Criminal Code

Title VII
Crimes Against the Purity of Public Life

Bribery

Section 250

(1) The official person who requests a favour in connection with his functioning, or accepts the favour or a promise thereof, or agrees with the party requesting or accepting the favour, commits a felony, and shall be punishable with imprisonment of up to three years.

(2) The punishment shall be imprisonment from one year to five years, if the crime is committed
   a) by an official person of senior position, or competent to take measures in important affairs,
   b) by another official person in an important affair.

(3) The perpetrator shall be punishable with imprisonment from one year to five years, or from two years to eight years in accordance with the distinction contained in subsections (1) and (2), if he violates his official duty for the favour, exceeds his competence or otherwise abuses his official position, or if he commits the act as part of a criminal conspiracy or in a business-like manner.

Section 251

(1) An employee or member of a state organ, economic organisation, social organisation or society, who requests a favour in connection with his functioning, or accepts the favour or a promise thereof for violating his duty, or agrees with the party requesting or accepting the favour, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

(2) If the perpetrator violates his duty for the favour, he commits a felony, and shall be punishable with imprisonment of up to three years, in case of violation of duty in an important matter, or if the act is committed as part of a criminal conspiracy or in a business-like manner, with imprisonment from one year to five years.

Section 252

(1) That employee or member of a state organ, economic organisation, social organisation or society, who is entitled to take measures independently, and requests a favour in connection with his functioning, or accepts the favour or the promise thereof, or agrees
with the party requesting or accepting the favour, commits a felony, and shall be punishable with imprisonment of up to three years.

(2) If the perpetrator violates his duty for the favour, he shall be punishable with imprisonment from one year to five years, in case of violation of duty in an important matter, or if the act is committed as part of a criminal conspiracy or in a business-like manner, he shall be punishable with imprisonment from two years to eight years.

Section 253

(1) The person who gives or promises a favour to an official person or with regard to him to another person, which may influence the functioning of the official person to the detriment of the public interest, commits a misdemeanour, and shall be punishable with imprisonment of up to two years.

(2) The briber shall be punishable for a felony with imprisonment of up to three years, if he gives or promises the favour so that the official person violate his official duty, exceed his competence or otherwise abuse his official position.

(3) The perpetrator of the crime defined in subsection (1) shall not be punishable, if he gave or promised the favour upon the initiative of the official person because he could fear unlawful disadvantage in case of his reluctance.

Section 254

(1) The person who gives or promises a favour to an employee or member of a state organ, economic organisation, social organisation or society, or with regard to him to somebody else so that he violate his duty, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

(2) The punishment shall be imprisonment of up to two years, if the favour is given or promised to an employee or member of a state organ, economic organisation, social organisation or association, who is entitled to take measures independently.

Section 255

The person who requests or accepts a favour so that he publish or conceal something in the press or other mass media, commits a felony, and shall be punishable with imprisonment of up to three years.

Trafficking in Influence

Section 256

(1) The person who - purporting that he influences an official person - requests or accepts a favour for himself or for somebody else, commits a felony, and shall be punishable with imprisonment of up to three years.

(2) The punishment shall be imprisonment from one year to five years, if the perpetrator

   a) purports or pretends, that he is bribing an official person,
   b) pretends to be an official person,
   c) commits the crime in a business-like manner.
(3) The person who commits the crime defined in subsection (1) in connection with an employee or member of a state organ, economic organisation, social organisation or society, shall be punishable for a misdemeanour with imprisonment of up to one year, in case of business-like perpetration for a felony with imprisonment of up to three years.

Persecution of a Conveyor of an Announcement of Public Concern

Section 257

The person who takes a disadvantageous measure against the announcer because of an announcement of public concern, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

Interpretative Provision

Section 258/A

For the purposes of this Title

1. economic organisations are the legal entities listed in Section 285 paragraph c) of Act IV of 1959 on the Civil Code,

2. violation of duty shall also be the fulfilment of a duty bound to the granting of a favour.

Title VIII.

Crimes Against the Purity of International Public Life

Bribery in international connection

Section 258/B.

(1) The person who gives or promises a favour to a foreign official person or with regard to him to another person, which may influence the functioning of the official person to the detriment of the public interest, commits a misdemeanour, and shall be punishable with imprisonment of up to two years.

