

## **THE FUNDAMENTAL LAW OF HUNGARY<sup>1</sup>**

**(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.<sup>2</sup>

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.

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<sup>1</sup>Translation of the consolidated version of the Fundamental law, effective as of 1 April 2013.

<sup>2</sup> Amended by Article 21(1)a) of the Fourth Amendment to the Fundamental Law (25 March 2013).

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.

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.<sup>3</sup>

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 organ 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 of the past, present and future. It is a living framework which expresses the nation's will and the form in which we want to live.<sup>4</sup>

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

## FOUNDATION

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<sup>3</sup>Amended by Article 21(1)a) of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>4</sup>Amended by Article 21(1)a) of the Fourth Amendment to the Fundamental Law (25 March 2013).

## **Article A**

The name of OUR COUNTRY is Hungary.

## **Article B**

- (1) Hungary shall be an independent, democratic State governed by the rule of law.
- (2) The form of government of Hungary shall be a republic.
- (3) The source of public power shall be the people.
- (4) The power shall be exercised by the people through elected representatives or, in exceptional cases, directly.

## **Article C**

- (1) The functioning of the Hungarian State is based on the principle of division of powers.
- (2) No one shall act with the aim of acquiring or exercising power by force, or of exclusively possessing it. Everyone shall have the right and obligation to resist such attempts in a lawful way.
- (3) The State shall have the right to use coercion in order to enforce the Fundamental Law and legal regulations.

## **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, shall facilitate the survival and development of their communities, shall support their efforts to preserve their Hungarian identity, the application 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, well-being and security of the people of Europe, Hungary shall contribute to the creation of European unity.
- (2) With a view to participating in the European Union as a Member State and on the basis of an international treaty, Hungary may, to the extent necessary to exercise the rights and fulfil the obligations deriving from the Founding Treaties, exercise some of its competences set out in the Fundamental Law jointly with other Member States, through the institutions of the European Union.

(3) The law of the European Union may, within the framework set out in Paragraph (2), stipulate generally binding rules of conduct.

(4) The authorisation to recognise the binding nature of an international treaty referred to in Paragraph (2) shall require the votes of two-thirds of the Members of Parliament.

### **Article F**

(1) The capital of Hungary is Budapest.

(2)<sup>5</sup>The territory of Hungary consists 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 specify other cases of the origin or acquisition of Hungarian citizenship.

(2) Hungary shall protect its citizens.

(3) No one shall be deprived of Hungarian citizenship established by birth or acquired in a lawful manner.

(4) The detailed rules for citizenship shall be laid down in a cardinal Act.

### **Article H**

(1) In Hungary the official language is Hungarian.

(2) Hungary shall protect the Hungarian language.

(3) Hungary shall protect Hungarian Sign Language as a part of the Hungarian culture.

### **Article I**

(1) The coat of arms of Hungary is a vertically divided shield with a pointed base. The left field contains eight horizontal bars of red and silver. The right field has a red background and depicts a base of three green hills with a golden crown atop the higher central hill from which rises a silver patriarchal cross. The Holy Crown rests on top of the shield.

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<sup>5</sup>Amended by Article 21(1)b) of the Fourth Amendment to the Fundamental Law (25 March 2013).



(2) The flag of Hungary features 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 is the poem *Himnusz* by KÖLCSEY Ferenc set to music by ERKEL Ferenc.

(4) The coat of arms and the flag may also be used in other historically developed forms. The detailed rules for the use of the coat of arms and the flag, as well as the state decorations shall be laid down in a cardinal Act.

## Article J

(1) The national holidays of Hungary are:

- 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 is the 20th day of August.

## Article K

The official currency of Hungary is the forint.

### **Article L**

- (1)<sup>6</sup> (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 survival of the nation. 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 on freedom of enterprise.
- (2) Hungary shall ensure the conditions of fair economic competition. Hungary shall act against any abuse of a dominant position, and shall protect the rights of consumers.

### **Article N**

- (1) Hungary shall apply the principle of balanced, transparent and sustainable budget management.
- (2) Parliament and the Government shall have primary responsibility for the application of the principle referred to in Paragraph (1).
- (3) In performing their duties, the Constitutional Court, courts, local governments and other state organs shall be obliged to observe the principle referred to in Paragraph (1).

### **Article O**

Everyone shall be responsible for him- or herself, and shall be obliged to contribute to the performance of state and community tasks according to his or her abilities and possibilities.

### **Article P<sup>7</sup>**

- (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 common heritage of the nation; it shall be the obligation of the State and everyone to protect and maintain them, and to preserve them for future generations.

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<sup>6</sup>Supplemented by Article 1 of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>7</sup>Supplemented by Article 1 of the Third Amendment to the Fundamental Law (21 December 2012).

(2)<sup>8</sup>The limits and conditions for acquisition of ownership and for use of arable land and forests necessary for achieving the objectives referred to in Paragraph (1), as well as the rules concerning the organisation of integrated agricultural production and concerning family farms and other agricultural holdings shall be laid down in a cardinal Act.

### **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 accepts the generally recognised rules of international law. Other sources of international law shall become part of the Hungarian legal system by publication in legal regulations.

### **Article R**

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

(2) The Fundamental Law and legal regulations shall be binding on everyone.

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

### **Article S**

(1) A proposal for the adoption of a new Fundamental Law or for the 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 the amendment of the Fundamental Law shall require the votes of two-thirds of the Members of Parliament.

(3)<sup>9</sup>The Speaker of Parliament 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 that any procedural requirement laid down in the Fundamental Law with respect to adoption of the Fundamental Law or the amendment of the Fundamental Law has not been met, he or she shall request the Constitutional Court to examine the issue. Should the examination by the Constitutional Court

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<sup>8</sup>Amended by Article 21(1)c) of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>9</sup>Supplemented by Article 2 of the Fourth Amendment to the Fundamental Law (25 March 2013).

not verify the violation of such 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 in its publication shall include the title, the serial number of the amendment and the date of publication.

