

Fundamental Law of Hungary

(25 April 2011)¹

God Bless Hungary!

NATIONAL COMMITMENT AND BELIEF

WE THE PEOPLE OF THE HUNGARIAN NATION, at the dawn of a new millennium declare the following with a bond of duty to all Hungarians:

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

We are proud of our ancestors for having 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 to declare that our nation fought in defense of Europe throughout the centuries and, by means of its ability and diligence, has contributed to the enrichment of the common European heritage.

We acknowledge the role of Christianity in preserving our nation. We respect all religious traditions that may exist within our country.

We are committed to preserve the intellectual and spiritual unity of our nation, torn apart by the storms of the past century. We declare that we consider the nationalities and ethnic groups living in Hungary to be integral parts of the Hungarian political community.²

We pledge to treasure and preserve our heritage: our unique language, the Hungarian culture, the languages and cultural heritage of ethnic groups living in Hungary, and the man-made and natural riches of the Carpathian Basin. We bear responsibility for our descendants; we shall therefore strive to use our material, intellectual and natural resources prudently so as to protect the living conditions of future generations.

We believe that our national culture constitutes a rich contribution to the diversity of a unified Europe.

We respect the freedom and culture of other peoples, and shall endeavor to live in harmony with all nations of the world.

We assert that human dignity is the foundation of human life.

We proclaim that individual freedom can only flourish in partnership with others.

We proclaim that family and nation are the cornerstones of co-existence, with loyalty, faith and love constituting the principal values of unity.

We proclaim that the strength of a community and the self-esteem of every human being are based on work and the achievements of the human intellect.

We proclaim that we are duty-bound to help the vulnerable and the poor.

¹ Adopted by Parliament on 18 April 2011.

² Amended: by subparagraph a) paragraph (1) Article 21 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

We profess that the common goal of the people and the State is to achieve well-being, security, order, justice and liberty.

We proclaim that true democracy exists only where the State serves its citizens and administers their affairs justly and without abuse or bias.

We honor the accomplishments of our historical Constitution and the Holy Crown, which embodies the constitutional continuity of Hungary and national unity.

We refuse to recognize the suspension of our historical Constitution that occurred on the strength of foreign occupation. We do not accept any statutory limitation of the inhuman crimes committed against the Hungarian nation and its citizens under the national socialist and communist dictatorship.³

We refuse to recognize the communist constitution of 1949 and hence declare it to be invalid, for it laid the foundations for tyranny.

We agree with the members of the first freely-elected Parliament, whose first resolution declares that our freedom derived from the Revolution of 1956.

We declare that the self-determination of our State, lost on 19 March 1944, was restored on 2 May 1990 with the formation of our first freely-elected representative body. We also consider this day to be the beginning of a new democracy and constitutional order for our nation.

We proclaim that, after the decades leading to moral ruin in the twentieth century, our need for spiritual and intellectual renewal is paramount.

We trust in a future we can build together, as well as in the devotion of younger generations. We believe that our children and grandchildren - through their ability, perseverance and moral strength - will re-establish the reputation of Hungary.

Our Fundamental Law shall be the basis of our legal system. It shall serve as an alliance of Hungarians of the past, present and the future. It is a living embodiment of the nation's will, an expression of the ideals by which we collectively aspire to live.⁴

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

FUNDAMENTALS

Article A

The name of OUR COUNTRY shall be Hungary.

Article B

- (1) Hungary shall be an independent and democratic State governed by the rule of law.
- (2) The form of government of Hungary shall be that of a republic.
- (3) The source of public authority shall be the people.

³ Amended: by subparagraph a) paragraph (1) Article 21 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

⁴ Amended: by subparagraph a) paragraph (1) Article 21 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

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

Article C

(1) The Hungarian State shall function based on the principle of the distribution of executive powers.

(2) No one shall be allowed to engage in activities directed at the acquisition or exercise of power by force, or to exercise power in an autocratic form. It shall be the right and obligation of all to resist such activities by lawful means.

(3) The State shall have exclusive powers to employ coercive force in order to enforce the Fundamental Law or any other law.

Article D

Hungary, guided by the notion of the unity of all Hungarians within a single Hungarian nation, shall bear responsibility for the fate of Hungarians living outside its borders, shall foster the survival and development of their communities, shall support their efforts and endeavors to preserve their Hungarian identity, shall support them in exercising their individual and community rights as well as the establishment of community endorsed local government, and shall promote their cooperation with each other and with Hungary.

Article E

(1) Hungary shall take an active part in establishing a European unity in the pursuit of freedom, well-being and security for the peoples of Europe.

(2) In its role as a Member State of the European Union and by virtue of international treaty, Hungary may - to the extent necessary for exercising its rights and discharging its obligations stemming from the founding Treaties - exercise certain competencies deriving from the Fundamental Law, together with the other Member States, through the institutions of the European Union.

(3) General binding rules of conduct may be laid down in European Union legislation within the framework set out in Paragraph (2).

(4) The votes of two-thirds of all Members of Parliament shall be required to authorize the recognition of an international treaty referred to in Paragraph (2) as binding in scope.

Article F

(1) The capital of Hungary shall be Budapest.

(2)⁵ The territory of Hungary shall be divided into the following administrative units: the capital city of Budapest, counties, cities and municipalities. Districts may be formed in Budapest and in other cities.

Article G

⁵ Amended: by subparagraph b) paragraph (1) Article 21 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

(1) The child of a Hungarian citizen shall receive Hungarian citizenship by birth. An implementing act may specify other grounds for the origin or acquisition of Hungarian citizenship.

(2) Hungary shall protect its citizens.

(3) No person may be deprived of his or her Hungarian citizenship, provided it was received by birth or acquired in any other lawful manner.

(4) The detailed rules relating to citizenship shall be laid down in an implementing act.

Article H

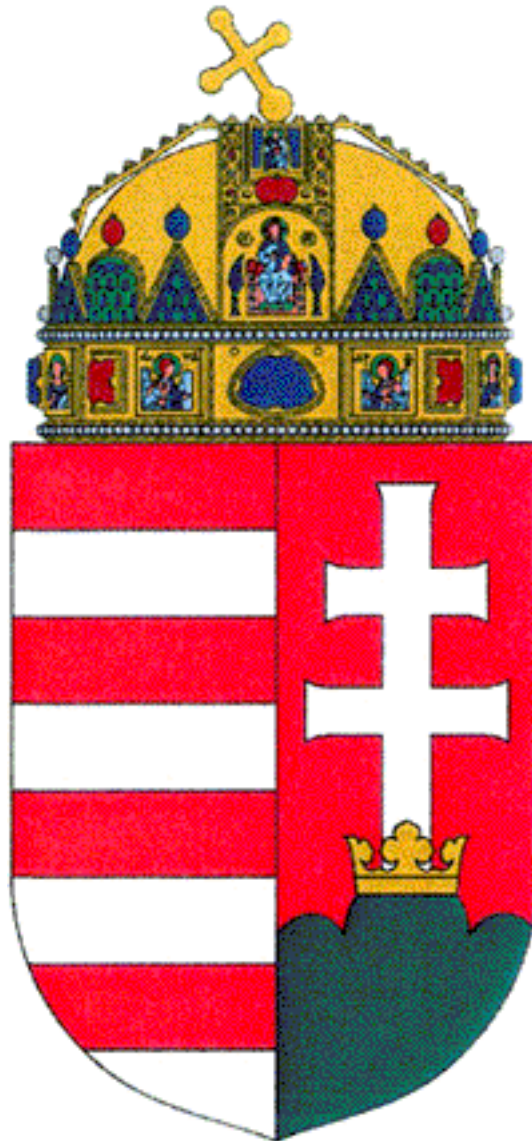
(1) The official language in Hungary shall be Hungarian.

(2) Hungary shall protect the Hungarian language.

(3) Hungary shall protect Hungarian sign language as part of Hungarian culture.

Article I

(1) The coat of arms of Hungary shall be a divided shield, its base described by two intersecting arcs meeting at a point. The dexter (the left half as viewed) shall contain eight alternating red and silver horizontal stripes. The sinister (the right half as viewed) shall have a field of red with a depiction of three green hills at its base, the central (higher) hill supporting a golden crown, through which rises a silver patriarchal cross. The top of the shield shall be horizontal, and shall support a depiction of the Holy Crown of Hungary.



(2) The flag of Hungary shall be a horizontal tricolor consisting of - from top to bottom - red, white and green stripes of the same width where the red represents strength, white signifies loyalty and green symbolizes hope.



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

(4) The coat of arms and the flag may also be used in other historically developed forms. The detailed rules for the use of the coat of arms and the flag shall be laid down in an implementing act, in addition to state honors and decorations.

Article J

(1) The national holidays of Hungary shall be as follows:

a) the 15th day of March, commemorating the Revolution and War of Independence of 1848/49;

b) the 20th day of August, commemorating the foundation of the State and its founder and first king, Szent István (Saint Stephen);

c) the 23rd day of October, commemorating the Revolution and War of Independence of 1956.

(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)⁶ Hungary shall protect the institution of marriage, the conjugal union of a man and a woman based on their voluntary and mutual consent; Hungary shall also protect the institution of the family, which is the foundation for the survival of the nation. The basis for family relationship is marriage, as well as the relationship between parent and child.

(2) Hungary shall promote the commitment to have and raise children.

(3) The protection of families shall be regulated by an implementing act.

Article M

(1) The economy of Hungary shall be based upon work as the very foundation of productivity, and upon the freedom of enterprise.

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

Article N

(1) Hungary is committed to the principle of a balanced, transparent and sustainable management of the budget.

(2) Parliament and the Government shall have primary responsibility for fulfillment of the principle pursuant to Paragraph (1).

(3) The Alkotmánybíróság (*Constitutional Court*), the courts, municipal governments and other public bodies shall respect the principle referred to in Paragraph (1) in discharging their duties.

⁶ Established: by Article 1 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

Article O

Everyone shall bear responsibility for his or her own self, and shall contribute to the performance of state and community tasks according to his or her ability and faculty.

Article P⁷

(1) Natural resources, particularly arable land, forests and water resources, as well as biological diversity, in particular native plant and animal species and cultural values shall comprise the nation's common heritage; responsibility to protect and preserve them for future generations lies with the State and every individual.

(2)⁸ The regulations relating to the acquisition of ownership of arable land and forests, including the limits and conditions of their use for achieving the objectives set out under Paragraph (1), and the rules concerning the organization of integrated agricultural production and on family farms and other agricultural holdings shall be laid down in an implementing act.

Article Q

(1) In order to establish and maintain peace and security, and to ensure the sustainable development of humanity, Hungary shall endeavor to live in harmony with all the peoples and countries of the world.

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

(3) Hungary shall accept the generally recognized rules of international law. Other sources of international law shall be incorporated into Hungarian law upon their promulgation by laws.

Article R

(1) The Fundamental Law shall form the basis of Hungary's legal system.

(2) The Fundamental Law and the other laws shall be binding upon everyone.

(3) The provisions of the Fundamental Law shall be interpreted in accordance with their intended purpose, with the Fundamental Law's National Commitment, and with the achievements of our historical Constitution.

Article S

(1) The adoption of a new Fundamental Law or the amendment of the existing Fundamental Law may be initiated by the President of the Republic, the Government, any parliamentary committee, or any Member of Parliament.

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

⁷ Established: by Article 1 of the Third Amendment of the Fundamental Law of Hungary. In force: as of 22. 12. 2012.

⁸ Amended: by subparagraph c) paragraph (1) Article 21 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

(3)⁹ The Speaker of Parliament shall sign the adopted Fundamental Law or the adopted amendment thereof within five days and forward it to the President of the Republic. The President of the Republic shall sign the Fundamental Law, as received, or the amendment thereof, as received, within five days of receipt and shall order its publication in the official journal. If the President of the Republic is of the opinion that the procedural requirements set out in the Fundamental Law for adopting the Fundamental Law or any amendment thereof have not been met, the President of the Republic shall submit it to the Alkotmánybíróság (*Constitutional Court*) for review. If the review of the Alkotmánybíróság did not find any infringement of said requirements, the President of the Republic shall sign the Fundamental Law or the amendment thereof without delay and shall order its publication in the official journal.

(4) The designation of the amendment of the Fundamental Law for the purposes of publication shall contain the title, the number of the amendment and the day of promulgation.

Article T

(1)¹⁰ Generally binding rules of conduct shall be laid down in the Fundamental Law and in legal acts adopted by bodies vested with legislative power by the Fundamental Law, and published in the official journal. Different rules for the promulgation of municipal government decrees and laws adopted under special legal order may be provided for by an implementing act.

(2) Legal act having the force of law shall mean acts of Parliament, government decrees, decrees adopted by the Prime Minister and other ministers, decrees adopted by the Governor of the Magyar Nemzeti Bank, any decree of the head of an autonomous regulatory agency, as well as municipal decrees. Moreover, legal act shall also mean the decrees issued by the National Defense Council during a state of national crisis or by the President of the Republic in a state of emergency.