(2) The briber shall be punishable for a felony with imprisonment of up to three years, if he gives or promises the favour so that the foreign official person violate his official duty, exceed his competence or otherwise abuse his official position.

(3) The perpetrator of the crime defined in subsection (1) shall not be punishable, if he gave or promised the favour upon the initiative of the official person because he could fear unlawful disadvantage in case of his reluctance.
Section 258/C

(1) The person who gives or promises a favour to an employee or member of a foreign economic organisation, or with regard to him to somebody else so that he violate his duty, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

(2) The punishment shall be imprisonment of up to two years, if the favour is given or promised to an employee or member of a foreign economic organisation, who is entitled to take measures independently.

Section 258/D

(1) The person who is deemed as foreign official person according to subpoints c)-e) of point 1. of Section 258/F requests a favour in connection with his functioning, or accepts the favour or a promise thereof, or agrees with the party requesting or accepting the favour, commits a felony, and shall be punishable with imprisonment of up to three years.

(2) The perpetrator shall be punishable with imprisonment from one year to five years, if he violates his official duty for the favour, exceeds his competence or otherwise abuses his official position, or if he commits the act as part of a criminal conspiracy or in a business-like manner.

**Trafficking in Influence in International Connection**

Section 258/E

(1) The person who - purporting that he influences a foreign official person - requests or accepts a favour for himself or for somebody else, commits a felony, and shall be punishable with imprisonment of up to three years.

**Interpretative Provision**

Section 258/F

For the purposes of this Title

1. foreign official person is:

   a) a person holding a legislative, administrative or judicial office in a foreign state,
   b) a person at an organ or body entrusted with public power, public administration duties, who fulfil tasks of public power, or state administration,
   c) a person serving at an international organisation which is constituted by international treaty, whose activity forms part of the proper functioning of the organ,
   d) a person elected to the assembly or other elected body of an international organisation which is constituted by international treaty,
   e) a member of an international court which has jurisdiction over the Republic of Hungary, a person serving the international court, whose activity forms part of the proper functioning of the court.
2. foreign economic organisation is an organisation which is deemed as legal entity according to the rules of law of its personal law and entitled to exercise economic (business) activity.

**Territorial and Personal Scope**

**Section 3**

(1) Hungarian law shall be applied to crimes committed in Hungary, as well as to acts committed by Hungarian citizens abroad, which are crimes in accordance with Hungarian law.

(2) The Hungarian law shall also be applied to criminal acts committed on board of Hungarian ships or Hungarian aircraft situated outside the borders of the Republic of Hungary.

**Section 4**

(1) Hungarian law shall also be applied to acts committed by non-Hungarian citizens abroad, if they are

   a) criminal acts in accordance with Hungarian law and are also punishable in accordance with the law of the place of perpetration,
   b) criminal acts against the state (Chapter X), regardless of whether it is punishable in accordance with the law of the place of perpetration,
   c) crimes against humanity (Chapter XI) or any other crime, the prosecution of which is prescribed by an international treaty.

(2) In the cases of subsection (1), the institution of the criminal proceedings shall be ordered by the Attorney General.

**Effect of Foreign Verdicts**

**Section 6**

(1) The verdict of a foreign court has the same effect as the verdict of a Hungarian court, if

   a) the foreign court proceeded under the denunciation of the Hungarian authorities, or because of the transfer of the procedure,
   b) the foreign court has proceeded because of an act which is punishable according to both the Hungarian and the foreign law and the procedure abroad and the imposed punishment or measure is in conformity with the Hungarian law.

(2) Even if the conditions mentioned paragraph (1) point b) are existing, the judgement of a foreign court shall not be acknowledged, if the sentencing happened because of a political crime or a crime in close connection with it, or because of a military offence.

(3) The act shall not be considered as political or military offence if its nature at the commitment, taking into account all the circumstances, the aim of the offence, the motivation of the offence, the way of the commitment, the instrumentalities used or intended to use the moral turpitude of the criminal act is predominant comparing to its political nature.
(4) The homicide or a criminal act including homicide also shall also be considered as a criminal act with moral turpitude.

(5) If the act of a person under Hungarian criminal jurisdiction has been sum up by a foreign court, excluding the case mentioned in paragraph (1), on the starting of the criminal procedure the Attorney General decides. In this case, the executed punishment or the preliminary detention shall be taken into account in the punishment imposed by the Hungarian court.

