



Strasbourg, 23 April 2013

Opinion no. 720 / 2013

CDL-REF(2013)016

Engl. only

**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**COURTESY TRANSLATION  
OF THE CONSOLIDATED VERSION OF  
“THE FUNDAMENTAL LAW OF HUNGARY”  
(EFFECTIVE AS OF 1 APRIL 2013)**

**THE FUNDAMENTAL LAW OF HUNGARY**  
**(25 April 2011)**

God bless the Hungarians

**NATIONAL AVOWAL**

WE, THE MEMBERS OF THE HUNGARIAN NATION, at the beginning of the new millennium, with a sense of responsibility for every Hungarian, hereby proclaim the following:

We are proud that our king Saint Stephen built the Hungarian State on solid ground and made our country a part of Christian Europe one thousand years ago.

We are proud of our forebears who fought for the survival, freedom and independence of our country.

We are proud of the outstanding intellectual achievements of the Hungarian people.

We are proud that our people has over the centuries defended Europe in a series of struggles and enriched Europe's common values with its talent and diligence.

We recognise the role of Christianity in preserving nationhood. We value the various religious traditions of our country.

We promise to preserve the intellectual and spiritual unity of our nation torn apart in the storms of the last century.

We proclaim that the nationalities living with us\* form part of the Hungarian political community and are constituent parts of the State.

We commit to promoting and safeguarding our heritage, our unique language, Hungarian culture, the languages and cultures of nationalities living in Hungary, along with all man-made and natural assets of the Carpathian Basin. We bear responsibility for our descendants; therefore we shall protect the living conditions of future generations by making prudent use of our material, intellectual and natural resources.

We believe that our national culture is a rich contribution to the diversity of European unity.

We respect the freedom and culture of other nations, and shall strive to cooperate with every nation of the world.

We hold that human existence is based on human dignity.

We hold that individual freedom can only be complete in cooperation with others.

We hold that the family and the nation constitute the principal framework of our coexistence, and that our fundamental cohesive values are fidelity, faith and love.

We hold that the strength of community and the honour of each person are based on labour, an achievement of the human mind.

We hold that we have a general duty to help the vulnerable and the poor.

---

\* Fourth Amendment to the Fundamental Law

We hold that the common goal of citizens and the State is to achieve the highest possible measure of well-being, safety, order, justice and liberty.

We hold that democracy is only possible where the State serves its citizens and administers their affairs in an equitable manner, without prejudice or abuse.

We honour the achievements of our historical constitution and we honour the Holy Crown, which embodies the constitutional continuity of Hungary's statehood and the unity of the nation.

We do not recognise the suspension of our historical constitution due to foreign occupations. We deny any statute of limitations for the inhuman crimes committed against the Hungarian nation and its citizens under the national socialist and the communist dictatorship.

We do not recognise the communist constitution of 1949, since it was the basis for tyrannical rule; therefore we proclaim it to be invalid.

We agree with the members of the first free Parliament, which proclaimed as its first decision that our current liberty was born of our 1956 Revolution.

We date the restoration of our country's self-determination, lost on the nineteenth day of March 1944, from the second day of May 1990, when the first freely elected body of popular representation was formed. We shall consider this date to be the beginning of our country's new democracy and constitutional order.

We hold that after the decades of the twentieth century which led to a state of moral decay, we have an abiding need for spiritual and intellectual renewal.

We trust in a jointly-shaped future and the commitment of younger generations. We believe that our children and grandchildren will make Hungary great again with their talent, persistence and moral strength.

Our Fundamental Law shall be the basis of our legal order, it shall be an alliance among Hungarians past, present and future; a living framework which expresses the nation's will and the form in which we want to live.

We, the citizens of Hungary, are ready to found the order of our country upon the common endeavours of the nation.

## **FOUNDATION**

### **Article A**

The name of OUR COUNTRY is Hungary.

### **Article B**

(1) Hungary is an independent, democratic state governed by the rule of law.

(2) Hungary, as to its form of government, is a republic.

(3) The source of public power is the people.

(4) The people shall exercise their power through their elected representatives or, in exceptional cases, directly.

### **Article C**

- (1) The functioning of the Hungarian State is based on the principle of separation of powers.
- (2) No person's activity shall be aimed at the forcible acquisition, exercise or exclusive possession of power. Every person shall be entitled and obliged to act against such attempts in a lawful way.
- (3) The State shall have the exclusive right to use coercion in order to enforce the Fundamental Law and legislation.

### **Article D**

Bearing in mind that there is one single Hungarian nation that belongs together, Hungary shall bear responsibility for the fate of Hungarians living beyond its borders, and shall facilitate the survival and development of their communities; it shall support their efforts to preserve their Hungarian identity, the assertion of their individual and collective rights, the establishment of their community self-governments, and their prosperity in their native lands, and shall promote their cooperation with each other and with Hungary.

### **Article E**

- (1) In order to enhance the liberty, prosperity and security of European nations, -Hungary shall contribute to the creation of European unity.
- (2) With a view to participating in the European Union as a member state, Hungary may exercise some of its competences arising from the Fundamental Law jointly with other member states through the institutions of the European Union under an international agreement, to the extent required for the exercise of the rights and the fulfilment of the obligations arising from the Founding Treaties.
- (3) The law of the European Union may stipulate a generally binding rule of conduct subject to the conditions set out in Paragraph (2).
- (4) The authorisation to recognise the binding nature of an international agreement referred to in Paragraph (2) shall require a two-thirds majority of the votes of the Members of Parliament.

### **Article F**

- (1) The capital of Hungary shall be Budapest.
- (2) The territory of Hungary shall be comprised of the capital, counties, cities and towns, as well as villages. The capital, as well as the cities and towns may be divided into districts.

### **Article G**

- (1) The child of a Hungarian citizen shall be a Hungarian citizen by birth. A cardinal Act may define other cases of the origin or acquisition of Hungarian citizenship.
- (2) Hungary shall defend its citizens.
- (3) No person may be deprived of Hungarian citizenship established by birth or acquired in a lawful manner.
- (4) The detailed rules for citizenship shall be defined by a cardinal Act.

### Article H

- (1) In Hungary the official language shall be Hungarian.
- (2) Hungary shall protect the Hungarian language.
- (3) Hungary shall protect Hungarian Sign Language as a part of Hungarian culture.

### Article I

(1) The coat of arms of Hungary shall be a vertically divided shield with a pointed base. The left field shall contain eight horizontal bars of red and silver. The right field shall have a red background and shall depict a base of three green hills with a golden crown atop the central hill and a silver patriarchal cross issuing from the middle of the crown. The Holy Crown shall rest on top of the shield.



(2) The flag of Hungary shall feature three horizontal bands of equal width coloured red, white and green from top to bottom as the symbols of strength, fidelity and hope respectively.



(3) The anthem of Hungary shall be the poem *Himnusz* by Ferenc Kölcsey set to music by Ferenc Erkel.

(4) The coat of arms and the flag may also be used in other historical forms. The detailed rules for the use of the coat of arms and the flag, and state decorations shall be defined by a cardinal Act.

### Article J

(1) The national holidays of Hungary shall be:

- a) the 15th day of March, in memory of the 1848–49 Revolution and War of Independence,
- b) the 20th day of August, in memory of the foundation of the State and King Saint Stephen the State Founder, and
- c) the 23rd day of October, in memory of the 1956 Revolution and War of Independence.

(2) The official state holiday shall be the 20th day of August.

#### **Article K**

The official currency of Hungary shall be the forint.

#### **Article L**

(1) Hungary shall protect the institution of marriage as the union of a man and a woman established by voluntary decision, and the family as the basis of the nation's survival. Family ties shall be based on marriage or the relationship between parents and children.

(2) Hungary shall encourage the commitment to have children.

(3) The protection of families shall be regulated by a cardinal Act.

#### **Article M**

(1) The economy of Hungary shall be based on work which creates value and freedom of enterprise.

(2) Hungary shall ensure the conditions for fair economic competition, act against any abuse of a dominant position, and shall defend the rights of consumers.

#### **Article N**

(1) Hungary shall enforce the principle of balanced, transparent and sustainable budget management.

(2) Parliament and the Government shall have primary responsibility for the enforcement of the principle set out in Paragraph (1).

(3) In the course of performing their duties, the Constitutional Court, courts, local governments and other state organs shall be obliged to respect the principle set out in Paragraph (1).

#### **Article O**

Every person shall be responsible for his or herself, and shall be obliged to contribute to the performance of state and community tasks to the best of his or her abilities and potential.

#### **Article P**

(1) Natural resources, in particular arable land, forests and the reserves of water, biodiversity, in particular native plant and animal species, as well as cultural assets form the nation's common heritage, and the State and every person shall be obliged to protect and maintain them, and to preserve them for future generations.

(2) The limits and conditions for acquisition of ownership and for use of arable land and forests necessary for achieving the objectives set out in Paragraph (1), as well as the rules concerning the organization of integrated agricultural production and concerning family farms and other agricultural holdings shall be laid down in a cardinal Act.<sup>†</sup>

---

<sup>†</sup> Third Amendment to the Fundamental Law

#### **Article Q**

(1) In order to create and maintain peace and security, and to achieve the sustainable development of humanity, Hungary shall strive for cooperation with all the peoples and countries of the world.

(2) In order to comply with its obligations under international law, Hungary shall ensure that Hungarian law be in conformity with international law.

(3) Hungary shall accept the generally recognised rules of international law. Other sources of international law shall become part of the Hungarian legal system by publication in pieces of legislation.

#### **Article R**

(1) The Fundamental Law shall be the foundation of the legal system of Hungary.

(2) The Fundamental Law and legislation shall be binding on every person.

(3) The provisions of the Fundamental Law shall be interpreted in accordance with their purposes, the National Avowal and the achievements of our historical constitution.

#### **Article S**

(1) A proposal for the adoption of a new Fundamental Law or any amendment of the Fundamental Law may be submitted by the President of the Republic, the Government, any parliamentary committee or any Member of Parliament.

(2) The adoption of a new Fundamental Law or any amendment of the Fundamental Law shall require a two-thirds majority of the votes of all Members of Parliament.

(3) The Speaker of the House shall sign the adopted Fundamental Law or the adopted amendment of the Fundamental Law within five days and shall send it to the President of the Republic. The President of the Republic shall sign the Fundamental Law or the amendment of the Fundamental Law sent to him within five days of receipt and shall order its publication in the Official Gazette. If the President of the Republic finds a departure from any procedural requirement laid down in the Fundamental Law with respect to adoption of the Fundamental Law or any amendment of the Fundamental Law, the President of the Republic refers such departure to the Constitutional Court for revision. Should the revision by the Constitutional Court not verify the departure from the requirements, the President of the Republic shall immediately sign the Fundamental Law or the amendment of the Fundamental Law, and shall order its publication in the Official Gazette.

(4) The designation of the amendment of the Fundamental Law made during publication shall include the title, the serial number of the amendment and the date of publication.

#### **Article T**

(1) Generally binding rules of conduct may be laid down by the Fundamental Law or a piece of legislation adopted by an organ having legislative competence and specified in the Fundamental Law which is published in the Official Gazette. A cardinal Act may lay down different rules for the publication of local government decrees and other pieces of legislation adopted during any special legal order.

(2) Pieces of legislation shall be Acts of Parliament, government decrees, decrees of the Prime Minister, decrees of Ministers, decrees of the Governor of the National Bank of Hungary,

decrees of the head of an autonomous regulatory bodies and local government decrees. Legislation shall also include In addition, decrees issued by the National Defence Council during a state of national crisis and decrees issued by the President of the Republic during a state of emergency shall also be pieces of legislation.

(3) No legislation shall conflict with the Fundamental Law.

(4) Cardinal Acts shall be Acts of Parliament, the adoption and amendment of which requires a two-thirds majority of the votes of Members of Parliament present.

