

# Fundamental Law of Hungary

‘O Lord, blessed be the Hungarian nation’<sup>1</sup>

## National Avowal of Faith

At the dawn of a new millennium, we MEMBERS OF THE HUNGARIAN NATION declare the following, with a bond of duty to all Hungarians:

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

We are proud of our ancestors, who fought for the survival, freedom and independence of our country. We are proud of the outstanding intellectual achievements of the Hungarian people.

We are proud that this people fought in defence of Europe for many centuries and, through its talent and diligence, has contributed to the enrichment of the common European heritage.

We acknowledge the role Christianity has played in preserving our nation. We respect all our country’s religious traditions.

We promise to preserve the intellectual and spiritual unity of our nation, torn apart by the storms of the past century. We consider the nationalities and ethnic groups living in Hungary to be constituent parts of the Hungarian nation.

We pledge to cherish and preserve our heritage: the Hungarian culture, our unique language, and the man-made and natural riches of the Carpathian Basin. We recognise a bond of duty towards our nation’s future generations; we shall therefore strive to preserve and enhance the circumstances of those who come after us by sound management of our material, intellectual and natural resources.

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

We respect the freedom and culture of other peoples, and shall endeavour to work together with all nations of the world.

We proclaim that the basis of human life is human dignity.

We proclaim that individual freedom can only flourish through cooperation with others.

We proclaim that the family and the nation provide the fundamental framework for community, in which the pre-eminent values are loyalty, faith and love.

---

<sup>1</sup> *This is the first line of the Hungarian national anthem – note of the translator.*

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 spirit and mind.

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

We proclaim that it is the common goal of citizens and the State to accomplish well-being, security, order, justice and liberty.

We proclaim that true democracy may only exist if the State serves its citizens and administers their affairs justly and without abuse or partiality.

We honour the achievements of our historical Constitution and the Holy Crown, which embodies the constitutional continuity of Hungary and the unity of the nation.

We do not recognise the suspension of our historical Constitution that occurred due to foreign occupation. We declare that no statutory limitation applies to the inhuman crimes committed against the Hungarian nation and its citizens under the national socialist and communist dictatorships.

We do not recognise the legal continuity of the 1949 Communist “Constitution”, which laid the foundations for tyranny, and hence we declare it to be invalid.

We agree with the members of the first freely-elected Parliament, whose first resolution declares that our freedom has its roots in the Revolution of 1956.

We proclaim 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. That is the day we consider to be the beginning of a new democracy and constitutional order for our country.

We proclaim that, after the moral defeats of 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 commitment of the younger generations. We believe that through their talent, perseverance and moral strength our children and grandchildren will re-establish the reputation of Hungary.

Our Fundamental Law shall be the basis of our legal system. It shall serve as a covenant between Hungarians of the past, the 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.

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 under the rule of law.
- (2) The form of government of Hungary shall be that of a republic.
- (3) The source of power shall be the people.
- (4) The people shall exercise their power through their elected representatives, and also directly in exceptional cases.

### **Article C**

- (1) The functioning of the Hungarian State shall be based on the principle of the separation of powers.
- (2) No one's activities may be directed at the acquisition or exercise of power by violent means, or at its exclusive possession. It shall be the right and obligation of all to resist such activities by lawful means.
- (3) Only the organs of the State shall have the right to employ coercive force, in order to enforce the Fundamental Law or any other law.

### **Article D**

Hungary, guided by the notion of 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 endeavours to preserve their Hungarian identity, and shall promote their cooperation with each other and with Hungary.

### **Article E**

- (1) Hungary shall contribute to the creation of European unity, in pursuit of the greatest freedom, well-being and security for the peoples of Europe.
- (2) In its role as a Member State of the European Union, and on the basis of an international treaty, Hungary may – as far as its rights and its obligations set out in the founding Treaties allow and demand – exercise certain competences deriving from the Fundamental Law, together with the other Member States, through the institutions of the European Union.
- (3) For the authorisation to recognise the binding force of an international treaty referred to in Paragraph (2), the votes of two-thirds of all Members of Parliament shall be required.

### **Article F**

- (1) The capital of Hungary shall be Budapest.
- (2) The territory of Hungary shall be divided into county counties, cities or towns, and villages or smaller communities. Districts may be formed in cities or towns.

### **Article G**

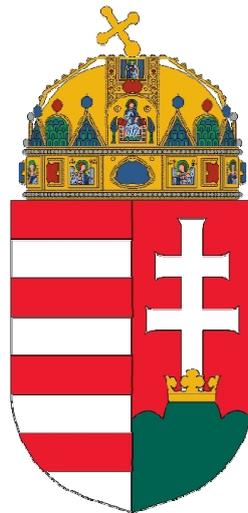
- (1) The child of a Hungarian citizen shall be a Hungarian citizen by birth. A cardinal Act of Parliament may specify other grounds for the origin or acquisition of Hungarian citizenship.
- (2) Hungary shall defend its citizens.
- (3) No person may be deprived of his or her Hungarian citizenship, provided it was legitimately acquired at birth or in any other lawful manner.
- (4) The detailed rules relating to citizenship shall be laid down in a cardinal Act of Parliament.

### Article H

- (1) The official language of Hungary shall be Hungarian.
- (2) Hungary shall protect the Hungarian language, whilst respecting the languages of nationalities and ethnic groups within its borders, as well as the languages of other nations.

### Article I

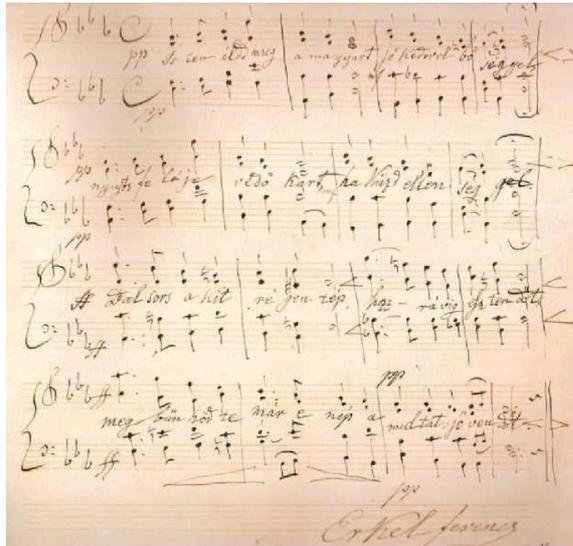
- (1) The coat of arms of Hungary shall be a divided shield, its base described by two intersecting arcs meeting at a point. The *dexter* (the left half as viewed) shall contain eight alternating red and silver horizontal stripes. The *sinister* (the right half as viewed) shall have a field of red with 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 tricolour consisting of – from top to bottom – red, white and green stripes of equal width.