(3) No law may be contrary to the Fundamental Law.

(4) 'Implementing act' shall mean an act of Parliament which may be passed or amended subject to two-thirds majority of the Members of Parliament present.

Article U¹¹

(1) The form of government based on the rule of law for making public policy, established by the will of the nation upon the first free elections in 1990 and the previous communist dictatorship are irreconcilable. The Magyar Szocialista Munkáspárt (*Hungarian Socialist Workers' Party*) and its predecessors, and all other political organizations set up in their service under the communist ideology were criminally charged organizations whose leaders are interminably responsible:

a) for running a system of oppression and despotism, for the criminal acts they have committed, and for betraying the nation;

⁹ Established: by Article 2 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

¹⁰ Amended: by subparagraph d) paragraph (1) Article 21 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

¹¹ Enacted: by Article 3 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

b) for purging all democratic attempts after World War II for a multi-party political system, relying on the military might of Soviet Union;

c) for building a legal order based on exclusive authority and illegitimacy;

d) for eliminating an economy resting on the freedom of ownership and for bankrupting the country through indebtedness;

e) for subordinating the economy, national defense, diplomacy and human resources of Hungary to foreign powers;

f) for the systematic destruction of European civilization, legacy and prominence;

g) for depriving the people or certain groups of citizens of their basic human rights, or grossly curtailing such rights, in particular for murdering people, for selling them out to foreign powers, for their unlawful incarceration, deportation to forced labor camps, torture and inhuman treatment; for indiscriminately depriving the people of their wealth and possessions, for censorship of their property rights; for depriving the people of all freedom rights and liberties, for exerting central control on political activities such as the freedom of expression of their political will; for the discrimination of people on the basis of race, worldview or political conviction, and for blocking their progression and advancement on the basis of knowledge, sedulity and talent; for setting up and maintaining a secret police force for the surveillance of people, for unlawfully invading the people's right to privacy and for asserting influence upon them;

h) for crushing the Hungarian Revolution and Uprising of 1956 in collaboration with the Soviet invasion forces, and for the ensuing terror, persecution and retaliatory actions, and for forcing two hundred thousand Hungarians to flee their homeland;

i) for all of the politically motivated common criminal acts they committed, and which for political reasons were not prosecuted by the judicial system.

The political organizations legally recognized in the process of the democratic transition as the successors of Magyar Szocialista Munkáspárt share the responsibility of their predecessors, being the heirs of the wealth they had amassed unlawfully.

(2) In light of what is contained in Paragraph (1), the communist dictatorship is to be exposed clearly and truthfully, and the veracity of the people is to be satisfied in accordance with Paragraphs (3)-(10).

(3) The Nemzeti Emlékezet Bizottsága (*National Memorial Commission*) will be established in order to preserve the memory of the communist dictatorship at the State level. The Nemzeti Emlékezet Bizottsága shall investigate the functioning of the communist dictatorship and the role of individuals and organizations, which held the powers of the communist regime, and shall publish the results of its findings in an extensive report and other documents.

(4) Those in power under the communist dictatorship shall perforce tolerate public statements regarding their role and acts related to the functioning of the communist regime, with the exception of deliberate and essentially untrue statements; their personal data in relation to these roles and acts may be made public.

(5) The pension or other allowances of communist leaders defined by law, granted by the State based on the relevant legislation, may be reduced to a degree specified by an act of Parliament. The revenues from such reduction shall be used according to the relevant legislation for alleviating the injuries caused by the communist dictatorship and preserving the memory of its victims.

(6) The serious crimes defined by law, committed against Hungary or against individuals in the name or in the interest of the single-party state, or with its consent during the communist

dictatorship, which were not prosecuted for political reasons through the oversight of penal law in effect at the time when the crime was committed shall not be considered statute-barred.

(7) The statute of limitation for crimes defined in Paragraph (6) begins at the time the Fundamental Law entered into force and lasts in accordance with the criminal laws in effect at the time the crime was committed, provided that the statute of limitation would have expired before 1 May 1990 under the criminal law in effect at the time the crime was committed.

(8) If, under the laws in effect at the time the crime was committed, the statute of limitation for crimes defined in Paragraph (6) expired between 2 May 1990 and 31 December 2011, and the crime was not prosecuted, the statute of limitation begins at the time the Fundamental Law entered into force and expires after the period equal to the period between the date when the crime was committed and 1 May 1990.

(9) No legislation may be adopted for establishing new grounds for compensation with a view to providing pecuniary or other form of benefits to persons unlawfully deprived of their lives or freedom for political reasons, or to persons having suffered undue damage caused by the State before 2 May 1990.

(10) The documents of the communist state party, of societal and youth organs created with the active participation of or directly controlled by, the communist state party, and of trade unions are now considered as State property, and as such, shall be placed in public archives, similar to documents comprising a part of the archives of bodies with public service functions.

FREEDOMS AND RESPONSIBILITIES

Article I

(1) Inviolable and inalienable human rights shall be respected. It shall be the primary obligation of the State to protect these rights.

(2) Hungary shall recognize the fundamental human rights, exercised either individually or collectively with other members of the community.

(3) The rules relating to fundamental rights and obligations shall be laid down in an act of Parliament. A fundamental right may only be restricted in order to enforce another fundamental right or to protect a constitutional value, to the extent that is absolutely necessary and proportionate to the objective pursued, and with respect to the essential content of the relevant fundamental right.

(4) Legal entities established on the basis of an act of Parliament shall also have these fundamental rights, and they shall also be bound by those obligations which, by their nature, are applicable not only to human beings.

Article II

Human dignity shall be inviolable. Everyone shall have the right to life and human dignity; the life of the fetus 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) Under no circumstances shall anyone be subjected to medical or scientific experiment without his or her free and informed consent.

(3) Practices aimed at eugenics, making the human body and its parts as such a source of financial gain, and human cloning shall be prohibited.

Article IV

(1) Everyone shall have the right to freedom and personal security.

(2) No one shall be deprived of his or her freedom, except on the grounds and in accordance with the procedures specified by an act of Parliament. A sentence of life imprisonment without parole may only be imposed for violent intentional crimes.

(3) Any individual suspected of having committed a criminal offence and held in detention shall either be released or shall be brought before a court within the shortest possible period of time. The court shall be required to give the detained individual a hearing and shall make a decision, with the grounds stated in writing, to either release the individual or place him or her under arrest without undue delay.

(4) Any person whose freedom has been wrongly or unlawfully restricted shall be entitled to appropriate compensation.

Article V

Everyone has the right - in accordance with the law - to use reasonable force to protect his or her person or property from imminent bodily harm or against the peril with which he or she is threatened at the hands of an aggressor.

Article VI

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

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

(3) An independent authority created by means of an implementing act of Parliament shall supervise the protection of personal data and the granting of the right of access to data of public interest.

Article VII

(1) Everyone shall have the right to freedom of thought, conscience and religion. This right includes freedom to change religion or belief and freedom, either alone or in community with others and in public or in private, to manifest religion or belief through religious acts or ceremonies, or in any other way, in worship, teaching, practice and observance.

(2)¹² People of the same faith or religious belief shall be entitled to establish religious communities in an organizational form provided for in the relevant implementing act in which to practice their religion.

¹² Established: by paragraph (1) Article 1 of the Fifth Amendment of the Fundamental Law of Hungary. In force: as of 1. 10. 2013.

(3)¹³ In Hungary the State and religious communities shall be separated. Religious communities shall be independent entities.

(4)¹⁴ The State and religious communities may collaborate for the public interest. Such cooperation shall be decided by Parliament, upon the religious community's request. The cooperating religious community shall function as a listed church. The State shall grant special licenses to listed churches having regard to their participation in tasks aiming to achieve certain goals in the public interest.

(5)¹⁵ The common rules relating to the religious communities, the conditions of collaboration, listed churches and the detailed regulations pertaining to them shall be laid down in an implementing act.

Article VIII

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

(2) Everyone shall have the right to establish or join organizations.

(3) Political parties may be established and may operate freely on the basis of the right to freedom of assembly. Political parties shall participate in the formation and expression of the will of the people. Political parties may not directly exercise executive powers.

(4) The detailed rules for the operation and financial management of political parties shall be laid down in an implementing act.

(5) Trade unions and other interest groups may be established and may operate freely on the basis of the right to freedom of assembly.

Article IX

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

(2) Hungary shall recognize and protect the freedom and diversity of the press, and shall ensure the conditions for the freedom to receive and impart information as is necessary in a democratic society.

(3)¹⁶ In the interest of information related to the formation of public opinion in a democratic way during an election campaign period, political advertisement may be published in media services free of any consideration according to the requirements laid down in the relevant implementing act with the aim of promoting equal opportunity.

(4)¹⁷ Exercising the freedom of expression and opinion cannot be aimed at violating other persons' human dignity.

¹³ Established: by paragraph (1) Article 1 of the Fifth Amendment of the Fundamental Law of Hungary. In force: as of 1. 10. 2013.

¹⁴ Established: by paragraph (1) Article 1 of the Fifth Amendment of the Fundamental Law of Hungary. In force: as of 1. 10. 2013.

¹⁵ Enacted: by paragraph (2) Article 1 of the Fifth Amendment of the Fundamental Law of Hungary. In force: as of 1. 10. 2013.

¹⁶ Established: by Article 2 of the Fifth Amendment of the Fundamental Law of Hungary. In force: as of 1. 10. 2013.

¹⁷ Enacted: by paragraph (2) Article 5 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

(5)¹⁸ Exercising the freedom of expression and opinion cannot be aimed at violating the dignity of the Hungarian nation or the dignity of any national, ethnic, racial or religious group. Members of such groups are entitled to bring action before the court - as defined by law - against any statement considered injurious to the group alleging violation of their human dignity.

(6)¹⁹ The detailed rules relating to the freedom of the press and to the supervision of media services, press products and the communications market shall be laid down in an implementing act.

Article X

(1) Hungary shall protect the freedom of scientific research and artistic expression, as well as the freedom of learning and - within the framework defined by law - teaching so as to attain the highest level of knowledge possible.

(2) The State shall not be entitled to decide on questions of scientific fact. Only scientists shall be entitled to evaluate scientific research.

(3)²⁰ Hungary shall protect the freedom of scientific research and artistic expression of the Magyar Tudományos Akadémia (*Hungarian Academy of Sciences*), and the Magyar Művészeti Akadémia (*Hungarian Academy of Arts*). As regards the contents and methods of research and teaching, institutions of higher education shall have sovereignty, whereas their organizational structure shall be governed by an act of Parliament. Within the framework of the relevant legislation, the Government shall determine the financial structure of the State's higher educational institutions and the Government shall monitor their financial management.

Article XI

(1) Every Hungarian citizen shall have the right to formal and non-formal education.

(2) Hungary shall implement this right through the dissemination of and by providing general access to, community culture, by providing free and compulsory primary schooling, free and universally accessible secondary education, and higher education made available to all on the basis of their ability, as well as by providing financial support as laid down in an act of Parliament to those receiving education.

(3)²¹ An act of Parliament may set as a condition for receiving financial aid at a higher educational institution the participation in, for a specific period of time, employment or enterprise that is regulated by Hungarian law.

Article XII

¹⁸ Enacted: by paragraph (2) Article 5 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

¹⁹ Enacted: by paragraph (2) Article 5 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

²⁰ Established: by Article 6 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

²¹ Enacted: by Article 7 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

(1) Everyone shall have the right to freely choose his or her job or profession, and the freedom to conduct a business. Everyone shall have a duty to contribute to the enrichment of the community through his or her work, performed according to his or her abilities and faculties.

(2) Hungary shall endeavor to ensure the possibility of employment to everyone who is able and willing to work.

Article XIII

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

(2) Expropriation shall only be permitted in exceptional cases, when such action is in the public interest, and only in such cases and in the manner stipulated by an act, under terms of full, unconditional and immediate compensation.

Article XIV

(1) Hungarian citizens may not be expelled from the territory of Hungary, and may return from abroad at any time. Foreign nationals residing in the territory of Hungary may be expelled only on the basis of a lawful decision. Collective expulsions are prohibited.

(2) No one may be removed, expelled or extradited to a State where there is a serious risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment.

(3) Hungary shall, if neither their country of origin nor another country provides protection, extend the right of asylum to non-Hungarian citizens who, in their native country or the country of their usual place of residence, are subject to persecution on the basis of race or nationality, their alliance with a specific social group, religious or political conviction, or whose fear of being subject to persecution is well founded.

Article XV

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

(2) Hungary shall guarantee the fundamental rights to everyone without discrimination based on any ground such as race, color, sex, disability, language, religion, political or any other opinion, ethnic or social origin, wealth, birth or any other circumstance whatsoever.

(3) Women and men shall have equal rights.