**Attempt and Preparation**

**Section 16**

The person, who commences the perpetration of an intentional crime, but does not finish it, shall be punishable for attempt.

**Section 17**

(1) The item of punishment of the finished crime shall be applied for the attempt.

(2) The punishment may be mitigated without limitation or even dispensed with, if the attempt has been perpetrated on an unsuitable subject or with an unsuitable instrument.

(3) The person, due to the voluntary desisting of whom the finishing of the crime has not taken place, furthermore, the person who voluntarily prevents the occurrence of the result, shall not be punishable for attempt.

(4) If in the case of subsections (2) and (3), the attempt in itself realizes another crime, the perpetrator shall be punishable for that crime.

**Section 18**

(1) If the law orders especially, that who provides for the perpetration of a crime the conditions required therefor or facilitating that, who invites, offers for, undertakes its perpetration, or agrees on joint perpetration, shall be punishable for preparation.

(2) That person shall not be punishable for preparation
   a) due to the voluntary desisting of whom the commencement of the perpetration of the crime does not take place;
   b) who withdraws his invitation, offer, undertaking with the aim of the prevention of the perpetration, or makes efforts so that the other contributors desist from the perpetration, provided that the commencement of the perpetration does not take place for any reason whatsoever;
   c) who informs the authority about the preparation.

(3) In the cases of subsection (2), if the preparation is already another act of crime in itself, the perpetrator shall be punishable for that crime.
The Perpetrators

Section 19

Perpetrators are the perpetrator and the co-principal perpetrators, the abettor and the accessory (accomplices).

Section 20

(1) Perpetrator is a person who realises the legal facts of a crime.
(2) Co-principals are the persons who jointly realise the legal facts of an intentional crime, in awareness of each other’s activities.

Section 21

(1) Abettor is a person who intentionally persuades another person to perpetrate a crime.
(2) Accessory is, who intentionally grants assistance for the perpetration of a crime.
(3) The item of punishment established for the perpetrators shall also be applied for the accomplices.

Prescription of Punishability

Section 33

(1) Punishability shall be prescribed
   a) in the case of a felony, which is punishable by life imprisonment, by the elapse of twenty years;
   b) in case of any other crime, by the elapse of the period of time equal to the upper limit of the punishment, but not less than by the elapse of three years.

Confiscation of Property

Section 62

(1) In addition to imprisonment confiscation of property shall be applied for the property derived from the commission of the act of crime, which was obtained by the perpetrator during or in connection with the commission of the crime.
(2) The confiscation of property shall be applied also for the property, which was obtained par value of the property derived from the commission of the act of crime.

Section 63

(1) The confiscation of property is ordered for the totality, or for the part of the property of the perpetrator, for certain property items, or expressed in a definite amount of money.
The confiscation property may also be ordered for that property, which have been transferred by the perpetrator, provided that the transferee knew about the origin of the property, also in that case where there was a legal succession of the transferee.

The confiscation of property shall be ordered in a definite amount of money, if the property was transferred by the perpetrator for a bona fide third person.

Confiscated properties shall devolve upon the state by the sentence becoming non-appealable.

Confiscation

Section 77

(1) The thing shall be confiscated,

(a) which has been used or designated as instrument for the perpetration of a crime,
(b) if its possession endangers public security, or infringes the law,
(c) which came into being through the perpetration of a crime,
(d) which has been received by the perpetrator of a crime from the owner or from another person with the owner’s consent, in return for the perpetration.
(e) in respect of which the crime has been committed,
(f) which was the object of a given pecuniary advantage.

(2) The pecuniary/material object shall be confiscated, which was supplied with the aim of committing a crime to provide the conditions required therefor or facilitating that, which was used or intended to use for the commission of a crime.

(3) That printed press material, in which crime is realised, shall also be confiscated.

(4) In the case of paragraph (1) points a) and e) the confiscation shall not be ordered, if the object is not owned by the perpetrator, except in the case when the owner has known about the crime before.

(5) The confiscation shall also be ordered, if the perpetrator is not punishable because of infancy, insane mental state, or negligible danger for the society of the act.

(6) No confiscation may take place after the elapse of the period of time established for the prescription of the punishability of the act, but not less than five years. In the case of confiscation of property the confiscation shall not be ordered for that property items which are covered by the confiscation of property.