### **Article T**

(1)<sup>10</sup> Generally binding rules of conduct may be laid down in the Fundamental Law or legal regulations 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 of legal regulations adopted during any special legal order.

(2) Legal regulations shall be the Acts of Parliament, the government decrees, the decrees of the Prime Minister, the decrees of Ministers, the decrees of the Governor of the National Bank of Hungary, the decrees of the head of an autonomous regulatory organ and local government decrees. In addition, decrees of the National Defence Council adopted during a state of national crisis and decrees of the President of the Republic adopted during a state of emergency shall also be legal regulations.

(3) No legal regulation shall conflict with the Fundamental Law.

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

### **Article U<sup>11</sup>**

(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 the other political organisations established to serve them in the spirit of communist ideology were criminal organisations, and their leaders have responsibility without statute of limitations for:

- a) maintaining and directing an oppressive regime, violating the law and betraying the nation;
- b) thwarting 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 built on the exclusive exercise of power and unlawfulness;
- d) putting an end to the economy based on the freedom of property and indebting the country;
- e) submitting Hungary's economy, national defence, diplomacy and human resources to foreign interests;
- f) systematically devastating the traditional values of European civilisation;

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<sup>10</sup>Amended by Article 21(1)d) of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>11</sup>Supplemented by Article 3 of the Fourth Amendment to the Fundamental Law (25 March 2013).



g) depriving citizens and certain groups of citizens of their fundamental human rights or seriously restricting such rights, in particular for murdering people, delivering them to foreign power, unlawfully imprisoning them, deporting them to forced labour camps, torturing them and subjecting them to inhuman treatment; arbitrarily depriving citizens of their assets, restricting their rights to property; totally depriving citizens of their liberties, submitting the expression of political opinion and will to coercion by the State; discriminating against people on the grounds of origin, world view or political belief, impeding their advancement and success based on knowledge, diligence and talent; setting up and operating a secret police to unlawfully observe 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 the forced flight of two hundred thousand Hungarian people from their native country;

i) all ordinary crimes committed for political motives and left unprosecuted by the justice system for political motives.

Political organisations having gained legal recognition during the democratic transition as legal successors of the Hungarian Socialist Workers' Party continue to share the responsibility of their predecessors as beneficiaries of their unlawfully accumulated assets.

(2) With regard to Paragraph (1), the operation of the communist dictatorship shall be realistically revealed and society's sense of justice shall be ensured in accordance with Paragraphs (3)–(10).

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

(4) The holders of power under the communist dictatorship shall be obliged to tolerate statements of facts about their roles and acts related to the operation of the dictatorship, with the exception of deliberate statements that are untrue in essence; their personal data related to such roles and acts may be disclosed to the public.

(5) The pensions or any other benefits provided by the State under legal regulations to leaders of the communist dictatorship defined by an Act may be reduced to the extent specified in an Act; the arising revenues shall be used to mitigate the injuries caused by the communist dictatorship and to keep alive the memory of victims as provided by an Act.

(6) Serious crimes defined in an Act which were committed against Hungary or persons under the communist dictatorship in the name or in the interest of, or in agreement with the party-state and which were left unprosecuted for political reasons by ignoring the Act on criminal law in force at the time of commission, shall not be considered as time-barred.

(7) The crimes referred to in Paragraph (6) shall become time-barred on the expiry of the period defined in the Act on criminal law in force at the time of commission, to be calculated as of the day of the entry into force of the Fundamental Law, provided that they would have become time-barred by 1 May 1990 under the Act on criminal law in force at the time of commission.

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

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

(10) The documents of the communist state party, of the civil society organisations and youth organisations established with the contribution of or influenced directly by the communist state party, and of trade unions, created during the communist dictatorship shall be property of the State and shall be deposited in public archives in the same way as the files of organs performing public duties.

## **FREEDOM AND RESPONSIBILITY**

### **Article I**

(1) The inviolable and inalienable fundamental rights of MAN shall be respected. It is the primary obligation of the State to protect these rights.

(2) Hungary recognises the fundamental individual and collective rights of Man.

(3) The rules for fundamental rights and obligations shall be laid down in an Act. A fundamental right may only be restricted to allow the application of another fundamental right or to protect a constitutional value, to the extent absolutely necessary, proportionate to the objective pursued and with full respect for the essential content of such fundamental right.

(4) Fundamental rights and obligations which by their nature apply not only to Man shall be guaranteed also for legal entities established by an Act.

### **Article II**

Human dignity is inviolable. Everyone shall have the right to life and human dignity; the life of the foetus shall be protected from the moment of conception.

### **Article III**

(1) No one shall be subject to torture, inhuman or degrading treatment or punishment, or held in servitude. Trafficking in persons shall be prohibited.

(2) It shall be prohibited to perform medical or scientific experiment on human beings without their informed and voluntary consent.

(3) Practices aimed at eugenics, the use of the human body or its parts for financial gain, as well as the cloning of human beings shall be prohibited.

#### **Article IV**

(1) Everyone shall have the right to liberty and security of the person.

(2) No one shall be deprived of liberty except for reasons defined in an Act and in accordance with a procedure defined in an Act. Life imprisonment without parole may only be imposed for the commission of intentional and violent criminal offences.

(3) Any person suspected of having committed a criminal offence and taken into detention shall, as soon as possible, be released or brought before a court. The court shall be obliged to hear the person brought before it and shall immediately make a decision with a written reasoning to release or to arrest that person.

(4) Everyone shall have the right to compensation, whose liberty has been restricted without a well-founded reason or unlawfully.

#### **Article V**

Everyone 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, as provided for by an Act.

#### **Article VI**

(1) Everyone shall have the right to have his or her private and family life, home, communications and good reputation respected.

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

(3) The application of the right to the protection of personal data and to access data of public interest shall be supervised by an independent authority established by a cardinal Act.