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



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

#### Article J

- (1) The national holidays of Hungary shall be the following:
- a) the 15<sup>th</sup> day of March, commemorating the Revolution and War of Independence of 1848/49;
  - b) the 20<sup>th</sup> day of August, commemorating the foundation of the State and its founder and first king, Saint Stephen;
  - c) the 23<sup>rd</sup> day of October, commemorating the Revolution and War of Independence of 1956.
- (2) The official state holiday shall be the 20<sup>th</sup> day of August.

#### Article K

- (1) Hungary shall protect the institution of marriage, understood to be the conjugal union of a man and a woman based on their independent consent; Hungary shall also protect the institution of the family, which it recognises as the basis for survival of the nation.
- (2) Hungary shall promote the commitment to have and raise children.
- (3) The protection of families shall be regulated by a cardinal Act of Parliament.

#### Article L

- (1) The economy of Hungary shall be based upon work which creates value, and upon freedom of enterprise.
- (2) Hungary shall ensure the conditions of fair economic competition, act against the abuse of a dominant economic position and protect the rights of consumers.

#### Article M

- (1) Hungary shall enforce the principle of balanced, transparent and sustainable management of the budget.
- (2) Parliament and the Government shall have the primary responsibility for fulfilment of the

- principle pursuant to paragraph (1).
- (3) The Constitutional Court, the courts, local governments and other state organs shall respect the principle referred to in Paragraph (1) in the performance of their duties.

#### **Article N**

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 abilities and possibilities.

#### **Article O**

- (1) Hungary shall protect and preserve the healthy environment.
- (2) Natural resources, especially arable land and the stock of drinking water, as well as biological diversity and cultural values shall be the nation's common heritage; the State and every individual shall be duty-bound to preserve them for future generations.

#### **Article P**

- (1) In order to establish and maintain peace and security, and to ensure the sustainable development of humanity, Hungary shall endeavour to cooperate 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 recognised rules of international law. Other sources of international law shall be incorporated into Hungarian law upon their promulgation by laws.

#### **Article Q**

- (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 purpose, with the Fundamental Law's National Avowal of Faith, and with the achievements of our Historical Constitution.

#### **Article R**

- (1) For the adoption of a new Fundamental Law or for the amendment of the Fundamental Law, the votes of two-thirds of all Members of Parliament shall be required.
- (2) The Fundamental Law or an amendment thereof shall be signed and sent to the President of the Republic by the Speaker of Parliament. The President of the Republic shall sign the Fundamental Law or the amendment thereof within five days of receipt and shall order its publication in the Official Gazette.

#### **Article S**

- (1) Generally binding rules of conduct shall be laid down in laws adopted by an organ specified in the Fundamental Law as being competent to legislate, and promulgated in the Official Gazette. A cardinal Act of Parliament may determine different rules for the promulgation of local governmental decrees and laws adopted under special legal order.
- (2) An Act of Parliament, a Government Decree, a Decree of the Prime Minister, a Ministerial Decree, a Decree of the President of the National Bank of Hungary, a decree of the head of

an autonomous regulatory organ or a local governmental decree have the force of law. Apart from these, decrees issued by the National Defence Council during a state of national crisis and decrees issued by the President of the Republic during a state of emergency shall also have the force of law.

- (3) No law may be contrary to the Fundamental Law.
- (4) 'Cardinal Act of Parliament' shall mean an Act of Parliament for the adoption or amendment of which the votes of two-thirds of the Members of Parliament present shall be required.

## **Freedoms and Responsibilities**

### **Article I**

- (1) The inviolable and inalienable human rights shall be respected. It shall be the primary obligation of the State to protect these rights.
- (2) Hungary shall recognise 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 respecting 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.
- (5) An Act of Parliament may confer the right to exercise fundamental rights of citizens also on persons who are not Hungarian citizens.

### **Article II**

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

### **Article III**

- (1) Nobody may be subjected to torture, inhuman or degrading treatment or punishment, or be held in servitude. Trafficking in human beings shall be prohibited.
- (2) It shall be prohibited to perform a medical or scientific experiment on human beings without their informed and voluntary consent.
- (3) Practices aimed at eugenics, the use of the human body or its parts for financial gain, or human cloning shall be prohibited.

### **Article IV**

- (1) Everyone shall have the right to freedom and personal security; no one shall be deprived of his or her freedom, except for reasons described in an Act of Parliament and in accordance with the procedure stipulated in an Act. A person may be deprived of his or her freedom definitively only for committing a criminal offence and only on the basis of a final judgement.

- (2) 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 a written reasoning to either release the individual or place him or her under arrest without undue delay.

#### **Article V**

- (1) Everyone shall have the right to have his or her privacy, family life, home, communications and good reputation respected.
- (2) Everyone shall have the right to the protection of his or her personal data, as well as to have access to and disseminate information of public interest.
- (3) An independent authority shall supervise the protection of personal data and the fulfilment of the right of access to data of public interest.

#### **Article VI**

- (1) Everyone shall have the right to freedom of thought, conscience and religion. This right shall enable anyone to freely choose or change his or her religion or other conviction, to manifest or abstain from manifesting such religion or other conviction, to practice or teach – either individually or together with others, in public or in private – one's religion or belief through religious acts or ceremonies, or in any other way.
- (2) In Hungary the State and the churches shall be separated. Churches shall be independent. For the attainment of community goals, the State shall cooperate with the churches.
- (3) The detailed rules relating to churches shall be laid down in a cardinal Act.

#### **Article VII**

- (1) Everyone shall have the right to peaceful assembly.
- (2) Everyone shall have the right to establish or join organisations.
- (3) Political parties may be established and may operate freely on the basis of the right to assembly. Political parties shall participate in the formation and expression of the will of the people. Political parties may not exercise power in public affairs directly.
- (4) The detailed rules for the operation and economic management of political parties shall be laid down in a cardinal Act.
- (5) Trade unions and other interest groups may be established and may operate freely on the basis of the right to assembly.

#### **Article VIII**

- (1) Everyone shall have the right to freely express his or her opinion.
- (2) Hungary shall recognise and protect the freedom of the press.
- (3) The detailed rules relating to the freedom of the press and to the supervision of the electronic mass media and communications market shall be laid down in a cardinal Act.

#### **Article IX**

- (1) Hungary shall protect the freedom of scientific research and artistic expression, as well as the freedom of learning and teaching.
- (2) Only scientists shall be entitled to determine the scientific value of research. The State shall not be entitled to decide on questions of scientific truth.

