

# **The Fundamental Law of Hungary**

(25 April 2011)

*God bless the Hungarians!*

## ***AVOWAL OF NATIONAL FAITH***

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

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

We are proud of our forbears, 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 have fought in defence of Europe over the centuries and, through their talent and industry, have enriched Europe's common values.

We recognize the role Christianity has played in preserving our nation. We value our country's different religious traditions.

We promise to preserve the intellectual and spiritual unity of our nation torn apart in the storms of the past century. We proclaim that the nationalities living with us form part of the Hungarian political community and are constituent parts of the State.

We commit ourselves to cherishing and preserving our heritage, our unique language, the Hungarian culture, the languages and cultures of nationalities in Hungary, and the natural and man-made riches of the Carpathian Basin. Bearing responsibility for our descendants, 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 cultures of other peoples, 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 unfold through cooperation with others.

We hold that the family and the nation provide the most important framework for our coexistence, and that our fundamental cohesive values are fidelity, faith and love.

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

We hold that we are duty-bound 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, security, order, justice and liberty.

We hold that democracy exists only where the State serves its citizens and administers their affairs in an equitable manner and without abuse or partiality.

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 declare that no statutory limitation applies to the inhuman crimes committed against the Hungarian nation and its citizens under the national socialist and communist dictatorship.

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

We agree with the members of the first free Parliament, who proclaimed in their first decision that our current liberty was born of our 1956 Revolution.

We date the restoration of the self-determination of our State, lost on the nineteenth day of March 1944, from the second day of May 1990, when the first freely elected 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 in the twentieth century leading to moral decay, a spiritual and intellectual renewal is absolutely necessary.

We trust in a jointly-shaped future and the commitment of young generations. We believe that our children and grandchildren will make Hungary great again through their talent, perseverance 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 expressing the nation's will and the form in which we wish to live.

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

## **FUNDAMENTA**

### **Article A)**

The name of OUR COUNTRY shall be Hungary.

### **Article B)**

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

### **Article C)**

- (1) The functioning of the Hungarian State shall be based on the principle of the separation of powers.
- (2) No one's activities shall be aimed at the acquisition or exercise of power by force, or at the exclusive possession of power. 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 the rules of law.

### **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 achieve the highest possible measure of freedom, well-being and security for the peoples of Europe Hungary shall contribute to the achievement of European unity.

(2) In order to participate 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 set out in the founding treaties, exercise some of its competences deriving from the Fundamental Law jointly with other Member States, through the institutions of the European Union.

(3) The law of the European Union may stipulate generally binding rules of conduct subject to the conditions set out in paragraph (2).

(4) The authorisation for expressing consent to be bound by an international treaty referred to in paragraph (2) shall require the votes of two-thirds of all Members of Parliament.

#### **Article F)**

(1) The capital of Hungary shall be Budapest.

(2) 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) A child born to a Hungarian citizen shall be a Hungarian citizen by birth. A cardinal Act may specify other grounds for the origin or acquisition of Hungarian citizenship.

(2) Hungary shall protect its citizens.

(3) No one shall be deprived of his or her Hungarian citizenship acquired by birth or obtained 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 shall be 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 shall be a vertically divided shield with a pointed base. The left field shall contain eight horizontal bars of red and silver. The right field shall have a red background and shall depict a base of three green hills with a golden crown atop the higher central hill through which rises a silver patriarchal cross. The Holy Crown of Hungary shall rest on top of the shield.
- (2) The flag of Hungary shall feature three horizontal bands of equal width coloured red, white and green from top to bottom as the symbols of strength, fidelity and hope, respectively.
- (3) The anthem of Hungary shall be the poem *Himnusz* by Ferenc Kölcsey set to music by Ferenc Erkel.
- (4) The coat of arms and the flag may also be used in other 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 shall be:
  - a) the 15th day of March, in memory of the 1848-49 Revolution and War of Independence;
  - b) the 20th day of August, in memory of the foundation of the State and King Saint Stephen the State Founder; and
  - c) the 23rd day of October, in memory of the 1956 Revolution and War of Independence.
- (2) The official state holiday shall be the 20th day of August.

### **Article K)**

The official currency of Hungary shall be the forint.

### **Article L)**

- (1) Hungary shall protect the institution of marriage as the union of a man and a woman established by voluntary decision, and the family as the basis of the survival of the nation. Family ties shall be based on marriage or the relationship between parents and children.
- (2) Hungary shall support 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 upon work which creates value, and upon freedom of enterprise.

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

### **Article N)**

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

(2) Parliament and the Government shall have primary responsibility for the enforcement of the principle referred to in paragraph (1).

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

### **Article O)**

Everyone shall be responsible for their own self, and shall be bound to contribute to the performance of state and community tasks according to their abilities and possibilities.

### **Article P)**

(1) Natural resources, in particular arable land, forests and the reserves of water, biodiversity, in particular native plant and animal species, as well as cultural assets form the 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.

(2) 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 establish and maintain peace and security and to achieve the sustainable development of humanity, Hungary shall strive to cooperate with all the peoples and countries of the world.

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

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

#### **Article R)**

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

(2) The Fundamental Law and the rules of law shall be binding on everyone.

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

#### **Article S)**

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

(2) For the adoption of a new Fundamental Law or any amendment thereof the votes of two-thirds of all Members of Parliament shall be required.

(3) 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 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) 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) A 'rule of law' shall mean Acts of Parliament (hereinafter referred to as 'Act' in the English translation), government decrees, decrees of the Prime Minister, decrees of Ministers, decrees of the Governor of the National Bank of Hungary, decrees of the head of an autonomous regulatory 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 rules of law.

(3) No rule of law shall be contrary to the Fundamental Law.

(4) 'Cardinal Act' shall mean an Act, the adoption or amendment of which requires the votes of two-thirds of the Members of Parliament present.

### **Article U)**

(1) The form of government based on the rule of law, established in accordance with the will of the nation through the first free elections held in 1990, and the previous communist dictatorship are incompatible. The Hungarian Socialist Workers' Party and its legal predecessors and 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;

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 shall be the primary obligation of the State to protect these rights.

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

(3) The rules relating to fundamental rights and obligations shall be laid down in Acts. A fundamental right may only be restricted in order to allow the exercise of another fundamental right or to protect a constitutional value, to the extent that is absolutely necessary, proportionately to the objective pursued, and respecting the essential content of such fundamental right.

(4) Legal entities established by an Act shall also have the fundamental rights, and they shall also be bound by the obligations which, by their nature, apply not only to human beings.

### **Article II**

Human dignity shall be inviolable. Every human being 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 subjected to torture, inhuman or degrading treatment or punishment, or be held in servitude. Trafficking in human beings shall be prohibited.

(2) It shall be prohibited to perform any 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, and the cloning of human beings shall be prohibited.

#### **Article IV**

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

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

(3) Any person suspected of having committed a criminal offence and held in detention shall either be released or brought before a court within the shortest possible period of time. The court shall give a hearing to the person brought before it and immediately make a decision with a written reasoning either to release the person or to place him or her under arrest.

(4) Anyone whose liberty has been restricted without a well-founded reason or unlawfully shall have the right to compensation for the damage suffered.

#### **Article V**

Everyone shall have the right, as specified in an Act, to repel any unlawful attack against their person or property, or one that poses a direct threat to the same.

#### **Article VI**

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

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

(3) An independent authority set up by a cardinal Act shall supervise the enforcement of the right to the protection of personal data and of the right to access data of public interest.

#### **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 conviction, and the

freedom to manifest or abstain from manifesting, to practice or teach, either alone or in community with others, in public or in private, one's religion or other conviction through religious acts or ceremonies, or in any other way.

(2) People sharing the same principles of faith may, for the practice of their religion, establish religious communities operating in the organisational form specified in a cardinal Act.

(3) The State and religious communities shall operate separately. Religious communities shall be autonomous.

(4) The State and religious communities may cooperate to achieve community goals. At the request of a religious community, the National Assembly shall decide on such cooperation. The religious communities participating in such cooperation shall operate as established churches. The State shall provide specific privileges to established churches with regard to their participation in the fulfilment of tasks that serve to achieve community goals.

(5) The common rules relating to religious communities, as well as the conditions of cooperation, the established churches and the detailed rules relating to established churches shall be laid down in a cardinal Act.

### **Article VIII**

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

(2) Everyone shall have the right to form 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 freely express their opinion.