#### **Article VII**

(1) Everyone shall have the right to freedom of thought, conscience and religion. This right shall include the freedom to choose or change one's religion or other belief, and the freedom of everyone to manifest, abstain from manifesting, practise or teach his or her religion or other belief through religious acts, rites or otherwise, either individually or jointly with others, either in public or in private life.

(2)<sup>12</sup> By means of a cardinal Act, Parliament may recognise certain organisations performing religious activities as churches, with which the State shall cooperate to promote community goals. The provisions of a cardinal Act concerning the recognition of churches may be the subject of a constitutional complaint.

(3)<sup>13</sup> The State on the one hand and the churches and other organisations performing religious activities on the other hand shall operate separately. Churches and other organisations performing religious activities shall be autonomous.

(4)<sup>14</sup> The detailed rules relating to churches shall be laid down in a cardinal Act. As a requirement for the recognition of any organisation performing religious activities as a church, a cardinal Act may prescribe an extended period of operation, social support and suitability for cooperation to promote community goals.

### **Article VIII**

(1) Everyone shall have the right to peaceful assembly.

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

(3) Political parties may be formed and may operate freely on the basis of the right to association. Political parties shall participate in the formation and expression of the will of the people. Political parties shall not exercise public power directly.

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

(5) Trade unions and other interest representation organisations may be formed and may operate freely on the basis of the right to association.

### **Article IX**

(1) Everyone shall have the right to freedom of speech.

(2) Hungary recognises and protects the freedom and diversity of the press, and ensures the conditions for free dissemination of information necessary for the formation of democratic public opinion.

(3)<sup>15</sup> For the appropriate dissemination of information necessary for the formation of democratic public opinion and to ensure the equality of opportunity, political advertisements may only be published in media services 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 may only be published by way of public media services and under equal conditions, as provided for by a cardinal Act.

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<sup>12</sup>Supplemented by Article 4(1) of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>13</sup>Supplemented by Article 4(1) of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>14</sup>Supplemented by Article 4(2) of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>15</sup>Supplemented by Article 5(1) of the Fourth Amendment to the Fundamental Law (25 March 2013).

(4)<sup>16</sup> The right to freedom of speech may not be exercised with the aim of violating the human dignity of others.

(5)<sup>17</sup> 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 the community, invoking the violation of their human dignity, as provided for by an Act.

(6)<sup>18</sup> The detailed rules relating to the freedom of the press and the organ 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, within the framework laid down in an Act, the freedom of teaching.

(2) The State shall have no right to decide on questions of scientific truth; only scientists shall have the right to evaluate scientific research.

(3)<sup>19</sup> Hungary shall protect the scientific and artistic freedom of the Hungarian Academy of Sciences and the Hungarian Academy of Arts. Higher education institutions shall be autonomous in terms of the content and the methods of research and teaching; their organisation shall be regulated by an Act. The Government shall, within the framework of an Act, lay down the rules governing the financial management of public higher education institutions 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, by providing free and compulsory primary education, free and generally accessible secondary education, and higher education accessible to everyone according to his or her abilities, and by providing financial support as provided for by an Act to those receiving education.

(3)<sup>20</sup> An Act may provide that financial support of higher education studies shall be subject to participation for a definite period in employment or to exercising for a definite period of entrepreneurial activities, regulated by Hungarian law.

## **Article XII**

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<sup>16</sup>Supplemented by Article 5(2) of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>17</sup>Supplemented by Article 5(2) of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>18</sup>Supplemented by Article 5(2) of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>19</sup>Supplemented by Article 6 of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>20</sup>Supplemented by Article 7 of the Fourth Amendment to the Fundamental Law (25 March 2013).

(1) Everyone shall have the right to freely choose his or her work, occupation and to engage in entrepreneurial activities. Everyone shall have the obligation to contribute to the enrichment of the community through his or her work, in accordance with his or her abilities and possibilities.

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

### **Article XIII**

(1) Everyone shall have the right to property and succession. Property shall entail social responsibility.

(2) Property may only be expropriated exceptionally, in the public interest and in the cases and ways provided for by an Act, subject to full, unconditional and immediate compensation.

### **Article XIV**

(1) Hungarian citizens shall not be expelled from the territory of Hungary and may return from abroad at any time. Foreigners staying in the territory of Hungary may only be expelled under a lawful decision. Collective expulsion shall be prohibited.

(2) No one shall be expelled or extradited to a State where he or she would be in danger of being sentenced to death, being tortured or being subjected to other inhuman treatment or punishment.

(3) Hungary shall, upon request, grant asylum to non-Hungarian citizens being persecuted or having a well-founded fear of persecution in their native country or in the country of their usual residence for reasons of race, nationality, membership of a particular social group, religion or political belief, if they do not receive protection from their country of origin or from any other country.

### **Article XV**

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

(2) Hungary shall guarantee the fundamental rights to everyone without discrimination and in particular without discrimination on grounds of race, colour, sex, disability, language, religion, political or other opinion, national or social origin, property, birth or any other status.

(3) Women and men shall have equal rights.

(4)<sup>21</sup> By means of separate measures, Hungary shall promote the achievement of equality of opportunity and social inclusion.

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<sup>21</sup>Amended by Article 21(1)e) of the Fourth Amendment to the Fundamental Law (25 March 2013).

(5)<sup>22</sup> By means of separate measures, Hungary shall 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 necessary for his or her proper physical, mental and moral development.

(2) Parents shall have the right to choose the upbringing to be given to their children.

(3) Parents shall be obliged to take care of their minor children. This obligation shall include the provision of schooling for their children.

(4) Adult children shall be obliged to take care of their parents if they are in need.

### **Article XVII**

(1) Workers and employers shall cooperate with each other with a view to ensuring jobs and the sustainability of the national economy, and to other community goals.

(2)<sup>23</sup> Workers, employers and their organisations shall have the right, as provided for by an Act, to negotiate with each other and conclude collective agreements, and to take collective action to defend their interests, including the right of workers to discontinue work.