- (3) Hungary shall protect the freedom of scientific research and artistic expression of the Hungarian Academy of Sciences, the Hungarian Academy of Arts and that of higher education institutions; in order to ensure sound management of the revenues and assets of public institutions and of subsidies provided from public funds, it shall ensure their organisational autonomy within the framework specified by an Act.

#### **Article X**

- (1) Every Hungarian citizen shall have the right to education.
- (2) Hungary shall ensure this right by extending public education and making it universal, by providing free and compulsory primary schooling, free and universally accessible secondary education, and higher education that is accessible on the basis of ability, as well as by providing financial support as laid down in an Act of Parliament to those receiving education.

#### **Article XI**

- (1) Everyone shall have the right to freely choose his or her job or profession, or to engage in entrepreneurial activities. 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 possibilities.
- (2) Hungary shall strive to create conditions ensuring that everyone who is able and willing to work has the opportunity to do so.

#### **Article XII**

- (1) Everyone shall have the right to property and to succession. The ownership of property shall entail social responsibility.
- (2) Property may be expropriated only in exceptional cases, and in the public interest; such expropriation may only take place in such circumstances and in such a manner as stipulated by an Act; such expropriation must be accompanied by full, unconditional and immediate compensation.

#### **Article XIII**

- (1) Hungarian citizens may not be expelled from the territory of Hungary and they may return at any time from abroad. Foreigners residing in the territory of Hungary may be expelled only on the basis of a lawful decision.
- (2) No one may be expelled or extradited to a State where he or she would be in danger of being sentenced to death, being tortured, or being subjected to other inhuman treatment or punishment.
- (3) Hungary shall provide asylum on request to those non-Hungarian citizens who are persecuted in their native country or in the country of their habitual residence for reasons of race, nationality, membership of a particular social group, religious or political opinion, or to those who have a well-founded fear of persecution, provided that neither their country of origin nor another country provides them protection.

#### **Article XIV**

- (1) Everyone shall be equal before the law. Everyone shall have legal capacity.
- (2) Hungary shall guarantee the fundamental rights to everyone without distinction of any kind,

such as race, colour, sex, disability, language, religion, political or other opinion, national or social origin, wealth, birth or any other circumstance whatsoever.

- (3) Women and men shall have equal rights.
- (4) Hungary shall promote the realisation of equality also by measures aimed at eliminating inequalities of opportunity.

#### **Article XV**

- (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 upbringing to be given to their children.
- (3) Parents shall provide care for their minor children. This obligation includes the education of their child.
- (4) Adult offspring shall provide care for their parents if they are in need of such care.
- (5) Hungary shall take special measures to protect women, the elderly and the disabled.

#### **Article XVI**

- (1) Employees and employers shall cooperate with each other taking into consideration the goal to sustain employment and the sustainability of the national economy as well as other community goals.
- (2) Employees and their organisations shall have, in accordance with an Act of Parliament, the right to negotiate with their employers and to conclude collective agreements, and to act jointly or go on strike in order to protect their interests.
- (3) Every employee shall have the right to working conditions that respect his or her health, safety and dignity.
- (4) Every employee shall have the right to daily and weekly rest periods, and to an annual period of paid leave.

#### **Article XVII**

- (1) The employment of children shall be prohibited, with the exception of cases laid down in an Act of Parliament, in which their physical, intellectual or moral development is not endangered.
- (2) Hungary shall ensure the protection of young people and parents at work through special measures.

#### **Article XVIII**

- (1) Hungary shall strive to provide social security to all of its citizens. Every Hungarian citizen shall be entitled to assistance as laid down in an Act of Parliament in the event of maternity, illness or disability, or if he or she becomes a widow(er) or an orphan, or loses employment due to circumstances beyond his or her control.
- (2) For those in need of social security assistance for 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 according to the activity useful for the community conducted by the person benefiting from the social measure.
- (4) Hungary shall facilitate the livelihood of the elderly by maintaining a unified state pension system based on social solidarity and by making possible the operation of voluntarily

established social institutions. The conditions of entitlement to state pension may be specified by an Act of Parliament also by taking into consideration the requirement of increased protection for women.

#### **Article XIX**

- (1) Everyone shall have the right to the preservation of his or her physical and mental health.
- (2) Hungary shall facilitate the enforcement of the right referred to in Paragraph (1) by labour protection, health care institutions and medical care, by supporting sport and regular physical exercise, as well as by ensuring the protection of the man-made and natural environment.
- (3) Hungary shall protect Hungarian sign-language as part of Hungarian culture.

#### **Article XX**

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

#### **Article XXI**

- (1) All adult Hungarian citizens shall have the right to vote and to stand as candidates in parliamentary elections, in local governmental and mayoral elections, and in elections to the European Parliament. By a cardinal Act of Parliament, 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.
- (2) A cardinal Act of Parliament may grant the right referred to in Paragraph (1) to minors as well. The right of the minor to vote shall be exercised – as determined in a cardinal Act of Parliament – by his or her mother or other legal representative and in such a way that the latter can have at most one vote in addition to his or her own.
- (3) Those deprived of their right to vote by a court for a criminal offence shall not have the right to vote.
- (4) Those deprived of their right to vote by a court for limited mental ability shall not have the right to vote.
- (5) All those entitled to vote in parliamentary elections shall have the right to vote in national referenda. All those entitled to vote in local governmental and mayoral elections shall have the right to vote in local referenda.
- (6) All Hungarian citizens shall have the right to hold public office according to their suitability, 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 XXII**

- (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 involves the obligation of such authorities to attach reasoning to their decisions.
- (2) Everyone shall have the right to have the State, as specified in an Act of Parliament, to redress any damage unlawfully caused by its authorities in the performance of their duties.

#### **Article XXIII**

Everyone shall have the right to submit – either individually or jointly with others – a written request, complaint or proposal to any organ exercising authority in the public realm.

#### **Article XXIV**

In order to increase the efficiency of its operations, the quality of public services, the transparency of public affairs, and to promote equality of opportunity, the State shall strive to employ the latest results of science and technology.