(2) Hungary shall recognise and protect the freedom and pluralism of the press, and ensure the conditions for freedom of information necessary for the formation of democratic public opinion.

(3) In the interest of the appropriate provision of information as necessary during the electoral campaign period for the formation of democratic public opinion, political

advertisements may only be published in media services free of charge, under conditions guaranteeing equal opportunities, laid down in a cardinal Act.

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

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

(6) 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 in the interest of enabling the acquisition of the highest possible level of knowledge, and, within the framework determined by an Act, the freedom of teaching.

(2) The State shall not have the right to decide on questions of scientific truth; only scientists shall have the right to evaluate scientific research.

(3) 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 their abilities, and by providing financial support as laid down in an Act to those receiving education.

(3) 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**

(1) Everyone shall have the right to freely choose their job or profession, and to engage in entrepreneurial activities. Everyone shall have a duty to contribute to the enrichment of the community through their work, performed according to their abilities and possibilities.

(2) Hungary shall strive to create 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 in exceptional cases and in the public interest, in such circumstances and manner as stipulated by an Act; expropriation shall be accompanied by full, unconditional and immediate compensation.

### **Article XIV**

(1) Hungarian citizens shall not be expelled from the territory of Hungary and may return at any time from abroad. Foreigners staying in the territory of Hungary may only be expelled on the basis of 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) Non-Hungarian citizens – upon their request and if neither their country of origin nor another country provides protection for them – shall be granted asylum by Hungary if they are persecuted in their native country or in the country of their habitual residence for reasons of their belonging to a race, nationality or a particular social group, or for reasons of their religious or political convictions, or if they have a well-founded fear of such persecution.

### **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 any discrimination, in particular 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) Hungary shall promote the achievement of equality of opportunity and social inclusion by means of separate measures.

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

#### **Article XVI**

(1) Every child shall have the right to the protection and care necessary for their proper physical, intellectual and moral development.

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

(3) Parents shall have the obligation to take care of their children for as long as they are minors. This obligation shall include the provision of schooling for their children.

(4) Adult children shall 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 employment and the sustainability of the national economy, as well as to other community goals.

(2) 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 respecting their health, safety and dignity.

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

#### **Article XVIII**

(1) The employment of children shall be prohibited except for cases specified in an Act where their physical, intellectual or moral development is not endangered.

(2) Hungary shall ensure through special measures the protection of young people and parents in the workplace.

#### **Article XIX**

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

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 also in accordance with the usefulness to the community of the beneficiary's activities.

(4) Hungary shall contribute to ensuring a livelihood for the elderly by maintaining a unified 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 specified by an Act also in view of the requirement for increased protection for women.

### **Article XX**

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

(2) Hungary shall further the realisation of the right laid down in paragraph (1) by an agriculture which is free of genetically modified organisms, by ensuring access to healthy food and drinking water, by organizing 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 shall recognise and enforce the right of every person to a healthy environment.

(2) A person who causes any damage to the environment shall be obliged, as specified in an Act, to restore it or to bear the costs of restoration.

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

### **Article XXII**

(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 order, 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**

- (1) Every adult Hungarian citizen shall have the right to vote and to stand as a candidate 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 who is a resident of Hungary shall have the right to vote and to stand as a candidate in elections of local government representatives and mayors, and of Members of the European Parliament.
- (3) Every adult person recognized 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 subject the right to vote or its completeness to residence in Hungary, and it may prescribe additional criteria for eligibility to stand as a candidate in elections.
- (5) In elections of local government representatives and mayors voters may vote in the locality of their residence or their registered place of stay. Voters may exercise their right to vote in the locality of their residence or their registered place of stay.
- (6) Those disenfranchised by a court for a criminal offence or for limited mental capacity shall not have the right to vote and to stand as a candidate in elections. Citizens of other Member States of the European Union who are residing in the territory of Hungary shall not have the right to stand as a candidate in elections if – pursuant to a rule of law, judicial or other official decision of their State of citizenship – they have been excluded from the exercise of this right in their country.
- (7) Everyone who has the right to vote in elections of Members of Parliament shall have the right to participate in national referenda. Everyone who has the right to vote in elections of local government representatives and mayors shall have the right to participate in local referenda.
- (8) Every Hungarian citizen shall have the right to hold public office according their suitability, qualifications and professional competence. Public offices that shall not be held by members or officers of political parties shall be specified in an Act.

### **Article XXIV**

- (1) Everyone shall have the right to have their affairs handled impartially, fairly and within a reasonable time by the authorities. Authorities shall give reasons for their decisions in the manner laid down in an Act.
- (2) Everyone shall have the right to be compensated, in the manner laid down in an Act, for any damage unlawfully caused by the authorities in the performance of their duties.

### **Article XXV**

Everyone shall have the right to submit – either alone or jointly with others – a written petition, complaint or proposal to any organ exercising public power.

### **Article XXVI**

The State shall strive to make use of the latest technical solutions and the achievements of science to make its functioning 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 their 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 be entitled 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 conducted by an independent and impartial court established by an Act.

(2) No one shall be considered guilty until his or her liability under criminal law has been established by the final decision of a court.

(3) Everyone who is prosecuted shall have the right to defence at all stages of criminal proceedings. Defence counsels shall not be held accountable for opinions expressed while providing legal defence.

(4) No one shall be found guilty and subjected to punishment for an act that, at the time it was committed, was not a criminal offence under the law of Hungary or – within the sphere specified by an international treaty or a legal act of the European Union – under the law of another State.

(5) Paragraph (4) shall not exclude the prosecution and conviction of a person for an act which, at the time it was committed, was a criminal offence according to the generally recognized 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 sphere specified by an international treaty or a legal act of the European Union – in another State according to law.

(7) Everyone shall have the right to seek legal remedy against decisions of the courts, authorities or other organs of public administration which infringe his or her rights or legitimate interests.

### **Article XXIX**

(1) Nationalities living in Hungary shall be constituent parts of the State. Every Hungarian citizen belonging to a nationality shall have the right to freely declare and preserve his or her identity. Nationalities living in Hungary shall have the right to use their mother tongue, to use their names in their own language individually and collectively, to foster their culture and to receive education in their mother tongues.

(2) Nationalities living in Hungary may set up local and national self-governments.

(3) 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 the financing of common needs according to their capacity and to their 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) All Hungarian citizens shall be obliged to defend their country.

(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 men of Hungarian citizenship residing in Hungary shall perform military service. If military service involving the use of arms runs counter to the conscience of the person liable to render military service, he shall perform unarmed service. The forms and detailed rules of the performance of military service shall be laid down in a cardinal Act.

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

(5) For adult Hungarian citizens residing in Hungary civil protection obligation may be introduced, as laid down in a cardinal Act, in the interest of performing national defence and disaster management tasks.

(6) In the interest of the performance of national defence or disaster management tasks everyone may be obliged, as laid down in a cardinal Act, to perform economic and material services.

## **THE STATE**

### **Parliament**

#### **Article 1**

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

(2) Parliament shall

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

*b)* adopt Acts;

*c)* adopt the central budget and approve its implementation;

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

*e)* 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 Prosecutor General, 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 of local government which operate in a way that is contrary to the Fundamental Law;

*h)* decide on the declaration of a state of war and on the conclusion of peace;

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

*j)* grant general amnesty;

*k)* perform other tasks and exercise other competences laid down in the Fundamental Law or in Acts.

## **Article 2**

(1) Members of Parliament shall be elected by direct and secret ballot by citizens eligible to vote, on the basis of universal and equal suffrage, in elections which guarantee 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 election of Members of Parliament shall be held in the month of April or May of the fourth year following election of the previous Parliament, except for elections resulting either from Parliament dissolving itself or from 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.

(3) The President of the Republic may dissolve Parliament, and simultaneously set a date for 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 central budget for the current year by 31 March.

(4) Prior to dissolving Parliament, the President of the Republic shall ask for the opinions of the Prime Minister, the Speaker of Parliament and the leaders of the parliamentary fractions.

(5) The President of the Republic may exercise his or her right pursuant to point *a)* of paragraph (3) until Parliament elects a Prime Minister. The President of the Republic may exercise his or her right pursuant to point *b)* of paragraph (3) until Parliament adopts the central 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 filled by Members of Parliament, and may stipulate other cases of conflict of interests.

