all the relevant collections on the subject are available for scholars from Hungary and abroad alike. With the launch of the digital archives portal on 1st of January, 2014, scholars can order archival material on-line and the collections of two major collection-holding institutions (National Archives of Hungary, Budapest Municipal Archives) have been connected. More and more municipal archives offer digitalized contents on their websites. See, for example, the digitalized Holocaust-related archive materials of Nógrád County: http://digitalisleveltar.nogradarchiv.hu/NMLFiler/DHOsearch.jsp</p> <p>The Holocaust Memorial Center's participation in the European Holocaust Research Infrastructure project (since 2010) opens up new possibilities for in-depth historical research, as a growing number of sources and finding aids will be available on-line. Data integration and accessibility might enhance the interest of foreign scholars in topics related to Hungary. Furthermore, the</p>
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	<p>project fosters international cooperation and the networking of emerging scholars with its on-line discussion forums, scholarly workshops and summer schools.</p> <p>The Central European University (2009) and the Eötvös Loránd University (2013) were granted access to the University of Southern California Shoah Foundation Institute's Visual History Archive, the largest collection of Holocaust-era testimonies. Out of the more than 52,000 video interviews, about 9300 contains relevant information about the Holocaust in Hungary or the fate of Hungarian Jews.</p> <p>In a related development, more than one hundred Torah-scrolls were found at Nizhniy-Novgorod (Russia), which were taken from Hungary after Second World War by the Soviet Army. The project was also supported by the State Department of the US. The Chabad movement in Hungary is very active in publicizing this issue.</p>
What measures have been taken to publicize the legislation ?	All acts are published in the Hungarian Official Journal, which is publicly available at www.magyarkozlony.hu .
What efforts have been made to reach out to local stakeholders , NGOs or advocacy groups?	Based on research no attempt was made to directly involve local advocacy groups.

IX. Claims procedure under this Legislation / Regulation (pursuant to Terezin Declaration, and GBP, paras. d, e, k)

To what body is a claim made?	Administrative?	<p>Yes, applications have to be submitted to the competent compensation authority. (Paragraph 1 of Article 11 and paragraph 1 of Article 10 of Act XXV of 1991):</p> <ul style="list-style-type: none"> - from 10 August 1991 to 1 April 1998 to the County (Budapest) Compensation Office, - from 2 April 1998 to 31 December 2010) to the Central Compensation Office, <p>following 1 January 2011 to the Compensation Authority.</p>
	Judicial /	No.

	courts?	
	Other?	No.
What is the claims procedure?	How is a claim made?	A written application has to be submitted along with all documents verifying entitlement or a copy thereof in their absence; reference shall be made to other means of proof.
	Is there any fee for filing a claim?	No.
	Is prior authorization required?	No.
	Who decides the validity of the claim?	Compensation Authority
	On what basis is the claim decided?	On the basis of the documents submitted by the applicant.
	What standard of proof is required?	General rules and principles set forth in the Administrative Procedure Code of Hungary (Act IV of 1957, as of 1 November 2005 Act CXL of 2004).
	Other?	The claims procedure is regulated by the Administrative Procedure Code of Hungary (Act IV of 1957, as of 1 November 2005 Act CXL of 2004)
What is the appeals procedure?	Can first instance decisions be appealed?	Yes.
	Is there any fee for filing an appeal?	No.

	To what body?	National Compensation Office
	What is the standard of review?	<ul style="list-style-type: none"> - Article 66 of Act IV of 1957 provides for full review. - In Chapter VII of Act CXL of 2004, specifically in Article 103, it is stated that the decision may be overturned or amended if it breaches law or if the Authority agrees with the request of the appellant and there is no opposing party. <p>Section 109 of Act CXL of 2004 and Section 339 of the Civil Procedure Code of Hungary (Act III of 1952) provides for full review.</p>
	Other?	
	Is this claims process currently open or closed ?	Statute of limitations finally expired on 15 March 1994 and, based on Government data, all claims have been processed.
	If closed, can late claims be accepted?	No.