#### **Article XXV**

- (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 XXVI**

- (1) Everyone shall be entitled to have any charges against him or her, or his or her rights and obligations in any litigation, adjudicated within a reasonable time in a fair and public trial conducted by an independent and impartial court established by an Act of Parliament.
- (2) No one may be considered guilty until his or her guilt under criminal law has been established by the final judgement of a court.
- (3) Everyone subjected to criminal proceedings shall be entitled to legal defence at all stages of such proceedings. Defence counsels shall not be held accountable for opinions expressed by them in the course of their duties.
- (4) No one may be found guilty and subjected to punishment for an act that, at the time it was committed, was not a criminal offence under the law of Hungary or – within the sphere specified by an international treaty or a legal act of the European Union – under the law of another State.
- (5) Paragraph (4) may not exclude the prosecution and conviction of a person for an act which, at the time it was committed, was a criminal offence according to the generally recognized rules of international law.
- (6) No one may be prosecuted or convicted in criminal proceedings for a criminal offence for which he or she has already been finally acquitted or convicted in Hungary or – within the sphere specified by an international treaty or a legal act of the European Union – under the law of another State.
- (7) Everyone shall have the right to seek legal remedy against decisions of the courts, public administration or other authorities which infringe their rights or legitimate interests.

#### **Article XXVII**

- (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 his or her identity. Nationalities and ethnic groups shall have the right to use their mother tongue, to use their own names in their mother tongue, 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.

#### **Article XXVIII**

- (1) Every human being and every legal entity established on the basis of an Act of Parliament shall contribute, according to their capacity, to financing the needs of the community.
- (2) For those raising children, the extent of this contribution to financing the needs of the community shall be defined by taking into consideration the expenses of childrearing.

### **Article XXIX**

- (1) All Hungarian citizens shall be obliged to contribute to the defence of their country.
- (2) Hungary shall maintain a volunteer reservist system for national defence.
- (3) During a state of national crisis, or if the Parliament decides so in a state of preventive defence emergency, all adult men of Hungarian citizenship residing in Hungary shall perform military service. The forms and detailed rules of military service shall be laid down in a cardinal Act of Parliament.
- (4) For the duration of a state of national crisis, adult Hungarian citizens residing in Hungary may be obliged, as laid down in a cardinal Act of Parliament, to perform defence-related work.
- (5) Adult Hungarian citizens residing in Hungary may be obliged, as laid down in a cardinal Act of Parliament, to perform national defence or disaster-related tasks by participating in civil defence.
- (6) Every human being and every legal entity established on the basis of an Act of Parliament may be obliged, as laid down in a cardinal Act of Parliament, to perform national defence or disaster-related tasks by providing economic or material services.

## **The State**

### **The Tasks and Competences of 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 authorisation to recognise the binding force of international treaties falling within its tasks and competences;
  - e) elect the President of the Republic, the members and the President of the Constitutional Court, the President of the Curia, the Chief Public Prosecutor, the Commissioner for Fundamental Rights, and the President of the State Audit Office;
  - f) elect the Prime Minister, decide upon the question of confidence in the Government;
  - g) dissolve representative bodies which operate in a way that is contrary to the Fundamental Law;
  - h) decide upon the declaration of a state of war, or the conclusion of peace;
  - i) make decisions related to a special legal order and to military operations;
  - j) exercise general amnesty;
  - k) perform other tasks and exercise other competences laid down in the Fundamental Law or in other Acts of Parliament.

## **The Election of Members of Parliament**

### **Article 2**

- (1) Members of Parliament shall be elected by direct and secret ballot by citizens eligible to vote, and enjoying universal and equal voting rights, in elections which guarantee free expression of the will of voters, in accordance with the procedures laid down in a cardinal Act of Parliament.
- (2) The participation in the work of Parliament of nationalities and ethnic groups living in Hungary shall be regulated in a cardinal Act of Parliament.
- (3) The general election of Members of Parliament shall be held in the month of April or May of the fourth year following the election of the previous Parliament, except for elections resulting from the premature dissolution of a Parliament.

## **The Commencement and Termination of the Mandate of the Parliament**

### **Article 3**

- (1) The mandate of Parliament shall commence with its inaugural sitting, and shall last until the inaugural sitting of the next Parliament. The inaugural 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 may dissolve the Parliament, and simultaneously set a date for new elections, if
  - a) the mandate of the Government terminates, and a candidate for Prime Minister nominated by the President of the Republic is not elected by the Parliament within a period of forty days from the initial nomination of a prime-ministerial candidate;
  - b) The Parliament does not adopt the central budget for a given year by 31 March of that year.
- (4) Prior to the dissolution of the Parliament, the President of the Republic shall request the opinion of the Prime Minister, the Speaker of Parliament and the leaders of the parliamentary fractions 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 the Parliament.

## **The Legal Status of Members of Parliament**

### **Article 4**

- (1) The rights and obligations of Members of Parliament shall be equal, they shall perform their activities in the public interest, and they may not be given instructions in that regard.
- (2) Members of Parliament shall be entitled to immunity and to adequate remuneration ensuring their independence. A cardinal Act of Parliament shall define the public offices which may not be held by Members of Parliament, and may specify other cases of conflict of interest.
- (3) The mandate of a Member of Parliament shall terminate:
  - a) upon the termination of the mandate of the Parliament,
  - b) upon his or her death,

- c) upon the declaration of a conflict of interest,
  - d) upon his or her resignation,
  - e) if the conditions necessary for his or her election no longer exist, or
  - f) if he or she has not participated in the work of the Parliament for a year.
- (4) The Parliament shall decide upon the declaration of a conflict of interest, and the assertion of cases of termination of the mandate pursuant to Points e) and f) of Paragraph (3), 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 a cardinal Act of Parliament.

## **The Functioning of the Parliament**

### **Article 5**

- (1) The sessions of the 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 the Members of Parliament, it may decide to hold an *in camera* session.
- (2) The Parliament shall elect the Speaker of Parliament, Deputy Speakers and registrars from among its members.
- (3) The Parliament shall establish standing committees from among its members.
- (4) In order to coordinate their activities Members of Parliament may establish fractions in accordance with the conditions laid down in the Standing Orders.
- (5) The Parliament shall have a quorum if more than half of its Members are present.
- (6) Except where the Fundamental Law provides otherwise, the Parliament shall adopt its resolutions by a simple majority of votes of the Members present. The Standing Orders may stipulate that certain decisions are to be made by a qualified majority.
- (7) The Parliament shall establish its rules of procedure and debate in its Standing Orders, to be adopted by a majority of two-thirds of the votes of the Members of Parliament present.
- (8) The provisions ensuring regular sessions of the Parliament shall be laid down in a cardinal Act of Parliament.