### **Article U**

(1) The form of government based on the rule of law, established in accordance with the will of the nation through the first free elections held in 1990, and the previous communist dictatorship are incompatible. The Hungarian Socialist Workers' Party and its legal predecessors and other political organisations established to serve them in the spirit of communist ideology were criminal organisations, whose leaders have responsibility without statute of limitations for:

- a) maintaining and directing an oppressive regime, violating the laws and betraying the nation;
- b) eliminating with Soviet military assistance the democratic attempt built on a multi-party system in the years after World War II;
- c) establishing a legal order based on the exclusive exercise of power and unlawfulness;
- d) eliminating an economy based on the freedom of property and driving the country into debt;
- e) submitting the economy, national defence, diplomacy and human resources of Hungary to foreign interests;
- f) systematically devastating the traditional values of European civilisation;
- g) depriving citizens and certain groups of citizens of, or seriously restricting their fundamental human rights, especially for murdering people, extraditing them to foreign power, unlawfully incarcerating them, carrying them off to forced labour camps, torturing them and submitting them to inhuman treatment; arbitrarily depriving citizens of their assets, restricting their rights to property; fully depriving citizens of their liberties, submitting the expression of political opinion and will to the state's constraint; discriminating people on the grounds of origin, world view or political conviction, impeding their advancement and success based on knowledge, diligence and talent; establishing and operating a secret police to unlawfully watch and influence the private lives of people;
- h) suppressing with bloodshed, in cooperation with Soviet occupying forces, the revolution and war of independence, which broke out on 23 October 1956, the ensuing reign of terror and retaliation, and for the forced flight of two hundred thousand Hungarian people from their native land;
- i) all politically motivated ordinary offences which were not prosecuted by the administration of justice due to political reasons.

Political organisations recognised legally during the democratic transition as legal successors of the Hungarian Socialist Workers' Party continue to share the liability of their predecessors as beneficiaries of their unlawfully accumulated assets.

(2) In consideration of Paragraph (1), the operation of the communist dictatorship shall be truthfully revealed and public sense of justice shall be ensured as laid down in Paragraphs (3)–(10).

(3) In order for the State to preserve the memory of the communist dictatorship, the Committee of National Memory shall operate. The Committee of National Memory shall explore the operation of the communist dictatorship in terms of power, the role of individuals and organisations holding communist power, and shall publish the results of its activity in a comprehensive report and other documents.



(4) The holders of power of the communist dictatorship shall tolerate factual statements, except for any wilful and essentially false allegations, about their roles and actions related to the operation of the dictatorship and their personal data related to such roles and actions may be disclosed to the public.

(5) Statutory pensions or any other benefits provided by the State to leaders of the communist dictatorship as defined by law may be reduced to a statutory extent; the arising revenues shall be used to mitigate the affronts caused by the communist dictatorship and to preserve the memory of victims as prescribed by law.

(6) There shall be no statute of limitations for the serious statutory crimes which were committed against Hungary or persons in the communist dictatorship in the name and interest of, or in agreement with, the party-state and which were left unprosecuted for political reasons by ignoring the criminal law in force at the time of perpetration.

(7) The crimes laid down in Paragraph (6) shall become statute-barred on the expiry of the period defined by the criminal law in force at the time of perpetration, to be calculated from the day when the Fundamental Law came into force, provided that they would have become statute-barred by 1 May 1990 under the criminal law in force at the time of perpetration.

(8) The crimes laid down in Paragraph (6) shall become statute-barred on the expiry of the period between the date of perpetration and 1 May 1990, to be calculated from the day when the Fundamental Law came into force, provided that they would have become statute-barred between 2 May 1990 and 31 December 2011 under the criminal law in force at the time of perpetration and that the perpetrator was not prosecuted for the crime.

(9) No law may establish any new legal grounds for compensation providing financial or any other pecuniary benefits to individuals who were unlawfully deprived of their lives or freedom for political reasons and who suffered undue property damage from the state before 2 May 1990.

(10) The documents of the communist state party, the non-governmental and youth organisations established with its contribution and/or existing under its direct influence and of trade unions created during the communist dictatorship shall be the property of the State and shall be deposited in public archives in the same way as the files of bodies in charge of public duties.

## **FREEDOM AND RESPONSIBILITY**

### **Article I**

(1) The inviolable and inalienable fundamental rights of MAN shall be respected and defended by the State as a primary obligation.

(2) Hungary shall recognise the fundamental rights which may be exercised by individuals and communities.

(3) The rules for fundamental rights and obligations shall be determined by special Acts. A fundamental right may be restricted to allow the exercise of another fundamental right or to defend any constitutional value to the extent absolutely necessary, in proportion to the desired goal and in respect of the essential content of such fundamental right.

(4) Subjects of law established by an Act shall have the fundamental rights and obligations that by nature not only apply to natural persons.

## **Article II**

Human dignity shall be inviolable. Every human being shall have the right to life and human dignity; embryonic and foetal life shall be subject to protection from the moment of conception.

## **Article III**

(1) No person shall be subjected to torture, any inhuman or degrading treatment or punishment, or be enslaved. Human trafficking shall be prohibited.

(2) All medical and scientific experiments on human subjects without their free and informed consent shall be prohibited.

(3) All practices aimed at eugenics, any use of the human body or any of its parts for financial gain, and human cloning shall be prohibited.

## **Article IV**

(1) Every person shall have the right to freedom and personal safety.

(2) No person shall be deprived of his or her liberty except for statutory reasons or as a result of a statutory procedure. Life imprisonment without parole shall only be imposed in relation to the commission of wilful and violent offences.

(3) Any person suspected of and arrested for committing any offence shall either be released or brought before a court as soon as possible. The court shall be obliged to give such person a hearing and to immediately make a decision with a written justification on his or her acquittal or conviction.

(4) A person whose liberty has been restricted without a well-founded reason or in an unlawful manner shall be entitled to indemnity.

## **Article V**

Every person shall have the right to repel any unlawful attack against his or her person or property, or one that poses a direct threat to the same.

## **Article VI**

(1) Every person shall have the right to the protection of his or her private and family life, home, relations and good reputation.

(2) Every person shall have the right to the protection of his or her personal data, and to access and disseminate data of public interest.

(3) The exercise of the right to the protection of personal data and the access to data of public interest shall be supervised by an independent authority.

## **Article VII**

(1) Every person shall have the right to freedom of thought, conscience and religion. This right shall include the freedom to choose or change religion or any other persuasion, and the freedom for every person to proclaim, refrain from proclaiming, profess or teach his or her religion or any other persuasion by performing religious acts, ceremonies or in any other way, whether individually or jointly with others, in the public domain or in his or her private life.

(2) Parliament may pass cardinal Acts to recognise certain organisations engaged in religious activities as Churches, with which the State shall cooperate to promote community goals. The provisions of cardinal Acts concerning the recognition of Churches may be the subject of a constitutional complaint.

(3) The State and Churches and other organisations engaged in religious activities shall be separated. Churches and other organisations engaged in religious activities shall be autonomous.

(4) The detailed rules for Churches shall be determined by cardinal Act. As a requirement for the recognition of any organisation engaged in religious activities as a Church, the cardinal Act may prescribe an extended period of operation, social support and suitability for cooperation to promote community goals.

### **Article VIII**

(1) Every person shall have the right to peaceful assembly.

(2) Every person shall have the right to establish and join organisations.

(3) The right to freedom of association shall allow the free establishment and operation of political parties. Political parties shall participate in the formation and proclamation of people's will. No political party may exercise public power in a direct way.

(4) The detailed rules for the operation and financial management of political parties shall be regulated by a cardinal Act.

(5) The right to freedom of association shall allow the free establishment and operation of trade unions and other representative bodies.

### **Article IX**

(1) Every person shall have the right to express his or her opinion.

(2) Hungary shall recognise and defend the freedom and diversity of the press, and shall ensure the conditions for free dissemination of information necessary for the formation of democratic public opinion.

(3) For the dissemination of appropriate information required for the formation of democratic public opinion and to ensure the equality of opportunity, political advertisements shall be published in media services, exclusively free of charge. In the campaign period prior to the election of Members of Parliament and of Members of the European Parliament, political advertisements published by and in the interest of nominating organisations setting up country-wide candidacy lists for the general election of Members of Parliament or candidacy lists for the election of Members of the European Parliament shall exclusively be published by way of public media services and under equal conditions, as determined by cardinal Act.

(4) The right to freedom of speech may not be exercised with the aim of violating the human dignity of other people.

(5) The right to freedom of speech may not be exercised with the aim of violating the dignity of the Hungarian nation or of any national, ethnic, racial or religious community. Members of such communities shall be entitled to enforce their claims in court against the expression of an opinion

which violates their community, invoking the violation of their human dignity as determined by law.

(6) The detailed rules governing freedom of the press and the body supervising media services, press products and the communications market shall be laid down in a cardinal Act.

#### **Article X**

(1) Hungary shall ensure the freedom of scientific research and artistic creation, the freedom of learning for the acquisition of the highest possible level of knowledge, and the freedom of teaching within the framework determined by law.

(2) The State shall not be entitled to decide on questions of scientific truth, and scientists shall have the exclusive right to evaluate any scientific research.

(3) Hungary shall protect the scientific and artistic freedom of the Hungarian Academy of Sciences and the Hungarian Academy of Arts. All institutions of higher education shall be autonomous in terms of the contents and methodology of research and teaching, and their rules of organisation shall be regulated by Act. Government shall determine, to the extent permitted by law, the rules of financial management of public institutions of higher education and shall supervise their financial management.

#### **Article XI**

(1) Every Hungarian citizen shall have the right to education.

(2) Hungary shall ensure this right by extending and generalising public education, providing free and compulsory primary education, free and generally available secondary education, and higher education available to every person according to his or her abilities, and by providing statutory financial support to beneficiaries of education.

(3) By virtue of an Act of Parliament, financial support of higher education studies may be bound to participation for a definite period in employment or to exercising for a definite period of entrepreneurial activities, regulated by Hungarian law.

#### **Article XII**

(1) Every person shall have the right to freely choose his or her work, occupation and entrepreneurial activities. Every person shall be obliged to contribute to the community's enrichment with his or her work to the best of his or her abilities and potential.

(2) Hungary shall strive to create conditions ensuring that every person who is able and willing to work has the opportunity to do so.

#### **Article XIII**

(1) Every person shall have the right to property and inheritance. Property shall entail social responsibility.

(2) Property may only be expropriated in exceptional cases and in the public interest, in legally defined cases and ways, and subject to full, unconditional and immediate indemnity.

#### **Article XIV**

(1) No Hungarian citizen may be expelled from the territory of Hungary and every Hungarian citizen may return from abroad at any time. Any foreign citizen staying in the territory of Hungary may only be expelled by a lawful decision. Collective expulsion shall be prohibited.

(2) No person may be expelled or extradited to a state where he or she faces the danger of a death sentence, torture or any other inhuman treatment or punishment.

(3) Hungary shall grant asylum to all non-Hungarian citizens as requested if they are being persecuted or have a well-founded fear of persecution in their native countries or in the countries of their usual residence due to their racial or national identities, affiliation to a particular social group, or to their religious or political persuasions, unless they receive protection from their countries of origin or any other country.

#### **Article XV**

(1) Every person shall be equal before the law. Every human being shall have legal capacity.

(2) Hungary shall ensure fundamental rights to every person without any discrimination on the grounds of race, colour, gender, disability, language, religion, political or other views, national or social origin, financial, birth or other circumstances whatsoever.

(3) Women and men shall have equal rights.

(4) Hungary shall adopt special measures to promote the implementation of equality of opportunity and social inclusion.

(5) Hungary shall adopt special measures to protect families, children, women, the elderly and persons living with disabilities.