X. Administrative regulations relating to this Legislation (pursuant to Terezin Declaration, and GBP, para. k)

Territory:	Hungary
Title:	<p>Government Decree No. 92/1992 (VI.10.) on the Implementation of Act XXIV of 1992 on the Partial Compensation of Damages Wrongfully Caused by the State to the Property of Citizens by Application of Legal Regulations, adopted between 1 May 1939 and 8 June 1949, for the Purpose of the Settlement of Ownership Relations.</p> <p>92/1992. (VI. 10.) Korm. rendelete tulajdonviszonyok rendezése érdekében, az állam által az állampolgárok tulajdonában az 1939. május 1-jétől 1949. június 8-ig terjedő időben alkotott jogszabályok alkalmazásával igazságtalanul okozott károk részleges kárpótlásáról szóló 1992. évi XXIV. törvény végrehajtásáról.</p>
Text (original language):	<p>92/1992. (VI. 10.) Korm. rendelet</p> <p>a tulajdonviszonyok rendezése érdekében, az állam által az</p>

állampolgárok tulajdonában az 1939. május 1-jétől 1949. június 8-ig terjedő időben alkotott jogszabályok alkalmazásával igazságtalanul okozott károk részleges kárpótlásáról szóló 1992. évi XXIV. törvény végrehajtásáról

A tulajdonviszonyok rendezése érdekében, az állam által az állampolgárok tulajdonában az 1939. május 1-jétől 1949. június 8-ig terjedő időben alkotott jogszabályok alkalmazásával igazságtalanul okozott károk részleges kárpótlásáról szóló 1992. évi XXIV. törvény (a továbbiakban: Tv.) 7. §-ának (4) bekezdésében foglalt felhatalmazás alapján a Kormány a következőket rendeli el:

1. § A Tv. végrehajtása során a tulajdonviszonyok rendezése érdekében, az állam által az állampolgárok tulajdonában igazságtalanul okozott károk részleges kárpótlásáról szóló 1991. évi XXV. törvény (a továbbiakban: Kpt.) végrehajtásáról rendelkező 104/1991. (VIII. 3.) Korm. rendelet (a továbbiakban: R.) rendelkezéseit az e rendeletben meghatározott eltérésekkel és kiegészítésekkel kell alkalmazni.

[A Tv. 2. §-ának (1) bekezdéséhez]

2. § A kár mértékének meghatározásánál vállalatok esetén azokat az alkalmazottakat kell figyelembe venni, akiket Magyarországnak a Párizsi Békeszerződés által meghatározott határai között működő székhelyen, illetve telephelyen foglalkoztattak.

[A Tv. 2. §-ának (2) bekezdéséhez]

3. § Ha a jogosultat a háborús vagy néPELLenes bűncselekmény vádja alól felmentik vagy az ilyen cselekmény elkövetése miatt meghozott ítéletet semmissé nyilvánítják, a jogosult a felmentést vagy a semmisséget kimondó határozat jogerőre emelkedését követő 120 napon belül nyújthatja be kérelmét a kárpótlási hatósághoz.

[A Tv. 2. §-ának (3) bekezdéséhez]

4. § A jogosult az Adatlapon (7. §) köteles bejelenteni, ha igényét nemzetközi szerződés alapján részben vagy egészben rendezték, továbbá, ha tulajdoni sérelmét a Tv. 1. számú mellékletében felsorolt jogszabályok alkalmazásával, illetőleg más jogcímen az állam orvosolta.

[A Tv. 3. §-ához]

5. § (1) A Tv. 3. számú melléklet II. pontjában meghatározott vagyontárgyak forgalmi értékét a kárpótlási hatóság a forgalmi érték megállapítása céljából általa megalakított szakértőtestület véleménye alapján határozza meg.