(4)²² Hungary shall promote equal opportunities and social convergence by means of introducing special measures.

(5)²³ Hungary shall introduce specific measures to protect families, children, women, the elderly and the disabled.

Article XVI

²² Amended: by subparagraph e) paragraph (1) Article 21 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

²³ Amended: by subparagraph f) paragraph (1) Article 21 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

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

(2) Parents shall have the right to choose the form and method of rearing their children.

(3) Parents shall provide care for their minor children. This obligation includes the education of their child.

(4) Children of adult age shall provide care for their parents if they are in need.

Article XVII

(1) Employees and employers shall cooperate with each other taking into consideration the objective to provide employment and the sustainability of the national economy as well as other community goals.

(2)²⁴ In accordance with the relevant legislation, employees and employers, and their organizations shall have the right to enter into negotiations for the purpose of concluding collective agreements, and to act jointly in order to protect their interests, which covers the right of workers to go on strike.

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

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

Article XVIII

(1) The employment of children shall be prohibited, with the exception of cases laid down in an act of Parliament where their physical, intellectual or moral development is not endangered.

(2) Hungary shall ensure the protection of young people and parents at work by means of introducing specific measures.

Article XIX

(1)²⁵ Hungary shall endeavor to provide social security to all of its citizens. Every Hungarian citizen shall be entitled to assistance laid down in the relevant legislation in the case of maternity, illness, disability or impairment, or if he or she becomes a widow(er) or orphan, or loses employment due to circumstances beyond his or her control.

(2) For those with special social needs pertaining to the reasons referred to in Paragraph (1), or for other reasons, Hungary shall provide social security through a system of social institutions and measures.

(3) The nature and extent of social measures may be determined by an act of Parliament also in accordance with the usefulness to the community of the activity performed by the person who is the beneficiary of the social measure.

(4) Hungary shall advocate the livelihood of the elderly by maintaining a single compulsory pension system based on social solidarity, and by authorizing the operation of social institutions established on a voluntary basis. The conditions of entitlement to state pension may be specified

²⁴ Amended: by subparagraph g) paragraph (1) Article 21 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

²⁵ Amended: by subparagraph h) paragraph (1) Article 21 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

by an act of Parliament also by taking into consideration the requirement of increased protection for women.

Article XX

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

(2) Hungary shall facilitate the enforcement of the right referred to in Paragraph (1) by ascertaining that the agricultural sector is free of all genetically modified organisms, by providing access to healthy foodstuffs and potable water, by the protection of occupational health, by health care institutions and medical care, by supporting sports and regular physical exercise, as well as by ensuring the protection of the man-made and natural environment.

Article XXI

(1) Hungary shall recognize and implement the right of all to a healthy environment.

(2) Any environmental damage shall as a priority be rectified at source in accordance with the relevant legislation and the principle that the polluter shall pay.

(3) It is prohibited to import waste to Hungary for the purpose of disposal.

Article XXII²⁶

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

(2) Within the framework of ensuring decent living conditions, the State and municipal governments shall endeavor to guarantee housing for every homeless person.

(3) An act of Parliament or municipal decree may outlaw the use of certain specific sections of public areas for habitation in the interest of protection of public policy, public safety, public health and cultural values.

Article XXIII

(1) All adult Hungarian citizens shall have the right to vote and to stand as candidates in parliamentary elections, on local ballots for the election of council members and mayors, and in elections to the European Parliament.

(2) All adult citizens of other Member States of the European Union who reside in Hungary shall have the right to vote and to stand as candidates on local ballots for the election of council members and mayors and in elections to the European Parliament.

(3) All adult persons holding refugee, immigrant or permanent resident status in Hungary shall have the right to vote on local ballots for the election of council members and mayors.

(4) By an implementing act, voters may be required to reside in Hungary in order to exercise or fully exercise their right to vote, or they may also be required to meet additional criteria to stand for election.

(5) For the election of council members and mayors, voters shall cast their votes on ballots at the place where their residence or registered place of abode is located. Voters shall be able to

²⁶ Established: by Article 8 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

exercise their right to vote at the place where their residence or registered place of abode is located.

(6) Those deprived of their right to vote by a court due to the commission of a criminal offence or owing to their mental state shall not have the right to vote. Citizens of other Member States of the European Union who reside in Hungary shall not have the right to be elected if they have been deprived of such right in the Member State of their citizenship by the laws of that Member State or by a judicial or other official decision.

(7) All those entitled to vote in parliamentary elections shall have the right to vote in national referenda. All those entitled to vote in local elections for the election of council members and mayors shall have the right to vote in local referenda.

(8) All Hungarian citizens shall have the right to hold public office according to their aptitude, education and professional competence. Public offices that may not be held by members or officials of political parties shall be specified in an act of Parliament.

Article XXIV

(1) Everyone shall have the right to have his or her affairs handled impartially, fairly and within a reasonable time by the authorities. This right includes the obligation of such authorities to give reasons for their decisions.

(2) Everyone shall have the right to demand compensation, as specified in an act of Parliament, for damages unlawfully caused by the authorities in discharging their duties.

Article XXV

Everyone shall have the right to submit - either individually or jointly with others - a written request, complaint or proposal to any organ exercising executive powers.

Article XXVI

The State, in order to increase its efficiency, the quality of public services, the transparency of public affairs, and to promote the principle of equal opportunity, shall endeavor to employ the latest results of science and technology.

Article XXVII

(1) Everyone residing lawfully in the territory of Hungary shall have the right to move freely, and to freely choose his or her place of residence.

(2) Every Hungarian citizen shall have the right to enjoy the protection of Hungary during his or her stay abroad.

Article XXVIII

(1) In the determination of his or her civil rights and obligations or of any criminal charge against him or her, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

(2) Everyone who has been charged shall be presumed innocent until proved guilty by final court decision according to law.

(3) Anyone indicted in criminal proceedings shall be entitled to defense at all stages of such proceedings. Defense counsels shall not be held accountable for their opinions expressed in defense arguments.

(4) No one shall be held guilty of any criminal offense on account of any act which did not constitute a criminal offense under Hungarian law or - within the meaning specified by international treaty or any legislation of the European Union - at the time when it was committed.

(5) Paragraph (4) shall not prejudice the trial and punishment of any person for any act which, at the time when it was committed, was criminal according to the general principles recognized by the community of nations under international law.

(6) With the exception of cases of remedy defined by law, no one shall be liable to be tried or punished again in criminal proceedings for an offense for which he or she has already been finally acquitted or convicted in Hungary or - within the meaning specified by international treaty or any legislation of the European Union - in another Member State in accordance with the law.

(7) Everyone shall have the right to seek remedy against judicial, administrative or other official decisions, which infringe upon his or her rights or legitimate interests.

Article XXIX

(1) Nationalities and ethnic groups living in Hungary shall be constituent elements of the State. Every Hungarian citizen belonging to a nationality or ethnic group shall have the right to freely declare and maintain his or her identity. Nationalities and ethnic groups living in Hungary shall have the right to use their mother tongue, to use their own names in their native language, to foster their culture and to receive education in their mother tongue.

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

(3)²⁷ The detailed provisions relating to the rights of nationalities and ethnic groups living in Hungary, the nationalities and conditions for the recognition of nationalities, and the rules for the election of their local and national self-governments shall be laid down in an implementing act. Recognition of a nationality may be rendered conditional in an implementing act upon the specific length of residence and predetermined number of members of a group that petition for recognition.

Article XXX

(1) Every person shall contribute, according to their capacity or to the extent of involvement in the economy, to financing the needs of the community.

(2) For those raising children, the extent of contribution to financing the needs of the community shall be determined by taking into consideration the expenses of child rearing.

Article XXXI

(1) All Hungarian citizens have the obligation to defend their country.

(2) Hungary shall maintain a volunteer reservist system for national defense.

²⁷ Established: by Article 9 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

(3) During a state of national crisis, or if Parliament has so decided on a state of preventive defense, all men of legal age and of Hungarian citizenship who reside in Hungary shall be subject to compulsory military service. Persons subject to compulsory military service recognized as conscientious objectors of armed service shall perform service without bearing arms. The forms and detailed rules of military service shall be laid down in an implementing act.

(4) For the duration of a state of national crisis, Hungarian citizens of legal age residing in Hungary may be obliged, as laid down in an implementing act, to perform defense-related work.

(5) Hungarian citizens of legal age residing in Hungary may be obliged, as laid down in an implementing act, to perform national defense or disaster-related tasks by participating in civil defense.

(6) Every person may be obliged, as laid down in an implementing act, to perform national defense or disaster-related tasks by providing economic or material services.

THE STATE

The Parliament

Article 1

(1) HUNGARY's supreme body of popular representation is the Parliament.

(2) The Parliament shall:

a) adopt the Fundamental Law of Hungary;

b) adopt other acts;

c) adopt the central budget and approve its implementation;

d) give authorization to recognize the binding force of international treaties falling within its powers and competence;

*e)*²⁸ elect the President of the Republic, the members and the President of the Alkotmánybíróság (*Constitutional Court*), the President of the Kúria (*Curia*), president of the Országos Bírósági Hivatal (*National Office for the Judiciary*), the Prosecutor General, the Commissioner for Fundamental Rights and his deputies, and the President of the Állami Számvevőszék (*State Audit Office*);

f) elect the Prime Minister, decide upon questions of confidence relating to the Government;

g) dissolve representative councils which operate in a way that is contrary to the Fundamental Law;

h) decide upon the declaration of state of war, and on entering into a peace treaty;

i) make decisions related to a special legal order and to military operations;

j) exercise general amnesty;

k) perform other tasks and exercise other competencies laid down in the Fundamental Law or in other acts of Parliament.

Article 2

²⁸ Amended on the base: of subparagraph i) paragraph (1) Article 21 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

(1) Members of Parliament shall be elected by the constituents by direct universal and equal suffrage in a secret ballot which guarantees free expression of the will of voters, in accordance with the procedures laid down in an implementing act.

(2) The participation in the work of Parliament of nationalities living in Hungary shall be governed in an implementing act.

(3) The general election of Members of the Parliament - with the exception of the elections held due to the Parliament's declaration of dissolution or the Parliament having been dissolved - shall be held in the month of April or May of the fourth year of the election of the previous Parliament.

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 from the parliamentary elections.

(2) The Parliament may declare its own dissolution.

(3) The President of the Republic shall have powers to dissolve the Parliament, and at the same time set a date for new elections, if:

a) the candidate nominated by the President of the Republic for Prime Minister when the mandate of the Government terminates is not elected by Parliament within a period of forty days from the date of initial nomination;

b) Parliament fails to adopt the central budget for a given year by 31 March of that year.

(4) Prior to the dissolution of Parliament, the President of the Republic shall request the opinion of the Prime Minister, the Speaker of Parliament and the leaders of the parliamentary groups of the parties represented in Parliament.

(5) The President of the Republic may exercise his or her right pursuant to Point *a)* of Paragraph (3) until the Parliament elects the prime minister. The President of the Republic may exercise his or her right pursuant to Point *b)* of Paragraph (3) until the Parliament adopts the central budget.

(6) The new Parliament shall be elected within ninety days from the dissolution of Parliament.

Article 4

(1) The rights and obligations of Members of Parliament shall be equal, they shall carry out their duties in the public interest, and they may not be given instructions in that regard.

(2) Members of Parliament shall be entitled to immunity and shall be adequately remunerated to ensure their independence. An implementing act shall define the public offices which may not be held by Members of Parliament, and may specify other cases of incompatibility.

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

a) upon the termination of the mandate of the Parliament;

b) upon death;

c) upon declaration of incompatibility;

d) upon resignation;

e) if the requirements for his or her election are no longer satisfied; or

f) if he or she has not participated in the work of Parliament for a year.

(4) The Parliament shall decide upon the declaration of non-compliance with the requirements for election, upon the declaration of incompatibility, and on the absence of a Member of

Parliament from the work of Parliament for a period of one year with a majority of two-thirds of the votes of the Members of Parliament present.

(5) The detailed rules on the legal status and the remuneration of Members of Parliament shall be laid down in an implementing act.

Article 5

(1) Sessions of Parliament shall be open to the public. At the request of the Government or any Member of Parliament, and with the votes of two-thirds of all Members of Parliament, it may decide to hold a closed session.

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

(3) Parliament shall set up standing committees from among its members.

(4)²⁹ In order to coordinate their activities, Members of Parliament shall have the right to establish parliamentary groups in accordance with the conditions laid down within the framework of the House Rules.

(5) The Parliament shall have a quorum if more than half of its Members are present.

(6)³⁰ Except where the Fundamental Law provides otherwise, Parliament shall adopt its resolutions by a simple majority of votes of the Members present. Provisions of the House Rules may stipulate that certain decisions are to be made by a qualified majority.