#### **Article XVI**

(1) Every child shall have the right to the protection and care required for his or her proper physical, mental and moral development.

(2) Parents shall have the right to choose the type of upbringing they deem fit for their children.

(3) Parents shall be obliged to look after their children. This obligation shall include the provision of schooling for their children.

(4) Adult children shall be obliged to look after their parents if they are in need.

#### **Article XVII**

(1) Employees and employers shall cooperate with each other in order to ensure jobs, make the national economy sustainable and for other community goals.

(2) Employees, employers and their representative bodies shall have a statutory right to bargain and conclude collective agreements, and to take any joint action including the right to employees to discontinue work in defence of their interests.

(3) Every employee shall have the right to working conditions which respect his or her health, safety and dignity.

(4) Every employee shall have the right to daily and weekly rest times and annual paid leave.

#### **Article XVIII**

(1) The employment of children shall be prohibited except for cases laid down in an Act posing no risk to the child's physical, mental or moral development.

(2) Hungary shall adopt special measures to protect young people and parents in the workplace.

#### **Article XIX**

(1) Hungary shall strive to provide social security to all of its citizens. Every Hungarian citizen shall be entitled to statutory subsidies for maternity, illness, disability, handicap, widowhood, orphanage and unemployment not caused by his or her own actions.

(2) Hungary shall implement social security for the persons listed in Paragraph (1) and other people in need through a system of social institutions and measures.

(3) The nature and extent of social measures may be determined by law in accordance with the usefulness to the community of the beneficiary's activity.

(4) Hungary shall promote the livelihood of the elderly by maintaining a general state pension system based on social solidarity and by allowing for the operation of voluntarily established social institutions. Eligibility for a state pension may include statutory criteria in consideration of the requirement for special protection to women.

#### **Article XX**

(1) Every person shall have the right to physical and mental health.

(2) Hungary shall promote the exercise of the right set out in Paragraph (1) by ensuring that its agriculture remains free from any genetically modified organism, by providing access to healthy food and drinking water, by managing industrial safety and healthcare, by supporting sports and regular physical exercise, and by ensuring environmental protection.

#### **Article XXI**

(1) Hungary shall recognise and enforce the right of every person to a healthy environment.

(2) A person who causes any damage to the environment shall be obliged to restore it or to bear all costs of restoration as defined by law.

(3) No pollutant waste shall be brought into Hungary for the purpose of dumping.

#### **Article XXII**

(1) Hungary shall strive to provide every person with decent housing and access to public services.

(2) The State and local governments shall also contribute to creating the conditions of decent housing by striving to provide accommodation to all homeless people.

(3) In order to protect public order, public security, public health and cultural values, an Act of Parliament or a local government decree may declare illegal staying in a public area as a permanent abode with respect to a specific part of such public area.

### **Article XXIII**

(1) Every adult Hungarian citizen shall have the right to be a voter as well as a candidate in the elections of Members of Parliament, local representatives and mayors, and of members of the European Parliament.

(2) Every adult citizen of any other member state of the European Union who is a resident of Hungary shall have the right to be a voter as well as a candidate in the elections of local representatives and mayors, and of members of the European Parliament.

(3) Every adult person who is recognised as a refugee, immigrant or resident of Hungary shall have the right to be a voter in the elections of local representatives and mayors.

(4) The exercise or completeness of active suffrage may be subject to the requirement of residence in Hungary, and passive suffrage may be subject to further criteria under a cardinal Act.

(5) Every voter may participate in the election of local representatives and mayors in the locality of his or her residence or registered address. Every voter may exercise his or her right to vote in the locality of his or her residence or registered address.

(6) A person disenfranchised by a court for committing an offence or due to his or her limited mental capacity shall have no suffrage. No citizen of any other member state of the European Union who is a resident of Hungary shall have passive suffrage if he or she has been disenfranchised in his or her native country under any law, court or official decision of his or her state of citizenship.

(7) Every person entitled to vote in elections of Members of Parliament shall have the right to participate in national referenda. Every person entitled to vote in elections of local representatives and mayors shall have the right to participate in local referenda.

(8) Every Hungarian citizen shall have the right to hold a public office corresponding to his or her aptitude, qualifications and expertise. A special Act shall determine public offices that may not be held by members or officials of any political party.

### **Article XXIV**

(1) Every person shall have the right to have his or her affairs administered by the authorities in an impartial, fair and reasonably timely manner. This right shall include the obligation of the authorities to justify their decisions as determined by law.

(2) Every person shall have the right to statutory state compensation for any unlawful damage caused by the authorities while performing their duties.

### **Article XXV**

Every person shall have the right to submit a written application, complaint or proposal, whether individual or joint, to any organ which exercises public power.

### **Article XXVI**

The State shall strive to use the latest technological solutions and scientific achievements to make its operation efficient, raise the standard of public services, improve the transparency of public affairs and to promote equality of opportunity.

**Article XXVII**

(1) Every person lawfully staying in the territory of Hungary shall have the right to freedom of movement and to freely choose residence.

(2) Every Hungarian citizen shall have the right to be protected by Hungary during any stay abroad.

**Article XXVIII**

(1) Every person shall have the right to have any charge against him or her, or any right and duty in litigation, adjudicated by a legally established independent and impartial court in a fair public trial within a reasonable period of time.

(2) No person shall be considered guilty unless his or her criminal liability has been established by an effective court ruling.

(3) Every person subject to prosecution shall have the right to legal defence at every stage of the trial. No counsel shall be made liable for his or her opinion expressed while providing legal defence.

(4) No person shall be found guilty or be punished for an act which, at the time when it was committed, was not an offence under the law of Hungary or of any other state by virtue of an international agreement or any legal act of the European Union.

(5) Paragraph (4) shall not exclude the prosecution or conviction of any person for an act which was, at the time when it was committed, an offence according to the generally recognised rules of international law.

(6) Except for extraordinary cases of legal remedy determined by law, no person shall be prosecuted or convicted for any offence for which he or she has already been acquitted or convicted by an effective court ruling, whether in Hungary or in any other jurisdiction as defined by international agreements or any legal act of the European Union.

(7) Every person shall have the right to seek legal remedy against any court, administrative or other official decision which violates his or her rights or lawful interests.

**Article XXIX**

(1) Nationalities living in Hungary shall be constituent parts of the State. Every Hungarian citizen belonging to any nationality shall have the right to freely express and preserve his or her identity. Nationalities living in Hungary shall have the right to use their native languages and to the individual and collective use of names in their own languages, to promote their own cultures, and to be educated in their native languages.

(2) Nationalities living in Hungary shall have the right to establish local and national self-governments.

(3) A cardinal Act shall determine the detailed rules relating to the rights of nationalities living in Hungary, the nationalities, the requirements for recognition as a nationality and the rules relating to the election of their local and national self-governments. By virtue of such cardinal Act, recognition as a nationality may be subject to national status of a specific period and to the initiative of a specific number of individuals who declare to be members of such nationality.



### **Article XXX**

- (1) Every person shall contribute to satisfying community needs to the best of his or her capabilities and in proportion to his or her participation in the economy.
- (2) For persons raising children, the extent of contribution to satisfying community needs shall be determined in consideration of the costs of raising children.

### **Article XXXI**

- (1) Every Hungarian citizen shall be obliged to defend the country.
- (2) Hungary shall maintain a voluntary reserve force for national defence purposes.
- (3) During a state of national crisis or, by decision of Parliament during a state of preventive defence, every adult male Hungarian citizen living in Hungary shall perform military service. If armed service is incompatible with the conscience of any person obliged to perform military service, he shall perform unarmed service. The forms and detailed rules for military service shall be defined by a cardinal Act.
- (4) Every adult Hungarian citizen living in Hungary may be ordered to perform work for national defence purposes during a state of national crisis as defined by a cardinal Act.
- (5) Every adult Hungarian citizen living in Hungary may be ordered to engage in civil protection for the purpose of national defence and disaster management as defined by a cardinal Act.
- (6) Every person may be ordered to provide economic and financial services for the purpose of national defence and disaster management, as defined by a cardinal Act.

## **THE STATE**

### **Parliament**

#### **Article 1**

- (1) In HUNGARY the supreme body of popular representation shall be Parliament.
- (2) Parliament shall:
  - a) enact and amend the Fundamental Law of Hungary;
  - b) adopt Acts of Parliament,
  - c) adopt the State Budget and approve its implementation,
  - d) authorise recognition of the binding nature of any international agreement subject to its responsibilities and competences,
  - e) elect the President of the Republic, the members and President of the Constitutional Court, the President of the Curia, the President of the National Office for the Judiciary, the Supreme Prosecutor, the Commissioner for Fundamental Rights and his or her deputies, and the President of the State Audit Office,
  - f) elect the Prime Minister and decide on any matter of confidence related to the Government,

- g) dissolve any representative body which operates in violation of the Fundamental Law,
- h) decide to declare a state of war and to conclude peace,
- i) make decisions on any special legal order and participation in military operations,
- j) grant pardons, and
- k) exercise other responsibilities and competences defined by the Fundamental Law and other laws.

## **Article 2**

- (1) Voters shall exercise universal and equal suffrage to elect the Members of Parliament by direct and secret ballot, in elections allowing the free expression of voters' will, in the manner defined by a cardinal Act.
- (2) Nationalities living in Hungary shall contribute to Parliament's work as defined by a cardinal Act.
- (3) The general elections of the Members of Parliament shall be held in April or May four years after the election of the previous Parliament, except for the elections held due to the voluntary or mandatory dissolution of Parliament.

## **Article 3**

- (1) Parliament's mandate shall commence with its inaugural session and be terminated by the inaugural session of the next Parliament. The inaugural session shall be convened by the President of the Republic within thirty days of the elections.
- (2) Parliament may decide to be dissolved.
- (3) The President of the Republic may dissolve Parliament and simultaneously announce elections if:
  - a) when the Government's mandate ends, Parliament fails to elect the person proposed by the President of the Republic to serve as Prime Minister within forty days of presentation of the first nomination, or
  - b) Parliament fails to adopt the State Budget for the current year by 31 March.
- (4) Before dissolving Parliament, the President of the Republic shall be obliged to ask the Prime Minister, the Speaker of the House, and the heads of parliamentary groups for their opinions.
- (5) The President of the Republic may exercise his or her right set out in Paragraph (3)a) until Parliament elects the Prime Minister. The President of the Republic may exercise his or her right under Paragraph (3)b) until Parliament adopts the State Budget.
- (6) The new Parliament shall be elected within ninety days of the voluntary or mandatory dissolution of the previous Parliament.

## **Article 4**

- (1) Members of Parliament shall have equal rights and obligations, perform their activities in the public interest, and may not be instructed in that context.

(2) Members of Parliament shall be entitled to immunity and remuneration in order to promote their independence. A cardinal Act shall specify the public offices which may not be held by Members of Parliament and may determine other cases of conflict of interests.

(3) The mandate of a Member of Parliament shall be terminated:

a) by termination of Parliament's mandate,

b) upon his or her death,

c) by the declaration of a conflict of interests,

d) by resignation,

e) if the conditions required for his or her election no longer prevail, or

f) if he or she has failed to participate in Parliament's work for one year.

(4) Parliament shall decide with a two-thirds majority of the votes of the Members of Parliament present on the establishment of the absence of the conditions required for the election of a Member of Parliament, on the declaration of a conflict of interests and on the establishment of a particular Member of Parliament's failure to participate in Parliament's work for one year.

(5) The detailed rules for the legal status and remuneration of Members of Parliament shall be defined by a cardinal Act.

#### **Article 5**

(1) The sessions of Parliament shall be open to the public. Parliament may decide with a two-thirds majority of the votes of the Members of Parliament to hold any session in camera at the request of the Government or any Member of Parliament.