(7) The ownership right of the confiscated thing shall devolve upon the state.

Section 77/A

(1) If there is no different provision in this Act, in the case of Sec.77 paragraph (1) points c)-f), and Sec. 77 paragraph (2), if the confiscation can not be ordered or executed, furthermore if the object of the pecuniary advantage or the pecuniary/material object mentioned in paragraph (2) of Sec. 77 is not a thing the perpetrator shall be obliged to the payment corresponding to the value of the thing, of the pecuniary advantage or of the pecuniary/material object.
(2) If the confiscation would constitute an iniquitous disadvantage for the perpetrator, disproportionate with the gravity of the crime, provided, that the omission of confiscation is not precluded by any obligation of international law, the perpetrator shall be obliged instead of confiscation to the payment corresponding to the value of the thing, of the pecuniary advantage or of the pecuniary/material object.

(3) If the thing ordered to be confiscated is not owned by the perpetrator, and the confiscation would constitute an iniquitous disadvantage for the owner provided, that the omission of confiscation is not precluded by any obligation of international law, the perpetrator shall be obliged to the payment corresponding to the value of the thing, of the pecuniary advantage or of the pecuniary/material object.

(4) The confiscation or the obligation of the payment of value subject to confiscation may be exceptionally dispensed wholly or partially, if it would mean an iniquitous disadvantage for the perpetrator, disproportionate to the gravity of the crime provided, that the omission of confiscation is not precluded by any obligation of international law. The confiscation or the obligation of the payment of value subject to confiscation shall not be dispensed in the case of Sec. 77 paragraph (1) points d) and f).

Money Laundering

Section 303

(1) The person who conceals the pecuniary assets resulting in connection with the perpetration of a crime menaced with imprisonment of more than five years, smuggling of people, misuse of narcotic drugs or the infringement of an obligation of international law, committed by somebody else, through

a) concealing or dissimulating their origin or true nature,
b) supplying false data concerning their origin or true nature to the authorities,

commits a felony, and shall be punishable with imprisonment of up to five years.

(2) The person shall also be punishable in accordance with subsection (1), who

a) obtains, uses or utilises the pecuniary assets mentioned there for himself or for a third party,
b) hides, handles, sells them or performs any financial or banking operation with the pecuniary assets or with their countervalue, or acquires other pecuniary assets for the countervalue thereof,

if he knew the origin of the pecuniary assets at the time of perpetration.

(3) The punishment shall be imprisonment from two years to eight years, if the money laundering is committed

a) in a business-like manner or as part of a criminal organisation
b) as an officer or employee of a financial institution, securities distributing, investment fund handling, insurance institution or an institution dealing in the organisation of gambling,
c) as an official person,
d) as an attorney-at-law.
The person who fails to meet his obligation of reporting prescribed in a legal rule relating to money laundering, commits a felony and shall be punishable with imprisonment of up to three years.

The person who fails to meet his obligation of reporting mentioned in subsection (4) by negligence, commits a misdemeanour and shall be punishable with imprisonment of up to two years, labour in the public interest, or fine.

The person who voluntarily reports to the authorities or initiates such a report shall not be punishable for money laundering, provided that the act has not yet been revealed, or it has been revealed only partially.

Act XXXVIII of 1996
on International Legal Assistance in Criminal Matters

Chapter I.

General Rules

Section 1.

The purpose of this Act is to regulate cooperation with other States in the field of criminal matters.

Section 2.

(1) Requests for legal assistance may not be performed nor submitted if they would prejudice the sovereignty, security or public order of the Republic of Hungary.

(2) Examination pursuant to Subsection (1) shall fall under the jurisdiction of the Minister of Justice or the Chief Public Prosecutor.

Section 3.

The Act shall be applied unless otherwise stipulated by an international treaty.

Chapter II.

Extradition

Title 1.

Extradition from Hungary

Section 11.

(1) At the request of a Foreign State, persons found in the territory of Hungary may be extradited for the purposes of conducting a criminal proceeding, enforcement of a sentence of imprisonment or measures for deprivation of personal liberty.
Extradition is permitted for the purposes of conducting criminal proceedings, if the act on the grounds of which extradition is requested is punishable under the laws of both Hungary and the Requesting State by imprisonment of at least one year; extradition for the enforcement of a sentence of imprisonment or measures for the deprivation of personal liberty is permissible if at least six months of the sentence or measures employed remain to be enforced.