(7)³¹ Parliament shall establish its rules of procedure and debate within the framework of its House Rules, to be adopted by a majority of two-thirds of the votes of the Members of Parliament present. With a view to maintaining order and to protecting the dignity of Parliament, the Speaker of the Parliament is vested with power to enforce disciplinary action as laid out within the framework of the House Rules.

(8) The provisions governing the regular sessions of Parliament shall be laid down in an implementing act.

(9)³² The security of Parliament is guaranteed by the Parliament Guard. The Parliament Guard operates under the direction of the Speaker of the Parliament.

Article 6

(1) Laws may be adopted at the initiative of the President of the Republic, the Government, any parliamentary committee, or any Member of Parliament.

(2) At the motion submitted by the initiator of an act, the Government or the Speaker of Parliament before the final vote, Parliament may send the adopted act to the Constitutional Court

²⁹ Amended on the base: of subparagraph j) paragraph (1) Article 21 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

³⁰ Amended: by subparagraph k) paragraph (1) Article 21 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013. Amended: by paragraph (1) Article 6 of the Fifth Amendment of the Fundamental Law of Hungary. In force: as of 1. 10. 2013. The change does not effect the English version.

³¹ Established: by paragraph (1) Article 10 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

³² Enacted: by paragraph (2) Article 10 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

to examine it for conformity with the Fundamental Law. Parliament shall decide upon the motion after the final vote. If the motion is approved by Parliament, the Speaker of Parliament shall immediately send the adopted act to the Constitutional Court to examine its conformity with the Fundamental Law.

(3) The Speaker of Parliament shall sign the adopted act within five days and forward it to the President of the Republic. The President of the Republic shall sign the act within five days and order its promulgation. If Parliament has sent the act to the Constitutional Court to examine its conformity with the Fundamental Law pursuant to Paragraph (2), the Speaker of Parliament may sign it and forward it to the President of the Republic only if the Constitutional Court did not find it contrary to 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 its conformity has not been examined pursuant to Paragraph (2), he shall send the act to the Constitutional Court to examine it for conformity with the Fundamental Law.

(5) If the President of the Republic disagrees with the act or any of its provisions and has not exercised his authority referred to in Paragraph (4), prior to signing the act he may return it, together with comments, to the Parliament for reconsideration on one occasion. Parliament shall deliberate over the act once more and decide upon passing it once again. The President of the Republic may exercise this right also if in the course of the deliberations according to the resolution of the Parliament the Constitutional Court did not find the act to be contrary to the Fundamental Law.

(6) The Constitutional Court shall decide upon the motion pursuant to Paragraphs (2) or (4) in priority, in any case within thirty days at the latest. If the Constitutional Court found the act unconstitutional, Parliament shall renew deliberation of the act in order to terminate the infringement.

(7) If the Constitutional Court did not find the act unconstitutional when examining it at the initiative of the President of the Republic, the President of the Republic shall sign the act without delay and shall order its promulgation.

(8) The Constitutional Court may be requested to conduct another examination, pursuant to Paragraphs (2) and (4), concerning the conformity of the act - which was debated and adopted by Parliament pursuant to Paragraph (6) - with the Fundamental Law. The Constitutional Court shall decide upon the second request in priority, in any case within ten days at the latest.

(9) If Parliament amends the act that has been returned by the President of the Republic for reconsideration, examination for conformity with the Fundamental Law may be requested under Paragraph (2) or (4) solely in respect of the amended provisions, or alleging non-compliance with the formalities and procedures laid down by the Fundamental Law relating to passing the act in question. If Parliament passes the act that has been returned by the President of the Republic for reconsideration once again without any changes, the President of the Republic may initiate examination for conformity with the Fundamental Law alleging non-compliance with the formalities and procedures laid down by the Fundamental Law relating to passing the act in question.

Article 7

(1) Members of Parliament may address questions to the Commissioner for Fundamental Rights, to the President of the Állami Számvevőszék, to the Chief Public Prosecutor and to the Governor of Magyar Nemzeti Bank on any matter which falls within their respective competence.

(2) Members of Parliament may address interpellations or questions to the Government or any member of the Government on any matter which falls within their respective competence.

(3) The inquiries of parliamentary committees and the obligation to appear before these committees shall be regulated by an implementing act.

National Referendum

Article 8

(1) At the initiative of at least two hundred thousand voters, Parliament shall order a national referendum. At the initiative of the President of the Republic, the Government, or one hundred thousand voters, Parliament may order a national referendum at its discretion. The result of a valid and successful referendum shall be binding upon the Parliament.

(2) Questions falling within the powers and competencies of Parliament may be the subject of national referenda.

(3) National referenda may not be held on the following subjects:

- a)* questions aimed at amending the Fundamental Law;
- b)* the central budget, implementation of the budget, taxes to the central government, duties, contributions, customs duties, or the content of acts determining the central requirements related to local taxes;
- c)* the contents of acts of Parliament on the election of Members of Parliament, of council members of municipal governments and mayors, as well as of Members of the European Parliament;
- d)* commitments arising from international treaties;
- e)* personal matters and questions concerning the establishment of organizations that fall within the competence of Parliament;
- f)* the dissolution of Parliament;
- g)* the dissolution of a representative council;
- h)* the declaration of a state of war, a state of national crisis or a state of emergency, and the declaration and extension of a state of preventive defense;
- i)* questions concerning participation in military operations;
- j)* amnesty.

(4) A national referendum shall be deemed valid if more than half of all voters have cast valid votes, and it shall be deemed successful if more than half of those voting validly have given the same answer to the question being voted on.

The President of the Republic

Article 9

(1) The Head of State of Hungary shall be the President of the Republic, who embodies the unity of the nation and is the guardian of the democratic functioning of the State.

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

(3) The President of the Republic shall:

- a)* represent Hungary;
- b)* have the right participate in and take the floor at the sessions of Parliament;

c) have powers to initiate an act of Parliament;
d) have powers to initiate national referenda;
e) set the date for general parliamentary elections, and municipal elections of council members and mayors, as well as the dates for the elections to the European Parliament and for national referenda;

f) make decisions concerning a special legal order;

g) convene the inaugural session of Parliament;

h) have powers to dissolve the Parliament;

i)³³ have the right to send the adopted Fundamental Law or the adopted amendment thereof to the Alkotmánybíróság for review to verify compliance with the procedural requirements set out in the Fundamental Law, as well as an act adopted by Parliament to the Alkotmánybíróság to examine it for conformity with the Fundamental Law, or send it back to Parliament for reconsideration;

j)³⁴ put forward nominations for the posts of the Prime Minister, the President of the Curia, president of the Országos Bírósági Hivatal, the Prosecutor General and the Commissioner for Fundamental Rights;

k) appoint professional judges and the Chair of the Budget Council;

l)³⁵ confirm the appointment of the President of the Magyar Tudományos Akadémia (*Hungarian Academy of Sciences*) and the President of the Magyar Művészeti Akadémia (*Hungarian Academy of Arts*);

m) decide upon how he will structure the office of the President.

(4) The President of the Republic shall:

a) recognize the binding force of international treaties under authorization by the Parliament;

b) appoint and accredit ambassadors and envoys;

c) appoint ministers, the Governor and deputy governors of the Magyar Nemzeti Bank, the heads of autonomous regulatory agencies and university professors;

d) appoint university rectors;

e) appoint and promote generals;

f) award titles, medals of merit and decorations specified by an act of Parliament, and authorize the wearing of foreign state medals;

g) exercise the right to grant presidential pardons;

h) decide upon land and territorial issues falling under his authority and competence;

i) decide upon cases related to the granting and termination of citizenship;

j) decide in all other matters conferred under his competence by law.

(5) The actions and decisions of the President of the Republic referred to in Paragraph (4) shall be signed off by a Member of the Government. An act of Parliament may prescribe that the signature of a Member of the Government is not required for a decision conferred by law under the competence of the President of the Republic.

(6) The President of the Republic shall refuse to comply with the provisions of Points b)-e) of Paragraph (4) if the conditions specified by law have not been met, or if there are reasonable

³³ Established: by Article 11 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

³⁴ Amended on the base: of subparagraph l) paragraph (1) Article 21 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

³⁵ Amended: by subparagraph m) paragraph (1) Article 21 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

grounds to believe that compliance with such provisions would severely prejudice the democratic functioning of the State.

(7) The President of the Republic shall refuse to carry out Point *f*) of Paragraph (4) if it would likely infringe upon the values of the Fundamental Law.

Article 10

(1) Parliament shall elect the President of the Republic for a period of five years.

(2) Any Hungarian citizen who has reached the age of thirty-five is eligible to stand for election as President of the Republic.

(3) The President of the Republic may be re-elected to this office on one occasion only.

Article 11

(1) The President of the Republic shall be elected not earlier than thirty days and not later sixty days prior to the expiry of the previous President's mandate, or, if the President's mandate terminates prematurely, within thirty days from the date of termination. The Speaker of Parliament shall announce the election of the President of the Republic. The Parliament shall elect the President of the Republic by secret ballot.

(2) The election of the President of the Republic shall be preceded by a nomination procedure. For a nomination to be valid, it shall be seconded by at least one-fifth of all Members of Parliament in writing. The nomination shall be submitted to the Speaker of Parliament prior to the vote being scheduled. Each Member of Parliament may nominate one candidate. If a Member of Parliament nominates more than one candidate, all such nominations shall be considered invalid.

(3) In the first round of voting two-thirds of the votes of Members of Parliament is required for the President of the Republic to be elected.

(4) If the first round of voting is unsuccessful, a second round shall be held. The two nominees receiving the highest and second highest number of votes in the first round may stand in the second round. In the event of a tie for first place in the first round, the nominees having received the highest number of votes may stand in the second round. In the event of a tie for second place in the first round, the nominees having received the two highest number of votes may stand in the second round. In the second round, the nominee receiving the highest number of valid votes - regardless of the number of voters - shall be elected President of the Republic. If the second round of voting is declared unsuccessful as well, a new election shall be held on the basis of new nominations.

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

(6) The President-elect of the Republic shall take office upon expiry of the previous President's mandate, or, if the previous President's mandate terminated prematurely, on the eighth day following the announcement of the result of the election; prior to taking office the President 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 all other state, social, economic or political offices or mandates. The President of the Republic shall not be otherwise gainfully employed and shall not accept remuneration for other activities, with the exception of such activities as are protected by copyright.

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

- a) upon completion of his term of office;
- b) upon death;
- c) if unable to fulfil his duties for a period of more than ninety days;
- d) if the requirements for his election are no longer satisfied;
- e) upon declaration of incompatibility;
- f) upon resignation;
- g) upon removal from the office of President of the Republic.

(4) Parliament shall decide upon having to declare the President of the Republic unable to fulfil his duties for a period of more than ninety days and on his failure to comply with the requirements for election, and also upon the declaration of incompatibility with a majority of two-thirds of the votes of the Members of Parliament present.

(5)³⁶ The detailed rules for the legal status of the President of the Republic, including former presidents, as well as his remuneration shall be laid down in an implementing act.

Article 13

(1) Criminal proceedings against the President of the Republic may be initiated only after the expiry of his term in office.

(2)³⁷ Impeachment proceedings against a President of the Republic for any willful infringement of the Fundamental Law, or violating any other law while in office, or for committing an intentional criminal offense may be initiated by one-fifth of all Members of Parliament.

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

(4) The President of the Republic may not exercise his powers from the time of Parliament having passed the resolution for the opening of impeachment proceedings, until the conclusion of the proceedings.

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

(6) If, as a result of its proceedings the Constitutional Court finds the President of the Republic guilty as charged, it may remove the President of the Republic from office.

Article 14

(1) In the event that the President of the Republic is temporarily prevented from attending to his duties, or if President's mandate terminates, the Speaker of Parliament shall exercise the powers of the President of the Republic until the newly elected President takes office.

³⁶ Amended: by paragraph (2) Article 1 of the First Amendment of the Fundamental Law of Hungary. In force: as of 19. 06. 2012.

³⁷ Amended: by subparagraph n) paragraph (1) Article 21 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013. The change does not effect the English version.

(2) The temporary inability of the President of the Republic to fulfil his duties shall be declared by Parliament upon the initiative of the President of the Republic, the Government or any Member of Parliament.

(3) While acting on behalf of the President of the Republic, the Speaker of Parliament may not exercise his or her duties as a Member of Parliament, and his or her duties as Speaker of Parliament shall be attended to by the Deputy Speaker of Parliament designated by the Parliament.

The Government

Article 15

(1) The Government is the general means of executive power; its tasks and competencies shall encompass all that is not expressly conferred by the Fundamental Law or any other legislation under the competence of another body. The Government shall answer to Parliament.

(2) The Government shall be the principal organ of public administration; it may establish government agencies pursuant to provisions laid down by law.

(3) In the performance of its duties, the Government shall adopt decrees in matters not regulated by an act of Parliament, or under authorization given by an act of Parliament.

(4) Government decrees may not be contrary to any act of Parliament.