(2) Parliament shall elect the Speaker of the House, Deputy Speakers of the House and Clerks from its members.

(3) Parliament shall establish permanent committees consisting of Members of Parliament.

(4) Members of Parliament may establish parliamentary groups to coordinate their activities under the provisions of the Rules of Procedure.

(5) Parliament shall have a quorum if more than half of its members are in attendance.

(6) Unless otherwise provided for by the Fundamental Law, Parliament shall make decisions by a simple majority of votes of members present. Particular decisions may be subject to a qualified majority under the provisions of the Rules of Procedure.

(7) Parliament shall determine its rules of operation and the order of its debates in its Rules of Procedure adopted by a majority of two-thirds of the votes of the Members of Parliament present. In order to ensure the undisturbed operation of Parliament and to preserve its dignity, the Speaker of the House shall have law and order and disciplinary powers as defined by the Rules of Procedure.

(8) The provisions on Parliament's regular sessions shall be laid down in a cardinal Act.

(9) Parliament's security shall be ensured by the Parliament Guard. The operation of the Parliament Guard shall be directed by the Speaker of the House.

**Article 6**

(1) The President of the Republic, the Government, any parliamentary committee and Member of Parliament may propose bills.

(2) Parliament may send the adopted Act to the Constitutional Court to examine its conformity with the Fundamental Law upon the motion of the proponent of the bill, the Government or the Speaker of the House, submitted before the final vote. Parliament shall decide on the motion after the final vote. If the motion is adopted, the Speaker of the House shall immediately send the adopted Act to the Constitutional Court to examine its conformity with the Fundamental Law.

(3) The Speaker of the House shall sign the adopted Act and send it to the President of the Republic within five days. The President of the Republic shall sign the Act received and order its publication within five days. If Parliament sends the Act to the Constitutional Court to examine its conformity with the Fundamental Law under Paragraph (2), the Speaker of the House may only sign and send it to the President of the Republic if the Constitutional Court has not found any violation of the Fundamental Law.

(4) If the President of the Republic finds the Act or any constituent provision contrary to the Fundamental Law and no examination has been held under Paragraph (2), he or she shall send the Act to the Constitutional Court to examine its conformity with the Fundamental Law.

(5) If the President of the Republic disagrees with the Act or any constituent provision and has not exercised his or her right under Paragraph (4), he or she may return the Act once to Parliament for reconsideration along with his or her comments before signature. Parliament shall hold a new debate on the Act and decide on its adoption again. The President of the Republic may also exercise this right if the Constitutional Court has not found any violation of the Fundamental Law during the examination conducted according to Parliament's decision.

(6) The Constitutional Court shall decide on the motion under Paragraphs (2) or (4) immediately but no later than thirty days from receipt. If the Constitutional Court finds any violation of the Fundamental Law, Parliament shall hold a new debate on the Act in order to eliminate such a violation.

(7) If the Constitutional Court does not find any violation of the Fundamental Law during the examination proposed by the President of the Republic, the President of the Republic shall immediately sign the Act and order its publication.

(8) The Constitutional Court may be requested to re-examine the Act discussed and adopted by Parliament under Paragraph (6) for its conformity with the Fundamental Law under Paragraphs (2) and (4). The Constitutional Court shall decide on the repeated motion immediately but no later than ten days from receipt.

(9) If Parliament amends the Act returned due to any disagreement of the President of the Republic, the examination of its conformity with the Fundamental Law under Paragraphs (2) and (4) shall only be applicable to the amended provisions or on the grounds of failure to meet the Fundamental Law's procedural requirements for the drafting of such Act. If Parliament adopts the Act returned due to any disagreement of the President of the Republic with the text unamended, the President of the Republic may propose that it should be examined for conformity with the Fundamental Law on the grounds of failure to meet the procedural requirements for the drafting of such Act.

### **Article 7**

(1) Members of Parliament may ask questions of the Commissioner for Fundamental Rights, the President of the State Audit Office, the Supreme Prosecutor, and the Governor of the National Bank of Hungary about any matter within their competence.

(2) Members of Parliament may submit interpellations and questions to the Government and any government member about any matter within their competence.

(3) The supervisory activities of parliamentary committees and the obligation to appear before any committee shall be regulated by a cardinal Act.

### **National referenda**

#### **Article 8**

(1) Parliament shall order a national referendum upon the motion of at least two hundred thousand voters. Parliament may order a national referendum upon the motion of the President of the Republic, the Government or one hundred thousand voters. The decision made by any valid and conclusive referendum shall be binding on Parliament.

(2) National referenda may be held about any matter within Parliament's responsibilities and competences.

(3) No national referendum may be held on:

- a) any matter aimed at the amendment of the Fundamental Law,
- b) the contents of the Acts on the State Budget and its implementation, the central tax type, pension or healthcare contributions, customs and the central conditions for local taxes,
- c) the contents of the Acts on the elections of Members of Parliament, local representatives and mayors, and members of the European Parliament,
- d) any obligation arising from an international agreement,
- e) any matter related to human resources and the establishment of organisations within the competence of Parliament,
- f) the voluntary dissolution of Parliament,
- g) the mandatory dissolution of any representative body,
- h) the declaration of a state of war, state of national crisis and state of emergency, and on the declaration or extension of a state of preventive defence,
- i) any matter related to participation in military operations,
- j) the granting of pardons.

(4) A national referendum shall be valid if more than half of all voters have cast a valid vote, and shall be conclusive if more than half of all voters casting a valid vote have given the same answer to a question.

### **The President of the Republic**

#### **Article 9**

(1) The head of State of Hungary shall be the President of the Republic, who shall embody the nation's unity and shall safeguard the democratic operation of state organisation.

(2) The President of the Republic shall be the Commander in Chief of the Hungarian Defence Forces.

(3) The President of the Republic:

- a) shall represent Hungary,
- b) may attend and address any session of Parliament,
- c) may propose bills,
- d) may propose national referenda,
- e) shall set a date for the general elections of Members of Parliament, local representatives and mayors, and of members of the European Parliament, and for national referenda,
- f) shall make decisions on any special legal order,
- g) shall convene the inaugural session of Parliament,
- h) may dissolve Parliament,
- i) may send the adopted Fundamental Law and any amendment thereof to the Constitutional Court for a review of conformity with the procedural requirements set in the Fundamental Law with respect to its adoption, and may send adopted Acts to the Constitutional Court for a review of conformity with the Fundamental Law or may return them to Parliament for reconsideration,
- j) shall propose persons for the positions of Prime Minister, the President of the Curia, the President of the National Office for the Judiciary, the Supreme Prosecutor and the Commissioner for Fundamental Rights,
- k) shall appoint professional judges and the President of the Budget Council,
- l) shall confirm the appointment of the President of the Hungarian Academy of Sciences and the President of the Hungarian Academy of Arts
- m) shall form the organisation of his or her office.

(4) The President of the Republic shall:

- a) recognise the binding nature of international agreements by authorisation of Parliament,
- b) accredit and receive ambassadors and envoys,
- c) appoint Ministers, the Governor and Deputy Governors of the National Bank of Hungary, the heads of autonomous regulatory bodies and university professors,
- d) appoint university rectors,
- e) appoint and promote generals,
- f) award statutory decorations, prizes and titles, and authorise the use of foreign state decorations,
- g) exercise the right to grant pardons to individuals,
- h) decide on any matter of territorial administration within his or her responsibilities and competences, and
- i) decide on any matter related to the acquisition and termination of citizenship,
- j) decide on any matter assigned to his or her competence by law.

(5) Any measure and decision of the President of the Republic under Paragraph (4) shall be subject to the countersignature of a government member. An Act may provide that a decision within the statutory competence of the President of the Republic shall not be subject to a countersignature.

(6) The President of the Republic shall refuse to perform any of his or her obligations in Paragraphs (4)b)-e) if the legal conditions are absent or if he or she has a well-grounded reason to conclude that it would result in a serious malfunction of the State's democratic operation.

(7) The President of the Republic shall refuse to perform his or her obligation set out in Paragraph (4)f), if it violates the values enshrined in the Fundamental Law.

## **Article 10**

(1) The President of the Republic shall be elected for five years by Parliament.

(2) Any Hungarian citizen above the age of 35 years may be elected to serve as the President of the Republic.

(3) The President of the Republic may be re-elected only once.

### **Article 11**

(1) The President of the Republic shall be elected no sooner than sixty but no later than thirty days before expiry of the mandate of the previous President of the Republic, or, as the case may be, within thirty days of the premature termination of his or her mandate. The date for the election of the President of the Republic shall be set by the Speaker of the House. Parliament shall elect the President of the Republic by secret ballot.

(2) The election of the President of the Republic shall be preceded by nomination. Any nomination shall be valid subject to a written proposal by at least one-fifth of the Members of Parliament. Nominations shall be submitted to the Speaker of the House before the vote is ordered. Every Member of Parliament may propose one candidate. No proposal for multiple candidates shall be valid.

(3) The President of the Republic elected in the first round of voting shall be the candidate who received a two-thirds majority of the votes of the Members of Parliament.

(4) If the first round of voting is inconclusive, a second round shall be held. In the second round of voting, votes may be cast for the two candidates receiving the highest and second highest numbers of votes respectively in the first round. In the event of a tied vote for first place in the first round of voting, votes may be cast for the candidates who have received the highest number of votes. In the event of a tied vote only for second place in the first round of voting, votes may be cast for all candidates who have received the highest and second highest numbers of votes. The President of the Republic, elected in the second round of voting, shall be the candidate who has received the majority of valid votes, irrespective of the number of voters. If the second round of voting is also inconclusive, a new election shall be held after repeated nomination.

(5) The elections procedure shall be completed within two consecutive days at most.

(6) The President-elect of the Republic shall swear an oath before Parliament and take office on expiry of the mandate of the previous President of the Republic or, in the event of the early termination of such mandate, eight days after the announcement of the result of the election.

### **Article 12**

(1) The person of the President of the Republic shall be inviolable.

(2) The office of the President of the Republic shall be incompatible with any other state, social, economic and political office or assignment. The President of the Republic may not pursue any other remunerated occupation, and may not receive a fee for any other activity, except for an activity subject to copyright protection.

(3) The mandate of the President of the Republic shall be terminated:

- a) by the expiry of his or her term,
- b) upon his or her death,
- c) by his or her inability to perform his or her responsibilities for over ninety days,
- d) if the conditions for his or her election no longer exist,
- e) by the declaration of a conflict of interests,
- f) by resignation or

g) by removal from office as the President of the Republic.

(4) Parliament shall decide with a two-thirds majority of the votes of members present to establish any condition of the President of the Republic which has prevented the performance of his or her responsibilities for over ninety days or on the absence of the conditions required for his or her election, or on the declaration of a conflict of interests.

(5) The detailed rules for the legal status and remuneration of the President of the Republic and the former President of the Republic<sup>‡</sup> shall be defined by a cardinal Act.

### **Article 13**

(1) The President of the Republic may only be prosecuted after termination of his or her mandate.

(2) If the President of the Republic wilfully violates the Fundamental Law or, in conjunction with performing his or her office, any Act, or if he or she commits a wilful offence<sup>§</sup>, one-fifth of the Members of Parliament may propose his or her removal from office.

(3) The impeachment procedure shall require a two-thirds majority of the votes of the Members of Parliament. Voting shall be held by secret ballot.

(4) The President of the Republic may not exercise his or her competence from the day when Parliament makes its decision until the end of the impeachment procedure.

(5) The impeachment procedure shall be conducted by the Constitutional Court.

(6) If the Constitutional Court establishes the liability of the President of the Republic under public law, it may remove him or her from office.

### **Article 14**

(1) In the event of any temporary incapacity of the President of the Republic, his or her responsibilities and competence shall be exercised by the Speaker of the House until the termination of such incapacity or, if the mandate of the President of the Republic expires in the meantime, until the new President of the Republic takes office.