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

(4) Every worker shall have the right to daily and weekly rest periods and to an annual period of paid leave.

### **Article XVIII**

(1) The employment of children shall be prohibited, except for cases specified in an Act where there is no risk to their physical, mental or moral development.

(2) By means of separate measures, Hungary shall ensure the protection of young people and parents at work.

### **Article XIX**

(1)<sup>24</sup> Hungary shall strive to provide social security to all of its citizens. Every Hungarian citizen shall be entitled to assistance in the case of maternity, illness, disability, handicap,

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<sup>22</sup>Amended by Article 21(1)f) of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>23</sup>Amended by Article 21(1)g) of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>24</sup>Amended by Article 21(1)h) of the Fourth Amendment to the Fundamental Law (25 March 2013).

widowhood, orphanage and unemployment for reasons outside of his or her control, as provided for by an Act.

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

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

(4) Hungary shall contribute to ensuring the livelihood for the elderly by maintaining a general state pension system based on social solidarity and by allowing for the operation of voluntarily established social institutions. The conditions of entitlement to state pension may be laid down in an Act with regard to the requirement for stronger protection for women.

### **Article XX**

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

(2) Hungary shall promote the application of the right referred to in Paragraph (1) by an agriculture free of genetically modified organisms, by ensuring access to healthy food and drinking water, by organising safety at work and healthcare provision, by supporting sports and regular physical exercise, as well as by ensuring the protection of the environment.

### **Article XXI**

(1) Hungary recognises and enforces the right of everyone to a healthy environment.

(2) Anyone who causes damage to the environment shall be obliged to restore it or to bear the costs of restoration, as provided for by an Act.

(3) It shall be prohibited to import pollutant waste to Hungary for the purpose of disposal.

### **Article XXII<sup>25</sup>**

(1) Hungary shall strive to ensure decent housing conditions and access to public services for everyone.

(2) The State and local governments shall also contribute to creating decent housing conditions by striving to ensure accommodation for people without a dwelling.

(3) In order to protect public policy, public security, public health and cultural values, an Act or a local government decree may, with respect to a specific part of public space, provide that staying in public space as a habitual dwelling shall be illegal.

### **Article XXIII**

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<sup>25</sup>Supplemented by Article 8 of the Fourth Amendment to the Fundamental Law (25 March 2013).



- (1) Every adult Hungarian citizen shall have the right to vote and to be voted for in elections of Members of Parliament, local government representatives and mayors, and of Members of the European Parliament.
- (2) Every adult citizen of another Member State of the European Union with residence in Hungary shall have the right to vote and to be voted for in elections of local government representatives and mayors, and of Members of the European Parliament.
- (3) Every adult person recognised as a refugee, immigrant or resident in Hungary shall have the right to vote in elections of local government representatives and mayors.
- (4) A cardinal Act may provide that the right to vote and to be voted for, or its completeness shall be subject to residence in Hungary, and the eligibility to be voted for shall be subject to additional criteria.
- (5) In elections of local government representatives and mayors voters may vote at their place of residence or registered place of stay. Voters may exercise their right to vote at their place of residence or registered place of stay.
- (6) Those disenfranchised by a court for a criminal offence or limited mental capacity shall not have the right to vote and to be voted for. Citizens of another Member State of the European Union with residence in Hungary shall not have the right to be voted for if they have been excluded from the exercise of this right in their State pursuant a legal regulation, a court decision or an authority decision of their State.
- (7) Everyone having the right to vote in elections of Members of Parliament shall have the right to participate in national referendums. Everyone having the right to vote in elections of local government representatives and mayors shall have the right to participate in local referendums.
- (8) Every Hungarian citizen shall have the right to hold public office according to his or her aptitude, qualifications and professional competence. Public offices that shall not be held by members or officials of political parties shall be specified by an Act.

#### **Article XXIV**

- (1) Everyone shall have the right to have his or her affairs handled impartially, fairly and within a reasonable time by the authorities . Authorities shall be obliged to give reasons for their decisions, as provided for by an Act.
- (2) Everyone shall have the right to compensation for any damage unlawfully caused to him or her by the authorities in the performance of their duties, as provided for by an Act.

#### **Article XXV**

Everyone shall have the right to submit, either individually or jointly with others, written applications, complaints or proposals to any organ exercising public power.

#### **Article XXVI**

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

### **Article XXVII**

- (1) Everyone staying lawfully in the territory of Hungary shall have the right to move freely and to freely choose his or her place of stay.
- (2) Every Hungarian citizen shall have the right to enjoy the protection of Hungary during his or her stay abroad.

### **Article XXVIII**

- (1) Everyone shall have the right to have any charge against him or her, or his or her rights and obligations in any litigation, adjudicated within a reasonable time in a fair and public trial by an independent and impartial court established by an Act.
- (2) No one shall be considered guilty until his or her criminal liability has been established by the final decision of a court.
- (3) Persons subject to criminal proceedings shall have the right to defence at all stages of the proceedings. Defence counsels shall not be held liable for their opinion expressed while providing legal defence.
- (4) No one shall be held guilty of or be punished for an act which at the time when it was committed did not constitute a criminal offence under Hungarian law or, within the scope specified by an international treaty or a legal act of the European Union, under the law of another State.
- (5) Paragraph (4) shall not prejudice the prosecution or conviction of any person for any act which, at the time when it was committed, was a criminal offence according to the generally recognised rules of international law.
- (6) With the exception of extraordinary cases of legal remedy laid down in an Act, no one shall be prosecuted or convicted for a criminal offence for which he or she has already been finally acquitted or convicted in Hungary or, within the scope specified by an international treaty or a legal act of the European Union, in another State, as provided for by an Act.
- (7) Everyone shall have the right to seek legal remedy against any court, authority or other administrative decision which violates his or her rights or legitimate interests.