Article 16

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

(2) The Prime Minister shall appoint one or more deputy prime ministers from among the ministers by means of a decree.

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

(4) A simple majority of votes cast by 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 the recommendation referred to in Paragraph (3):

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

b) within a period of fifteen days from 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 interest, non-compliance with the conditions required for his or her election, or upon the Parliament having passed a vote of no confidence in respect of the Prime Minister.

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

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

(8) The Government is considered formed upon appointment of the ministers.

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

Article 17

- (1) The ministries shall be listed in an act of Parliament.
- (2) Ministers without portfolio may be appointed to perform specific tasks determined by the Government.
- (3) The Budapest and county government offices shall function as the public administration bodies of the Government of territorial jurisdiction.
- (4) The provisions of an implementing act regarding the designation of ministries, ministers or administrative bodies may be amended by an act of Parliament.
- (5) The legal status of government officials shall be governed by act of Parliament.

Article 18

- (1) The Prime Minister shall define the general policy of the Government.
- (2) The minister shall - within the framework of the general policy of the Government - autonomously run the sectors assigned under his or her competence, including the subordinate bodies, and perform the tasks assigned by the Government or the Prime Minister.
- (3) Members of the Government shall have authority to issue decrees under authorization by an act or government decree, in the performance of their respective duties, at their own discretion or in agreement with another minister. Such decrees, however, may not be contradictory to any act or government decree, or any decree of the Governor of Magyar Nemzeti Bank.
- (4) Members of the Government shall give account of their activities to Parliament, and ministers shall give account of their activities to the Prime Minister. Members of the Government may participate in and take the floor at sessions of the Parliament. The Parliament or a parliamentary committee may order any Member of the Government to appear at its session.
- (5) The detailed provisions relating to 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 of Parliament.

Article 19

Parliament may request information from the Government on its position to be represented in the decision-making procedures of those institutions of the European Union that require government participation, and may take a stand on the draft placed on the agenda. In the course of the decision-making process within the European Union, the Government shall represent the position taken by the Parliament.

Article 20

- (1) The mandate of the Government shall terminate upon the termination of the Prime Minister's mandate.
- (2) The Prime Minister's mandate shall terminate:
 - a) upon inauguration of a newly-elected Parliament;
 - b) if Parliament expresses lack of confidence in the Prime Minister and elects a new Prime Minister;
 - c) if Parliament expresses lack of confidence in the Prime Minister in the course of a vote of confidence initiated by the Prime Minister;
 - d) upon resignation;

- e) upon death;
- f) upon declaration of incompatibility;
- g) if the requirements for his or her election are no longer satisfied.

(3) A minister's mandate shall terminate:

- a) upon termination of the Prime Minister's mandate;
- b) upon resignation;
- c) upon dismissal;
- d) upon death.

(4) Parliament shall decide upon the declaration of non-compliance with the requirements for the Prime Minister's election and upon the declaration of incompatibility with a majority of two-thirds of the votes of the Members of Parliament present.

Article 21

(1) A motion of censure against the Prime Minister may be introduced in writing - along with the nomination of the candidate for the new Prime Minister - by no less than one-fifth of all Members of Parliament.

(2) If the Parliament supports the motion of censure, it thereby expresses its lack of confidence in the Prime Minister, and also elects the person nominated in the motion of censure for the office of Prime Minister. A simple majority of the votes cast by Members of Parliament shall be required for such decision.

(3) The Prime Minister may propose a vote of confidence. Parliament is considered to express its lack of confidence in the Prime Minister unless in the vote of confidence proposed by the Prime Minister the majority of Members of Parliament supports the Prime Minister's proposal.

(4) The Prime Minister may propose that the vote on a Government proposal be considered as a vote of confidence as well. If Parliament does not support the proposal submitted by the Government, the Parliament shall be regarded as having expressed lack of confidence in the Prime Minister.

(5) Parliament shall decide on the question of confidence between three to eight days from the time of submission of the motion of censure or of the Prime Minister's motion submitted pursuant to Paragraphs (3) and (4).

Article 22

(1) The Government, from the termination of its mandate until the formation of a new government, shall function as a caretaker government, however, it may not recognize the binding force of international treaties and may adopt decrees only in case of an urgency and on the basis of express authorization provided for by an act of Parliament.

(2) If the mandate of the Prime Minister is terminated upon his or her resignation, or upon the inauguration of a newly-elected Parliament, the Prime Minister shall serve as a caretaker prime minister until the new Prime Minister is elected, however, he or she may not propose the dismissal of a minister or the appointment of a new minister, and may issue a decree only in case of an urgency and on the basis of express authorization provided for by an act of Parliament.

(3) If the mandate of the Prime Minister has ended due to his or her death, due to incompatibility or to the absence of conditions required for his or her election, or due to the fact that the Parliament has expressed its lack of confidence in the Prime Minister in a vote of no confidence, the powers of the Prime Minister shall be exercised by a deputy prime minister until

a new Prime Minister is elected, with the limitations provided for in Paragraph (2) hereof, or by the principal Deputy Prime Minister designated if there are more than one deputy prime ministers.

(4) A minister shall temporarily 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 appointment of another member of the new Government with the relevant ministerial powers, however, a caretaker minister may issue a decree only in case of an urgency.

Autonomous Regulatory Agencies

Article 23

(1) Parliament shall have authority to establish autonomous regulatory agencies in an implementing act for carrying out certain tasks and exercising certain competencies of the executive branch.

(2) The heads of autonomous regulatory agencies shall be appointed by the Prime Minister, or by the President of the Republic on a recommendation by the Prime Minister, for a period specified by an implementing act. The heads of autonomous regulatory agencies shall appoint their deputy or deputies.

(3) The heads of autonomous regulatory agencies shall report annually to Parliament on their activities.

(4) As provided for by an act of Parliament, the heads of autonomous regulatory agencies shall have powers to issue decrees under authorization conferred by an implementing act, and such decrees may not be contradictory to any act of Parliament, a Government decree, a decree of the Prime Minister, any ministerial decree or a decree of the Governor of Magyar Nemzeti Bank. In issuing a decree, the heads of autonomous regulatory agencies may be substituted by the deputy they have designated by means of a decree.

The Constitutional Court

Article 24

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

(2) The competence of the Constitutional Court includes:

a) the *ex ante* examination of the constitutionality of acts of Parliament adopted but not yet promulgated;

*b)*³⁸ review under priority, in any case within ninety days at the latest, upon judicial initiative, of laws to be applied in a specific case with regard to their conformity with the Fundamental Law;

c) review, on the basis of a constitutional complaint, of laws to be applied in a specific case or of a judicial decision with regard to their conformity with the Fundamental Law;

³⁸ Established: by paragraph (1) Article 12 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013. Amended: by paragraph (2) Article 6 of the Fifth Amendment of the Fundamental Law of Hungary. In force: as of 1. 10. 2013.

d) review, on the basis of a constitutional complaint, of court decisions for conformity with the Fundamental Law;

*e)*³⁹ review laws with regard to their conformity with the Fundamental Law at the initiative of the Government, one-fourth of all Members of Parliament, President of the Kúria, the Prosecutor General, or the Commissioner of Fundamental Rights;

f) examine the conformity of national legislation with international treaties;

g) perform other tasks and exercise other competencies laid down in the Fundamental Law and in a implementing act.

(3) The Constitutional Court shall:

*a)*⁴⁰ within its competence under Points *b)*, *c)* and *e)* of Paragraph (2), annul any law or statutory provision that is contrary to the Fundamental Law;

b) within its competence under Point *d)* of Paragraph (2), annul any court decision that is contrary to the Fundamental Law;

*c)*⁴¹ may, within its competence under Point *f)* of Paragraph (2), annul any law or statutory provision that is contrary to an international treaty;

and/or may apply other consequences as laid down in an implementing act.

(4)⁴² The Alkotmánybíróság may review and annul legal provisions, that have not been contested in a petition, only if such provisions are substantively related to the provisions contested.

(5)⁴³ The Alkotmánybíróság may review the Fundamental Law and an amendment to the Fundamental Law only with respect to the procedural requirements set out in the Fundamental Law pertaining to the adoption and the promulgation of the Fundamental Law and any amendment thereof. This review may be initiated by:

a) the President of the Republic, in the case where the Fundamental Law or an amendment to the Fundamental Law was adopted by Parliament but not yet promulgated;

b) the Government, one fourth of all Members of Parliament, the President of the Kúria, the Prosecutor General, or the Commissioner for Fundamental Rights within thirty days of promulgation.

(6)⁴⁴ The Alkotmánybíróság shall decide upon a priority motion pursuant to Paragraph (5), in any case within thirty days at the latest. If the Alkotmánybíróság resolves that the Fundamental Law or an amendment to the Fundamental Law does not comply with the procedural requirements provided for in Paragraph (5):

³⁹ Established: by paragraph (2) Article 12 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

⁴⁰ Amended: by subparagraph o) paragraph (1) Article 21 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013. Amended: by paragraph (3) Article 6 of the Fifth Amendment of the Fundamental Law of Hungary. In force: as of 1. 10. 2013.

⁴¹ Amended: by subparagraph p) paragraph (1) Article 21 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013. Amended: by paragraph (3) Article 6 of the Fifth Amendment of the Fundamental Law of Hungary. In force: as of 1. 10. 2013.

⁴² Established: by paragraph (3) Article 12 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

⁴³ Established: by paragraph (3) Article 12 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

⁴⁴ Enacted: by paragraph (4) Article 12 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

a) in case of Paragraph (5)a), Parliament shall reopen debate for the Fundamental Law or the amendment to the Fundamental Law;

b) in case of Paragraph (5)b), the Alkotmánybíróság shall annul the Fundamental Law or the amendment to the Fundamental Law.

(7)⁴⁵ The Alkotmánybíróság shall hear, according to the rules defined in an implementing act, the legislator, the initiator of an act, or their representative, or shall obtain their opinion in the course of its procedure, if the case concerns a large segment of the population. This phase of the procedure shall be open to the public.

(8)⁴⁶ The Alkotmánybíróság shall be composed of fifteen members elected for twelve-year terms by Parliament subject to a majority of two-thirds of the votes of all Members of Parliament. Parliament shall elect a president from among the members of the Alkotmánybíróság with a majority of two-thirds of the votes of all Members of Parliament, whose mandate shall last as long as he or she is a judge of the Alkotmánybíróság. Members of the Alkotmánybíróság may not be members of a political party or engage in any political activities.

(9)⁴⁷ The detailed rules of the competencies, organizational structure and functioning of the Alkotmánybíróság shall be laid down in an implementing act.

The Judicature

Article 25

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

(2) The courts shall adjudicate:

a) criminal cases, private cases, and other matters defined by law;

b) the legality of administrative decisions;

c) the legality of municipal decrees, and shall annul them where appropriate;

d) cases in which to declare a municipal government at fault in failing to comply with legislative requirements defined by law.

(3) In addition to what is contained in Paragraph (2) hereof, the Curia shall ensure the unification of jurisprudence, and shall pass resolutions in the interest of law which shall be binding for all courts.

(4)⁴⁸ The judicial system shall be organized at hierarchical levels. Special courts for specific groups of cases may be established.

(5)⁴⁹ The President of the Országos Bírósági Hivatal (*National Office for the Judiciary*) shall manage the central administrative affairs of the courts. The Országos Bírői Tanács (*National*

⁴⁵ Enacted: by paragraph (4) Article 12 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

⁴⁶ Enacted: by paragraph (4) Article 12 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

⁴⁷ Enacted: by paragraph (4) Article 12 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

⁴⁸ Established: by paragraph (1) Article 13 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

⁴⁹ Established: by Article 3 of the Fifth Amendment of the Fundamental Law of Hungary. In force: as of 1. 10. 2013.

Committee of Justices) shall oversee the central administration of courts. The Országos Bírói Tanács and other bodies of judicial self-government shall participate in the administration of the courts.

(6)⁵⁰ The President of the Országos Bírósági Hivatal shall be elected by Parliament from among the judges for a period of nine years on a recommendation by the President of the Republic. The President of the Országos Bírósági Hivatal shall be elected by a two-thirds majority of votes of Members of Parliament. The President of the Kúria shall have a seat in the Országos Bírói Tanács, and other members shall be elected by the judges as specified in an implementing act.

(7)⁵¹ Other bodies may also be authorized to hear certain disputes under an act of Parliament.

(8)⁵² Detailed rules of the organizational structure and administration of courts and for the supervision of their central administration, the legal status and the remuneration of judges shall be laid down in an implementing act.

Article 26

(1) Judges shall be independent and shall answer only to the law. Judges may not be instructed in relation to judicature. Judges may only be removed from office on grounds and according to procedures specified in an implementing act. Judges may not be members of political parties and may not engage in political activities.

(2)⁵³ Professional judges shall be appointed by the President of the Republic as laid down in an implementing act. Candidates to be appointed judges must be at least thirty years of age. With the exception of the president of the Kúria and the president of the Országos Bírósági Hivatal, judges shall be allowed to remain in office up to the statutory retirement age for old-age pension.