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

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

*b)* upon his or her death;

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

*d)* upon resignation;

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

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

(4) Parliament shall decide with a majority of two-thirds of the votes of the Members of Parliament present on the establishment of the fact that the conditions necessary for the

election of a Member of Parliament no longer exist, on the declaration of a conflict of interests, and on the fact that a particular Member of Parliament has failed 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 all Members of Parliament, Parliament may decide to hold a sitting *in camera*.

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

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

(4) In order to coordinate their activities Members of Parliament may establish parliamentary fractions 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.

(6) Unless otherwise provided in the Fundamental Law, the National Assembly shall take its decisions with the votes of more than half of the Members of the National Assembly present. The provisions of the Rules of Procedure may provide that for certain decisions to be taken, qualified majority shall be required.

(7) 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 President of the 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) The security of Parliament shall be provided by the Parliamentary Guard. The operation of the Parliamentary Guard shall be directed by the President of the Parliament.

## **Article 6**

(1) The President of the Republic, the Government, any Parliamentary Committee, or any Member of Parliament may propose bills.

(2) Parliament may, upon a motion submitted before the final vote by the proponent of the bill, 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 send the adopted Act without delay to the Constitutional Court for an examination of its conformity with the Fundamental Law.

(3) The Speaker of Parliament shall sign the adopted Act within five days and send it to the President of the Republic. The President of the Republic shall sign the Act within five days of receiving it and order its publication. If Parliament has sent the Act to the Constitutional Court for an examination of its conformity with the Fundamental Law pursuant to 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 violation of the Fundamental Law.

(4) If the President of the Republic considers an Act or any of its provisions to be contrary to the Fundamental Law, and no examination pursuant to paragraph (2) has been conducted, 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 an Act or any of its provisions and has not exercised his or her right pursuant to paragraph (4), prior to signing the Act he or she may

return it once, together with comments, to Parliament for reconsideration. Parliament shall hold a new debate on the Act and decide again on its adoption. The President of the Republic may also exercise this right if the Constitutional Court has not found any violation of the Fundamental Law in the course of its examination conducted pursuant to Parliament's decision.

(6) The Constitutional Court shall decide on the motion pursuant to paragraphs (2) or (4) out of turn, but within thirty days at the latest. Should the Constitutional Court establish a violation of the Fundamental Law, Parliament shall hold a new debate on the Act in order to eliminate the violation.

(7) If the Constitutional Court does not establish any violation of the Fundamental Law in the course of the examination initiated by the President of the Republic, the President of the Republic shall sign the Act without delay and order its publication.

(8) The Constitutional Court may be requested to conduct another examination, pursuant to paragraphs (2) and (4), of the conformity with the Fundamental Law of an Act debated and adopted by Parliament pursuant to paragraph (6). The Constitutional Court shall decide on the repeated motion out of turn, but within ten days at the latest.

(9) If Parliament amends the Act returned due to any disagreement of the President of the Republic, the examination of its conformity with the Fundamental Law pursuant to paragraphs (2) or (4) may be requested only in relation to the amended provisions, or on the grounds that the procedural requirements laid down in the Fundamental Law for the making of the Act have not been complied with. 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 the examination of its conformity with the Fundamental Law on the grounds that the procedural requirements laid down in the Fundamental Law for the making of the Act have not been complied with.

## **Article 7**

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

(2) Members of Parliament may submit interpellations or 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 such committees shall be regulated by a cardinal Act.

## **National referenda**



## **Article 8**

(1) Parliament shall order a national referendum at the initiative of at least two hundred thousand citizens with voting rights. Parliament may order a national referendum at the initiative of the President of the Republic, the Government, or one hundred thousand citizens with voting rights. The result of a valid and conclusive referendum shall be binding on Parliament.

(2) National referenda 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 central budget, the implementation of the central budget, central taxes, duties, contributions, customs duties, or the content of Acts determining the central conditions for local taxes;

*c)* the contents of 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 questions concerning the establishment of organisations within the competence of Parliament;

*f)* the dissolution of Parliament;

*g)* the dissolution of a body of local government representatives;

*h)* the declaration of a state of war, state of national crisis and state of emergency, and on the declaration or extension of the 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 citizens with voting rights have cast valid votes, and it shall be conclusive if more than half of those voting validly have given the same answer to a question.

## **The President of the Republic**

## **Article 9**

(1) The Head of State of Hungary shall be the President of the Republic, who shall embody the unity of the nation and be the guardian of the democratic operation of the 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 take the floor at the sittings of Parliament;

*c)* may propose bills;

*d)* may initiate national referenda;

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

*f)* shall make decisions concerning a special legal order;

*g)* shall convene the constitutive sitting of Parliament;

*h)* may dissolve Parliament;

*i)* may send the adopted Fundamental Law and any amendment thereof to the Constitutional Court for a review of conformity with the procedural requirements set in the Fundamental Law with respect to its adoption, and may send adopted Acts to the Constitutional Court for a review of conformity with the Fundamental Law or may return them to Parliament for reconsideration,

*j)* shall propose persons for the offices of Prime Minister, the President of the Curia, the President of the National Office for the Judiciary, the Prosecutor General and the Commissioner for Fundamental Rights;

*k)* shall appoint professional judges and the President of the Budget Council;

*l)* shall confirm the appointment of the President of the Hungarian Academy of Sciences and the President of the Hungarian Academy of Arts; and

*m)* shall determine the organisation of his or her office.

(4) The President of the Republic shall

*a)* express consent to be bound by international treaties on the basis of authorisation by 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 decorations, prizes and titles specified by an Act, and authorize the use of foreign state decorations;
- g)* exercise the right to grant pardon to individuals;
- h)* decide on matters of territorial organisation falling within his or her tasks and competences;
- i)* decide on matters related to the acquisition and termination of citizenship;
- j)* decide on all matters assigned to his or her competence in an Act.

(5) The counter-signature of a Government Member shall be required for all actions and decisions of the President of the Republic under paragraph (4). An Act may provide that a decision assigned by an Act to the competence of the President of the Republic need not be counter-signed.

(6) The President of the Republic shall refuse to comply with the obligations set out in points b) to e) of paragraph (4) if the conditions specified in rules of law have not been met or if he or she has well-grounded reasons to conclude that his or her compliance would lead to a serious disorder in the democratic operation of the state organisation.

(7) The President of the Republic shall refuse to comply with those set out in point f) of paragraph (4) if such compliance would violate the values enshrined in the Fundamental Law.

## **Article 10**

- (1) Parliament shall elect the President of the Republic for five years.
- (2) Any Hungarian citizen who has reached the age of thirty-five 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 prior to the expiry of an incumbent president's mandate; should the incumbent President's mandate terminate prematurely, a new President of the Republic shall be elected within thirty days of such termination. 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. For a nomination to be valid, the written recommendation of at least one-fifth of the Members of Parliament shall be required. Nominations shall be submitted to the Speaker of Parliament before the vote is ordered. Each Member of Parliament may recommend one candidate. If a Member of Parliament recommends more than one candidate, all recommendations of that Member shall be invalid.

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

(4) If the first round of voting is inconclusive, a second round shall be held. The two candidates receiving the highest and second highest number of votes in the first round may stand in the second round. If in the first round of voting there is a tie in the first place, those candidates may be voted for 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, those candidates may be voted for 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. Should the second round of voting also be inconclusive, a new election shall be held on the basis of new nominations.

(5) The voting procedure shall be completed within a period of no more than two consecutive days.

(6) The President-elect of the Republic shall enter office upon expiry of the previous President's mandate, or, should the previous President's mandate have ended prematurely, on the eighth day following the announcement of the result of the election; prior to taking office the President-elect of the Republic shall take an oath before Parliament.

## **Article 12**

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

(2) The office of President of the Republic shall be incompatible with any other state, social, economic or political office or mandate. The President of the Republic shall not pursue any other gainful occupation nor accept pay for other activities, with the exception of activities falling under copyright protection.

(3) The mandate of the President of the Republic shall terminate

*a)* upon expiry of his or her term of office;

*b)* upon his or her death;

*c)* if he or she is incapable of fulfilling his or her duties for over ninety days;

*d)* if the conditions necessary for his or her election no longer exist;

e) upon declaration of a conflict of interests;

f) upon his or her resignation; or

g) upon his or her removal from the office of the President of the Republic.