## **Legislation**

### **Article 6**

- (1) The adoption of an Act of Parliament may be initiated by the President of the Republic, the Government, any Parliamentary Committee, or any Member of Parliament.
- (2) At the motion submitted by the initiator of the Act, the Government or the Speaker of Parliament before the final vote, the Parliament may send the adopted Act to the Constitutional Court to examine its conformity with the Fundamental Law. The Parliament shall decide upon the motion after the final vote. If the motion is approved by the 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 has not held it to be contrary to the Fundamental Law.
- (4) Should the President of the Republic consider the 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 or she shall send the Act to the Constitutional Court to examine its conformity with the Fundamental Law.
- (5) If the President of the Republic disagrees with the Act or any of its provisions and has not exercised his or her right pursuant to Paragraph (4), prior to signing the Act he or she may return it, together with comments, to the Parliament for reconsideration on one occasion. The Parliament shall deliberate over the Act once more and decide upon its adoption 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 has not held the Act to be contrary to the Fundamental Law.
  - (6) The Constitutional Court shall decide upon the motion pursuant to Paragraphs (2) or (4) with special dispatch, but within thirty days at the latest. Should the Constitutional Court assert a violation of the Fundamental Law, the Parliament shall renegotiate the Act in order to terminate the violation.
  - (7) If the Constitutional Court does not assert any violation of the Fundamental Law when examining the Act at the request of the President of the Republic, the President of the Republic shall immediately sign the Act and order its promulgation.
  - (8) The Constitutional Court may be requested to conduct another examination, pursuant to Paragraphs (2) and (4), about the conformity of the Act – which was debated and adopted by the Parliament pursuant to Paragraph (6) - with the Fundamental Law. The Constitutional Court shall decide upon the second request with special dispatch, but within ten days at the latest.
  - (9) If the Parliament amends the Act that has been returned to it by the President of the Republic for reconsideration, the Parliament or the President of the Republic shall have the right provided by Paragraphs (2) or (4) in respect of the amended provisions.

## **Tools for Parliamentary Oversight**

### **Article 7**

- (1) Members of Parliament may address questions to the Commissioner for Fundamental Rights, to the President of the State Audit Office, to the Chief Public Prosecutor and to the President of the National Bank of Hungary on any matter which falls within their respective competence.
- (2) Members of Parliament may address interpellations or questions to the Government or any of its Members 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 a cardinal Act.

## **National Referenda**

### **Article 8**

- (1) At the initiative of at least two hundred thousand citizens with voting rights, the Parliament shall order a national referendum. At the initiative of the President of the Republic, the Government, or one hundred thousand citizens with voting rights, the 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 tasks and competences of the Parliament may be the subject of national referenda.
- (3) No national referendum may be held on
  - a) questions aimed at amending the Fundamental Law;

- b) the central budget, implementation of the budget, central taxes, stamp duties, contributions, customs duties, or the content of Acts determining the central requirements related to local taxes;
  - c) the contents of Acts of Parliament regulating the election of Members of Parliament, of local government representatives and mayors, as well as of Members of the European Parliament;
  - d) obligations arising from international treaties;
  - e) personal matters and questions concerning the establishment of organizations that fall within the competence of the Parliament;
  - f) the dissolution of the Parliament;
  - g) the dissolution of a body of local government representatives;
  - h) the declaration of a state of war, a state of national crisis or a state of emergency;
  - i) questions concerning participation in military operations;
  - j) the declaration of general amnesty.
- (4) A national referendum shall be deemed valid if more than half of the total electorate 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 Tasks and Competences of 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 Defence Forces.
- (3) The President of the Republic:
  - a) shall represent Hungary;
  - b) may participate in and take the floor at the sessions of the Parliament;
  - c) may initiate an Act of Parliament;
  - d) may initiate national referenda;
  - e) shall set the date for general parliamentary, local governmental and mayoral elections, as well as the dates for the elections to the European Parliament and for national referenda;
  - f) shall make decisions concerning a special legal order;
  - g) shall convene the inaugural session of the Parliament;
  - h) may dissolve the Parliament;
  - i) may send an Act adopted by the Parliament to the Constitutional Court to examine its conformity with the Fundamental Law, or return it to the Parliament for reconsideration;
  - j) shall put forward nominations for the posts of the Prime Minister, the President of the Curia, the Chief Public Prosecutor and the Commissioner for Fundamental Rights;
  - k) shall appoint professional judges and the President of the Budgetary Council;
  - l) shall confirm the appointment of the President of the Hungarian Academy of Sciences;
  - m) shall decide upon any other matters assigned to his or her competence by an Act of Parliament.
- (4) The President of the Republic shall:
  - a) recognize the binding force of international treaties on the basis of an authorisation given by the Parliament;
  - b) mandate and accredit ambassadors and envoys;
  - c) appoint Ministers, the President of the National Bank of Hungary, the heads of

- autonomous regulatory organs and university professors;
- d) appoint university rectors;
  - e) appoint and promote generals;
  - f) confer titles, medals of merit and decorations specified by an Act of Parliament, and authorize the use of foreign state medals;
  - g) exercise the right to grant presidential pardons;
  - h) decide upon matters of territorial organization falling under his or her competence;
  - i) decide upon cases related to the acquisition or termination of citizenship.
- (5) The counter-signature of a Member of the Government shall be required for all the actions and decisions of the President of the Republic detailed in Paragraph (4). An Act of Parliament may prescribe that a decision assigned by an Act to the competence of the President of the Republic shall be counter-signed by a Member of the Government.
- (6) The President of the Republic shall refuse to comply with the provisions of Points b) to e) of Paragraph (4) if the conditions specified by law have not been met, or he or she sees reasonable grounds to conclude that his or her compliance with such provisions would result in grave harm being done to the democratic functioning of the State.
- (7) The President of the Republic shall refuse to comply with the provisions of Point f) of Paragraph (4) in case such compliance would be contrary to the values of the Fundamental Law.

### **The Procedure for Mandating the President of the Republic**

#### **Article 10**

- (1) The 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 not be re-elected to the office more than once.

#### **Article 11**

- (1) The President of the Republic shall be elected at least thirty days prior to the expiry of the preceding President's mandate, and at most 60 days prior to such expiry; should the preceding President's mandate end prematurely, a new president shall be elected within a thirty-day period from such termination of office. The date of the election of the President of the Republic shall be set by the Speaker of Parliament. 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, the written recommendation of no fewer than fifty Members of Parliament shall be required. A nomination shall be submitted to the Speaker of Parliament prior to the vote being scheduled. Each Member of Parliament may recommend for nomination one candidate. If a Member of Parliament recommends more than one candidate for nomination, all recommendations made by that Member shall be invalid.
- (3) President of the Republic elected at the first round of voting shall be the nominee who receives a majority of two-thirds of the votes of Members of Parliament.
- (4) Should the first round of voting be 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. If it is impossible to establish which two persons have received the two largest numbers of votes due to a tie vote for the first or second place, more than two nominees may proceed to 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. Should the second round of voting also fail to yield a result, a new election shall be held on the basis of new nominations.
- (5) The voting procedure shall be completed within a period of no more than two consecutive days.
  - (6) The President-elect of the Republic shall enter office upon expiry of the previous President's mandate, or, should the previous President's mandate have ended prematurely, on the eighth day following the announcement of the result of the election; prior to taking office the President of the Republic shall take an oath before the Parliament.