### **Article XXIX**

- (1) Nationalities living in Hungary are constituent parts of the State. Every Hungarian citizen belonging to a 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 mother tongue, to use names in their own languages individually and collectively, to nurture their own cultures, and to receive education in their mother tongues.

(2) Nationalities living in Hungary shall have the right to establish their self-government at both local and national level.

(3)<sup>26</sup> A cardinal Act shall lay down 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 the self-governments of nationalities at local and national level. A cardinal Act may provide that recognition as a nationality shall be subject to a certain length of time of presence and to the initiative of a certain number of persons declaring to be members of the nationality concerned.

### **Article XXX**

(1) Everyone shall contribute to covering common needs according to his or her capabilities and to his or her participation in the economy.

(2) For persons raising children, the extent of contribution to covering common needs shall be determined by taking into consideration the costs of raising children.

### **Article XXXI**

(1) Every Hungarian citizen shall be obliged to defend the Homeland.

(2) Hungary shall maintain a volunteer reserve system for national defence purposes.

(3) During a state of national crisis, or if Parliament decides so during a state of preventive defence, adult male Hungarian citizens with residence in Hungary shall perform military service. If military service involving the use of arms is incompatible with the conscientious belief of the person obliged to perform military service, he shall perform unarmed service. The forms and detailed rules for military service shall be laid down in a cardinal Act.

(4) For the duration of a state of national crisis, adult Hungarian citizens with residence in Hungary may be ordered to perform work for national defence purposes, as provided for by a cardinal Act.

(5) For adult Hungarian citizens with residence in Hungary civil protection obligation may be introduced in the interest of performing national defence and disaster management tasks, as provided for by a cardinal Act.

(6) In the interest of performing national defence and disaster management tasks everyone may be ordered to provide economic and material services, as provided for by a cardinal Act.

## **THE STATE**

### **Parliament**

#### **Article 1**

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<sup>26</sup>Supplemented by Article 9 of the Fourth Amendment to the Fundamental Law (25 March 2013).

(1) HUNGARY's principal organ of popular representation is Parliament.

(2) Parliament shall:

*a)* adopt and amend the Fundamental Law of Hungary;

*b)* adopt Acts;

*c)* adopt the State Budget and approve its implementation;

*d)* authorise the expression of consent to be bound by international treaties falling within its tasks and competences;

*e)*<sup>27</sup> elect the President of the Republic, the members and the 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, decide on any matter of confidence related to the Government;

*g)* dissolve representative bodies which operate in a way contrary to the Fundamental Law;

*h)* decide to declare a state of war and to conclude peace;

*i)* make decisions related to any special legal order and to participation in military operations;

*j)* grant general amnesty;

*k)* exercise other responsibilities and competences laid down in the Fundamental Law or in an Act.

## Article 2

(1) Members of Parliament shall be elected by universal and equal suffrage in a direct and secret ballot, in elections which ensure free expression of voters' will, in a manner laid down in a cardinal Act.

(2) The participation in the work of Parliament of nationalities living in Hungary shall be regulated by a cardinal Act.

(3) The general elections of the Members of Parliament shall be held in the month of April or May of the four year following the election of the previous Parliament, except for elections held due to Parliament dissolving itself or to it being dissolved.

## Article 3

(1) The mandate of Parliament shall commence with its constitutive sitting, and shall last until the constitutive sitting of the next Parliament. The constitutive sitting shall be convened by the President of the Republic within thirty days of the elections.

(2) Parliament may declare its own dissolution.

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<sup>27</sup>Amended by Article 21(1)i) of the Fourth Amendment to the Fundamental Law (25 March 2013).

(3) The President of the Republic may dissolve Parliament, and simultaneously announce new elections if:

*a)* Parliament, when the mandate of the Government terminates, fails to elect the person proposed by the President of the Republic for Prime Minister within forty days of presentation of the first nomination, or

*b)* Parliament fails to adopt the State Budget for the year in question by 31 March.

(4) Before dissolving Parliament, the President of the Republic shall be obliged to obtain the opinion of the Prime Minister, the Speaker of Parliament, and the leaders of the parliamentary groups.

(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 set out in Paragraph (3)b) until Parliament adopts the State Budget.

(6) The new Parliament shall be elected within ninety days of Parliament dissolving itself or of it being dissolved.

#### **Article 4**

(1) Members of Parliament shall have equal rights and obligations, they shall perform their activity in the public interest, and they shall not be given instructions in that respect.

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

(3) The mandate of a Member of Parliament shall terminate:

*a)* upon completion of the term of office of Parliament;

*b)* upon his or her death;

*c)* upon the declaration of a conflict of interests;

*d)* upon resignation;

*e)* if the conditions required for his or her election no longer exist;

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

(4) Parliament shall decide with the votes of two-thirds 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 Member of Parliament's failure to participate in Parliament's work for one year.

(5) The detailed rules on the legal status and the remuneration of Members of Parliament shall be laid down in a cardinal Act.

#### **Article 5**

- (1) The sittings of Parliament shall be open to the public. At the request of the Government or of any Member of Parliament, and with the votes of two-thirds of the Members of Parliament, Parliament may decide to hold a sitting in camera.
- (2) Parliament shall elect the Speaker of Parliament, Deputy Speakers and parliamentary notaries from among its members.
- (3) Parliament shall establish standing committees consisting of Members of Parliament.
- (4)<sup>28</sup> In order to coordinate their activities, Members of Parliament may establish parliamentary groups in accordance with the conditions laid down in the provisions of the Rules of Procedure.
- (5) Parliament shall have a quorum if more than half of its Members are present at the sitting.
- (6)<sup>29</sup> Unless otherwise provided for by the Fundamental Law, Parliament shall take decisions with the votes of more than half of the Members of Parliament present. The provisions of the Rules of Procedure may require qualified majority for certain decisions to be taken.
- (7)<sup>30</sup> Parliament shall establish the rules of its operation and the order of its debates in the provisions of the Rules of Procedure adopted with the votes of two-thirds of the Members of Parliament present. In order to ensure undisturbed operation of Parliament and to preserve its dignity, the Speaker of Parliament shall exercise policing and disciplinary powers as defined by the provisions of the Rules of Procedure.
- (8) The provisions ensuring regular sittings of Parliament shall be laid down in a cardinal Act.
- (9)<sup>31</sup> The security of Parliament shall be provided by a Parliamentary Guard. The Parliamentary Guard shall operate under the authority of the Speaker of Parliament.