(4) Parliament shall decide with a two-thirds majority of the votes of Members of Parliament present to establish any condition of the President of the Republic preventing him or her of fulfilling his or her duties for over ninety days or on the absence of the conditions required for his or her election, or on the declaration of a conflict or interests.

(5) The detailed rules of the legal status of the President of the Republic and former Presidents of the Republic, and their remuneration shall be laid down in a cardinal Act.

### **Article 13**

(1) Criminal proceedings against the President of the Republic may be instituted only after the termination of his or her mandate.

(2) If the President of the Republic wilfully violates the Fundamental Law, or wilfully violates any Act in connection with the exercise of his or her official functions, or if he or she commits a wilful criminal offence, one-fifth of all Members of Parliament may propose his or her removal from office.

(3) A majority of two-thirds of the votes of all Members of Parliament shall be required to start impeachment proceedings. Voting shall be held by secret ballot.

(4) The President of the Republic shall not exercise his or her powers in the period between the adoption of Parliament's decision to impeach and the conclusion of impeachment proceedings.

(5) The Constitutional Court shall have the competence to conduct the impeachment proceedings.

(6) If, as a result of its proceedings, the Constitutional Court establishes the responsibility of the President of the Republic under public law, it may remove the President of the Republic from office.

### **Article 14**

(1) Should the President of the Republic be temporarily prevented from acting, or if his or her mandate terminates, the Speaker of Parliament shall perform the tasks and exercise the competences of the President of the Republic until he or she is no longer prevented from acting, or until the new President of the Republic takes office.

(2) The fact that the President of the Republic is temporarily prevented from acting shall be established by Parliament upon the motion 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 shall not exercise his or her rights as a Member of Parliament, and his or her duties as 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; its tasks and competences shall encompass all matters which are not expressly assigned by the Fundamental Law or a rule of law to the tasks and competences of another organ. The Government shall be answerable to Parliament.

(2) The Government shall be the principal organ of public administration; it may establish organs of state administration pursuant to Acts.

(3) Acting within its competence, the Government shall adopt decrees in matters not regulated by an Act, or on the basis of an authorization given by an Act.

(4) The decree of the Government shall not be contrary to any Act.

### **Article 16**

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

(2) By decree, the Prime Minister shall appoint one or more Deputy Prime Minister(s) from among the Ministers.

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

(4) A simple majority of votes of all Members of Parliament shall be required to elect the Prime Minister. The Prime Minister shall take office immediately upon his or her election.

(5) The President of the Republic shall make his or her proposal pursuant to paragraph (3)

*a)* at the constitutive sitting of the new Parliament, if the mandate of the Prime Minister has terminated with the formation of a newly-elected Parliament;

*b)* within fifteen days of the termination of the mandate of the Prime Minister, if such termination is due to the Prime Minister's resignation from office, his or her death, the declaration of a conflict of interests, the absence of conditions required for his or her election, or the fact that Parliament has expressed its lack of confidence in the Prime Minister in a vote of confidence.

(6) If Parliament fails to elect the person proposed for the office of Prime Minister pursuant to paragraph (5), the President of the Republic shall make a new proposal within fifteen days.

(7) Ministers shall be appointed by the President of the Republic at the proposal of the Prime Minister. Ministers shall take office on the date designated in their deed of appointment or, in the absence thereof, immediately upon their appointment.

(8) The Government shall come into existence with the appointment of the Ministers.

(9) Members of the Government shall take an oath before Parliament.

#### **Article 17**

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

(2) Ministers without portfolio may be appointed to perform the tasks determined by the Government.

(3) The metropolitan and county government offices shall be organs of the Government with general territorial state administration competence.

(4) The provisions of a cardinal Act regarding the designation of ministries, Ministers or organs of public administration may be amended by an Act.

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

#### **Article 18**

(1) The Prime Minister shall define the general policy of the Government.

(2) Ministers shall – within the framework of the general policy of the Government – autonomously direct the sectors of state administration within their competence and the organs subordinated to them, and shall perform the tasks assigned to them by the Government or the Prime Minister.

(3) Acting within their competence, Members of the Government shall adopt decrees, as authorised by an Act or a government decree, either autonomously or in agreement with other Ministers; such decrees shall not be contrary to any Act, government decree or decree of the Governor of the National Bank of Hungary.

(4) Members of the Government shall be answerable to Parliament for their actions, and Ministers shall be answerable to the Prime Minister. Members of the Government may attend

and take the floor at sittings of Parliament. Parliament or a committee thereof may require Members of the Government to attend any of their sittings.

(5) The detailed rules of the legal status of members of the Government, their remuneration as well as the rules regarding the substitution of Ministers shall be laid down in an Act.

### **Article 19**

Parliament may request information from the Government on the government position to be represented in the decision-making procedures of those institutions of the European Union which operate with government participation, and may take a stand on the draft placed on the agenda thereof. In the course of European Union decision-making, the Government shall act on the basis of the position taken by Parliament.

### **Article 20**

(1) Upon termination of the Prime Minister's mandate, the mandate of the Government shall come to an end.

(2) The Prime Minister's mandate shall terminate

*a)* upon formation of a newly-elected Parliament;

*b)* if Parliament adopts a motion of no-confidence against the Prime Minister and elects a new Prime Minister;

*c)* if Parliament expresses its lack of confidence in the Prime Minister by a vote of confidence initiated by the Prime Minister;

*d)* upon resignation;

*e)* upon his or her death;

*f)* upon the declaration of conflict of interests, or

*g)* if the conditions necessary for his or her election no longer exist.

(3) A Minister's mandate shall terminate

*a)* upon termination of the Prime Minister's mandate;

*b)* upon the Minister's resignation;

*c)* upon his or her dismissal; or

*d)* upon his or her death.



(4) Parliament shall decide on the establishment of the absence of the conditions necessary for the election of the Prime Minister or on the declaration of a conflict of interests by a two-thirds majority of the votes of Members of Parliament present.

### **Article 21**

(1) One-fifth of all Members of Parliament may submit a written motion of no-confidence against the Prime Minister, together with the designation of a candidate for the office of Prime Minister.

(2) If Parliament supports the motion of no-confidence, it thereby expresses its lack of confidence in the Prime Minister, and simultaneously elects the person proposed for the office of Prime Minister in the motion of no-confidence. Such decision of Parliament shall require a simple majority of the votes of all Members of Parliament.

(3) The Prime Minister may propose a vote of confidence. Parliament expresses its lack of confidence in the Prime Minister if in the vote of confidence proposed by the Prime Minister a simple majority of all Members of Parliament do not support the Prime Minister's motion.

(4) The Prime Minister may propose that the vote on a motion submitted by the Government be simultaneously a vote of confidence. Parliament shall be deemed to have expressed its lack of confidence in the Prime Minister if it does not support the proposal submitted by the Government.

(5) Parliament shall decide on the question of confidence – either a motion of no-confidence or the Prime Minister's motion pursuant to paragraphs (3) or (4) – no sooner than three days, and no later than eight days from the submission of the motion.

### **Article 22**

(1) From the termination of its mandate until the formation of a new government the Government shall exercise its powers as a caretaker Government, but shall not express consent to be bound by international treaties and may adopt decrees only on the basis of authorization provided for by an Act and in cases of urgency.

(2) If the mandate of the Prime Minister has terminated by resignation, or upon the formation of a newly-elected Parliament, the Prime Minister shall exercise his or her powers as a caretaker Prime Minister, but he or she shall not propose the dismissal of a Minister or the appointment of a new Minister, and may adopt decrees only on the basis of authorization provided for by an Act and in cases of urgency.

(3) If the mandate of the Prime Minister has terminated due to his or her death, to the declaration of a conflict of interests, to the absence of the conditions required for his or her election, or to the fact that Parliament has expressed its lack of confidence in the Prime Minister in a vote of confidence, the powers of the Prime Minister shall be exercised by the Deputy Prime Minister until a new Prime Minister is elected, with the limitations provided for

in paragraph (2) hereof; should there be more than one Deputy Prime Minister, these powers shall be exercised by the First Deputy Prime Minister.

(4) A Minister shall exercise his or her powers as a caretaker Minister from the termination of the mandate of the Prime Minister until the appointment of a new Minister, or until the mandating of another member of the new Government for the temporary exercise of the relevant ministerial powers, but may adopt decrees only in cases of urgency.