	<p>(2)</p> <p>(3) A szakértőtestület működésének feltételeit a kárpótlási hatóság biztosítja, a testület működésének szabályait - a kárpótlási hatóság vezetőjének jóváhagyásával - maga állapítja meg.</p> <p><i>[A Tv. 4. §-ához]</i></p> <p>6. § A mezőgazdasági vállalkozási támogatás összege a kár mértékének és a Tv. 4. §-ában foglaltak szerint megállapított kárpótlás összegének a különbözete. A kárpótlás és a támogatás együttes összege ebben az esetben sem haladhatja meg az 1 millió forintot.</p> <p><i>[A Tv. 6. §-ához]</i></p> <p>7. § A kárpótlásra irányuló kérelmet az e rendelet <i>mellékletének</i> megfelelő nyomtatványon („Adatlapon”) kell előterjeszteni.</p> <p>8. §</p> <p>9. § (1) Ez a rendelet a kihirdetése napján lép hatályba. (2)-(3)</p>
Text (English):	No official or unofficial translation is available.
Date of passage:	10 June 1992
Date of entry into force:	10 June 1992
Promulgating authority:	Government of Hungary
Citation(s):	Hungarian Official Journal No. 1992/59 (VI. 10.) (Magyar Közlöny 1992/59 (VI. 10.))
URL:	http://njt.hu/cgi_bin/njt_doc.cgi?docid=17022.269426 (consolidated with the text of the Act)
Other:	

XI. Key court rulings interpreting this Legislation. Please add additional rows as necessary for additional court decisions (pursuant to Terezin Declaration, and GBP, para. f)

Case 1	Name of claimant(s):	Ferenc Kántor
	Name of respondent(s):	Republic of Hungary
	Date of decision:	22 November 2005
	Name of Court:	European Court of Human Rights
	Brief description of facts:	Mr. Kantor claimed compensation based on this Act. The period taken into consideration by the ECHR began on 28 October 1994 and ended on 23 May 2002 with the service of a Supreme Court decision. Thus, it lasted nearly seven years and seven months for three levels of jurisdiction.
	Holding:	Violations of Article 6 (1) on the reasonableness of the length of proceedings.
	Citation(s):	Kantor v. Hungary Judgement, Application No. 458/03, 22 November 2005 (http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-71210)
	Other:	
Case 2	Name of claimant(s):	Unknown
	Name of respondent(s):	County Compensation Authority
	Date of decision:	2002 June
	Name of Court:	Supreme Court of Hungary
	Brief description of facts:	Claimant sought compensation and/or restitution of his father's and mother's house based on both Act XXV of 1991 and Act XXIV of 1992 in 1991 and 1992. Claimant appealed the original decision and later sought court review. Throughout this time, the Compensation Authority breached deadlines, and as a result the final decision was delivered on 5 January 1994. Claimant thereafter sought relief for breach of deadlines by the Authority, claiming that he had been damaged because by this date he could only purchase land in excess of the value of the compensation warrants that he had

		received.
	Holding:	The Supreme Court did not find the County Compensation Authority liable for damages with respect to breaches of deadlines as the Claimant had refused the original compensation offered. Therefore, the compensation authority's direct responsibility for the delay could not be determined.
	Citation(s):	BH2002.226 Court Decisions (Decisions of the Curia) 2002/6 June
	Other:	
Case 3	Name of claimant(s):	Unknown
	Name of respondent(s):	Compensation Authority
	Date of decision:	
	Name of Court:	Supreme Court of Hungary
	Brief description of facts:	Claimant submitted a claim for submission during the first phase of the compensation regime on 27 October 1991, and his claim was partially recognized. On 10 April 1997 the Claimant submitted a claim for supplementary compensation based on new evidence. The Court examined whether his submission was valid despite being submitted following the expiration of both the original and the reopened statute of limitations.
	Holding:	The Court found that with the expiration of the statute of limitations the claimant lost his right to initiate proceedings even though these had been based on new evidence.
	Citation(s):	KGD 2001.95 Közigazgatási-Gazdasági Döntvénytár (KGD – Administrative and Economic Law Reports) 2001/4 April
	Other:	
Case 4	Name of claimant(s):	N/A
	Name of respondent(s):	N/A
	Date of decision:	12 March 1993