(2) The temporary incapacity of the President of the Republic shall be established by Parliament on the recommendation of the President of the Republic, the Government or any Member of Parliament.

(3) While substituting for the President of the Republic, the Speaker of the House may not exercise his or her rights as a Member of Parliament, and his or her responsibilities as the Speaker of the House shall be performed by the Deputy Speaker of the House designated by Parliament.

## **The Government**

### **Article 15**

(1) The Government shall be the general body of executive power, and its responsibilities and competences shall include all matters not expressly delegated by the Fundamental Law or other

---

<sup>‡</sup> First Amendment to the Fundamental Law

<sup>§</sup> Article 21 (1) n) of the Fourth Amendment to the Fundamental Law modifies this provision. However, since the modification is purely of linguistic nature, it does not concern the English translation.



legislation to the responsibilities and competences of another body. The Government shall be answerable to Parliament.

(2) The Government shall be the supreme body of public administration and may establish public administration organs as defined by law.

(3) Acting within its competence, the Government shall adopt decrees by statutory authorisation on any matter not regulated by an Act.

(4) No decree of the Government shall conflict with any Act.

#### **Article 16**

(1) The Government's members shall be the Prime Minister and the Ministers.

(2) The Prime Minister shall adopt decrees to designate one or two Ministers to serve as Deputy Prime Ministers.

(3) The Prime Minister shall be elected by Parliament on the recommendation of the President of the Republic.

(4) The election of the Prime Minister shall be subject to a majority vote of the Members of Parliament. The Prime Minister shall take office on the day of his or her election.

(5) The President of the Republic shall make his or her proposal set out in Paragraph (3):

a) at the inaugural session of the new Parliament, if the Prime Minister's mandate was terminated by the formation of the newly-elected Parliament;

b) within fifteen days of termination of the Prime Minister's mandate, if the Prime Minister's mandate was terminated by resignation, upon his or her death, the declaration of a conflict of interests, the absence of the conditions required for his or her election or because Parliament expressed its lack of confidence in the Prime Minister at the confidence vote.

(6) If Parliament has not elected the candidate for Prime Minister defined by Paragraph (5), the President of the Republic shall propose a new candidate within fifteen days.

(7) Ministers shall be appointed by the President of the Republic on the recommendation of the Prime Minister. Ministers shall take office on the date designated in their appointment document or, in the absence thereof, on the day of appointment.

(8) The Government shall be formed by the appointment of Ministers.

(9) Government members shall swear an oath before Parliament.

#### **Article 17**

(1) The Ministries shall be listed in an Act.

(2) Ministers without portfolio may be appointed for the responsibilities defined by the Government.

(3) The Government's regional administrative bodies with general competence shall be the metropolitan and county government offices.

(4) An Act may amend the provision of a cardinal Act on the designation of Ministries, Ministers or public administration organs.

(5) The legal status of government officials shall be regulated by law.

#### **Article 18**

(1) The Prime Minister shall determine the Government's general policy.

(2) Ministers shall have autonomous control of the sectors of public administration and the subordinated organs within their competence in line with the Government's general policy, and shall perform the responsibilities determined by the Government or the Prime Minister.

(3) Acting within their competence, government members shall adopt decrees by authority of an Act or a government decree, whether independently or in agreement with any other Minister; such decrees may not conflict with any Act, government decree or decree of the Governor of the National Bank of Hungary.

(4) Government members shall be answerable to Parliament for their activities, and Ministers shall be answerable to the Prime Minister. Government members may attend and address any session of Parliament. Parliament and any parliamentary committee may oblige government members to attend any of their sessions.

(5) The detailed rules for the legal status and remuneration of government members and the substitution of Ministers shall be determined by an Act.

#### **Article 19**

Parliament may ask the Government for information on its position to be adopted in the decision-making process of the European Union's institutions operating with the Government's participation, and may express its position about the draft on the agenda in the procedure. In the European Union's decision-making process, the Government shall take Parliament's position into consideration.

#### **Article 20**

(1) The mandate of the Government shall be terminated by the termination of the Prime Minister's mandate.

(2) The Prime Minister's mandate shall be terminated:

- a) by the formation of the newly-elected Parliament,
- b) if Parliament adopts a motion of no-confidence in the Prime Minister and elects a new Prime Minister,
- c) if Parliament adopts a motion of no-confidence in the Prime Minister at the confidence vote proposed by the Prime Minister,
- d) by resignation,
- e) upon his or her death,
- f) by the declaration of a conflict of interests or
- g) if the conditions required for his or her election no longer prevail.

(3) A Minister's mandate shall be terminated:

- a) by termination of the Prime Minister's mandate,
- b) by resignation,

- c) by removal,
- d) upon his or her death.

(4) Parliament shall decide on the establishment of the absence of the conditions required for the election of the Prime Minister and on the declaration of a conflict of interests by a two-thirds vote of Members of Parliament present.

#### **Article 21**

(1) One-fifth of the Members of Parliament may submit a written motion of no-confidence in the Prime Minister by proposing another person to serve as Prime Minister.

(2) By endorsing a motion of no-confidence, Parliament shall express its lack of confidence in the Prime Minister and shall simultaneously elect as Prime Minister the person proposed in the motion of no-confidence. Such decision by Parliament shall require a simple majority of the votes of the Members of Parliament.

(3) The Prime Minister may propose a confidence vote. Parliament shall adopt a motion of no-confidence in the Prime Minister if a simple majority of Members of Parliament do not support the Prime Minister in the confidence vote proposed by the Prime Minister.

(4) The Prime Minister may propose that the vote on a government proposal shall be regarded as a confidence vote. Parliament shall adopt a motion of no-confidence in the Prime Minister if it does not endorse the government proposal.

(5) Parliament shall make a decision on the matter of confidence three days after submission of the motion of no-confidence or the Prime Minister's proposal set out in Paragraphs (3) and (4), but no later than eight days after submission.

#### **Article 22**

(1) The Government shall exercise its competence as a caretaker government from termination of its mandate until the formation of the new Government, but may not recognise the binding nature of an international agreement, and may only adopt decrees in cases of extreme urgency by authority of an Act.

(2) If the Prime Minister's mandate is terminated by resignation or the formation of the newly-elected Parliament, the Prime Minister shall exercise his or her competence as a caretaker Prime Minister until the election of the new Prime Minister, but may not propose the removal of any Minister or the appointment of a new Minister, and may only adopt decrees in cases of urgency by authority of an Act.

(3) If the Prime Minister's mandate has been terminated upon his or her death, by the declaration of a conflict of interests, due to the absence of the conditions required for his or her election or because Parliament adopted a motion of no-confidence in the Prime Minister at a confidence vote, the Prime Minister's competence shall be exercised by the Deputy Prime Minister or, in the case of several Deputy Prime Ministers, the Deputy Prime Minister designated as first choice until the new Prime Minister is elected, with the restrictions set out in Paragraph (2).

(4) Every Minister shall exercise his or her competence as a caretaker Minister from termination of the Prime Minister's mandate until the new Minister's appointment or the designation of any other member of the new Government for the temporary performance of the responsibilities of Ministers, but may only adopt decrees in cases of urgency.

## **Autonomous regulatory bodies**

### **Article 23**

(1) Parliament may establish autonomous regulatory bodies to perform and exercise particular responsibilities and competences of the executive branch by virtue of a cardinal Act.

(2) The heads of autonomous regulatory bodies shall be appointed by the Prime Minister or the President of the Republic on the recommendation of the Prime Minister for the term defined by a cardinal Act. The heads of autonomous regulatory bodies shall appoint one or more deputies.

(3) The heads of autonomous regulatory bodies shall present an annual report to Parliament on the activities of their respective autonomous regulatory bodies.

(4) Acting within their competence defined by a cardinal Act, the heads of autonomous regulatory bodies shall issue decrees by statutory authorisation, which may not conflict with any Act, government decree, decree of the Prime Minister, decree of a Minister or decree of the Governor of the National Bank of Hungary. For the purpose of issuing decrees, the head of an autonomous regulatory body may be substituted for by the deputy he or she designated in a decrees.

## **The Constitutional Court**

### **Article 24**

(1) The Constitutional Court shall be the supreme body for the protection of the Fundamental Law.

(2) The Constitutional Court shall:

- a) examine adopted but not published Acts for conformity with the Fundamental Law,
- b) review immediately but no later than thirty days any piece of legislation applied in a particular case for conformity with the Fundamental Law at the proposal of any judge,
- c) review any piece of legislation applied in a particular case for conformity with the Fundamental Law upon a constitutional complaint,
- d) review any court ruling for conformity with the Fundamental Law upon a constitutional complaint,
- e) review any piece of legislation for conformity with the Fundamental Law at the proposal of the Government, one-fourth of the Members of Parliament, the President of the Curia, the Supreme Prosecutor or the Commissioner for Fundamental Rights,
- f) examine any piece of legislation for conflict with any international agreement, and
- g) exercise further responsibilities and competences determined in the Fundamental Law or a cardinal Act.

(3) The Constitutional Court:

- a) shall, within its competence set out in Paragraph (2)b), c), e) and f), annul any piece of legislation or any constituent provision which conflicts with the Fundamental Law;
- b) shall, within its competence set out in Paragraph (2)d), annul any court ruling which conflicts with the Fundamental Law;
- c) may, within its competence set out in Paragraph (2)g), annul any piece of legislation or any constituent provision which conflicts with an international agreement; and shall determine further legal consequences set out in a cardinal Act.

(4) The Constitutional Court may only review or annul a legal provision not submitted to it for a review if its substance is closely related to a legal provision submitted to it for a review.

(5) The Constitutional Court may only review the Fundamental Law and the amendment thereof for conformity with the procedural requirements laid down in the Fundamental Law with respect to its adoption and promulgation. Such a review may be initiated by:

- a) the President of the Republic in respect of the Fundamental Law and the amendment thereof, if adopted but not yet published,
- b) the Government, a quarter of the Members of Parliament, the President of the Curia, the Supreme Prosecutor or the Commissioner for Fundamental Rights within thirty days of publication.

(6) The Constitutional Court shall decide on the motion pursuant to Paragraph (5) out of turn, but within thirty days at the latest. If the Constitutional Court finds that the Fundamental Law or any amendment thereof does not comply with the procedural requirements defined in Paragraph (5), the Fundamental Law or the amendment thereof shall be:

- a) renegotiated by Parliament in the case laid down in Paragraph (5) a),
- b) annulled by the Constitutional Court in the case laid down in Paragraph (5) b).

(7) The Constitutional Court shall hear the legislator, the initiator of the Act or their representative and shall obtain their opinions during its procedure defined by cardinal Act if the matter affects a wide range of persons. This stage of the procedure shall be open to the public.

(8) The Constitutional Court shall be a body of fifteen members, each elected for twelve years by a two-third majority of the Members of Parliament. Parliament shall elect, with a majority of two-thirds of the votes of all Members of Parliament, a member of the Constitutional Court to serve as its President until the expiry of President's mandate as a constitutional judge. Members of the Constitutional Court may not be members of a political party or engage in any political activity.

(9) The detailed rules for the competence, organisation and operation of the Constitutional Court shall be laid down in a cardinal Act.

## **Courts**

### **Article 25**

(1) Courts shall administer justice. The supreme judicial body shall be the Curia.

(2) Courts shall decide on:

- a) criminal matters, civil disputes, other matters defined by laws;
- b) the legitimacy of administrative decisions;
- c) the conflict of local government decrees with other legislation and their annulment;
- d) the establishment of a local government's neglect of its statutory legislative obligation.

(3) In addition to the responsibilities defined by Paragraph (2), the Curia shall ensure uniformity in the judicial application of laws and shall make decisions accordingly, which shall be binding on courts.