## **Autonomous regulatory organs**

### **Article 23**

(1) Parliament may establish autonomous regulatory organs by a cardinal Act for the performance of certain tasks and the exercise of certain competences belonging to the executive branch.

(2) The head of an autonomous regulatory organ shall be appointed by the Prime Minister or, on the proposal of the Prime Minister, by the President of the Republic for the term specified in

a cardinal Act. The head of an autonomous regulatory organ shall appoint his or her deputy or deputies.

(3) The head of an autonomous regulatory organ shall report annually to Parliament on the activities of the autonomous regulatory organ.

(4) As authorised by an Act, the head of an autonomous regulatory organ shall issue decrees within his or her competence as defined by a cardinal Act; such decrees shall not be contrary to an Act, a government decree, a prime ministerial decree, a ministerial decree or a decree of the Governor of the National Bank of Hungary. In issuing decrees, the head of an autonomous regulatory organ may be substituted for by the deputy he or she has 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 adopted but not yet published Acts for conformity with the Fundamental Law;

*b)* review immediately but no later than ninety days any piece of legislation applied in a particular case for conformity with the Fundamental Law at the proposal of any judge,

*c)* review, on the basis of a constitutional complaint, the conformity with the Fundamental Law of the rules of law applied in a particular case;

*d)* review, on the basis of a constitutional complaint, the conformity with the Fundamental Law of a judicial decision;

*e)* review any piece of legislation for conformity with the Fundamental Law at the proposal of the Government, one-fourth of the Members of Parliament, the President of the Curia, the Supreme Prosecutor or the Commissioner for Fundamental Rights;

*f)* examine whether rules of law are in conflict with international treaties; and

*g)* perform further tasks and exercise further competences laid down in the Fundamental Law or in a cardinal Act.

(3) The Constitutional Court,

*a)* shall annul any rule of law or any provision thereof which is contrary to the Fundamental Law within its competence pursuant to points *b)*, *c)* and *e)* of paragraph (2);

*b)* shall annul any judicial decision which is contrary to the Fundamental Law within its competence pursuant to point *d)* of paragraph (2);

*c)* may annul any rule of law or any provision thereof which conflicts with an international treaty within its competence pursuant to point *f)* of paragraph (2); and shall determine other legal consequences as laid down in a cardinal Act.

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

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

*a)* the President of the Republic in respect of the Fundamental Law and the amendment thereof, if adopted but not yet published,

*b)* the Government, a quarter of the Members of Parliament, the President of the Curia, the Supreme Prosecutor or the Commissioner for Fundamental Rights within thirty days of publication.

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

*a)* renegotiated by Parliament in the case laid down in Paragraph (5) *a)*,

*b)* annulled by the Constitutional Court in the case laid down in Paragraph (5) *b)*.

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

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

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

## **Courts**

### **Article 25**

(1) Courts shall administer justice. The principal judicial organ shall be the Curia.

(2) The courts shall decide on

*a)* criminal cases, private law litigations and on other matters defined by an Act;

*b)* the legality of public administration decisions;

*c)* whether a local government decree is contrary to another rule of law and on its annulment;

*d)* the establishment of the failure of a local government to comply with its law-making obligation based on an Act.

(3) In addition to those specified in paragraph (2), the Curia shall ensure uniformity of the application of the law by the courts, and make decisions on the unity of law which shall be binding on the courts.

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

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

(6) The President of the National Office for the Judiciary shall be elected by the National Assembly from among the judges for nine years on the proposal of the President of the Republic. The President of the National Office for the Judiciary shall be elected with the votes of two-thirds of the Members of the National Assembly. The President of the Curia shall be a

member of the National Council of Justice further members of which shall be elected by judges, as laid down in a cardinal Act.

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

(8) The detailed rules for the organisation and administration of courts, for the legal status of judges, as well as the remuneration of judges shall be laid down in a cardinal Act.

### **Article 26**

(1) Judges shall be independent and only subordinated to Acts; they shall not be given instructions as to their judicial activities. Judges may only be removed from office for the reasons and in a procedure specified in a cardinal Act. Judges shall not be members of a political party or engage in any political activity.

(2) Professional judges shall be appointed – as laid down in a cardinal Act – by the President of the Republic. Only persons having reached the age of thirty years may be appointed judge. Except for the President of the Curia and President of the National Office for the Judiciary the service relationship of judges shall terminate upon their reaching the general retirement age.

(3) The President of the Curia shall be elected by Parliament from among the judges for nine years at the proposal of the President of the Republic. The President of the Curia shall be elected by a two-thirds majority of the votes of all Members of Parliament.

### **Article 27**

(1) The courts, unless otherwise provided by an Act, shall adjudicate in chambers.

(2) In certain cases and in a manner specified by an Act, lay judges shall also participate in the administration of justice.

(3) Only professional judges may conduct proceedings as a single judge in a case or act as the president of a chamber. In cases specified by an Act, court secretaries may also conduct proceedings within the competence of a single judge; in the course of the court secretary's relevant proceedings paragraph (1) of Article 26 shall apply.

### **Article 28**

In the course of the application of law, courts shall interpret the text of rules of law primarily in accordance with their purposes and with the Fundamental Law. When interpreting the

Fundamental Law or rules of law, it shall be presumed that they serve moral and economical purposes which are in accordance with common sense and the public good.

## **The Prosecution Service**

### **Article 29**

(1) The Prosecutor General and prosecution services shall be independent shall contribute to the administration of justice by exclusively enforcing the State's demand for punishment as public accuser. Prosecution services shall prosecute offences, take action against any other unlawful act or omission, and shall promote the prevention of unlawful acts.

(2) The Prosecutor General and prosecution services shall:

*a)* exercise rights as defined by law, in connection with investigations;

*b)* represent public prosecution in court proceedings;

*c)* supervise the legality of the execution of punishments;

*d)* exercise other tasks and competences as defender of the public interest defined by the Fundamental Law or by an Act.

(3) The organisation of the Prosecution Service shall be headed and directed by the Prosecutor General, who shall appoint public prosecutors. With the exception of the Prosecutor General, the service relationship of public prosecutors shall terminate upon their reaching the general retirement age.

(4) The Prosecutor General shall be elected from among the public prosecutors for nine years by Parliament at the proposal of the President of the Republic. A majority of two-thirds of the votes of all Members of Parliament shall be required to elect the Prosecutor General.

(5) The Prosecutor General shall report annually to Parliament on his or her activities.

(6) Public prosecutors shall not be members of a political party or engage in any political activity.

(7) The detailed rules of the organisation and operation of the Prosecution Service, of the legal status of the Prosecutor General and of public prosecutors, as well as their remuneration shall be laid down in a cardinal Act.

## **The Commissioner for Fundamental Rights**

### **Article 30**

- (1) The Commissioner for Fundamental Rights shall perform fundamental rights protection activities, his or her proceedings may be initiated by anyone.
- (2) The Commissioner for Fundamental Rights shall inquire into those improprieties related to fundamental rights that come to his or her knowledge, or have those improprieties inquired into, and initiate general or specific measures to remedy them.
- (3) Parliament shall elect the Commissioner for Fundamental Rights and his or her deputies for six years with the votes of two-thirds of all Members of Parliament. The deputies shall ensure the protection of the interests of future generations and of the rights of nationalities living in Hungary. The Commissioner for Fundamental Rights and his or her deputies shall not be members of a political party or engage in any political activity.
- (4) The Commissioner for Fundamental Rights shall report annually to Parliament on his or her activities.
- (5) The detailed rules relating to the Commissioner for Fundamental Rights and to his or her deputies shall be laid down in an Act.

## **Local governments**

### **Article 31**

- (1) In Hungary local governments shall function for the administration of local public affairs and the exercise of local public power.
- (2) Local referenda may be held, as laid down in an Act, on any matter within the tasks and competences of the local government.
- (3) The rules relating to local governments shall be laid down in a cardinal Act.