Name of Court:	Constitutional Court of Hungary
Brief description of facts:	<p>According to the petitioners, the jewelry and gold valuables seized from the Jewish population (whether of Jewish descent or active practitioners of the religion) under Decree 1600/1944 ME could not have become state property. Accordingly, the seized property was to be returned to such persons or their heirs. In cases in which there were no heirs, the jewelry and valuables, or the equivalent compensation, was to be made to the National Jewish Restitution, or its legal successor, which is in accordance with Act XXV of 1946 (on the condemnation of the persecution of Hungarian Jews and the mitigation of consequences) and the 1947 Paris Peace Treaty.</p> <p>The petitioners claimed that their constitutional rights relating to property were violated because their possessions had not been returned to them (to the petitioners' knowledge, their jewelry and valuables were in the possession of the Hungarian National Bank); furthermore, the petitioners had not received the compensation owed to them in accordance with the provisions of the Peace Treaty. The National Jewish Restitution Fund, representing the interests of the legal successors of the victims, has not been compensated by the Hungarian State either.</p> <p>It was the petitioners' contention that this unconstitutional situation arose because of the failure of every Hungarian government to enact the provision of law aimed at the performance of the obligations assumed under Act XXV of 1946, which was still effective at the time of the petitioners' claim, and the Paris Peace Treaty.</p> <p>Given that the injured parties claimed the return of their valuables on the basis of the original deposit agreement, they considered Articles 1 and 3 of Act XXIV of 1992, and its Annexes specified in Article 3 as unconstitutional and contrary to the Paris Peace Treaty.</p>
Holding:	<p>The Constitutional Court established that an unconstitutional situation had arisen by virtue of Hungary's failure to comply with the provisions of Article 27(2) of the Paris Peace Treaty. Accordingly, the Constitutional Court requested the Parliament to take the necessary measures for the implementation of the referenced provisions of the Peace Treaty by no later than 31 December 1991.</p> <p>The Constitutional Court rejected the citizen petition seeking the establishment of the fact that Act XXIV of 1992 was</p>

		<p>contrary to an international treaty. At the same time, the Constitutional Court established ex officio that the referenced Act was not contrary to any international treaty.</p> <p>The Constitutional Court also rejected the petition seeking the establishment of the unconstitutionality of Articles 1 and 3 of Act XXIV of 1992.</p>
	Citation(s):	<p>Decision of the Constitutional Court of Hungary No. 16/1993 (III.12.), Hungarian Official Journal No. 1993/29 (III. 12.) (16/1993. (III. 12.) AB Határozat, Magyar Közlöny 1993/29 (III. 12.))</p>
	Other:	
Case 5	Name of claimant(s):	
	Name of respondent(s):	
	Date of decision:	
	Name of Court:	
	Brief description of facts:	
	Holding:	
	Citation(s):	
	Other:	

XII. Statistical Data relating to this Legislation / Regulation (pursuant to Terezin Declaration, and GBP, paras. c-h, j, k)

How many claims have been filed ?	Total: 78,913 (between 1991 and 2015) Act XXIV of 1992
How many claims have been finalized ?	Total
How many claims have been	Total: 61 838(between 1991 and 2015)

accepted?	
How many claims have been denied?	Total: 17,913 (between 1991 and 2015)
How many rulings have been complied with?	
What is the total number of claims that could have been filed?	No information available regarding this question.
How much has been paid by the relevant government in compensation for private property?	Compensation notes in a value of HUF 10 982 379 000 and so-called vouchers supporting agricultural enterprises in a value of HUF 663 041 000
How much has been paid by the relevant government in compensation for communal property?	No information available regarding this question
How much has been paid by the relevant government to date in compensation for heirless property?	No information available regarding this question
What is the value of the private property restituted to date?	No property restitution, only compensation.
What is the value of communal property restituted to date?	No property restitution, only compensation
What is the value of heirless property restituted to date?	No property restitution, only compensation
What percentage of claims	No information available regarding this question