(3) The President of the Curia shall be elected by Parliament for a period of nine years on a recommendation by the President of the Republic. The President of the Curia shall be elected by a two-thirds majority of votes of all Members of Parliament.

Article 27

(1) The courts, unless provided otherwise by an act of Parliament, shall adjudicate in chamber.

(2) Lay judges shall also participate in the adjudication of certain cases specified by law, in a manner specified therein.

(3) Only professional judges may function as single judges and presiding judges. In cases specified by law court secretaries shall be authorized to act as substitutes for single judges, in which capacity they shall proceed in accordance with Paragraph (1) of Article 26.

⁵⁰ Established: by Article 3 of the Fifth Amendment of the Fundamental Law of Hungary. In force: as of 1. 10. 2013.

⁵¹ Established: by paragraph (1) Article 13 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

⁵² Enacted: by paragraph (2) Article 13 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013. Amended: by paragraph (4) Article 6 of the Fifth Amendment of the Fundamental Law of Hungary. In force: as of 1. 10. 2013.

⁵³ Amended: by subparagraph q) paragraph (1) Article 21 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

(4)⁵⁴

Article 28

In judicature, the courts shall in principle interpret the laws in light of their purpose and in accordance with the Fundamental Law. When interpreting the Fundamental Law or any other law, it shall be presumed that they are reasonable and of benefit to the public, serving virtuous and economical ends.

Prosecution

Article 29

(1)⁵⁵ The Prosecutor General and the Prosecution Service are independent entities, and as such are the sole representatives of prosecution in the judicial system enforcing the punitive authority of the State. The Prosecution Service shall prosecute criminal offenses, take action against other illegal acts and omissions and facilitate the prevention of illegal acts.

(2) The Prosecutor General and the Prosecution Service shall:⁵⁶

*a)*⁵⁷ exercise powers, in accordance with the relevant legislation, in relation to criminal investigations;

b) represent the prosecution in court proceedings;

c) supervise penal institutions as regards issues of legality;

*d)*⁵⁸ perform, being the protector of public interest, other tasks and exercise other competencies specified by the Fundamental Law or other laws.

(3) The prosecution service shall be headed and directed by the Prosecutor General. The Prosecutor General shall appoint public prosecutors. With the exception of the Prosecutor General, public prosecutors shall be allowed to remain in office up to the statutory retirement age for old-age pension.

(4) The Prosecutor General shall be elected by Parliament on a recommendation by the President of the Republic for a term of nine years. 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 may not be members of political parties and may not engage in political activities.

⁵⁴ Repealed: by paragraph (1) Article 7 of the Fifth Amendment of the Fundamental Law of Hungary. No longer in force: as of 1. 10. 2013.

⁵⁵ Amended: by subparagraph r) paragraph (1) Article 21 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

⁵⁶ Amended: by subparagraph s) paragraph (1) Article 21 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

⁵⁷ Amended: by subparagraph t) paragraph (1) Article 21 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

⁵⁸ Amended: by subparagraph u) paragraph (1) Article 21 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

(7) The detailed provisions on the organizational structure and functioning of the Prosecution Service, as well as the legal status and remuneration of the Prosecutor General and public prosecutors, shall be laid down in an implementing act.

The Commissioner for Fundamental Rights

Article 30

(1) The Commissioner for Fundamental Rights shall undertake activities aimed at protecting fundamental rights. The Commissioner's proceedings may be requested by anyone.

(2) The Commissioner for Fundamental Rights shall himself or herself investigate - or have investigated by others - any wrong related to fundamental rights that have come to his or her knowledge, and shall initiate general or specific measures for their remedy.

(3) Parliament shall elect the Commissioner for Fundamental Rights and his or her deputies for a period of six years with the votes of two-thirds of all Members of Parliament. The Commissioner's deputies shall be responsible to protect the rights of future generations and nationalities and ethnic groups living in Hungary. The Commissioner for Fundamental Rights and his or her deputies may not be members of a political party and may not engage in political activities.

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

(5) The detailed regulations relating to the Commissioner for Fundamental Rights and to his or her deputies shall be laid down by law.

Local Authorities

Article 31

(1) In Hungary municipal governments are set up for the administration of public affairs locally and for exercising local public authority.

(2) A local referendum may be held in accordance with the relevant legislation in connection with matters falling under the responsibility of the municipal government.

(3) The regulations relating to municipal governments shall be laid down in an implementing act.

Article 32

(1) In connection with local public affairs the municipal government shall, within the framework of law:

- a) adopt decrees;
- b) pass resolutions;
- c) autonomously administer its affairs;
- d) determine its organizational structure and rules of operation;
- e) exercise ownership rights with respect to the property of the municipal government;
- f) determine its budget and autonomously manage its financial affairs on the basis thereof;
- g) have the option to engage in business activities using its assets and revenues, these activities, however, may not jeopardize the performance of its statutory tasks;

- h)* decide on the types and rates of local taxes;
 - i)* have the right to create its own symbols and institute local honors and titles of merit;
 - j)* have the right to request information from the competent organ, initiate the delivery of a decision, and express its opinion;
 - k)* have the right to freely associate with other municipal governments, set up associations for the representation of its interests; cooperate with municipal governments from other countries in matters falling within its competence, and seek membership in international organizations of municipal governments;
 - l)* perform other tasks and exercise other competencies laid down by law.
- (2) A municipal government, acting within its competence, shall issue municipal decrees relating to local affairs of society, which are not regulated by an act of Parliament, and when expressly authorized by law to do so.
- (3) A municipal government decree may not be contrary to any other legislation.
- (4) Following promulgation, municipal governments shall forthwith send their decrees to the competent Budapest or county government office. If the competent Budapest or county government office finds the municipal decree or any provisions thereof unlawful, it may initiate the judicial review of the municipal decree in question.
- (5)⁵⁹ Budapest and county government offices shall have powers to bring action against any municipal government alleging the omission of obligation to adopt decrees and to pass resolutions on the strength of law on the municipal government's part. If the municipal government fails to discharge its obligation to adopt decrees and to pass resolutions inside the time limit the court has prescribed in its ruling on the omission, the court shall - at the initiative of the relevant Budapest or county government office - order the head of the Budapest or county government office to draw up the municipal decree or municipal resolution with a view to remedying the omission in the name of the municipal government at fault.
- (6) The assets controlled by municipal governments shall be public property, serving the performance of municipal government tasks.

Article 33

- (1) The powers and jurisdictions of a municipal government shall be exercised by the council of representatives.
- (2) The local council shall be governed by a mayor. The chairman of the county representative council shall be elected by the council from its members for the term of the council.
- (3) Councils shall have powers to elect committees and set up their own offices as laid down in an implementing act.

Article 34

- (1) Municipal governments and the State shall cooperate in order to achieve the goals of the community. Statutory tasks and responsibilities for municipal governments may be conferred by an act of Parliament only. In order to perform their tasks and responsibilities, municipal governments shall be entitled to receive budgetary and other financial means as commensurate.

⁵⁹ Amended: by subparagraph v) paragraph (1) Article 21 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

(2) An act of Parliament may prescribe that a statutory task of a municipal government be performed within the framework of an association.

(3)⁶⁰ In accordance with the relevant legislation or a government decree authorized by law, in exceptional cases the mayor, the chairperson of the county representative council, and the head or administrator of the council office may be delegated to attend to state administrative duties and responsibilities.

(4) The Government shall exercise supervision of the legality of municipal governments through the Budapest and county government offices.

(5) In order to maintain a balanced budget, an act of Parliament may restrict the borrowing of municipal governments above a specific limit, as well as their other commitments subject to certain conditions or Government approval.

Article 35

(1) Municipal government council members and mayors shall be elected by the constituents by direct universal and equal suffrage in a secret ballot which guarantees the free expression of the will of voters, in accordance with the procedures laid down in an implementing act.

(2)⁶¹ Local elections of municipal government council members and mayors shall be held in the month of October of the fifth year following the previous election of municipal government council members and mayors.

(3) The mandate of the representative council shall last until the day of the general election of council members and mayors. If elections cannot be held due to a lack of candidates, the mandate of the representative council shall be extended until the day of by-election. The mandate of a mayor shall last until the election of a new mayor.

(4) A representative council may declare its dissolution in accordance with the conditions laid down in an implementing act.

(5) Parliament shall dissolve the council of representatives functioning contrary to the Fundamental Law upon receipt of a motion of the Government submitted following consultation with the Constitutional Court.

(6) Upon dissolution of a council of representatives the mandate of the mayor shall also end.

Public Funds

Article 36

(1) Parliament shall adopt an act on the central budget for each calendar year and on the implementation of the central budget. The Government shall present the bill on the central budget and the bill on the implementation of the central budget to Parliament within the time limit prescribed by law.

(2) The bill on the central budget and the bill on the implementation of the central budget shall contain all state expenditures and revenues in an identical format, in a transparent manner and in reasonable detail.

⁶⁰ Established: by Article 15 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

⁶¹ Established: by Article 16 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

(3) Passing the act on the central budget shall also constitute the Parliament's authorization to the Government to collect the revenues and make the expenditures specified therein.

(4) Parliament may not pass an act on the central budget in consequence of which the government debt would exceed half of the gross domestic product.

(5) Insofar as the level of government debt exceeds half of the gross domestic product, Parliament may only adopt an act on the central budget which envisages a decrease of the government debt relative to the gross domestic product.

(6) Any derogation from the provisions contained in Paragraphs (4) and (5) is permitted only during a special legal order and to the extent necessary to mitigate the consequences of circumstances triggering the special legal order, or, in the event of a significant and lasting national economic recession, to the extent necessary to restore the balance of the national economy.

(7) If the Parliament has not adopted the act on the central budget by the beginning of the calendar year, the Government shall be authorized to collect the revenues determined in the relevant legislation and, within the framework of the appropriations set out in the act on the central budget for the previous year, make the expenditures as commensurate.

Article 37

(1) The Government shall implement the central budget lawfully and efficiently, under the principle of prudence and transparency.

(2) In the implementation of the central budget, the Government may not - with the exceptions specified in Paragraph (6) of Article 36 - commit to a loan or undertake any financial obligations in consequence of which the government debt would exceed half of the gross domestic product.

(3) Insofar as the level of government debt exceeds half of the gross domestic product, in the implementation of the central budget, the Government may not - with the exceptions specified in Paragraph (6) of Article 36 - commit to a loan or undertake any financial obligations in consequence of which the government debt relative to the gross domestic product would increase compared to that of the previous year.

(4) Insofar as the level of government debt exceeds half of the gross domestic product, the Constitutional Court shall - within its competence under Points *b)-e)* of Paragraph (2) of Article 24 - have powers to review laws on the central budget, the implementation of the central budget, central tax revenues, duties and contributions, customs duties, and on the central government conditions for local taxes for conformity with the Fundamental Law solely as pertaining to inherent rights to life and human dignity, the right to the protection of personal data, the right to freedom of thought, freedom of conscience and freedom of religion, or the rights in connection with Hungarian citizenship, and may annul such laws only in the case of any infringement of these rights. The Constitutional Court shall have powers to annul the aforementioned laws unconditionally, if the formalities and procedures laid down by the Fundamental Law concerning the adoption and publication of those laws are not satisfied.

(5)⁶² As regards those statutory provisions which entered into force during the period when government debt exceeded half of the gross domestic product, Paragraph (4) shall remain to apply to such period when the government debt no longer exceeds half of the gross domestic product.

⁶² Established: by paragraph (1) Article 17 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

(6)⁶³ The procedures for calculating the level of government debt and the gross domestic product, and the rules for the implementation of Article 36 and Paragraphs (1)-(3) hereof shall be laid down by law.

(7)⁶⁴

Article 38

(1) The property of the Hungarian State and of municipal governments shall be considered national assets. National assets shall be managed and protected for the purpose of serving the public interest, satisfying common needs and preserving natural resources, taking also into account the needs of future generations. The requirements for safeguarding and protecting national assets, and for the prudent management thereof, shall be laid down in an implementing act.

(2) The scope of exclusive ownership and economic activity deemed to be the sole domain of the State, as well as the limits and conditions for the alienation of national assets of special import for national economy considerations shall be defined by an implementing act with regard to the objectives referred to in Paragraph (1).

(3) National assets may be transferred only for purposes specified by law, with the exceptions defined by law, taking costs and benefits into account.

(4) Contracts for the transfer or utilization of national assets may only be concluded with an organization that is able to satisfy the requirement of transparency in terms of ownership structure, organization, and the activities relating to the management of the alienated or utilized national assets.

(5) Economic operators owned by the State or municipal governments shall conduct business prudently and independently, in accordance with the relevant legislation, under the requirements of legality, efficiency and effectiveness.