### **Article 32**

- (1) In the management of local public affairs and within the framework of an Act, local governments
  - a)* shall adopt decrees;
  - b)* shall adopt decisions;
  - c)* shall autonomously administer their affairs;
  - d)* shall determine the rules of their organisation and operation;
  - e)* shall exercise rights of ownership with respect to local government property;

- f)* shall determine their budgets and autonomously manage their affairs on the basis thereof;
- g)* may engage in entrepreneurial activities using their assets and revenues available for this purpose, without jeopardising the performance of their mandatory tasks;
- h)* shall decide on the types and rates of local taxes;
- i)* may create local government symbols, and institute local decorations and honorary titles;
- j)* may request information from a competent organ, initiate a decision, or express an opinion;
- k)* may freely associate with other local governments, set up associations for the representation of their interests, cooperate within their competence with local governments from other countries, and become members of international organisations of local governments; and
- l)* shall perform other tasks and exercise other competences laid down in an Act.
- (2) Acting within their competence, local governments shall adopt local government decrees in order to regulate local social relations not yet regulated by an Act or when authorized to do so by an Act.
- (3) Local government decrees shall not be contrary to other rules of law.
- (4) Local governments shall send local government decrees to the metropolitan or county government office immediately after their publication. If the metropolitan or county government office finds that the local government decree or any of its provisions is contrary to a rule of law, it may apply to a court for a review of the local government decree.
- (5) The metropolitan or county government office may apply to a court to establish the local government's failure to comply with its obligation to pass decrees or take decisions based on an Act. Should the local government fail to comply with its obligation to pass decrees or take decisions by the date fixed by the court in its decision establishing failure, the court shall order – upon the initiative of the metropolitan or county government office – that the local government decree or local government decision necessary to remedy the failure be adopted by the head of the metropolitan or county government office on behalf of the local government.
- (6) The property of local governments shall be public property which shall serve the performance of their tasks.

### **Article 33**

- (1) The tasks and competences of a local government shall be performed and exercised by its representative body.



(2) A local representative body shall be headed by the mayor. The president of the county representative body shall be elected by the county representative body from among its members for the term of its mandate.

(3) A representative body may elect committees and set up an office as laid down in a cardinal Act.

### **Article 34**

(1) Local governments and state organs shall cooperate to achieve community goals. An Act may define mandatory tasks and competences for local governments. For the performance of their tasks and the exercise of their competences, local governments shall be entitled to receive proportionate budgetary and other financial means.

(2) An Act may prescribe that mandatory tasks of local governments be performed through associations.

(3) An Act or a government decree authorised by Act may exceptionally specify duties and powers relating to public administration for mayors, presidents of county representative bodies and for heads or clerks of offices of representative bodies.

(4) The Government shall ensure supervision of the legality of local governments through the metropolitan and county government offices.

(5) In the interest of preserving a balanced budget, an Act may prescribe that certain conditions be met, or that local governments obtain the approval of the Government, for local governments to contract a debt or undertake any other commitment of an extent defined by an Act.

### **Article 35**

(1) Local government representatives and mayors shall be elected by direct and secret ballot by citizens eligible to vote, on the basis of universal and equal suffrage, in elections which guarantee free expression of the will of the voters, in the manner laid down in a cardinal Act.

(2) General elections of local representatives and mayors shall be held in October of the fifth year following the previous general election of local representatives and mayors.

(3) The mandate of local representative bodies shall terminate on the day of the general elections for local government representatives and mayors. If elections cannot be held due to a lack of candidates, the mandate of the local representative body shall be extended until the day of the interim elections. The mandate of mayors shall last until the election of the new mayors.

(4) Local representative bodies may declare their dissolution as laid down in 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 whose operation is contrary to the Fundamental Law.

(6) Upon a local representative body dissolving itself or upon it being dissolved, the mandate of the mayor shall also terminate.

## **Public finances**

### **Article 36**

(1) Parliament shall adopt an Act on the central budget and on the implementation of the central budget for each year. The Government shall submit the bill on the central budget and the bill on implementation thereof to Parliament by the deadline provided for in an Act.

(2) The bill on the central budget and the bill on implementation thereof shall contain state expenditures and revenues in the same structure, in a transparent manner and in reasonable detail.

(3) With the adoption of the Act on the central budget, Parliament shall authorise the Government to collect the revenues and effect the expenditures determined in the same.

(4) Parliament shall not adopt an Act on the central budget which would result in the state debt exceeding half of the Gross Domestic Product.

(5) As long as state debt exceeds half of the Gross Domestic Product, Parliament may only adopt an Act on the central budget which provides for state debt reduction in proportion to the Gross Domestic Product.

(6) Derogation from the provisions of paragraphs (4) and (5) shall only be allowed during a special legal order and to the extent necessary to mitigate the consequences of the circumstances triggering the special legal order, or if there is a significant and enduring national economic recession, to the extent necessary to restore the balance of the national economy.

(7) If Parliament fails to adopt the Act on the central budget by the beginning of the calendar year, the Government shall be authorised to collect the revenues determined in the relevant rules of law and, within the framework of the appropriations determined in the Act on the central budget for the previous year, effect the pro-rata expenditures.

### **Article 37**

(1) The Government shall implement the central budget in a lawful and expedient manner, with effective management of public funds and by ensuring transparency.

(2) With the exceptions specified in paragraph (6) of Article 36, no such debt or financial commitment may be assumed in the course of the implementation of the central budget as would allow the state debt to exceed half of the Gross Domestic Product.

(3) As long as the level of state debt exceeds half of the Gross Domestic Product, with the exceptions specified in paragraph (6) of Article 36, no such debt or financial commitment may be assumed in the course of the implementation of the central budget which would result in an increase, as compared to the previous year, of the ratio of state debt in relation to the Gross Domestic Product.

(4) As long as the level of state debt exceeds half of the Gross Domestic Product, the Constitutional Court may, within its competence pursuant to points b) to e) of paragraph (2) of Article 24, review the Acts on the central budget, on the implementation of the budget, on central taxes, on duties and on contributions, on customs duties, and on the central conditions for local taxes as to their conformity with the Fundamental Law exclusively in connection with the rights to life and human dignity, to the protection of personal data, to freedom of thought, conscience and religion, or in connection with the rights related to Hungarian citizenship, and it may only annul these Acts for the violation of these rights. The Constitutional Court shall have the right to annul without restriction Acts governing the above matters if the procedural requirements laid down in the Fundamental Law for the making and publication of such Acts have not been observed.

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

(6) The method for the calculation of the state debt and the Gross Domestic Product, as well as the rules 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 property of the State and of local governments shall be national assets. The aim of the management and protection of national assets shall be to serve the public interest, to satisfy common needs and preserve natural resources, and to take into account the needs of future generations. The requirements for preserving and protecting national assets, as well as for the responsible management thereof, shall be laid down in a cardinal Act.

(2) The scope of the exclusive property and of the exclusive economic activities of the State, as well as the limitations and conditions of the alienation of national assets of outstanding importance for the national economy shall be determined by a cardinal Act with regard to the aims referred to in paragraph (1).

(3) National assets may be transferred only for purposes specified in an Act, with the exceptions specified in an Act, taking into account the requirement of proportionate values.

(4) Contracts for the transfer or utilisation of national assets may be concluded only with an organisation in which there is transparency of ownership structure, organisation, and of the activities relating to the management of the transferred or utilised national assets.

(5) Business organisations in state or local government ownership shall manage their finances in a manner determined by an Act, autonomously and responsibly according to the requirements of legality, expediency, and effectiveness.

### **Article 39**

(1) Only such organisations may receive subsidies or contractual payments from the central budget that have transparency of ownership structure, organisation, and of the activities for which funding is to be used.

(2) Every organisation managing public funds shall publicly account for the management of those funds. Public funds and national assets shall be managed according to the principles of transparency and clean public life. Data relating to public funds and national assets shall be data of public interest.

### **Article 40**

In the interest of predictable contributions to common needs and of a secure livelihood for the elderly, the basic rules for the sharing of public burdens and for the pension system shall be determined in a cardinal Act.

### **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 laid down in a cardinal Act.

(2) The National Bank of Hungary shall perform the supervision of the financial intermediary system.

(3) The Governor and Deputy Governors of the National Bank of Hungary shall be appointed for six years by the President of the Republic.

(4) The Governor of the National Bank of Hungary shall annually report to the Parliament on the activities of the National Bank of Hungary.

(5) Acting on the basis of authorisation by an Act and within his or her functions laid down in a cardinal Act, the Governor of the National Bank of Hungary shall issue decrees; no such decree shall conflict with any Act. In 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.

(6) The detailed rules for the organisation and operation of the National Bank of Hungary shall be laid down in a cardinal Act.