Section 12.
Extradition shall not be permitted, if

a) the offense or sentence, on the grounds of which extradition is requested, is no longer valid by reason of a lapse in time either in the Requesting State or in Hungary,
b) the person sought for extradition has been pardoned for the offense or sentence,
c) no private motion or motion of similar effect required for conducting criminal proceedings in the Requesting State has been filed, or consent was not granted,
d) a final judgment on the offense for which extradition is requested has already been passed by a Hungarian court.

Section 13.
(1) Extradition of Hungarian citizens is only allowed if the person sought for extradition is also a citizen of another State and has his permanent residence in a Foreign State.

(2) Irrespective of the provisions of Subsection (1), a Hungarian citizen may, avoiding the conduct of extradition proceedings, be transferred to a Foreign State, if the extradition of such person to Hungary was granted under the condition that, following completion of the criminal proceedings or sentence against him, such person shall be transferred for the purposes of fulfilling that Foreign State’s request for extradition.

Section 14.
(1) Extradition of persons who have been granted the right of asylum shall be refused.

(2) Persons who have received the right of asylum and persons requesting the right of asylum may not be extradited to the State from which they have fled.

Section 15.
If the offense serving as grounds for the extradition request is an offense punishable by death according to the law of the Requesting State, the Minister of Justice shall only grant the extradition request subject to the condition that the Requesting State provide suitable guarantees that if the extradited person is sentenced to death, such punishment will not be enforced.

Section 16.
(1) If the other conditions are fulfilled, extradition may only be allowed if it is ensured that,

a) no criminal proceedings are conducted in the Requesting State against the person sought for extradition for any other offense committed prior to extradition, for which extradition was not granted, and that no measures are taken to restrict personal freedom of the person, and that the person is not extradited nor transferred to a third State on the grounds of such an offense,
b) the extradited person may, after extradition, leave the territory of the Requesting State following completion of the criminal proceeding or sentence against him.

(2) Following decision on granting extradition by the Minister of Justice, he may, at the request of the Requesting State, approve the removal of the restrictions pursuant to Paragraph a) of Subsection (1), if grounds for extradition exist in this respect as well.

**Surrender of Criminal Proceedings**

Section 37.

(1) Criminal proceedings may be surrendered if it is advisable for the authorities of a different State to conduct such proceedings.

(2) Surrender of criminal proceedings, with due consideration of the rights of the injured party, is advisable in particular, if

   a) the suspect is in Hungary and is a citizen of the State to which proceedings are being surrendered, or has his place of permanent or usual residence in such State,
   
   b) the suspect is in a foreign state during the proceedings and there is no possibility of extradition, or extradition has not been granted or requested.

Section 37/A

Criminal proceedings shall be surrendered if the Republic of Hungary in an international treaty/agreement published with an Act of Parliament has renounced the prosecution of a crime committed by a foreigner

   (a) in Hungary, or
   
   (b) on the board of a Hungarian ship or aircraft outside of the borders of the Republic of Hungary

in such case where the Hungarian criminal authority has its competence (Criminal Code, Section 3. and 4.).

Section 38.

Prior to the filing of charges, the prosecutor shall propose surrender of the proceedings to the Chief Public Prosecutor. Following this, the court shall propose surrender of the proceedings to the Minister of Justice. The Chief Public Prosecutor or the Minister of Justice shall decide on surrender of the proceedings. If an application for surrender of the proceedings is submitted to the authorities of the Foreign State, the prosecutor and the court shall be informed of this decision.

Section 39.

If the authorities of the Foreign State accept the proceedings, the prosecutor or court shall terminate the proceedings on the basis of relevant notification by the Chief Public Prosecutor or the Minister of Justice.
Section 40.

(1) At the same time as the actions specified under Section 39, the court shall, on a motion by the prosecution prior to the filing of charges and ex officio thereafter, order arrest of the suspect for the surrender of the criminal proceedings. If the suspect is under provisional arrest, the court shall order arrest of the suspect for the surrender of the criminal proceedings and simultaneously terminate the provisional arrest.

(2) Arrest ordered for the surrender of the criminal proceedings shall last until the Requested State has taken the suspect over, but shall not exceed a period of three months. The authorities of the Foreign State shall be informed of this.

Section 41.