(4) The organisation of the judiciary shall have multiple levels. Special courts may be established for particular groups of cases.

(5) The central responsibilities of the administration of the courts shall be performed by the President of the National Office for the Judiciary. The bodies of judicial self-government shall participate in the administration of the courts.

(6) Upon a proposal of the President of the Republic, Parliament shall elect a judge to serve as the President of the National Office for the Judiciary for a term of nine years. The election of the President of the National Office for the Judiciary shall require a two-third majority of the votes of the Members of Parliament.

(7) An Act may authorise other organs to act in particular legal disputes.

(8) The detailed rules for the organisation and administration of courts and for the legal status and remuneration of judges shall be regulated by cardinal Act.

#### **Article 26**

(1) Judges shall be independent and only subordinated to laws, and may not be instructed in relation to their judicial activities. Judges may only be removed from office for the reasons and in a procedure defined by a cardinal Act. Judges shall not be affiliated to any political party or engage in any political activity.

(2) Professional judges shall be appointed by the President of the Republic as defined by a cardinal Act. No person under thirty years of age shall be eligible for the position of judge. With the exception of the President of the Curia and the President of the National Office for the Judiciary no judge may serve who is older than the general retirement age.

(3) The President of the Curia shall be elected from among its members for nine years by Parliament on the recommendation of the President of the Republic. The election of the President of the Curia shall require a two-thirds majority of the votes of the Members of Parliament.

#### **Article 27**

(1) Unless otherwise provided for by law, courts shall administer justice in panels.

(2) Non-professional judges shall also participate in the administration of justice in the cases and ways defined by laws.

(3) Sole judges and chairpersons of panels shall be professional judges. In cases defined by law, court secretaries may also act within the competence of sole judges subject to Article 26(1).

(4) To give effect to the fundamental right to a court decision taken within a reasonable time and to balance the workload across courts, the President of the National Office for the Judiciary may appoint, in the way defined by cardinal Act, a court other than a court of general competence but with the same powers to hear particular cases defined by cardinal Act.

#### **Article 28**

In applying laws, courts shall primarily interpret the text of any law in accordance with its goals and the Fundamental Law. The interpretation of the Fundamental Law and other laws shall be based on the assumption that they serve a moral and economical purpose corresponding to common sense and the public benefit.

#### **Article 29**

##### **Prosecution services**

(1) The Supreme Prosecutor and prosecution services shall be independent shall contribute to the administration of justice by exclusively enforcing the State's demand for punishment as public

accuser. Prosecution services shall prosecute offences, take action against any other unlawful act or omission, and shall promote the prevention of unlawful acts.

(2) The Supreme Prosecutor and prosecution services shall:

- a) exercise rights as defined by law in conjunction with investigations,
- b) represent public accusation in court proceedings,
- c) supervise the legitimacy of penal enforcement,
- d) exercise other responsibilities and competences as defender of the public interest defined by the Fundamental Law or law.

(3) The organisation of prosecution shall be led and directed by the Supreme Prosecutor, who shall appoint prosecutors. With the exception of the Supreme Prosecutor, no prosecutor may serve who is older than the general retirement age.

(4) The Supreme Prosecutor shall be elected from prosecutors for nine years by Parliament on the recommendation of the President of the Republic. The election of the Supreme Prosecutor shall require a two-thirds majority of the votes of the Members of Parliament.

(5) The Supreme Prosecutor shall present to Parliament an annual report on his or her activities.

(6) No prosecutor may be affiliated to any political party or engage in any political activity.

(7) The detailed rules for the organisation and operation of prosecution services, and the legal status and remuneration of the Supreme Prosecutor and prosecutors shall be defined by a cardinal Act.

## **The Commissioner for Fundamental Rights**

### **Article 30**

(1) The Commissioner for Fundamental Rights shall protect fundamental rights and shall act at the request of any person.

(2) The Commissioner for Fundamental Rights shall examine or cause to examine any abuses of fundamental rights of which he or she becomes aware, and shall propose general or special measures for their remedy.

(3) The Commissioner for Fundamental Rights and his or her deputies shall be elected for six years by a two-thirds vote of the Members of Parliament. The deputies shall defend the interests of future generations and the rights of nationalities living in Hungary. The Commissioner for Fundamental Rights and his or her deputies shall not be affiliated to any political party or engage in any political activity.

(4) The Commissioner for Fundamental Rights shall present to Parliament an annual report on his or her activities.

(5) The detailed rules for the Commissioner for Fundamental Rights and his or her deputies shall be determined by an Act.

## **Local governments**

### **Article 31**

- (1) In Hungary local governments shall be established to administer public affairs and exercise public power at a local level.
- (2) A local referendum may be held on any matter within the responsibilities and competences of local governments as defined by law.
- (3) The rules of local governments shall be defined by a cardinal Act.

### **Article 32**

- (1) In administering local public affairs, local governments shall, to the extent permitted by law:
  - a) adopt decrees,
  - b) adopt decisions,
  - c) perform autonomous administration,
  - d) determine their regime of organisation and operation,
  - e) exercise their rights as owners of local government properties,
  - f) determine their budgets and perform independent financial management accordingly,
  - g) engage in entrepreneurial activities with their assets and revenues available for the purpose, without jeopardising the performance of their compulsory tasks,
  - h) decide on the types and rates of local taxes,
  - i) create local government symbols and establish local decorations and honorary titles,
  - j) ask for information, propose decisions and express their views to competent bodies,
  - k) be free to associate with other local governments, establish alliances for the representation of interests, cooperate with the local governments of other countries within their competences, and be free to affiliate with organisations of international local governments, and
  - l) exercise further statutory responsibilities and competences.
- (2) Acting within their competences, local governments shall adopt local government decrees to regulate local social relations not regulated by an Act or by authority of an Act.
- (3) Local government decrees may not conflict with any other legislation.
- (4) Local governments shall send their local government decrees to the metropolitan or county government office immediately after their publication. If the metropolitan or county government office finds the local government decree or any provision of it unlawful, it may apply to any court for a review of the local government decree.
- (5) The metropolitan or county government office may apply to a court to establish a local government's neglect of its statutory obligation to pass decrees or take decisions. If such local government continues to neglect its statutory obligation to pass decrees or take decisions by the date determined by the court's decision on the establishment of such neglect, the court shall, at the initiative of the metropolitan or county government office, order the head of the metropolitan or county government office to adopt the local government decree or local government decision required for the remedy of the neglect in the name of the local government.
- (6) The properties of local governments shall be public properties which shall serve for the performance of their duties.



### **Article 33**

- (1) The responsibilities and competences of local governments shall be exercised by local representative bodies.
- (2) Local representative bodies shall be headed by mayors. County representative bodies shall elect one of their members to serve as president for the term of their mandate.
- (3) Local representative bodies may elect committees and establish offices as defined by a cardinal Act.

### **Article 34**

- (1) Local governments and state organs shall cooperate to achieve community goals. An Act may define compulsory responsibilities and competences for local governments. Local governments shall be entitled to proportionate budgetary and other financial support for the performance of their compulsory responsibilities and competences.
- (2) An Act may authorise local governments to perform their compulsory duties through associations.
- (3) An Act or a government decree authorised by Act may exceptionally specify duties and powers relating to public administration for mayors, presidents of county representative bodies and for heads or clerks of offices of representative bodies.
- (4) The Government shall perform the legal supervision of local governments through the metropolitan and county government offices.
- (5) An Act may define conditions for, or the Government's consent to, any borrowing to a statutory extent or to any other commitment of local governments with the aim of preserving their budget balance.

### **Article 35**

- (1) Voters shall exercise universal and equal suffrage to elect local representatives and mayors by direct and secret ballot, in elections allowing the free expression of the will of voters, in the manner defined by a cardinal Act.
- (2) General elections of local representatives and mayors shall be held in October of the fifth year following the previous general election of local representatives and mayors.
- (3) The mandate of local representative bodies shall end on the day of the national elections of local representatives and mayors. In the case of elections cancelled due to the absence of candidates, the mandate of local representative bodies shall be extended until the day of the interim elections. The mandate of mayors shall end on the day of the election of the new mayor.
- (4) Local representative bodies may decide to be dissolved as defined by a cardinal Act.
- (5) Parliament may dissolve any local representative body which violates the Fundamental Law at the proposal of the Government made after consultation with the Constitutional Court.
- (6) Voluntary and mandatory dissolution shall also terminate the mandate of mayors.

## **Public finances**

### **Article 36**

- (1) Parliament shall adopt an Act on the State Budget and its implementation for each calendar year. The Government shall submit to Parliament a bill on the State Budget and its implementation by the statutory deadline.
- (2) All bills on the State Budget and its implementation shall contain all state expenditures and revenues in the same structure, in a transparent manner and in reasonable detail.
- (3) By adopting the State Budget Act, Parliament shall authorise the Government to collect the revenues and to disburse the expenditures defined by the same.
- (4) Parliament may not adopt a State Budget Act which allows state debt to exceed half of the Gross Domestic Product.
- (5) As long as state debt exceeds half of the Gross Domestic Product, Parliament may only adopt a State Budget Act which contains state debt reduction in proportion to the Gross Domestic Product.
- (6) Any deviation from the provisions in Paragraphs (4) and (5) shall only be possible during a special legal order, to the extent required for mitigating the consequences of the causes, and if there is a significant and enduring national economic recession, to the extent required for redressing the balance of the national economy.
- (7) If Parliament fails to adopt the State Budget Act by the beginning of the calendar year, the Government shall be entitled to collect statutory revenues and disburse -expenditures for the previous calendar year on a pro-rata basis in accordance with the expenditure targets defined by the State Budget Act.

### **Article 37**

- (1) The Government shall be obliged to implement the State Budget in a lawful, practical and transparent manner, with efficient management of public funds.
- (2) During the implementation of the State Budget, no debt or financial obligation may be assumed which allows state debt to exceed half of the Gross Domestic Product, with the exceptions defined by Article 36(6).
- (3) During the implementation of the State Budget, as long as state debt exceeds half of the Gross Domestic Product, no debt or financial obligation may be assumed which allows the share of state debt related to the Gross Domestic Product to exceed its level in the previous year, with the exceptions defined by Article 36(6).
- (4) As long as state debt exceeds half of the Gross Domestic Product, the Constitutional Court may, within its competence set out in Article 24(2)b-e), only review the Acts on the State Budget and its implementation, the central tax type, duties, pension and healthcare contributions, customs and the central conditions for local taxes for conformity with the Fundamental Law or annul the preceding Acts due to violation of the right to life and human dignity, the right to the protection of personal data, freedom of thought, conscience and religion, and with the rights related to Hungarian citizenship. The Constitutional Court shall have the unrestricted right to annul the related Acts for non-compliance with the Fundamental Law's procedural requirements for the drafting and publication of such legislation.

(5) In the case of the statutory provisions that came into force in the period while state debt exceeded half of the Gross Domestic Product, Paragraph (4) shall also be applicable to such period even if state debt no longer exceeds half of the Gross Domestic Product.

(6) As long as state debt exceeds half of the Gross Domestic Product, if the State incurs a payment obligation by virtue of a decision of the Constitutional Court, the Court of Justice of the European Union or any other court or executive body for which the available amount under the State Budget Act is insufficient, a contribution to the satisfaction of common needs shall be established which shall be exclusively and explicitly related to the fulfilment of such obligation in terms of both content and designation.

(7) The method for the calculation of state debt and the Gross Domestic Product, as well as those relating to the implementation of the provisions of Article 36 and Paragraphs (1) to (3) shall be laid down in an Act.

### **Article 38**

(1) The properties of the State and local governments shall be national assets. The management and protection of national assets shall aim to serve the public interest, to satisfy common needs and to safeguard natural resources in consideration of the needs of future generations. The requirements for the preservation, protection and responsible management of national assets shall be defined by a cardinal Act.