## Article 6

- (1) The President of the Republic, the Government, any parliamentary committee or any Member of Parliament may take the initiative for Acts.
- (2) Parliament may, upon the motion submitted before the final vote by the initiator of the Act, by the Government or by the Speaker of Parliament, send the adopted Act to the Constitutional Court for an examination of its conformity with the Fundamental Law. Parliament shall decide on the motion after the final vote. If the motion is adopted, the Speaker of Parliament shall immediately send the adopted Act to the Constitutional Court for an examination of its conformity with the Fundamental Law.
- (3) The Speaker of Parliament 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 for an examination of its conformity with the Fundamental Law under Paragraph (2), the Speaker of Parliament may only sign and send it to the President of the Republic if the Constitutional Court has not found any conflict with the Fundamental Law.

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<sup>28</sup>Amended by Article 21(1j) of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>29</sup>Amended by Article 21(1k) of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>30</sup>Supplemented by Article 10(1) of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>31</sup>Supplemented by Article 10(2) of the Fourth Amendment to the Fundamental Law (25 March 2013).

(4) If the President of the Republic considers an Act or any of its provisions to be in conflict with the Fundamental Law and no examination has been held under Paragraph (2), he or she shall send the Act to the Constitutional Court for an examination of its conformity with the Fundamental Law.

(5) If the President of the Republic disagrees with the Act or any of its provisions and has not exercised his or her right under Paragraph (4), prior to signing the Act he or she may return it once, along with his or her comments, to Parliament for reconsideration. 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 no conflict with the Fundamental Law has been established by the Constitutional Court in the examination conducted in accordance with Parliament's decision.

(6) The Constitutional Court shall decide on the motion under Paragraph (2) or (4) with priority, but within thirty days at the latest. If the Constitutional Court establishes a conflict with the Fundamental Law, Parliament shall hold a new debate on the Act in order to eliminate the conflict.

(7) If the Constitutional Court does not establish any conflict with the Fundamental Law in the examination initiated 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 again, in accordance with Paragraph (2) or (4), to examine the conformity of the Act debated and adopted by Parliament under Paragraph (6) with the Fundamental Law. The Constitutional Court shall decide on the repeated motion with priority, but within ten days at the latest.

(9) If Parliament amends the Act returned due to disagreement of the President of the Republic, the examination of conformity with the Fundamental Law in accordance with Paragraph (2) or (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 request an examination of its conformity with the Fundamental Law on grounds of failure to meet the procedural requirements for the drafting of such Act.

## **Article 7**

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

(2) Members of Parliament may address interpellations and questions to the Government or any of its members about any matter within their competence.

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

## **National referendums**

## **Article 8**

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

(2) National referendums may be held about any matter within the tasks and competences of Parliament.

(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, the implementation of the State Budget, central taxes, duties, contributions, customs duties and the central conditions for local taxes;

*c)* the contents of the Acts on the elections of Members of Parliament, local government representatives and mayors, and Members of the European Parliament;

*d)* any obligation arising from international treaties;

*e)* personal matters and matters concerning the establishment of organisations within the competence of Parliament;

*f)* the dissolution of Parliament;

*g)* the dissolution of a 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 general amnesty.

(4) A national referendum shall be valid if more than half of all voters have cast valid votes, and it shall be conclusive if more than half of those voting validly have given the same answer to the 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 unity of the nation and shall be the guardian of 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 the sittings of Parliament;

*c)* may take the initiative for Acts;

*d)* may initiate national referendums;



e) shall set a date for the general elections of Members of Parliament, local government representatives and mayors, and of Members of the European Parliament, and for national referendums;

f) shall make decisions on any special legal order;

g) shall convene the constitutive sitting of Parliament;

h) may dissolve Parliament;

i)<sup>32</sup> may send the adopted Fundamental Law or the amendment of the Fundamental Law to the Constitutional Court for an examination of its conformity with the procedural requirements laid down in the Fundamental Law with respect to its adoption, and may send adopted Acts to the Constitutional Court for an examination of their conformity with the Fundamental Law or may return them to Parliament for reconsideration;

j)<sup>33</sup> 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)<sup>34</sup> 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 organs 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.

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<sup>32</sup>Supplemented by Article 11 of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>33</sup>Amended by Article 21(1)l) of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>34</sup>Amended by Article 21(1)m) of the Fourth Amendment to the Fundamental Law (25 March 2013).

(6) The President of the Republic shall refuse to act in accordance with the provisions set out in Paragraphs (4)b) to e) if the conditions required by legal regulations are not met or if he or she has well-grounded reasons to conclude that it would lead to a serious disorder in the democratic operation of the state organisation.

(7) The President of the Republic shall refuse to act in accordance with the provisions set out in Paragraph (4)f), if it would violate 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 who has reached the age of thirty-five years may be elected 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 Parliament. 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 Parliament before the vote is ordered. Every Member of Parliament may propose one candidate. No proposal for multiple candidates shall be valid.

(3) President of the Republic elected in the first round of voting shall be the candidate who receives the votes of two-thirds 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. President of the Republic elected in the second round of voting shall be the candidate who – regardless of the number of those participating in the vote – receives the highest number of valid votes. 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 activities falling under copyright protection.
- (3) The mandate of the President of the Republic shall terminate:
  - a) upon completion of his or her term of office,
  - 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 the votes of two-thirds of the Members of Parliament 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)<sup>35</sup> The detailed rules for the legal status and remuneration of the President of the Republic and the former President of the Republic shall be defined by a cardinal Act.