In co-operation with the police authorities, Interpol shall take measures for the surrender of the suspect.

Section 42.

If the Requested State does not take the suspect over within the period of time pursuant to Subsection (2) of Section 40, or the suspect flees from prosecution in the Foreign State, the criminal proceeding terminated pursuant to Section 39 may be continued.

Act XL of 1995
on Public Procurements

Section 24

(1) In public procurement procedures, in respect of individual procedural actions, the decision made in the course of evaluating the bids and the conclusion of a contract, inviters of bids shall provide for, and bidders shall respect, the purity, and public nature of competition.

(2) Inviters of bids shall provide for the equal chances for bidders.

(3) National treatment shall be provided for foreign-based bidders (bidders resident abroad) in respect of participation, and the chance to win the contract in the course of the procedure, in harmony with the contents of international agreements governing with regard to the Republic of Hungary.

Competence of the Committee

Section 76

(1) In the sphere of legal remedy related to public procurements, the following shall come under the competence of the Committee:

a) conducting a procedure instituted due to the unlawful bypassing of the public procurement procedure;
b) conducting a procedure related to the contents of Section 5, as well as in connection with the violation of the principles or rules of the public procurement procedure;

c) judging an application submitted by any interested party against the decision of the inviter of bids.

(2) The judgement of other legal disputes related to public procurements, not mentioned in subsection (1), shall come under the jurisdiction of the courts.

Section 82

(1) The Committee may take temporary measures, upon request or ex officio, within three days reckoned from the receipt of the application corresponding to Section 80, subsection (1), and/or the initiation of the procedure, if it can be established from the documents that the purity of public procurements was injured owing to the violation of the rules of this Act, or the danger thereof exists.

(2) As a temporary measure, the Committee may

a) order the suspension of the public procurement procedure;

b) prohibit the conclusion of a contract not concluded yet;

c) request the inviter of bids of the public procurement procedure, if the purity of public procurement may also be ensured in this way, to draw the applicant into the procedure.

Legal Consequences

Section 88

(1) In its decision, the Committee shall

a) refuse unfounded applications;

b) request the party causing the violation of law to proceed in accordance with the rules of this Act prior to the completion of the public procurement procedure, and/or may make the decision to be made by the inviter of bids subject to a condition;

c) may declare null and void the decision of the inviter of bids made in the course of the public procurement procedure, or completing the public procurement procedure, except for the case if the contract has already been concluded on the basis of this decision;

d) in addition to indicating the violated provision of this Act, it may establish the occurrence of the violation of law;

e) may prohibit the bidder, for not more than five years, to take part in a public procurement procedure;

f) may impose penalty on the organisation violating the rules of this Act, or on the person responsible for the violation of law and maintaining legal relationship with the organisation;

g) oblige the party violating the law to bear the fee and costs of procedure.

(4) The penalty contained in subsection (1), paragraph f) may only be imposed if following the decision closing the public procurement procedure or following the conclusion of the public procurement contract, the Committee established the unlawful nature of the procedure, furthermore, if the bidder was prohibited from participating in the public
procurement procedure in accordance with subsection (1), paragraph e). The extent of
the penalty may not be more than thirty per cent of the value of the public procurement
procedure, but shall be at least five hundred thousand forints.

(5) The Committee may also apply the measures contained in subsection (1) jointly, if the
conditions thereof exist.

Act CXLIV of 1997
on Business Associations

Section 23.

(1) A person who has been sentenced to imprisonment by a final judgement due to the
commission of a crime may not be an executive officer of a business association until
such person is relieved from the detrimental legal consequences related to his criminal
record.

(2) A person who has been barred from a certain profession by a final judgement may not
be an executive officer in a business association pursuing the activity indicated in such
judgement during the force of such sentence.

(3) For a period of three years after the establishment of the insolvency (order of
liquidation) of a business association by final judgement, a person who acted as an
executive officer at the business association to be liquidated for one year or more
during the period of two years prior to the date of the final judgement ordering such
liquidation may not be an executive officer of another business association, unless he
was specifically appointed as executive officer for the purpose of avoiding the
liquidation.

(4) For a period of two years after cancellation of a business association from the register
of companies based on cancellation proceedings ex officio, a person who, during the
year preceding such cancellation, acted as an executive officer of the terminated
business association by the cancellation may not be an executive officer of another
business association.