(2) The scope of the State's exclusive properties and exclusive economic activities, and the limitations and conditions of the alienation of national assets that are strategic in terms of the national economy, shall be defined by a cardinal Act in consideration of the goals set out in Paragraph (1).

(3) National assets shall only be transferred for the purposes and with the exceptions determined by law and in consideration of the requirement of proportionate values.

(4) Agreements on the transfer or utilisation of national assets shall only be concluded with any organisation which has a transparent ownership structure, organisation and activity aimed to manage the national assets transferred or assigned for utilisation.

(5) All business organisations owned by the State and local governments shall perform independent economic management in a lawful, responsible, practical and efficient manner.

### **Article 39**

(1) The State Budget may only be used for providing support or performing any contractual payment to an organisation which has a transparent ownership structure, organisation and activity aimed to utilise such support.

(2) Every organisation managing public funds shall be obliged to account for its management of public funds to the general public. Public funds and national assets shall be managed according to the principles of transparency and the elimination of corruption. The data related to public funds and national assets shall be data of public interest.

### **Article 40**

The fundamental rules of general taxation and the pension system shall be defined by a cardinal Act for the predictable contribution to the satisfaction of common needs and to ensure decent living conditions for the elderly.

**Article 41**

- (1) The National Bank of Hungary shall be the central bank of Hungary. The National Bank of Hungary shall be responsible for monetary policy as set out by a cardinal Act.
- (2) The Governor and Deputy Governors of the National Bank of Hungary shall be appointed for six years by the President of the Republic.
- (3) The Governor of the National Bank of Hungary shall present to Parliament an annual report on the activities of the National Bank of Hungary.
- (4) Acting within his or her competence defined by a cardinal Act, the Governor of the National Bank of Hungary shall issue decrees by statutory authorisation, which may not conflict with any law. For the purpose of issuing decrees, the Governor of the National Bank of Hungary may be substituted for by the Deputy Governor he or she designated in an decree.
- (5) The detailed rules for the organisation and operation of the National Bank of Hungary shall be defined by a cardinal Act.

**Article 42**

The rules for the body supervising the system of financial mediation shall be defined by a cardinal Act.

**Article 43**

- (1) The State Audit Office shall be the financial and economic audit agency of Parliament. Acting within its statutory competence, the State Audit Office shall audit the implementation of the State Budget, the management of public finances, the utilisation of funds from public finances and the management of national assets. The State Audit Office shall examine the criteria of lawfulness, practicality and efficiency.
- (2) The President of the State Audit Office shall be elected for twelve years by a two-thirds vote of the Members of Parliament.
- (3) The President of the State Audit Office shall present to Parliament an annual report on the activities of the State Audit Office.
- (4) The detailed rules for the organisation and operation of the State Audit Office shall be defined by a cardinal Act.

**Article 44**

- (1) The Budget Council shall be an organ supporting Parliament's legislative activities and examining feasibility of the State Budget.
- (2) The Budget Council shall make a statutory contribution to the preparation of the State Budget Act.
- (3) The adoption of the State Budget Act shall be subject to the prior consent of the Budget Council in order to meet the requirements set out in Article 36(4)-(5).
- (4) The members of the Budget Council shall include the President of the Budget Council, the Governor of the National Bank of Hungary and the President of the State Audit Office. The President of the Budget Council shall be appointed for six years by the President of the Republic.
- (5) The detailed rules for the operation of the Budget Council shall be defined by a cardinal Act.

## **The Hungarian Defence Forces**

### **Article 45**

(1) Hungary's armed forces shall be the Hungarian Defence Forces. The core activities of the Hungarian Defence Forces shall include the military defence of Hungary's independence, territorial integrity and state borders, common defence and peacekeeping tasks arising from international agreements, and humanitarian activities according to the rules of international law.

(2) Unless otherwise provided for by an international agreement, Parliament, the President of the Republic, the National Defence Council, the Government, and the responsible and competent Minister shall have the exclusive right to direct the Hungarian Defence Forces according to the Fundamental Law and a cardinal Act. The operation of the Hungarian Defence Forces shall be directed by the Government.

(3) The Hungarian Defence Forces shall contribute to disaster prevention and the relief and elimination of the consequences of disasters.

(4) The professional members of the Hungarian Defence Forces shall not be affiliated to any political party or engage in any political activity.

(5) The detailed rules for the organisation, tasks, direction, management and operation of the Hungarian Defence Forces shall be defined by a cardinal Act.

## **The police and national security services**

### **Article 46**

(1) The fundamental duties of the police shall include the prevention and investigation of offences, and the protection of public security, law and order, and the state borders.

(2) The operation of the police shall be directed by the Government.

(3) The fundamental duties of national security services shall include the protection of Hungary's independence and lawful order, and the enforcement of its national security interests.

(4) The operation of national security services shall be directed by the Government.

(5) The professional members of the police and national security services shall not be affiliated to any political party or engage in any political activity.

(6) The detailed rules for the organisation and operation of the police and national security services, the rules for using secret service means and methods, and the rules for national security activities shall be defined by a cardinal Act.

## **Decisions on participation in military operations**

### **Article 47**

(1) The Government shall decide on any cross-border manoeuvre of the Hungarian Defence Forces and foreign armed forces.

(2) With a two-thirds majority of the votes of its members present, Parliament shall decide on any foreign or domestic deployment and foreign stationing of the Hungarian Defence Forces and on

any deployment of foreign armed forces in Hungary or departing from Hungary, except for the cases defined by Paragraph (3).

(3) The Government shall decide on any deployment of the Hungarian Defence Forces and foreign armed forces under Paragraph (2) based on the decision of the European Union and the North Atlantic Treaty Organisation, and on any other manoeuvre of the same.

(4) The Government shall immediately report to Parliament, and notify the President of the Republic of, any decision made under Paragraph (3) or made to authorise the participation of the Hungarian Defence Forces in any peacekeeping or humanitarian activity in a foreign operational area.

### **Special legal orders**

#### **Common rules for the state of national crisis and the state of emergency**

##### **Article 48**

(1) Parliament shall:

(a) declare a state of national crisis and establish the National Defence Council in the event of a state of war or an imminent danger of armed attack by a foreign power (danger of war);

(b) declare a state of emergency in the event of armed acts aimed at the overturning of the constitutional order or at the exclusive acquisition of power, and of serious mass acts of violence threatening life and property, committed with arms or in an armed manner.

(2) The declaration of any special legal order, the conclusion of peace and the declaration of the state of special legal order under Paragraph (1) shall require a two-thirds majority of the votes of the Members of Parliament.

(3) The President of the Republic shall be entitled to declare a state of war and a state of national crisis, establish the National Defence Council and to declare a state of emergency if Parliament is prevented from making such decisions.

(4) Parliament shall be considered prevented from making such decisions during parliamentary recess and if the limited time available or the events which have resulted in the state of war, state of national crisis or state of emergency create an insurmountable obstacle to its convening.

(5) The incapacity of Parliament and the justifiability of the declaration of state of war, state of national crisis or state of emergency shall be unanimously determined by the Speaker of the House, the President of the Constitutional Court and the Prime Minister.

(6) Parliament shall review the justifiability of the declaration of state of war, state of national crisis or state of emergency at its first session once it is able again to convene, and shall decide on the legitimacy of the measures adopted. Such decision shall require a two-thirds majority of the votes of the Members of Parliament.

(7) During a state of national crisis or a state of emergency, Parliament may not undergo voluntary or mandatory dissolution. During a state of national crisis or a state of emergency, no general elections may be called or held. In such cases, a new Parliament shall be elected within ninety days of termination of the state of national crisis or state of emergency. If the general elections of Members of Parliament have already been held, but the new Government has not been formed yet, the President of the Republic shall convene the inaugural session within thirty days of termination of the state of national crisis or state of emergency.

(8) Parliament under voluntary or mandatory dissolution may be convened by the National Defence Council in a state of national crisis, and by the President of the Republic in a state of emergency.

### **State of national crisis**

#### **Article 49**

(1) The President of the National Defence Council shall be the President of the Republic, and its members shall be the Speaker of the House, the heads of parliamentary groups, the Prime Minister, Ministers and the Chief of the National Defence Staff with a consultative right.

(2) The National Defence Council shall exercise the rights:

- a) delegated to it by Parliament,
- b) of the President of the Republic,
- c) of the Government.

(3) The National Defence Council shall decide on:

- a) any foreign or domestic deployment of the Hungarian Defence Forces, their participation in any peace-keeping activity, engagement in humanitarian activities in any foreign operational area, and their stationing abroad,
- b) the deployment of foreign armed forces in Hungary or departing from Hungary, and their stationing in Hungary,
- c) the introduction of any extraordinary measure defined by a cardinal Act.

(4) The National Defence Council may adopt decrees to suspend the application of particular laws, to deviate from any statutory provision and to adopt any other extraordinary measure.

(5) Any decree of the National Defence Council shall be repealed by termination of the state of national crisis, unless its effect is extended by Parliament.

### **State of emergency**

#### **Article 50**

(1) The Hungarian Defence Forces may be involved in a state of emergency if the use of the police and national security services is insufficient.

(2) In a state of emergency, the President of the Republic shall decide on the involvement of the Hungarian Defence Forces under Paragraph (1) in the event of Parliament's incapacity.

(3) In a state of emergency, the President of the Republic shall pass decrees to adopt any extraordinary measure as defined by a cardinal Act. The decrees of the President of the Republic may suspend the application of particular laws, deviate from any statutory provision, and adopt any further extraordinary measure.

(4) The President of the Republic shall immediately notify the Speaker of the House of the adoption of any extraordinary measure. In a state of emergency, Parliament or, in the event of its incapacity, Parliament's National Defence Committee shall hold sessions on a continuous basis. Parliament or, in the event of its incapacity, Parliament's National Defence Committee may suspend the application of any extraordinary measure adopted by the President of the Republic.

(5) Extraordinary measures introduced by a decree shall remain effective for thirty days, unless their effect is extended by Parliament or, in the event of its incapacity, Parliament's National Defence Committee.

(6) Decrees of the President of the Republic shall be repealed by termination of the state of emergency.

### **State of preventive defence**

#### **Article 51**

(1) In the event of a danger of an external armed attack or in order to perform an obligation arising from a military alliance, Parliament shall declare a state of preventive defence for a particular period, and shall simultaneously authorise the Government to adopt extraordinary measures defined by a cardinal Act. The period of a state of preventive defence may be extended.

(2) The declaration and extension of the special legal order set out in Paragraph (1) shall require a two-thirds majority of the votes of Members of Parliament present.

(3) After proposing the declaration of a state of preventive defence, the Government may pass decrees to adopt any measure in deviation from the laws regulating the operation of public administration, the Hungarian Defence Forces and law enforcement agencies, and shall continuously inform the President of the Republic and the relevant and competent permanent committees of Parliament accordingly. Such measures shall remain in effect until Parliament decides on the declaration of a state of preventive defence but for no longer than sixty days.

(4) During a state of preventive defence, the Government may adopt decrees to suspend the application of particular laws, to deviate from any statutory provision and to adopt any further extraordinary measure as defined by a cardinal Act.

(5) Any government decree shall be repealed by termination of the state of preventive defence.

### **Unexpected attacks**

#### **Article 52**

(1) In the event of any unexpected invasion of the territory of Hungary by external armed groups, the Government shall be obliged to immediately take action with forces duly prepared and proportionate to the attack to repel the same, to safeguard the territory of Hungary with domestic and allied emergency air defence and aviation forces, and to protect law and order, life and property, public order and public safety, according to an armed defence plan approved by the President of the Republic as necessary, until it makes a decision on the declaration of a state of emergency or a state of national crisis.

(2) The Government shall immediately notify Parliament and the President of the Republic of its action taken according to Paragraph (1).