Article 39

(1) Subsidies, or payments under contract, may be provided from the central budget only to an operator who is able to satisfy the requirement of transparency in terms of ownership structure, organization, and the activities for which aid is provided.

(2) Every organization 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 of corruption-free public life. Data relating to public funds or to national assets shall be recognized as data of public interest.

Article 40

The basic rules concerning the bearing of public burdens and the social security pension system shall be laid down by an implementing act in order to make calculable contributions to common needs and to ascertain benefits for security and quality of life for the elderly.

⁶³ Established: by Article 4 of the Fifth Amendment of the Fundamental Law of Hungary. In force: as of 1. 10. 2013.

⁶⁴ Repealed: by paragraph (2) Article 7 of the Fifth Amendment of the Fundamental Law of Hungary. No longer in force: as of 1. 10. 2013.

Article 41

(1) The Magyar Nemzeti Bank is the central bank of Hungary. The Magyar Nemzeti Bank shall be responsible for monetary policy as defined by an implementing act.

(2)⁶⁵ The Magyar Nemzeti Bank shall function as supervisory authority of the financial intermediary system.

(3)⁶⁶ The Governor and deputy governors of the Magyar Nemzeti Bank shall be appointed by the President of the Republic for a period of six years.

(4)⁶⁷ The Governor of the Magyar Nemzeti Bank shall report annually to Parliament on the activities of the Magyar Nemzeti Bank.

(5)⁶⁸ The Governor of the Magyar Nemzeti Bank shall, within the framework of his responsibilities and duties defined by an implementing act and under authorization conferred by law, have authority to issue decrees, which may not be contrary to any act of Parliament. The Governor of the Magyar Nemzeti Bank shall have authority to delegate powers for adopting decrees on his behalf upon a deputy governor he has designated by decree.

(6)⁶⁹ The detailed regulations concerning the organizational structure and functioning of the Magyar Nemzeti Bank shall be laid down in an implementing act.

Article 42⁷⁰

Article 43

(1) The Állami Számvevőszék (*State Audit Office*) is the organ of Parliament responsible for financial and economic control. The statutory responsibilities of the Állami Számvevőszék shall include overseeing the implementation of the central budget, the management of public finances, the use of public funds and the management of national assets. The Állami Számvevőszék shall carry out such oversight according to the principles of legality, efficiency and effectiveness.

(2) The President of the Állami Számvevőszék shall be elected for a period of twelve years by Parliament with a majority of two-thirds of the votes of all Members of Parliament.

(3) The President of the Állami Számvevőszék shall report annually to Parliament on the activities of the Állami Számvevőszék.

(4) The detailed rules of the organizational structure and functioning of the Állami Számvevőszék shall be regulated in an implementing act.

Article 44

⁶⁵ Established: by paragraph (1) Article 5 of the Fifth Amendment of the Fundamental Law of Hungary. In force: as of 1. 10. 2013.

⁶⁶ Established: by paragraph (1) Article 5 of the Fifth Amendment of the Fundamental Law of Hungary. In force: as of 1. 10. 2013.

⁶⁷ Established: by paragraph (1) Article 5 of the Fifth Amendment of the Fundamental Law of Hungary. In force: as of 1. 10. 2013.

⁶⁸ Established: by paragraph (1) Article 5 of the Fifth Amendment of the Fundamental Law of Hungary. In force: as of 1. 10. 2013.

⁶⁹ Enacted: by paragraph (2) Article 5 of the Fifth Amendment of the Fundamental Law of Hungary. In force: as of 1. 10. 2013.

⁷⁰ Repealed: by paragraph (3) Article 7 of the Fifth Amendment of the Fundamental Law of Hungary. No longer in force: as of 1. 10. 2013.

(1) The Budgetary Council is a body designated to examine the central budget as to substance with a view to assisting the legislative process of Parliament.

(2) The Budgetary Council shall partake in the preparation of the act on the central budget as defined by the relevant legislation.

(3) For passing the act on the central budget the prior consent of the Budgetary Council is required in order to enforce the provisions contained in Paragraphs (4) and (5) of Article 36.

(4) The Budgetary Council is composed of the Chair of the Budgetary Council, the Governor of Magyar Nemzeti Bank, and the President of the Állami Számvevőszék. The Chair of the Budgetary Council shall be appointed by the President of the Republic for a period of six years.

(5) The detailed regulations for the functioning of the Budgetary Council shall be laid down in an implementing act.

The Hungarian Armed Forces

Article 45

(1) The Hungarian Armed Forces is the armed body of Hungary. The fundamental duty of the Hungarian Armed Forces shall be to defend by military means the independence, territorial integrity and borders of Hungary, to perform common defense and peace-keeping missions arising from international treaties, as well as to carry out humanitarian operations in accordance with international law.

(2) Unless otherwise provided for by an international treaty, only the Parliament, the President of the Republic, the National Defense Council, the Government or the competent minister shall have the right to command the Hungarian Armed Forces, within the framework determined in the Fundamental Law and in an implementing act. The Hungarian Armed Forces shall operate under the direction of the Government.

(3) The Hungarian Armed Forces shall participate in the prevention of disasters, and the mitigation and cleanup of the consequences thereof.

(4) Professional staff members of the Hungarian Armed Forces may not be members of political parties and may not engage in political activities.

(5) The detailed regulations concerning the organizational structure, tasks, command and management, as well as the operation of the Hungarian Armed Forces shall be laid down in an implementing act.

The Police and the National Security Services

Article 46

(1) The fundamental duty of the Police shall be the prevention and detection of criminal activities, as well as the protection of public security, public policy and of the state borders.

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

(3) The fundamental duty of the National Security Services shall be to protect the independence of and maintain law and order in, Hungary, as well as to enforce 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 may not be members of political parties and may not engage in political activities.

(6) The detailed provisions concerning the organizational structure and operation of the Police and the National Security Services, the rules for using secret service means and methods, as well as the regulations related to national security activities shall be laid down in an implementing act.

Decision on Participation in Military Operations

Article 47

(1) The Government shall decide on any deployment of troops of the Hungarian Armed Forces and foreign armed units that involve border crossing.

(2) With the exceptions specified in Paragraph (3) below, Parliament shall - on the basis of a two-thirds majority of the votes by Members of Parliament present - decide on the use of the Hungarian Armed Forces abroad or within Hungary, or on their stationing abroad, the use of foreign armed units within or staging operations 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 Armed Forces and foreign armed units by decision of the European Union, or deployment of troops by decision of the North Atlantic Treaty Organization in accordance with Paragraph (2).

(4) The Government shall forthwith notify the Parliament - as well as the President of the Republic - of its decisions made under Paragraph (3) and as regards the participation of the Hungarian Armed Forces in peace-keeping missions and humanitarian operations in foreign theaters of operation.

SPECIAL LEGAL ORDER

Common Provisions Relating to a State of National Crisis and a State of Emergency

Article 48

(1) Parliament shall:

a) declare a state of national crisis and set up a National Defense Council in the event of the declaration of a state of war or the immediate danger of an armed intrusion by a foreign power (danger of war);

b) declare a state of emergency in the event of armed actions aimed at undermining law and order or at seizing exclusive control of power, or in the event of grave acts of violence committed by force of arms or by armed groups which gravely endanger the lives and property of citizens on a mass scale.

(2) The declaration of war, the conclusion of a peace treaty, or the declaration of a special legal order under Paragraph (1) shall be subject to a majority of two-thirds of the votes of all Members of Parliament.

(3) If the Parliament is prevented from taking these decisions, the President of the Republic shall have the right to declare a state of war, to declare a state of national crisis and set up the Defense Council, or to declare a state of emergency.

(4) Parliament shall be deemed incapable of taking such decisions if it is not in session and convening it is impossible due to insurmountable obstacles caused by lack of time or the events responsible for the declaration of the 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 jointly determine whether the Parliament is incapable of acting, and whether the declaration of a state of war, a state of national crisis or a state of emergency is justified.

(6) At its first session after the cause of obstruction is abolished, Parliament shall review the justification of the declaration of a state of war, state of national crisis or state of emergency, and shall rule on the legality of the measures taken. A majority of two-thirds of the votes of all Members of Parliament shall be required for this decision.

(7) During a state of national crisis or a state of emergency Parliament shall neither declare its dissolution nor be dissolved. During a state of national crisis or a state of emergency general elections for Members of Parliament may not be scheduled and may not be held; in such cases a new Parliament shall be elected within ninety days from the time of termination of the state of national crisis or state of emergency. If the general elections for Members of Parliament have already been held but the new Parliament has not yet been formed, the President of the Republic shall convene the constitutive sitting for a date within thirty days from the termination of the state of national crisis or state of emergency.

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

State of National Crisis

Article 49

(1) The National Defense Council is chaired by the President of the Republic, and is composed of the Speaker of Parliament, the floor leaders of the political parties represented in Parliament, the Prime Minister, the ministers, and - in an advisory capacity - the Chief of Staff of the Hungarian Armed Forces.

(2) The Defense Council shall exercise:

- a)* the powers conferred upon it by Parliament;
- b)* the powers of the President of the Republic;
- c)* the powers of the Government.

(3) The National Defense Council shall decide:

- a)* on the use of the Hungarian Armed Forces abroad and within Hungary, the participation of the Hungarian Armed Forces in peace-keeping missions, humanitarian operations in foreign theaters, and the stationing of armed forces in a foreign country;
- b)* on the deployment of foreign armed units within or staging operations from the territory of, Hungary, or on the stationing of foreign armed units in Hungary;
- c)* on the introduction of emergency measures as defined in an implementing act.

(4) The National Defense Council may issue decrees empowered - under an implementing act - to suspend the application of certain laws or derogating from the provisions of laws, and to take other extraordinary measures.

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

State of Emergency

Article 50

(1) The Hungarian Armed Forces may be used during a state of emergency if the Police and the National Security Services are unable to handle the situation at hand.

(2) During a state of emergency, if the Parliament is prevented from acting, the President of the Republic shall decide on the use of the Hungarian Armed Forces under Paragraph (1).

(3) During a state of emergency, the extraordinary measures defined by an implementing act shall be introduced by the President of the Republic by means of a decree. In such decree, the President of the Republic may suspend the application of certain laws, derogate from provisions of laws, or take additional emergency measures.

(4) The President of the Republic shall immediately inform the Speaker of Parliament of any emergency measures that have been introduced. During a state of emergency, the Parliament - or if it is prevented from acting, the Standing Defense Committee of Parliament - shall remain continuously in session. The Parliament - or if it is prevented from acting, the Standing Defense Committee of Parliament - shall have powers to suspend application of the emergency measures introduced by the President of the Republic.

(5) Emergency measures introduced by way of decree shall remain in force for a period of thirty days, unless their effect is extended by Parliament or, if it is unable to act, by the Standing Defense Committee of the Parliament.

(6) Upon termination of the state of emergency, the decree of the President of the Republic shall cease to have effect.

State of Preventive Defense

Article 51

(1) In the event of an imminent threat of armed invasion or if deemed necessary in connection with the country's commitment under an alliance treaty, Parliament shall declare a state of preventive defense and simultaneously authorize the Government to introduce the emergency measures specified in an implementing act. The duration of the state of preventive defense may be extended.

(2) The declaration or extension of the special legal order under Paragraph (1) shall be subject to a majority of two-thirds of the votes of the Members of Parliament present.

(3) After having put forward a motion for a state of preventive defense, the Government shall have power to introduce measures by way of derogation from the acts governing the administrative system and the operation of the Hungarian Armed Forces and the law enforcement agencies, and shall keep the President of the Republic and the competent standing committees of Parliament informed thereof on an ongoing basis. Such measures shall remain in force until Parliament's decision on the declaration of a state of preventive defense, in any case for no longer than sixty days.

(4) During a state of preventive defense the Government may issue decrees empowered - under an implementing act - to suspend the application of certain laws or derogating from the provisions of laws, and to take other extraordinary measures.

(5) Upon termination of the state of preventive defense, the decree of the Government shall cease to have effect.

Unforeseen Intrusion

Article 52

(1) In the event that the territory of Hungary is subject to an unforeseen invasion by foreign armed units, the Government shall take immediate action, in accordance with the defense plan approved by the President of the Republic, using forces as commensurate with the gravity of the attack and that are equipped for such a role, prior to the declaration of a state of emergency or a state of national crisis in order to repel such attack, defend the territorial integrity of the country with the active air and air defense forces of the Hungarian and allied armed forces, maintain law and order and to protect the security of the lives and property of citizens, protect public policy and public security.

(2) The Government shall immediately inform the Parliament and the President of the Republic of the measures taken pursuant to Paragraph (1).

(3) In the event of an unforeseen invasion, the Government may introduce emergency measures as specified by an implementing act and may issue decrees empowered - under an implementing act - to suspend the application of certain laws or derogating from the provisions of laws, and to take other extraordinary measures.

(4) Upon termination of the unforeseen intrusion, the decree of the Government shall cease to have effect.

