

**Protocol to the Treaty between the Government of the United States of America
and the Government of the Republic of Hungary on Extradition signed
1 December 1994, as contemplated by Article 3(2) of the Agreement on Extradition
between the United States of America and the European Union, signed
25 June 2003**

As contemplated by Article 3(2) of the Agreement on Extradition between the United States of America and the European Union signed 25 June 2003 (hereafter "the U.S.-EU Extradition Agreement"), the Governments of the United States of America and the Republic of Hungary acknowledge that, in accordance with the provisions of this Protocol, the provisions of the U.S.-EU Extradition Agreement are applied in relation to the bilateral Treaty between the Government of the United States of America and the Government of the Republic of Hungary on Extradition signed 1 December 1994 (hereafter "the 1994 Extradition Treaty"), under the following terms:

Article 1: Transmission of request for extradition and supporting documents

Pursuant to Articles 5(1) and 7(1) of the U.S.-EU Extradition Agreement, the following shall be applied in place of Article 8(1) of the 1994 Extradition Treaty:

"Requests for extradition and supporting documents shall be transmitted through the diplomatic channel. If the person whose extradition is sought is held under provisional arrest by the Requested State, the Requesting State may satisfy its obligation to transmit its request for extradition and supporting documents through the diplomatic channel by submitting the request and documents to the Embassy of the Requested State located in the Requesting State. In that case, the date of receipt of such request by the Embassy shall be considered to be the date of receipt by the Requested State for purposes of applying the time limit that must be met under Article 11 of this Treaty to enable the person's continued detention."

Article 2: Authentication of documents

Pursuant to Article 5(2) of the U.S.-EU Extradition Agreement, the following shall be applied in place of Article 9 of the 1994 Extradition Treaty:

"Documents that bear the certificate or seal of the Ministry of Justice, or Ministry or Department responsible for foreign affairs, of the Requesting State shall be admissible in extradition proceedings in the Requested State without further certification, authentication, or other legalization. "Ministry of Justice" shall, for the United States of America, mean the United States Department of Justice; and, for the Republic of Hungary, the Ministry of Justice of the Republic of Hungary."

Article 3: Sensitive information in a request

Pursuant to Article 14 of the U.S.-EU Extradition Agreement, the following shall be applied as Article 9A of the 1994 Extradition Treaty:

“Sensitive information in a request

Where the Requesting State contemplates the submission of particularly sensitive information in support of its request for extradition, it may consult the Requested State to determine the extent to which the information can be protected by the Requested State. If the Requested State cannot protect the information in the manner sought by the Requesting State, the Requesting State shall determine whether the information shall nonetheless be submitted.”

Article 4: Channel for supplementary information

Pursuant to Article 8(2) of the U.S.-EU Extradition Agreement, the following shall be applied as Article 12(1A) of the 1994 Extradition Treaty:

“(1A) Such supplementary information may be requested and furnished directly between the United States Department of Justice and the Ministry of Justice of the Republic of Hungary.”

Article 5: Requests for extradition or surrender made by several States

Pursuant to Article 10 of the U.S.-EU Extradition Agreement, the following shall be applied in place of Article 15 of the 1994 Extradition Treaty:

“Requests for extradition or surrender made by several States

1. If the Requested State receives requests from the Requesting State and from any other State or States for the extradition of the same person, either for the same offense or for different offenses, the executive authority of the Requested State shall determine to which State, if any, it will surrender the person.
2. If the Republic of Hungary receives an extradition request from the United States of America and a request for surrender pursuant to the European arrest warrant for the same person, either for the same offense or for different offenses, its executive authority shall determine to which State, if any, it will surrender the person.
3. In making its decision under paragraphs 1 and 2 of this Article, the Requested State shall consider all of the relevant factors, including, but not limited to, the following:
 - (a) whether the requests were made pursuant to a treaty;
 - (b) the places where each of the offenses was committed;
 - (c) the respective interests of the requesting States;
 - (d) the seriousness of the offenses;
 - (e) the nationality of the victim;
 - (f) the possibility of any subsequent extradition between the requesting States; and
 - (g) the chronological order in which the requests were received from the requesting States.”

Article 6: Temporal application

1. This Protocol shall apply to offenses committed before as well as after it enters into force.
2. This Protocol shall not apply to requests for extradition made prior to its entry into force.

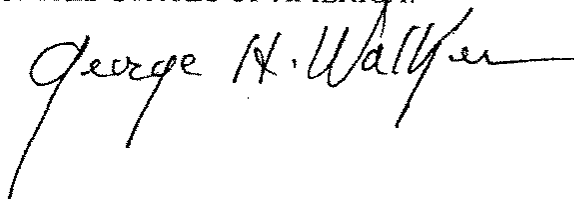
Article 7: Entry into force and termination

1. This Protocol shall be subject to the completion by the United States of America and the Republic of Hungary of their respective applicable internal procedures for entry into force and instruments indicating that such measures have been completed shall be exchanged as soon as possible. This Protocol shall enter into force on the date of entry into force of the U.S.-EU Extradition Agreement, as provided for in Article 22 thereof.
2. In the event of termination of the Agreement on Extradition between the United States of America and the European Union, signed 25 June 2003, this Protocol shall be terminated and the bilateral Treaty between the Government of the United States of America and the Government of the Republic of Hungary on Extradition, signed 1 December 1994, shall be applied. The Governments of the United States of America and the Republic of Hungary nevertheless may agree to continue to apply some or all of the provisions of this Protocol.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Protocol.

Done at Budapest, in duplicate, this fifteenth day of November, 2005, in the English and Hungarian languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:



FOR THE GOVERNMENT OF THE
REPUBLIC OF HUNGARY :