awarded have been paid?	
On average, how long does the claims process take?	No information available regarding this question
On average, what is the total amount of expenses a claimant will incur when pursuing a claim to completion (excluding attorneys' fees)?	No information available regarding this question
On average, what is the total amount a claimant will pay in attorneys' fees when pursuing a claim to completion?	No information available regarding this question
What provision has been made for the distribution of heirless property , if any?	No information available regarding this question

XIII. Comments. Is there any other information you feel we should know?

<p>Act X of 1997 (original Hungarian version)</p> <p>A Párizsi Békeszerződésről szóló 1947. évi XVIII. törvény 27. Cikke 2. pontjának értelmében a faji, vallási vonatkozású diszkriminatív törvények vagy más, fasiszta rendszabályok által érintettek magyarországi szervezetei számára kell visszajuttatni a személyektől elvett azt a vagyont, amelyért örökös nem jelentkezett, és a szervezetek az érintett közösségek, illetőleg életben maradt tagjai támogatására kell hogy e vagyont fordítsák.</p> <p>A Békeszerződés végrehajtása az Országgyűlés 89/1996. (X. 30.) OGY határozata alapján a Kormány által létrehozott közalapítvány² (a továbbiakban: közalapítvány) keretében történik, amelynek egyik eleme a túlélő, rászorult idősök részére életjáradék juttatása. Ennek jogi feltételei megerteremtése érdekében az Országgyűlés a következő törvényt alkotja:</p> <p>1. § (1) Felhatalmazást kap a Kormány, hogy a 89/1996. (X. 30.) OGY határozatban foglalt célra 4 milliárd forint címletértékű kárpótlási jegyet felhasználjon.</p> <p>(2)³ A kárpótlási jegyet az (1) bekezdésben meghatározott címletértékre egy példányban kiállítva, zárt sorozatjellel ellátva a kárpótlási hatóság bocsátja ki, amelyen fel kell tüntetni, hogy az csak e törvény szerinti életjáradékra átváltva használható fel. A kárpótlási jegy címletét illetően az 1991. évi XXV. törvény 6. §-a (1) bekezdésének g) pontját nem kell alkalmazni.</p> <p>(3)⁴ Az (1) bekezdésben meghatározott címletértékű kárpótlási jegyet a teljes összegű átváltásig a kárpótlási hatóság őrzi, elszámolására, bevonására és megsemmisítésére, a többször</p>

módosított 104/1991. (VIII. 3.) Korm. rendelet 13/B. és 13/C. §-aiban foglalt rendelkezések az irányadók.

2. § (1)⁵ Az 1. § (1) bekezdésében írt kárpótlási jegy, illetve a helyébe lépő keret, amelynek fedezeti értéke 250 millió forint, annak az állandó jelleggel (életvitelszerűen) Magyarországon élő, magyar állampolgárnak javára váltható át életjáradékra, aki a Párizsi Békeszerződésről szóló 1947. évi XVIII. törvény 27. Cikkének 2. pontja szerint támogatásban részesíthető.

(2)⁶ E törvény alapján életjáradékot az kaphat, aki 1997. január 1. napjával, illetve az ezt követő években a 60. életévét betöltötte, vagy munkaképességét – bizonyíthatóan az üldöztetésből eredően – legalább 67%-ban elveszítette, valamint az arra irányuló igényét legkésőbb 2015. december 15-éig a közalapítványnál előterjesztette. Az életjáradék összegét a kárpótlási jegyek életjáradékra váltásáról szóló 1992. évi XXXI. törvény melléklete alapján az igénybejelentéskor betöltött életkor figyelembevételével kell megállapítani.