## Article 13

- (1) Criminal proceedings against the President of the Republic may be initiated only after termination of his or her mandate.
- (2)<sup>36</sup> 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 criminal offence, one-fifth of the Members of Parliament may propose his or her removal from office.
- (3) The impeachment procedure shall require the votes of two-thirds 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.

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<sup>35</sup>Amended by Article 1(2) of the First Amendment to the Fundamental Law (18 June 2012).

<sup>36</sup>Amended by Article 21(1)n) of the Fourth Amendment to the Fundamental Law (25 March 2013). Since the modification is purely of linguistic nature, it does not concern the English translation.

(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 Parliament 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 Parliament may not exercise his or her rights as a Member of Parliament, and his or her responsibilities as the Speaker of Parliament shall be performed by the Deputy Speaker of Parliament designated by Parliament.

### **The Government**

#### **Article 15**

(1) The Government shall be the general organ of executive power, and its responsibilities and competences shall include all matters not expressly delegated by the Fundamental Law or legal regulations to the responsibilities and competences of another organ. The Government shall be accountable to Parliament.

(2) The Government shall be the principal organ 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 the votes of more than half 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 constitutive sitting 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 organs 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 sitting of Parliament. Parliament and any parliamentary committee may oblige government members to attend any of their sittings.

(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 terminate upon the termination of the Prime Minister's mandate.

(2) The Prime Minister's mandate shall terminate:

- 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 terminate:

- 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 with the votes of two-thirds of the 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 the votes of more than half 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 organs**

### **Article 23**

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

(2) The heads of autonomous regulatory organs 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 organs shall appoint one or more deputies.

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

(4) Acting within their competence defined by a cardinal Act, the heads of autonomous regulatory organs 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 organ may be substituted for by the deputy he or she designated in a decree.

## **The Constitutional Court**

### **Article 24**

(1) The Constitutional Court shall be the principal organ for the protection of the Fundamental Law.

(2) The Constitutional Court shall:

a) examine the conformity of adopted Acts not yet published with the Fundamental Law,

b)<sup>37</sup> as a priority, but within thirty days at the latest, review any legal regulation applied in a particular case for conformity with the Fundamental Law at the proposal of any judge,

c) review any legal regulation 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)<sup>38</sup> review any legal regulation 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 legal regulation 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)<sup>39</sup> shall, within its competence set out in Paragraph (2)b), c), e) and f), annul any legal regulation or any constituent provision which conflicts with the Fundamental Law;

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<sup>37</sup>Supplemented by Article 12(1) of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>38</sup>Supplemented by Article 12(2) of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>39</sup>Amended by Article 21(1)o) of the Fourth Amendment to the Fundamental Law (25 March 2013).



b) shall, within its competence set out in Paragraph (2)d), annul any court ruling which conflicts with the Fundamental Law;

c)<sup>40</sup> may, within its competence set out in Paragraph (2)g), annul any legal regulation or any constituent provision which conflicts with an international agreement;

and shall determine other legal consequences set out in a cardinal Act.

(4)<sup>41</sup> The Constitutional Court may only review or annul a legal regulation not submitted to it for a review if its substance is closely related to a legal regulation submitted to it for a review.

(5)<sup>42</sup> 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)<sup>43</sup> 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)<sup>44</sup> 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)<sup>45</sup> The Constitutional Court shall be an organ of fifteen members, each elected for twelve years with the votes of two-thirds of the Members of Parliament. Parliament shall, with the votes of two-thirds of the Members of Parliament, elect 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)<sup>46</sup> The detailed rules for the competence, organisation and operation of the Constitutional Court shall be laid down in a cardinal Act.

## Courts

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<sup>40</sup>Amended by Article 21(1)p) of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>41</sup>Supplemented by Article 12(3) of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>42</sup>Supplemented by Article 12(3) of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>43</sup>Supplemented by Article 12(4) of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>44</sup>Supplemented by Article 12(4) of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>45</sup>Supplemented by Article 12(4) of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>46</sup>Supplemented by Article 12(4) of the Fourth Amendment to the Fundamental Law (25 March 2013).

## Article 25

- (1) Courts shall administer justice. The principal judicial organ 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)<sup>47</sup> The organisation of the judiciary shall have multiple levels. Special courts may be established for particular groups of cases.
- (5)<sup>48</sup> 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)<sup>49</sup> 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 the votes of two-thirds of the Members of Parliament.
- (7)<sup>50</sup> An Act may authorise other organs to act in particular legal disputes.
- (8)<sup>51</sup> 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)<sup>52</sup> 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.

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<sup>47</sup>Supplemented by Article 13(1) of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>48</sup>Supplemented by Article 13(1) of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>49</sup>Supplemented by Article 13(1) of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>50</sup>Supplemented by Article 13(1) of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>51</sup>Supplemented by Article 13(2) of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>52</sup>Amended by Article 21(1)q) of the Fourth Amendment to the Fundamental Law (25 March 2013).

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 the votes of two-thirds 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)<sup>53</sup> 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)<sup>54</sup> 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)<sup>55</sup> The Supreme Prosecutor and prosecution services shall:

a)<sup>56</sup> exercise rights in conjunction with investigations, as provided for by an Act,

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<sup>53</sup>Supplemented by Article 14 of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>54</sup>Amended by Article 21(1)r) of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>55</sup>Amended by Article 21(1)s) of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>56</sup>Amended by Article 21(1)t) of the Fourth Amendment to the Fundamental Law (25 March 2013).

- b) represent public accusation in court proceedings,
- c) supervise the legitimacy of penal enforcement,
- d)<sup>57</sup> as a guardian of public interest, exercise other responsibilities and competences, defined by the Fundamental Law or an Act.