## **The Legal Status of the President of the Republic**

### **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 may not pursue any other gainful occupation and may not accept remuneration for other activities, with the exception of activities falling under the protection of intellectual property law.
- (3) The mandate of the President of the Republic shall terminate:
  - a) upon expiry of his or her term of office;
  - b) upon his or her death;
  - c) if the President is incapable of fulfilling his or her duties for a period of more than ninety days;
  - d) if the conditions necessary for his or her election no longer exist;
  - e) upon assertion of a conflict of interest,
  - f) upon resignation;
  - g) upon removal of the President of the Republic from office.
- (4) A two-thirds majority of votes by Members of Parliament present shall be necessary to declare that the President of the Republic is incapable of fulfilling his or her duties for a period of more than ninety days, that the conditions required for his or her election no longer exist, or that there is a conflict or interest.
- (5) The detailed rules of the legal status of the President of the Republic as well as his or her remuneration shall be laid down in a cardinal Act of Parliament.

## **Impeachment of the President of the Republic**

### **Article 13**

- (1) Criminal proceedings against the President of the Republic may be initiated only after the termination of his or her mandate.
- (2) One-fifth of all Members of Parliament may initiate impeachment proceedings against a President of the Republic intentionally violating the Fundamental Law, or violating any other Act while performing the duties of his office, or committing an intentional criminal offence.
- (3) A majority of two-thirds of the votes of all Members of Parliament shall be required to start impeachment proceedings. Voting shall be held by secret ballot.
- (4) The President of the Republic may not exercise his or her powers in the period between the adoption of Parliament's resolution and the conclusion of the impeachment proceedings.
- (5) The Constitutional Court shall have competence to adjudicate on the act.
- (6) If, pursuant to Paragraph (2), as a result of its proceedings the Constitutional Court asserts the fact of an intentional violation of the law, it may remove the President of the Republic from office.

## **Substitution of the President of the Republic**

### **Article 14**

- (1) Should the President of the Republic be temporarily prevented from fulfilling his or her presidential duties, or if the President's mandate terminates, the Speaker of Parliament shall exercise the powers of the President of the Republic until he or she is once again able to fulfil his or her duties, or until a newly-elected President takes office.
- (2) The fact that the President of the Republic is temporarily unable to fulfil his or her duties shall be asserted by the Parliament upon the initiative of the President of the Republic, the Government or any Member of Parliament.
- (3) While acting as the President of the Republic, the Speaker of Parliament may not exercise his or her rights as a Member of Parliament, and his or her duties as Speaker of Parliament shall be attended to by the Deputy Speaker of Parliament designated by the Parliament.

## **The Tasks and Competences of the Government**

### **Article 15**

- (1) The Government is the general organ of executive power; its tasks and competences shall encompass all that is not expressly assigned by the Fundamental Law or another rule of law to the tasks and competences of another organ. The Government shall be answerable to Parliament.
- (2) The Government shall be the principal organ of public administration; it may establish organs of state administration pursuant to provisions laid down in an Act of Parliament.
- (3) Acting within its remit, the Government shall adopt decrees in matters not regulated by an Act of Parliament, or on the basis of an authorization given by an Act of Parliament.
- (4) The Decree of the Government may not be contrary to an Act of Parliament.

## **The Organization of the Government and the Legal Status of its Members**

### **Article 16**

- (1) The members of the Government shall be the Prime Minister and the Ministers.
- (2) By a decree, the Prime Minister shall appoint one or more Deputy Prime Ministers from among the Ministers.
- (3) The Prime Minister shall be elected by the Parliament upon the proposal of 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 a proposal pursuant to Paragraph (3):
  - a) at the inaugural session 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 assertion of a conflict of interest, the absence of conditions required for his or her election, or the fact that the Parliament has expressed its lack of confidence in the Prime Minister in a vote of confidence.
- (6) If the Parliament fails to elect the person proposed for the office of Prime Minister pursuant to Paragraph (5), the President of the Republic shall make a new proposal within fifteen

- days.
- (7) The Minister shall be appointed by the President of the Republic upon the proposal of the Prime Minister. The Minister shall take office on the date indicated in the deed of appointment or, in the absence thereof, immediately upon his or her appointment.
  - (8) The Government shall come into being with the appointment of the Ministers.
  - (9) The member 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 the tasks determined by the Government.
- (3) The capital and castle county government offices shall be organs of the Government with general territorial state administration competence.
- (4) The provisions of a cardinal Act of Parliament regarding the designation of ministries, Ministers or organs of public administration may be amended by an Act of Parliament.

### **The Tasks and Competences of Members of the Government**

#### **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 direct the sectors of state administration falling within his or her competence and the organs subordinated to him or her, and perform the tasks assigned to him or her by the Government or the Prime Minister.
- (3) The Government shall set up government offices in order to perform its tasks of territorial public administration.
- (4) The Member of the Government shall adopt decrees, as authorised by an Act of Parliament or Government Decree, and acting within his or her remit, autonomously or with the consent of other ministers; such decrees may not be contrary to any Act of Parliament, Government Decree or decree of the President of the National Bank of Hungary.
- (5) The Member of the Government shall be answerable to the Parliament for his or her activity, and the Minister shall be similarly answerable to the Prime Minister. The Member of the Government may participate in and take the floor at sessions of the Parliament. The Parliament or a parliamentary committee may oblige the Member of the Government to appear at its session.
- (6) The detailed rules of the legal status of the Member of the Government, his or her remuneration as well as the rules regarding the substitution of Ministers shall be laid down in an Act of Parliament.
- (7) The legal status of government officials shall be regulated in an Act of Parliament.

### **Cooperation between the Government and Parliament in the Course of Decision-making in the European Union**

#### **Article 19**

The Parliament may request information from the Government on the government position to be represented in the decision-making procedures of those institutions of the European Union which operate with government participation, and may take a stand on the draft

placed on the agenda thereof. In the course of European Union decision-making, the Government shall act in accordance with the position taken by the Parliament.