(3) A kárpótlási jegy életjáradékként e törvény szerint történő felhasználása során az Étv. 2. §-ának (1) bekezdését, 8. §-ának (1) és (3) bekezdését, továbbá a 10. §-át kell alkalmazni.

(4) E törvény szerinti életjáradék emeléséről az éves költségvetési törvény keretében kell dönteni.⁷

(5)⁸ Az életjáradék megállapítására az 1. § (2) bekezdésében meghatározott kárpótlási jegy összege terhére, továbbá az (1) bekezdésben e célra megállapított keret mértékéig a közalapítvány – erre feljogosított szerve útján – jogosult. A közalapítvány szabályzatában az életjáradékban részesítést meghatározott feltételekhez kötheti, továbbá a járadék igénylésének és juttatásának eljárási rendjét szabályozza.

(6) Az (1) bekezdés szerinti jogosultat – a közalapítvány döntését követő hónap 1. napjától – havonta, forintban fizetendő, élete végéig megillető életjáradékban kell részesíteni.

3. § (1)⁹ A közalapítvány az életjáradékot megállapító döntésében azonos elvek szerint rendelkezik az életjáradék induló összegéről és az annak megfelelően átváltott kárpótlási jegy címletértékéről, illetőleg a 2. § (1) bekezdésében írt keretből való felhasználás mértékéről.

(2)¹⁰ Az (1) bekezdés szerinti döntést meg kell küldeni a jogosultnak, a nyugdíjfolyósító szervnek és a kárpótlási hatóságnak.

(3)¹¹ A közalapítvány által megállapított életjáradékot a nyugdíjfolyósító szerv folyósítja.

(4)¹² Az életjáradék folyósításának módjáról, eljárási rendjéről a Nyugdíjbiztosítási Alap kezeléséért felelős nyugdíjbiztosítási szerv megállapodást köt a közalapítvánnyal.

(5)¹³ Az életjáradék fizetéséhez szükséges pénzügyi fedezetet a központi költségvetésben évente tervezni kell, és azt a Nyugdíjbiztosítási Alap kezeléséért felelős nyugdíjbiztosítási szerv részére havonta a kincstárral kötött külön megállapodás szerint át kell utalni. Az életjáradék folyósításának költségeit a központi költségvetés biztosítja.

(6)¹⁴ A Nyugdíjbiztosítási Alap kezeléséért felelős nyugdíjbiztosítási szerv a kincstár által e törvényben meghatározott célra rendelkezésre bocsátott összeget elkülönítetten kezeli és tartja nyilván, azt egyéb célokra nem használhatja fel.

3/A. §¹⁵ A Kormány a közalapítvány kuratóriumába és felügyelő bizottságába a Kormány tagjai és államtitkárok jogállásáról szóló törvény hatálya alá tartozó állami vezetőt is kijelölhet. A kuratóriumba, illetve a felügyelő bizottságba kijelölt állami vezető e tevékenységéért díjazásban nem részesülhet.

4. § (1) Ez a törvény a kihirdetését követő 15. napon lép hatályba, rendelkezéseit a közalapítvány bírósági nyilvántartásba vételéről szóló határozat keltét követően kell alkalmazni.

(2) E törvény hatálybalépésével egyidejűleg hatályát veszti a 3200/1947. ME rendelet,

valamint az 1946. évi XXV. törvény 2. és 3. §-a azzal, hogy e törvény 2. §-ának hatálya alá tartozó, azt a hagyatékot (vagyonterget), amelyet a magyar állam – örökös vagy igénybejelentés hiányában – e törvény hatálybalépését követően szerez meg, külön törvény rendelkezései szerint kell a közalapítványnak átadni.

(3) A (2) bekezdésben említett jogszabályok alapján létrejött Országos Zsidó Helyreállítási Alap jogutód nélkül szűnik meg, meglévő vagyonát a közalapítványnak kell átadni. Levéltári őrzésre még át nem adott iratanyagát a Magyar Országos Levéltár őrzésébe kell adni.