#### **Article 42**

/Repealed by the fifth amendment of the Fundamental Law/

#### **Article 43**

(1) The State Audit Office shall be the organ of Parliament responsible for financial and economic audit. Within its competence as laid down in an Act, the State Audit Office shall audit the implementation of the central budget, the management of public finances, the utilisation of public funds and the management of national assets. The State Audit Office shall carry out its audits according to the criteria of legality, expediency and effectiveness.

(2) The President of the State Audit Office shall be elected for twelve years by Parliament with a majority of two thirds of the votes of all Members of Parliament.

(3) The President of the State Audit Office shall report annually to Parliament on the activities of the State Audit Office.

(4) The detailed rules of the organisation and operation of the State Audit Office shall be laid down in a cardinal Act.

#### **Article 44**

(1) The Budget Council shall be an organ supporting the legislative activity of Parliament; it shall examine whether the central budget is well-founded.

(2) The Budget Council shall take part in the preparation of the Act on the central budget as specified in an Act.

(3) In order to ensure compliance with the requirements set out in paragraphs (4) and (5) of Article 36, the prior approval of the Budget Council shall be necessary for the adoption of the Act on the central budget.

(4) The members of the Budget Council shall be 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 of the operation of the Budget Council shall be regulated by a cardinal Act.

## **The Hungarian Defence Forces**

### **Article 45**

(1) Hungary's armed forces shall be the Hungarian Defence Forces. The core duties of the Hungarian Defence Forces shall be the military defence of the independence, territorial integrity and borders of Hungary, the performance of collective defence and peace-keeping tasks arising from international treaties, as well as the carrying out of humanitarian activities in accordance with the rules of international law.

(2) Unless otherwise provided for by an international treaty, Parliament, the President of the Republic, the National Defence Council, the Government or the competent Minister shall have the right to direct the Hungarian Defence Forces within the framework determined in the Fundamental Law and in a cardinal Act. The Hungarian Defence Forces shall operate under the direction of the Government.

(3) The Hungarian Defence Forces shall take part in the prevention of disasters, and the relief and elimination of their consequences.

(4) Professional staff members of the Hungarian Defence Forces shall not be members of a political party or engage in any political activity.

(5) The detailed rules of the organisation, tasks, direction and control, and operation of the Hungarian Defence Forces shall be laid down in a cardinal Act.

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

### **Article 46**

(1) The core duties of the police shall be the prevention and detection of criminal offences, and the protection of public security, law and order and the order of state borders.

(2) The police shall operate under the direction of the Government.

(3) The core duties of the national security services shall be the protection of the independence and lawful order of Hungary, and the assertion of its national security interests.

(4) The national security services shall operate under the direction of the Government.

(5) Professional staff members of the police and the national security services shall not be members of a political party or engage in any political activity.

(6) The detailed rules of the organisation and operation of the police and the national security services, the rules of the use of covert operative means and methods, as well as the rules relating to national security activities shall be laid down in a cardinal Act.

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

### **Article 47**

(1) The Government shall decide on those troop movements of the Hungarian Defence Forces and of foreign armed forces which involve the crossing of borders.

(2) With the exception of the cases specified in paragraph (3) below, Parliament shall, with a two-thirds majority of the votes of Members of Parliament present, decide on the use of the Hungarian Defence Forces abroad or within Hungary, on their stationing abroad, as well as on the use of foreign armed forces within or departing from the territory of Hungary, or on the stationing of foreign armed forces in Hungary.

(3) The Government shall decide on the use of the Hungarian Defence Forces and of foreign armed forces referred to in paragraph (2) and based on a decision of the European Union or the North Atlantic Treaty Organisation, or on other troop movements thereof.

(4) The Government – while simultaneously informing the President of the Republic – shall immediately report to Parliament any decision made in accordance with paragraph (3), or authorizing the participation of the Hungarian Defence Forces in peace-keeping missions or in humanitarian activities in foreign theatres of operation.

## **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 set up a National Defence Council in the event of the declaration 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 actions aimed at subverting the lawful order or at the acquisition of exclusive power, or in the event of grave acts of violence committed with arms or objects suitable to be used as arms, capable of endangering life and property on a massive scale.

(2) For the declaration of a state of war, the conclusion of peace, or the declaration of a special legal order pursuant to paragraph (1), a majority of two thirds of the votes of all Members of Parliament shall be required.

(3) The President of the Republic shall have the power to declare a state of war, to declare a state of national crisis and set up the Defence Council, or to declare a state of emergency if Parliament is prevented from taking such decisions.

(4) Parliament shall be deemed to be prevented from taking such decisions if it is not in session and its convening is made impossible by insurmountable obstacles caused by lack of time or the events necessitating the declaration of a state of war, state of national crisis or state of emergency.

(5) The Speaker of Parliament, the President of the Constitutional Court and the Prime Minister shall unanimously determine that Parliament is prevented from acting and that the declaration of a state of war, a state of national crisis or a state of emergency is justified.

(6) As soon as Parliament is no longer prevented from acting, it shall at its first sitting review whether the declaration of a state of war, state of national crisis or state of emergency was justified, and decide on the legality of the measures taken. A majority of two-thirds of the votes of all Members of Parliament shall be required for such decision.

(7) During a state of national crisis or a state of emergency Parliament shall not dissolve itself, nor shall it be dissolved. During a state of national crisis or a state of emergency no date shall be set for general elections of Members of Parliament, nor shall such elections be held; in such cases a new Parliament shall be elected within ninety days of the 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 Parliament has not yet had its constitutive sitting, the President of the Republic shall convene the constitutive sitting for a date within thirty days of the termination of the state of national crisis or state of emergency.

(8) If Parliament has dissolved itself or has been dissolved, it may be convened also by the Defence Council during a state of national crisis, or by the President of the Republic during a state of emergency.

## **The state of national crisis**

### **Article 49**

(1) The President of the Defence Council shall be the President of the Republic, and its members shall be the Speaker of Parliament, the leaders of parliamentary fractions, the Prime Minister, the Ministers and – with the right of consultation – the Chief of Staff of the National Defence Forces.

(2) The Defence Council shall exercise

*a)* the powers delegated to it by Parliament;

*b)* the powers of the President of the Republic;

*c)* the powers of the Government.

(3) The National Defence Council shall decide on



*a)* the use of the Hungarian Defence Forces outside or within Hungary, on their participation in peace-keeping missions, on their humanitarian activities in foreign theatres of operation, or on their stationing abroad;

*b)* the use of foreign armed forces within or departing from the territory of Hungary, or their stationing in Hungary;

*c)* the introduction of extraordinary measures laid down in a cardinal Act.

(4) The National Defence Council may adopt decrees with which it may – as laid down in a cardinal Act – suspend the application of certain Acts or derogate from the provisions of Acts, and take other extraordinary measures.

(5) Such decrees of the National Defence Council shall cease to have effect upon termination of the state of national crisis, unless Parliament extends their effect.

## **The state of emergency**

### **Article 50**

(1) The Hungarian Defence Forces may be used during a state of emergency if the use of the police and of the national security services should prove insufficient.

(2) During a state of emergency, if Parliament is prevented from acting, the President of the Republic shall decide on the use of the Hungarian Defence Forces pursuant to paragraph (1).

(3) During a state of emergency the extraordinary measures determined in a cardinal Act shall be introduced by decree of the President of the Republic. In his or her decree, the President of the Republic may – as laid down in a cardinal Act – suspend the application of certain Acts, derogate from provisions of Acts, and take other extraordinary measures.

(4) The President of the Republic shall inform the Speaker of Parliament without delay of any extraordinary measures introduced. During a state of emergency, Parliament – or if it is

prevented from acting, the National Defence Committee of Parliament – shall remain continuously in session. Parliament – or if it is prevented from acting, the National Defence Committee of Parliament – shall have the power to suspend the application of the extraordinary measures introduced by the President of the Republic.

(5) Extraordinary measures introduced by decree shall remain in force for thirty days, unless their effect is extended by Parliament or, if it is prevented from acting, the National Defence Committee of Parliament.

(6) Such decrees of the President of the Republic shall cease to have effect upon termination of the state of emergency.

## **The state of preventive defence**

### **Article 51**

(1) In the event of a danger of external armed attack or in order to fulfil an obligation arising from an alliance, Parliament shall declare a state of preventive defence for a fixed period of time and simultaneously authorise the Government to introduce the extraordinary measures laid down in a cardinal Act. The period of the state of preventive defence may be extended.

(2) For the declaration or extension of the special legal order pursuant to paragraph (1), the votes of two-thirds of the Members of Parliament present shall be required.