### **Termination of the Mandate of the Government or that of its Members**

#### **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 the Parliament expresses lack of confidence in the Prime Minister and elects a new Prime Minister;
  - c) if the Parliament expresses lack of confidence in the Prime Minister in the course of a vote of confidence initiated by the Prime Minister;
  - d) upon the Prime Minister's resignation;
  - e) upon the Prime Minister's death;
  - f) upon the occurrence of conflict of interest, or
  - g) if the conditions necessary for his or her election no longer exist.
- (3) A Minister's mandate shall terminate
  - a) upon termination of the Prime Minister's mandate;
  - b) upon the Minister's resignation;
  - c) upon the Minister's dismissal; or
  - d) upon the Minister's death.
- (4) A two-thirds majority of the votes of all Members of Parliament shall be needed to establish the applicability of Points f) and g) of Paragraph (2).

#### **Article 21**

- (1) A written motion of no-confidence against the Prime Minister may be introduced - along with the nomination of the candidate for the Prime Minister's position - by no less than one-fifth of all Members of Parliament.
- (2) If the Parliament supports the motion of no-confidence, it thereby expresses its lack of confidence in the Prime Minister, and also elects the person nominated 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. The Parliament expresses its lack of confidence in the Prime Minister unless in the vote of confidence proposed by the Prime Minister the majority of all Members of Parliament supports the Prime Minister's proposal.
- (4) The Prime Minister may propose that the vote on a governmental proposal be considered as a vote of confidence. If the 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) The Parliament shall decide on the question of confidence no sooner than three days, and no later than eight days from the submission of the proposal of no-confidence or the Prime Minister's motion submitted pursuant to Paragraphs (3) and (4).

### **Acting Government**

#### **Article 22**

- (1) The Government, from the termination of its mandate until the formation of a new government, shall exercise its powers as an acting Government; it may not, however, recognize the binding force of international treaties and may adopt decrees only in case of an urgency and on the basis of the 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 exercise his or her powers as acting Prime Minister; 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 the 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 the establishment of a conflict of interest, due 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 confidence, the powers of the Prime Minister shall be exercised by the Deputy Prime Minister until a new Prime Minister is elected, with the limitations provided for in Paragraph (2) hereof; should there be more than one Deputy Prime Ministers, these powers shall be exercised by the Deputy Prime Minister designated for this role.
- (4) A Minister shall temporarily exercise his or her powers as acting Minister from the termination of the mandate of the Prime Minister until the appointment of a new Minister, or until the mandating of another member of the new Government with the relevant ministerial powers; an acting Minister may issue a decree only in case of an urgency.

### **Autonomous Regulatory Organs**

#### **Article 23**

- (1) The Parliament may establish autonomous regulatory organs in a cardinal Act for the performance of certain tasks and the exercise of certain competences belonging to the Executive.
- (2) The head of the autonomous regulatory organ shall be appointed by the President of the Republic, upon a proposal by the Prime Minister, for a period specified by a cardinal Act. The head of the autonomous regulatory organ shall appoint his or her deputy or deputies.
- (3) The autonomous regulatory organ shall report annually to the Parliament.
- (4) As provided for by an Act of Parliament, the head of the autonomous regulatory organ shall issue decrees within his or her competence defined by a cardinal Act; such a decree may not be contrary to an Act of Parliament, a Government decree, a decree of the Prime Minister, a ministerial decree or a decree of the President of the National Bank of Hungary. In issuing a decree, the head of the autonomous regulatory organ may be substituted by the deputy he or she has designated in a decree for this task.

### **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 unconstitutionality of Acts of Parliament adopted but not yet promulgated;

- b) review, 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;
  - d) at the initiative of the Government or of one quarter of all Members of Parliament, review of laws with regard to their conformity with the Fundamental Law;
  - e) examination of conflicts between domestic law and international treaties; and
  - f) exercising other tasks and competences laid down in the Fundamental Law and in a cardinal Act of Parliament.
- (3) The Constitutional Court shall, within its competence pursuant to Points b) to d) of Paragraph (2), annul any law, provision or judicial decision that is contrary to the Fundamental Law, within its competence pursuant to Point e) of Paragraph (2), may annul the law or its provision conflicting with an international treaty, and may determine other legal consequences as laid down in a cardinal Act.
- (4) The Constitutional Court may, within its competence pursuant to Points b) to d) of Paragraph (2), rule on the conformity with the Fundamental Law of Acts related to the central budget, on the implementation of the budget, on central taxes, on stamp duties and contributions, on customs duties, and on the central requirements related to local taxes, exclusively in connection with the rights to life and human dignity, to the protection of personal data, to the freedom of thought, conscience and religion, or in connection with the rights related to Hungarian citizenship, and it may only annul these Acts for the violation of these rights. Acts governing the above matters may be annulled by the Constitutional Court without restriction if the procedural requirements laid down in the Fundamental Law for the creation and publication of such rules of law have not been complied with.
- (5) The Constitutional Court shall be composed of eleven members who shall be elected for twelve years by the Parliament with a majority of two-thirds of the votes of all Members of Parliament. With a majority of two-thirds of the votes of all Members of Parliament, the Parliament shall elect a president from the members of the Constitutional Court; the President of the Constitutional Court shall hold his/her office for as long as he or she is a judge of the Constitutional Court. Members of the Constitutional Court may not be members of a political party or engage in any political activities.
- (6) The detailed rules of the competences, organization and functioning of the Constitutional Court shall be laid down in a cardinal Act.

## **The Courts**

### **Article 25**

- (1) Courts shall administer justice. The highest judicial organ shall be the Curia.
- (2) The courts shall rule in criminal cases, in private cases, in other matters defined by an Act of Parliament, and on the lawfulness of decisions of public administration organs.
- (3) Apart from those specified in Paragraph (2) above, the Curia shall
- a) ensure uniformity of the application of the law by the courts, and make decisions on the uniform application of the law which shall be binding on the courts;
  - b) rule, at the initiative of the Capital or a Castle County Office of the Government, on a conflict between a local government decree and another law and annul any local government decree which is contrary to another law;
  - c) rule, at the initiative of a judge, on a conflict between a local governmental decree and another law to be applied in an individual case, and annul any local government decree which is contrary to another law.
- (4) The judicial system shall be organized at hierarchial levels. For specific groups of cases –

especially for those of public administration and labour law cases— separate courts may be established.

- (5) The organs of judicial self-government shall participate in the administration of the courts.
- (6) An Act of Parliament may provide that in certain types of legal disputes other organs may also conduct proceedings.
- (7) Detailed rules of the organization and administration of courts, the legal status and the remuneration of judges, shall be laid down in a cardinal Act.