(3) In the event of any unexpected attack, the Government may adopt decrees to suspend the application of particular laws and to deviate from any statutory provision, and may adopt any further extraordinary measure as defined by a cardinal Act.

(4) Any such government decree shall be repealed by termination of the unexpected attack.



## **State of extreme danger**

### **Article 53**

- (1) The Government shall declare a state of extreme danger and may adopt any extraordinary measure defined by a cardinal Act in the event of any natural disaster or industrial accident endangering life or property, or to mitigate the consequences.
- (2) The Government may adopt decrees in a state of extreme danger to suspend the application of particular laws, to deviate from any statutory provision and to adopt any further extraordinary measure as defined by a cardinal Act.
- (3) The government decree set out in Paragraph (2) shall remain effective for fifteen days, unless the Government extends the effect of such decree by authority of Parliament.
- (4) The government decree shall be repealed by termination of the state of extreme danger.

## **Common rules for special legal orders**

### **Article 54**

- (1) In a special legal order, the exercise of fundamental rights may be suspended or restricted beyond Article I(3), except for the fundamental rights set out in Articles II and III, and Article XXVIII(2)-(5).
- (2) In a special legal order, the application of the Fundamental Law may not be suspended, and the operation of the Constitutional Court may not be restricted.
- (3) Any special legal order shall be terminated by the organ entitled to introduce the special legal order if the conditions for its declaration no longer exist.
- (4) The detailed rules for any special legal order shall be defined by a cardinal Act.

## **CLOSING AND MISCELLANEOUS PROVISIONS**

1. The Fundamental Law of Hungary shall enter into force on 1 January 2012.
2. Parliament shall adopt the Fundamental Law pursuant to Sections 19(3)a) and 24(3) of Act XX of 1949.
3. The transitional provisions related to the entry into force of the Fundamental Law are contained in Points 8 to 26.
4. The Government shall be obliged to submit to Parliament all bills required for the enforcement of the Fundamental Law.
5. Constitutional Court rulings given prior to the entry into force of the Fundamental Law are hereby repealed. This provision is without prejudice to the legal effect produced by those rulings.
6. The 25th day of April shall be Fundamental Law Day to commemorate the publication of the Fundamental Law.
7. The first general election of local representatives and mayors after the entry into force of the Fundamental Law shall take place in October 2014.

8. The coming into force of the Fundamental Law shall not prejudice the effect of laws made, regulatory means of public law organisations and other legal instruments of state control issued, individual decisions made and international legal commitments undertaken before its coming into force.

9. The legal successor of the body assigned remits and powers under Act XX of 1949 on the Constitution of the Republic of Hungary shall be the body assigned remits and powers under the Fundamental Law.

10. The name Republic of Hungary may be used as a reference to Hungary after the coming into force of the Fundamental Law pursuant to the legal provisions effective as of 31 December 2011 until transition to the name laid down in the Fundamental Law can occur according to the principles of responsible financial management.

11. The entry into force of the Fundamental Law shall not affect the mandate of Parliament, the Government and local government representative bodies and persons appointed or elected before the effective date of the Fundamental Law, with the exceptions laid down in Points 12–18.

12. The following provisions of the Fundamental Law shall also be applicable to the mandate of the following persons:

- a) Articles 3 and 4 to the Parliament and Members of Parliament in office,
- b) Articles 12 and 13 to the President of the Republic in office,
- c) Articles 20 and 21 to the Government in office and all Government members in office,
- d) Article 27(3) to all court secretaries in office,
- e) Article 33(2) to the Presidents of all county assemblies and
- f) Article 35(3)–(6) to all local representative bodies and mayors in office.

13. The calculation of the period laid down in Article 4(3) f) of the Fundamental Law shall start on the effective date of the Fundamental Law.

14. (1) The legal successor of the Supreme Court, the National Council of Justice and their Presidents shall be the Curia in terms of delivering judgements and the President of the National Office for the Judiciary in terms of the administration of courts, with the exception defined by cardinal Act.

(2) The mandate of the President of the Supreme Court and the President and members of the National Council of Justice shall terminate when the Fundamental Law takes effect.

15. (1) The lowest age requirement laid down in Article 26(2) of the Fundamental Law shall apply to any judge appointed according to a call for applications announced after the effective date of the Fundamental Law, with the exception laid down in Paragraph (2).

(2) Regarding appointments without a call for applications as defined by law, the lowest age requirement shall apply to judges appointed after the coming into force of the Fundamental Law.

16. The position of Parliamentary Commissioner for Citizens' Rights shall be designated as the Commissioner for Fundamental Rights after the effective date of the Fundamental Law. The legal successor of the Parliamentary Commissioner for Citizens' Rights, the Parliamentary Commissioner for National and Ethnic Rights and the Parliamentary Commissioner for Future Generations shall be the Commissioner for Fundamental Rights. The Parliamentary Commissioner for National and Ethnic Rights in office shall be the Deputy of the Commissioner for Fundamental Rights responsible for protecting the rights of nationalities living in Hungary after the effective date of the Fundamental Law; the Parliamentary Commissioner for Future Generations in office shall be the Deputy of the Commissioner for Fundamental Rights responsible for protecting the interests of future generations when the Fundamental Law takes

effect; their mandate shall be terminated when the mandate of the Commissioner for Fundamental Rights is terminated.

17. The mandate of the Commissioner for Data Protection shall be terminated with the coming into force of the Fundamental Law.

18. The position of the President of the County Assembly shall be designated as the President of the County Representative Body for the purposes and from the coming into force of the Fundamental Law. The county representative body defined by the Fundamental Law shall be the legal successor of the county assembly.

19. (1) The provisions of the Fundamental Law shall also be applicable to all matters in progress, with the exceptions laid down in Paragraphs (2)–(5).

(2) Article 6 of the Fundamental Law shall be applicable from the first session of Parliament to be held after the coming into force of the Fundamental Law.

(3) A procedure launched upon a motion filed with the Constitutional Court by an originator who no longer has the right to file motions under the Fundamental Law before the coming into force of the Fundamental Law shall terminate, provided that the procedure is to be transferred to the remit of another body that has competence after the effective date of the Fundamental Law. The originator may resubmit the motion according to the conditions defined by cardinal Act.

(4) All agreements and entitlements to support existing as of 1 January 2012 and all procedures in progress aimed at the conclusion of agreements or at the provision of support shall be subject to Articles 38(4) and 39(1) of the Fundamental Law according to the conditions of the Act which contains such provision.

(5) The third sentence of Section 70/E(3) of Act XX of 1949 on the Constitution of the Republic of Hungary in force as of 31 December 2011 shall be applicable to the benefits which qualify as pension until 31 December 2012 under the rules in force as of 31 December 2011 with respect to any change in their conditions, nature and amount, and to their transformation to other benefits or to their termination.

20. Sections 26(6), 28/D, 28/E and 31(2) and (3) of Act XX of 1949 on the Constitution of the Republic of Hungary in force as of 31 December 2011 shall be applicable to all matters in progress at the time of the coming into force of the Fundamental Law after the coming into force of the Fundamental Law.

21. The contribution of nationalities living in Hungary to the work of Parliament as defined by Article 2(2) of the Fundamental Law shall be ensured for the first time with respect to the work of the National Assembly formed after the first general elections of the Members of Parliament after the coming into force of the Fundamental Law.

22. The coming into force of the Fundamental Law shall not affect any decision of Parliament or the Government made before its coming into force under Act XX of 1949 on the Constitution of the Republic of Hungary concerning the domestic or foreign deployment of Hungarian Defence Forces, the deployment of foreign armed forces in or from the territory of Hungary or the stationing of the Hungarian Defence Forces abroad or of foreign armed forces in Hungary.

23. A declared

a) state of national crisis shall be subject to the provisions of the Fundamental Law on the state of national crisis,

- b) state of emergency shall be subject to the provisions of the Fundamental Law on the state of emergency if it was declared due to armed acts aimed at overturning constitutional order or at the exclusive acquisition of power and serious mass acts of violence threatening life and property, committed with arms or by armed persons,
- c) state of extreme danger shall be subject to the provisions of the Fundamental Law on the state of extreme danger if it was declared due to a natural disaster or industrial accident massively endangering life or property,
- d) state of preventive defence shall be subject to the provisions of the Fundamental Law on the state of preventive defence,
- e) state under Section 19/E of Act XX of 1949 on the Constitution of the Republic of Hungary shall be subject to the provisions of the Fundamental Law on unexpected attacks, and
- f) state of danger shall be subject to the provisions of the Fundamental Law on the state of danger.

24. (1) A person prohibited from public affairs under a final sentence at the time of the coming into force of the Fundamental Law shall not have suffrage while the sentence is in effect.

(2) A person under guardianship restricting or excluding his capacity under a final judgement at the effective date of the Fundamental Law shall not have suffrage until such guardianship is terminated or until a court determines the existence of his or her suffrage.

25. (1) Section 12(2) of Act XX of 1949 on the Constitution of the Republic of Hungary, which was in force on 31 December 2011, shall be applicable to the delivery of any local government property to the state or any other local government until 31 December 2013.

(2) Section 44/B(4) of Act XX of 1949 on the Constitution of the Republic of Hungary, which was in force on 31 December 2011, shall be applicable until 31 December 2012. After 31 December 2011, an Act or a government decree by authority of an Act may delegate administrative remits and powers to clerks.

(3) Section 22(1) and (3)–(5) of Act XX of 1949 on the Constitution of the Republic of Hungary, which was in force on 31 December 2011, shall be applicable until the coming into force of the cardinal Act laid down in Article 5(8) of the Fundamental Law. Parliament shall adopt the cardinal Act laid down in Articles 5(8) and 7(3) of the Fundamental Law by 30 June 2012.

(4) Until 31 December 2012, a cardinal Act may make the adoption of certain Parliamentary decisions subject to qualified majority.

26. The following laws shall be repealed:

- a) Act XX of 1949 on the Constitution of the Republic of Hungary,
- b) Act I of 1972 on the amendment to Act XX of 1949 and the revised and restated text of the Constitution of the People's Republic of Hungary,
- c) Act XXXI of 1989 on the amendment to the Constitution,
- d) Act XVI of 1990 on the amendment to the Constitution of the Republic of Hungary,
- e) Act XXIX of 1990 on the amendment to the Constitution of the Republic of Hungary,
- f) Act XL of 1990 on the amendment to the Constitution of the Republic of Hungary,
- g) the Amendment to the Constitution dated 25 May 2010,
- h) the Amendment to the Constitution dated 5 July 2010,
- i) the Amendments to the Constitution dated 6 July 2010,
- j) the Amendments to the Constitution dated 11 August 2010,
- k) Act CXIII of 2010 on the amendment to Act XX of 1949 on the Constitution of the Republic of Hungary,
- l) Act CXIX of 2010 on the amendment to Act XX of 1949 on the Constitution of the Republic of Hungary,

- m) Act CLXIII of 2010 on the amendment to Act XX of 1949 on the Constitution of the Republic of Hungary,
- n) Act LXI of 2011 on the amendment to Act XX of 1949 on the Constitution of the Republic of Hungary required for the drafting of certain temporary provisions related to the Fundamental Law,
- o) Act CXLVI of 2011 on the amendment to Act XX of 1949 on the Constitution of the Republic of Hungary, and
- p) Act CLIX of 2011 on the amendment to Act XX of 1949 on the Constitution of the Republic of Hungary.

We, the Members of the Parliament elected on 25 April 2010, being aware of our responsibility before God and man and in exercise of our constitutional power, hereby adopt this to be the first unified Fundamental Law of Hungary.

“MAY THERE BE PEACE, FREEDOM AND ACCORD”

**Dr. SCHMITT Pál**  
President of the Republic

**KÖVÉR László**  
Speaker of the House