State of Danger

Article 53

(1) In the event of a natural or industrial disaster endangering lives and property, or in order to mitigate the consequences thereof, the Government shall declare a state of danger, and may introduce emergency measures defined in an implementing act.

(2) During a state of danger the Government may issue decrees empowered - under an implementing act - to suspend the application of certain laws or derogating from the provisions of laws, and to take other extraordinary measures.

(3) The decree of the Government under 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) Upon termination of the state of danger, the decree of the Government shall cease to have effect.

Common Rules Relating to a Special Legal Order

Article 54

(1) Under special legal order, the exercise of fundamental rights - other than those laid down in Articles II and III, as well as in Paragraphs (2)-(6) of Article XXVIII - may be suspended, or restricted beyond the extent defined by Paragraph (3) of Article I.

(2) The application of the Fundamental Law may not be suspended under a special legal order, nor may the functioning of the Constitutional Court be restricted.

(3) A special legal order shall be terminated by the body competent to introduce it, if the conditions for its declaration no longer apply.

(4) The detailed regulations to be applied under a special legal order shall be laid down in an implementing act.

CLOSING AND MISCELLANEOUS PROVISIONS⁷¹

1. The Fundamental Law of Hungary shall enter into force on 1 January 2012.
2. Parliament shall pass the Fundamental Law according to Point *a*) of Paragraph (3) of Article 19 and to Paragraph (3) of Article 24 of Act XX of 1949.
- 3.⁷² The transitional provisions related to the entry into force of the Fundamental Law are set out in Points 8-26.
4. The Government shall submit to Parliament the bills necessary for the implementation of the Fundamental Law.
- 5.⁷³ Decisions of the Alkotmánybíróság delivered prior to the Fundamental Law entering into force shall be abolished. This provision shall be without prejudice to the legal effects of such decisions.
- 6.⁷⁴ The 25th day of April shall be the Day of the Fundamental Law in commemoration of the promulgation of the Fundamental Law.
- 7.⁷⁵ The first local elections of municipal government council members and mayors following the Fundamental Law entering into force shall take place in October 2014.
- 8.⁷⁶ The entry into force of the Fundamental Law shall be without prejudice to the effect of legislation, legal acts for the governance of bodies governed by public law and any other legal instrument of executive power, concrete decisions or commitments of international law which were adopted, issued, made or undertaken before the Fundamental Law entered into force.
- 9.⁷⁷ The successor of any organization upon which Act XX of 1949 on the Constitution of the Republic of Hungary delegated any powers and competence shall exercise such powers and competence in accordance with the Fundamental Law.
- 10.⁷⁸ The designation 'Republic of Hungary' may be used in reference to Hungary after the Fundamental Law comes into force according to the statutory provisions in effect on 31 December 2011, until the transition to the designation set out in the Fundamental Law can be implemented according to the principle of efficient and prudent management.

⁷¹ Established: by Article 18 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

⁷² Established: by paragraph (1) Article 19 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

⁷³ Established: by paragraph (2) Article 19 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

⁷⁴ Enacted: by Article 20 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

⁷⁵ Enacted: by Article 20 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

⁷⁶ Enacted: by Article 20 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

⁷⁷ Enacted: by Article 20 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

⁷⁸ Enacted: by Article 20 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

11.⁷⁹ Subject to the exceptions set out in Points 12-18, the entry into force of the Fundamental Law shall not effect the mandate of Parliament, Government and the representatives councils of municipal governments, or of the persons appointed or elected before the entry into force of the Fundamental Law.

12.⁸⁰ The following articles of the Fundamental Law shall also apply to the mandates of the following persons:

- a) Articles 3 and 4 to 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 Members of Government in office;
- d) Article 27(3) to court secretaries in office;
- e) Article 33(2) to presidents of county assemblies in office, and
- f) Article 35(3)-(6) to representatives councils of municipal governments and mayors in office.

13.⁸¹ The time limit laid down in Article 4(3)f) of the Fundamental Law shall begin at the time the Fundamental Law comes into force.

14.⁸² (1) The successor of the Legfelsőbb Bíróság (*Supreme Court*), the Országos Igazságszolgáltatási Tanács (*National Council of Justice*) and its president shall be, respectively, the Kúria for the administration of justice, and the president of the Országos Bírósági Hivatal for the administration of courts, with the exception defined by the relevant implementing act.

(2) The mandates of the Chief Justice of the Legfelsőbb Bíróság and the president and members of the Országos Igazságszolgáltatási Tanács shall be terminated when the Fundamental Law enters into force.

15.⁸³ (1) Subject to the exception set out in Paragraph (2), the minimum age requirement defined by Article 26(2) of the Fundamental Law shall apply to judges appointed on the basis of a call for applications published after the entry into force of the Fundamental Law.

(2) If the appointment takes place without a call for applications under the relevant legislation, the minimum age requirement shall apply to judges appointed after the entry into force of the Fundamental Law.

16.⁸⁴ The designation of the office of the Parliamentary Commissioner for Civil Rights shall be changed to Commissioner for Fundamental Rights as of the entry into force of the Fundamental Law. The successor of the Parliamentary Commissioner for Civil Rights, the Parliamentary Commissioner for the Rights of National and Ethnic Minorities and the Parliamentary Commissioner for Future Generations shall be the Commissioner for Fundamental Rights. The Parliamentary Commissioner for the Rights of National and Ethnic Minorities in office shall become the deputy of the Commissioner for Fundamental Rights

⁷⁹ Enacted: by Article 20 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

⁸⁰ Enacted: by Article 20 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

⁸¹ Enacted: by Article 20 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

⁸² Enacted: by Article 20 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

⁸³ Enacted: by Article 20 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

⁸⁴ Enacted: by Article 20 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

responsible for the protection of the rights of nationalities living in Hungary as of the coming into force of the Fundamental Law; the Parliamentary Commissioner for Future Generations in office shall become the deputy of the Commissioner for Fundamental Rights responsible for the protection of the interests of future generations as of the coming into force of the Fundamental Law; their mandates shall terminate when the mandate of the Commissioner for Fundamental Rights is terminated.

17.⁸⁵ The mandate of the Data Protection Commissioner in office shall be terminated when the Fundamental Law enters into force.

18.⁸⁶ For the purposes and as of the entry into force of the Fundamental Law, the designation of the office of the chairperson of the county assembly shall be changed to chairperson of the county representative council. The county representative council provided for in the Fundamental Law shall be the successor of the county assembly.

19.⁸⁷ (1) With the exceptions laid down in Paragraphs (2)-(5), the provisions of the Fundamental Law shall also apply to cases in progress.

(2) Article 6 of the Fundamental Law shall apply from the first sitting of Parliament after the entry into force of the Fundamental Law.

(3) As of the entry into force of the Fundamental Law, proceedings based on petitions submitted to the Alkotmánybíróság before the entry into force of the Fundamental Law by petitioners who no longer have the right to make petitions under the Fundamental Law shall be terminated, and if the proceedings belong to the competence of another body, the petition shall be transferred to that other body. Petitioners may re-submit their petitions according to the requirements laid down in the relevant implementing act.

(4) Article 38(4) and Article 39(1) of the Fundamental Law shall apply to contracts and subsidy entitlements existing on 1 January 2012, and to proceedings in progress aimed at the conclusion of contracts or the provision of subsidies if provided for by the relevant legislation, and as laid down in the relevant legislation.

(5) The third sentence of Article 70/E(3) of Act XX of 1949 on the Constitution of the Republic of Hungary in force on 31 December 2011 shall apply until 31 December 2012 to any benefits which qualify as pension benefits under the rules in force on 31 December 2011, concerning any change in their conditions, nature or amounts, their conversion to other benefits or their termination.

20.⁸⁸ Articles 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 on 31 December 2011 shall remain to apply after the entry into force of the Fundamental Law to cases in progress at time of the entry into force of the Fundamental Law.

⁸⁵ Enacted: by Article 20 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

⁸⁶ Enacted: by Article 20 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

⁸⁷ Enacted: by Article 20 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

⁸⁸ Enacted: by Article 20 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

21.⁸⁹ Participation in the work of Parliament – in accordance with Article 2(2) of the Fundamental Law – by the nationalities living in Hungary shall be first guaranteed after the formation of Parliament following the first general elections of Members of Parliament after the entry into force of the Fundamental Law.

22.⁹⁰ The entry into force of the Fundamental Law shall not affect any decision of Parliament or of the Government made before the coming into force of the Fundamental Law under Act XX of 1949 on the Constitution of the Republic of Hungary on the deployment of the Hungarian Armed Forces inside or outside the territory of Hungary, and on the stationing abroad of units of Hungarian Armed Forces or the stationing of foreign armed forces in the territory of Hungary.

23.⁹¹

a) A declared state of national crisis shall be subject to the provisions of the Fundamental Law on the state of national crisis.

b) A declared 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 actions aimed at overturning the constitutional order or at seizing exclusive control of power, or in the event of grave acts of violence committed by force of arms or by armed groups which gravely endanger the lives and property of citizens on a massive scale.

c) A declared state of emergency shall be subject to the provisions of the Fundamental Law on the state of danger, if it was declared due to any natural disaster or industrial accident endangering life and property on a massive scale.

d) A declared state of preventive defense shall be subject to the provisions of the Fundamental Law on the state of preventive defense.

e) A situation defined by Article 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 unforeseen intrusion.

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

24.⁹² (1) A person who has been banned from participation in public affairs by a final judgment at the time of the entry into force of the Fundamental Law shall not have the right to vote while such ban is in force.

(2) A person who has been placed under guardianship or conservatorship by a final judgment at the time of the entry into force of the Fundamental Law shall not have the right to vote until such guardianship or conservatorship is terminated, or until a court reinstates his/her right to vote.

25.⁹³ (1) Article 12(2) of Act XX of 1949 on the Constitution of the Republic of Hungary in force on 31 December 2011 shall apply to the transfer of any municipal government property to the State or another municipal government until 31 December 2013.

⁸⁹ Enacted: by Article 20 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

⁹⁰ Enacted: by Article 20 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

⁹¹ Enacted: by Article 20 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

⁹² Enacted: by Article 20 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

⁹³ Enacted: by Article 20 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.

(2) Article 44/B(4) of Act XX of 1949 on the Constitution of the Republic of Hungary in force on 31 December 2011 shall apply until 31 December 2012. After 31 December 2011, an act of Parliament or a government decree by authorization of an act of Parliament may confer administrative powers and competences upon notaries.

(3) Articles 22(1) and (3) to (5) of Act XX of 1949 on the Constitution of the Republic of Hungary in force on 31 December 2011 shall apply until the coming into force of the implementing act referred to in Article 5(8) of the Fundamental Law. The implementing act referred to in Articles 5(8) and 7(3) of the Fundamental Law shall be adopted by Parliament before 30 June 2012.

(4) Until 31 December 2012, an implementing act may stipulate a qualified majority for the adoption of certain decisions of Parliament.

26.⁹⁴ The following provisions shall be repealed:

- a) Act XX of 1949 on the Constitution of the Republic of Hungary;
- b) Act I of 1972 on the consolidated text of the Constitution of the People's Republic of Hungary and on the amendment to Act XX of 1949;
- c) Act XXXI of 1989 on the Amendment of the Constitution;
- d) Act XVI of 1990 on the Amendment of the Constitution of the Republic of Hungary;
- e) Act XXIX of 1990 on the Amendment of the Constitution of the Republic of Hungary;
- f) Act XL of 1990 on the Amendment of the Constitution of the Republic of Hungary;
- g) the amendment of the Constitution of 25 May 2010;
- h) the amendment of the Constitution of 5 July 2010;
- i) the amendments of the Constitution of 6 July 2010;
- j) the amendments of the Constitution of 11 August 2010;
- k) Act CXIII of 2010 on the Amendment of Act XX of 1949 on the Constitution of the Republic of Hungary;
- l) Act CXIX of 2010 on the Amendment of Act XX of 1949 on the Constitution of the Republic of Hungary;
- m) Act CLXIII of 2010 on the Amendment of Act XX of 1949 on the Constitution of the Republic of Hungary;
- n) Act LXI of 2011 on the Amendment of Act XX of 1949 on the Constitution of the Republic of Hungary Required for the Implementation of Transitional Provisions Related to the Fundamental Law;
- o) Act CXLVI of 2011 on the Amendment of Act XX of 1949 on the Constitution of the Republic of Hungary; and
- p) Act CLIX of 2011 on the Amendment of Act XX of 1949 on the Constitution of the Republic of Hungary.

We the Members of Parliament elected on 25 April 2010, standing before God and men, do solemnly declare, in exercising our constitutional power, to adopt the Fundamental Law of Hungary in accordance with the above.

Let there be peace, freedom and unity.

⁹⁴ Enacted: by Article 20 of the Fourth Amendment of the Fundamental Law of Hungary. In force: as of 01. 04. 2013.