(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 the votes of two-thirds 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 with the votes of two-thirds 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**

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<sup>57</sup>Amended by Article 21(1)u) of the Fourth Amendment to the Fundamental Law (25 March 2013).

- (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)<sup>58</sup> 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

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<sup>58</sup>Amended by Article 21(1)v) of the Fourth Amendment to the Fundamental Law (25 March 2013).

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)<sup>59</sup> 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 government 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.

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<sup>59</sup>Supplemented by Article 15 of the Fourth Amendment to the Fundamental Law (25 March 2013).

(2)<sup>60</sup> General elections of local government representatives and mayors shall be held in October of the fifth year following the previous general election of local government representatives and mayors.

(3) The mandate of local representative bodies shall end on the day of the national elections of local government 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 declare their own dissolution, as provided for by a cardinal Act.

(5) At the motion of the Government – submitted after obtaining the opinion of the Constitutional Court –, Parliament shall dissolve the representative body which operates in a way contrary to the Fundamental Law.

(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.

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<sup>60</sup>Supplemented by Article 16 of the Fourth Amendment to the Fundamental Law (25 March 2013).

### **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)<sup>61</sup> 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)<sup>62</sup> 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 organ 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)<sup>63</sup> 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

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<sup>61</sup>Supplemented by Article 17(1) of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>62</sup>Supplemented by Article 17(2) of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>63</sup>Supplemented by Article 17(2) of the Fourth Amendment to the Fundamental Law (25 March 2013).



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 a 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 organ 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 with the votes of two-thirds 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) Parliament shall, with the votes of two-thirds of the Members of Parliament present, 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 a state of war, the conclusion of peace and the declaration of a state of special legal order referred to in Paragraph (1) shall require the votes of two-thirds 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 Parliament, the President of the Constitutional Court and the Prime Minister.

(6) Parliament shall review the justifiability of the declaration of a state of war, state of national crisis or state of emergency at its first sitting once it is able again to convene, and

shall decide on the legitimacy of the measures adopted. Such decision shall require the votes of two-thirds 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 constitutive sitting 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 Parliament, the leaders 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 peacekeeping 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 Parliament 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 sittings 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 a special legal order set out in Paragraph (1) shall require the votes of two-thirds of the 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 standing 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<sup>64</sup>**

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.<sup>65</sup> 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.<sup>66</sup> 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.<sup>67</sup> The 25th day of April shall be Fundamental Law Day to commemorate the publication of the Fundamental Law.
- 7.<sup>68</sup> The first general election of local government representatives and mayors after the entry into force of the Fundamental Law shall take place in October 2014.
- 8.<sup>69</sup> 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 entry into force.
- 9.<sup>70</sup> The legal successor of the organ assigned remits and powers under Act XX of 1949 on the Constitution of the Republic of Hungary shall be the organ assigned remits and powers under the Fundamental Law.
- 10.<sup>71</sup> The name Republic of Hungary may be used as a reference to Hungary after the entry into force of the Fundamental Law pursuant to the legal regulations 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.

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<sup>64</sup>The designation of the title is defined by Article 18 of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>65</sup>Supplemented by Article 19(1) of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>66</sup>Supplemented by Article 19(2) of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>67</sup>Supplemented by Article 20 of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>68</sup>Supplemented by Article 20 of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>69</sup>Supplemented by Article 20 of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>70</sup>Supplemented by Article 20 of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>71</sup>Supplemented by Article 20 of the Fourth Amendment to the Fundamental Law (25 March 2013).



11.<sup>72</sup> 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 entry into force of the Fundamental Law, with the exceptions laid down in Points 12–18.

12.<sup>73</sup> 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.<sup>74</sup> The calculation of the period laid down in Article 4(3)f) of the Fundamental Law shall start with the entry into force of the Fundamental Law.

14.<sup>75</sup> (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 laid down in a 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 with the entry into force of the Fundamental Law.

15.<sup>76</sup> (1) The lowest age requirement laid down in Article 26(2) of the Fundamental Law shall apply to any judge appointed on the basis of a call for applications announced after the entry into force 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 entry into force of the Fundamental Law.

16.<sup>77</sup> 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.

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<sup>72</sup>Supplemented by Article 20 of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>73</sup>Supplemented by Article 20 of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>74</sup>Supplemented by Article 20 of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>75</sup>Supplemented by Article 20 of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>76</sup>Supplemented by Article 20 of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>77</sup>Supplemented by Article 20 of the Fourth Amendment to the Fundamental Law (25 March 2013).

17.<sup>78</sup> The mandate of the Commissioner for Data Protection shall be terminated with the entry into force of the Fundamental Law.

18.<sup>79</sup> For the purposes of and as of the entry into force of the Fundamental Law, the designation for the position of the President of the county assembly shall be the President of the county representative body. The county representative body pursuant to the Fundamental Law shall be the legal successor of the county assembly.

19.<sup>80</sup> (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 sitting of Parliament to be held following the entry 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 organ 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.<sup>81</sup> 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.<sup>82</sup> 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.<sup>83</sup> 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.

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<sup>78</sup>Supplemented by Article 20 of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>79</sup>Supplemented by Article 20 of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>80</sup>Supplemented by Article 20 of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>81</sup>Supplemented by Article 20 of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>82</sup>Supplemented by Article 20 of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>83</sup>Supplemented by Article 20 of the Fourth Amendment to the Fundamental Law (25 March 2013).

23.<sup>84</sup> 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.<sup>85</sup> (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.<sup>86</sup> (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.<sup>87</sup> The following laws shall be repealed:

a) Act XX of 1949 on the Constitution of the Republic of Hungary,

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<sup>84</sup>Supplemented by Article 20 of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>85</sup>Supplemented by Article 20 of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>86</sup>Supplemented by Article 20 of the Fourth Amendment to the Fundamental Law (25 March 2013).

<sup>87</sup>Supplemented by Article 20 of the Fourth Amendment to the Fundamental Law (25 March 2013).

- 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.

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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”**