(3) After having put forward a motion for the declaration of a state of preventive defence, the Government may, in a decree, introduce measures derogating from the Acts governing the operation of public administration, the Hungarian Defence Forces and law-enforcement organs, of which measures it shall continuously inform the President of the Republic and the competent permanent committees of Parliament. The measures introduced in this way shall remain in force until Parliament's decision 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 by which it may suspend the application of certain Acts, derogate from the provisions of Acts, and take other extraordinary measures as laid down in a cardinal Act.

(5) Such decrees of the Government shall cease to have effect upon termination of the state of preventive defence.

## **Unexpected attacks**

### **Article 52**

(1) In the event of an unexpected incursion of external armed groups into the territory of Hungary, until the decision on the declaration of a state of emergency or state of national crisis the Government shall – if necessary in accordance with the armed defence plan approved by the President of the Republic – take immediate action using forces proportionate to the gravity of the attack and prepared therefor, to repel the attack and defend the territorial integrity of Hungary with domestic and allied emergency air defence and aviation forces in order to protect lawful order, life and property, public order and public security.

(2) The Government shall inform Parliament and the President of the Republic without delay of the action taken pursuant to paragraph (1).

(3) In the event of an unexpected attack, the Government may introduce extraordinary measures laid down in a cardinal Act, and may adopt decrees with which it may – as laid down in a cardinal Act – suspend the application of certain Acts, derogate from the provisions of Acts, and take other extraordinary measures.

(4) Such decrees of the Government shall cease to have effect upon termination of the unexpected attack.

### **The state of danger**

#### **Article 53**

(1) In the event of a natural or industrial disaster endangering life or property, or in order to relieve the consequences thereof, the Government shall declare a state of danger, and may introduce extraordinary measures laid down in a cardinal Act.

(2) During a state of danger the Government may adopt a decree with which it may – as determined in a cardinal Act – suspend the application of certain Acts, derogate from the provisions of Acts, and take other extraordinary measures.

(3) The decree of the Government pursuant to paragraph (2) shall remain in force for fifteen days, except if the Government – on the basis of an authorization from Parliament – extends the effect of the decree.

(4) The decree of the Government shall cease to have effect upon termination of the state of danger.

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

#### **Article 54**

(1) Under a special legal order the exercise of fundamental rights – with the exception of the fundamental rights laid down in Articles II and III, and in paragraphs (2) to (6) of Article XXVIII – may be suspended or restricted beyond the extent defined in paragraph (3) of Article I.

(2) Under a special legal order the application of the Fundamental Law shall not be suspended and the operation of the Constitutional Court shall not be restricted.

(3) A special legal order shall be terminated by the organ empowered to introduce the special legal order if the conditions for its declaration no longer exist.

(4) The detailed rules to be applied under any special legal order shall be laid down in a cardinal Act.

### **CLOSING AND MISCELLANEOUS PROVISIONS**

1. The Fundamental Law of Hungary shall enter into force on 1 January 2012.

2. Parliament shall adopt this Fundamental Law according to point a) of subsection (3) of Section 19 and subsection (3) of Section 24 of Act XX of 1949.
3. The transitional provisions related to the entry into force of the Fundamental Law are contained in Points 8 to 26.
4. The Government shall submit to Parliament the bills necessary for the implementation of the Fundamental Law.
5. Constitutional Court rulings given prior to the entry into force of the Fundamental Law are hereby repealed. This provision is without prejudice to the legal effect produced by those rulings.
6. The 25th day of April shall be Fundamental Law Day to commemorate the publication of the Fundamental Law.
7. The first general election of local representatives and mayors after the entry into force of the Fundamental Law shall take place in October 2014.
8. The coming into force of the Fundamental Law shall not prejudice the effect of laws made, regulatory means of public law organisations and other legal instruments of state control issued, individual decisions made and international legal commitments undertaken before its coming into force.
9. The legal successor of the body assigned remits and powers under Act XX of 1949 on the Constitution of the Republic of Hungary shall be the body assigned remits and powers under the Fundamental Law.
10. The name Republic of Hungary may be used as a reference to Hungary after the coming into force of the Fundamental Law pursuant to the legal provisions effective as of 31 December 2011 until transition to the name laid down in the Fundamental Law can occur according to the principles of responsible financial management.
11. The entry into force of the Fundamental Law shall not affect the mandate of Parliament, the Government and local government representative bodies and persons appointed or elected before the effective date of the Fundamental Law, with the exceptions laid down in Points 12–18.
12. The following provisions of the Fundamental Law shall also be applicable to the mandate of the following persons:
  - a) Articles 3 and 4 to the Parliament and Members of Parliament in office,
  - b) Articles 12 and 13 to the President of the Republic in office,
  - c) Articles 20 and 21 to the Government in office and all Government members in office,
  - d) Article 27(3) to all court secretaries in office,
  - e) Article 33(2) to the Presidents of all county assemblies and

f) Article 35(3)–(6) to all local representative bodies and mayors in office.

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

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

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

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

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

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

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

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

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

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

(3) A procedure launched upon a motion filed with the Constitutional Court by an originator who no longer has the right to file motions under the Fundamental Law before the coming

into force of the Fundamental Law shall terminate, provided that the procedure is to be transferred to the remit of another body that has competence after the effective date of the Fundamental Law. The originator may resubmit the motion according to the conditions defined by cardinal Act.

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

(5) The third sentence of Section 70/E(3) of Act XX of 1949 on the Constitution of the Republic of

Hungary in force as of 31 December 2011 shall be applicable to the benefits which qualify as pension until 31 December 2012 under the rules in force as of 31 December 2011 with respect to any change in their conditions, nature and amount, and to their transformation to other benefits or to their termination.

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

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

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

23. A declared

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

b) state of emergency shall be subject to the provisions of the Fundamental Law on the state of emergency if it was declared due to armed acts aimed at overturning constitutional order or at the exclusive acquisition of power and serious mass acts of violence threatening life and property, committed with arms or by armed persons,

c) state of extreme danger shall be subject to the provisions of the Fundamental Law on the state of extreme danger if it was declared due to a natural disaster or industrial accident massively endangering life or property,

d) state of preventive defence shall be subject to the provisions of the Fundamental Law on the state of preventive defence,

e) state under Section 19/E of Act XX of 1949 on the Constitution of the Republic of Hungary shall be subject to the provisions of the Fundamental Law on unexpected attacks, and

f) state of danger shall be subject to the provisions of the Fundamental Law on the state of danger.

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

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

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

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

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

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

26. The following laws shall be repealed:

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

b) Act I of 1972 on the amendment to Act XX of 1949 and the revised and restated text of the Constitution of the People's Republic of Hungary,

c) Act XXXI of 1989 on the amendment to the Constitution,

d) Act XVI of 1990 on the amendment to the Constitution of the Republic of Hungary,

e) Act XXIX of 1990 on the amendment to the Constitution of the Republic of Hungary,

f) Act XL of 1990 on the amendment to the Constitution of the Republic of Hungary,

- g) the Amendment to the Constitution dated 25 May 2010,
- h) the Amendment to the Constitution dated 5 July 2010,
- i) the Amendments to the Constitution dated 6 July 2010,
- j) the Amendments to the Constitution dated 11 August 2010,
- k) Act CXIII of 2010 on the amendment to Act XX of 1949 on the Constitution of the Republic of Hungary,
- l) Act CXIX of 2010 on the amendment to Act XX of 1949 on the Constitution of the Republic of Hungary,
- m) Act CLXIII of 2010 on the amendment to Act XX of 1949 on the Constitution of the Republic of Hungary,
- n) Act LXI of 2011 on the amendment to Act XX of 1949 on the Constitution of the Republic of Hungary required for the drafting of certain temporary provisions related to the Fundamental Law,
- o) Act CXLVI of 2011 on the amendment to Act XX of 1949 on the Constitution of the Republic of Hungary, and
- p) Act CLIX of 2011 on the amendment to Act XX of 1949 on the Constitution of the Republic of Hungary.

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We, Members of Parliament elected on 25 April 2010, being aware of our responsibility before God and man, and availing ourselves of our power to adopt a constitution, have hereby determined the first unified Fundamental Law of Hungary as above.

**‘May there be peace, freedom and concord.’**

*(The text includes the first, second, third, fourth and fifth amendments of the Fundamental Law)*