#### **Article 26**

- (1) Judges shall be independent and subject only to Acts of Parliament; judges may not be instructed in relation to their judicial activities. Judges may only be removed from office on grounds and according to procedures specified in an Act. Judges may not be members of political parties and may not engage in political activities.
- (2) Professional judges shall be appointed by the President of the Republic.
- (3) The President of the Curia shall be elected by the Parliament for a period of nine years upon a proposal 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 in an Act of Parliament, and in a manner specified therein.
- (3) Only professional judges may proceed as a single judge or act as the president of a chamber of judges. In matters specified by an Act of Parliament, a court secretary may also act within the competence of a single judge; when the court secretary acts within the competence of a judge, the relevant provisions of Paragraph (1) of Article 26 shall apply.

#### **Article 28**

In the course of the application of law, the courts shall interpret the law primarily 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 serve the public good and morally right and economic purposes.

### **The Office of the Public Prosecutor**

#### **Article 29**

- (1) The Office of the Public Prosecutor shall enforce the punitive authority of the State. The Office of the Public Prosecutor shall prosecute criminal offences, take action against other illegal acts or omissions and facilitate the prevention of illegal acts.
- (2) The Office of the Public Prosecutor shall, pursuant to the provisions of an Act of Parliament
  - a) exercise powers in relation to criminal investigations;
  - b) represent the public prosecution in court proceedings;
  - c) initiate proceedings in private matters, take part in the proceedings and have recourse to legal remedy, provided that the person concerned is not able to protect his or her rights or that such recourse is necessary to protect the public interest;
  - d) supervise the lawfulness of the operation of penitentiary system;

- e) perform other tasks and exercise other competences specified in an Act of Parliament.
- (3) The prosecution shall be headed and directed by the Chief Public Prosecutor; he or she shall appoint public prosecutors.
- (4) The Chief Public Prosecutor shall be elected by the Parliament upon proposal 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 Chief Public Prosecutor.
- (5) The Chief Public Prosecutor shall report annually to the Parliament on his or her activities.
- (6) Public prosecutors may not be members of political parties; nor may they engage in political activities.
- (7) The detailed rules of the organization and functioning of the Office of the Public Prosecutor, as well as of the legal status of public prosecutors, shall be laid down in a cardinal Act.

### **The Commissioner for Fundamental Rights**

#### **Article 30**

- (1) The Commissioner for Fundamental Rights shall undertake activities aimed at protecting fundamental rights; anyone may initiate the Commissioner's proceedings.
- (2) The Commissioner for Fundamental Rights shall investigate those controversies related to fundamental rights that have come to his or her knowledge, or have those controversies investigated, and initiate general or specific measures to redress them. The Commissioner for Fundamental Rights shall pay special attention to the interests of future generations, as well as to protecting the rights of nationalities and ethnic groups in Hungary.
- (3) The Parliament shall elect the Commissioner for Fundamental Rights for a period of six years with the votes of two-thirds of all Members of Parliament. The Commissioner for Fundamental Rights shall appoint his or her deputies. The Commissioner for Fundamental Rights and his or her deputies may not be members of a political party, nor may they engage in political activities.
- (4) The Commissioner for Fundamental Rights shall report annually to the Parliament on his or her activities.
- (5) The detailed rules relating to the Commissioner for Fundamental Rights and to his or her deputies shall be laid down in an Act.

### **The Local Public Authority**

#### **Article 31**

- (1) In Hungary local governments shall function for the administration of local public affairs and the exercise of local public authority.
- (2) The rules relating to local governments shall be laid down in a cardinal Act.

### **The Tasks and Competences of Local Governments**

#### **Article 32**

- (1) In the course of managing local public affairs and in accordance with the relevant Acts of Parliament, the local government
  - a) shall adopt decrees;
  - b) shall adopt decisions;
  - c) shall autonomously administer its affairs;

- d) shall determine its organizational structure and rules of operation;
  - e) shall exercise rights of ownership with respect to the property of the local government;
  - f) shall determine its budget and autonomously manage its financial affairs on the basis thereof;
  - g) may undertake entrepreneurial activities using its assets and revenues, these activities may not endanger the performance of its mandatory tasks;
  - h) shall decide on the types and rates of local taxes;
  - i) may create symbols of local government, and institute local honours and titles of merit;
  - j) may request information from the competent organ, initiate the delivery of a decision, and express its opinion;
  - k) may freely associate with other local governments, set up associations for the representation of its interests; cooperate with local governments from other countries in matters falling within its competence, and become a member of international organizations of local governments; and
  - l) shall perform other tasks and exercise other competences as laid down in an Act.
- (2) A local government, acting within its competence, shall issue local governmental decrees regulating local social relations not yet regulated by an Act of Parliament and when an Act of Parliament expressly authorizes to do so.
- (3) A local government decree may not be contrary to other rules of law.
- (4) Following their delivery or promulgation, local governments shall immediately send their decisions or local governmental decrees to the Capital or castle county Office of the Government. If the Office of the Government finds that the decision or the local governmental decree or any of its provisions is unlawful it can, within fifteen days of its receipt, initiate the judicial review of the particular decision or request the Curia to review the local governmental decree.
- (5) The property of local governments shall be public property serving the performance of local government tasks.

### **The Organs of Local Government**

#### **Article 33**

- (1) The tasks and competences of a local government shall be performed and exercised by a body composed of local representatives.
- (2) Local representative bodies shall be governed by a mayor. The president of the county representative body shall be elected by the county representative body from its members for the term equal to the mandate of the representative body.
- (3) A representative body may elect committees and set up its own local governmental office as laid down in a cardinal Act.

### **The Functioning of Local Governments**

#### **Article 34**

- (1) Local governments and the State shall cooperate in order to achieve the aims of the community. Only an Act of Parliament may define mandatory tasks and competences for local governments. In order to perform their tasks and exercise their competences, local governments shall be entitled to receive budgetary and other financial means proportionate thereto.
- (2) An Act may prescribe that a mandatory task of a local government be performed within the framework of an association.

- (3) Apart from local governmental tasks, the mayor and the president of a county representative body may also assume the tasks and competences of state administration in exceptional circumstances, on the basis of an Act of Parliament or of a Government Decree issued on the basis of authorization of an Act of Parliament.
- (4) The Government shall ensure supervision of the lawfulness of the functioning of local governments through the Metropolitan and County Offices of the Government.
- (5) In order to preserve the balance of their budget, an Act of Parliament may prescribe that if a local government plans to contract a debt above a level defined by an Act of Parliament or to undertake any other commitment, it shall obtain the approval of the Metropolitan or County Office of the Government.

### **The Mandate of Local Governments**

#### **Article 35**

- (1) Local government representatives and mayors shall be elected by direct and secret ballot by constituents with voting rights, based on their universal and equal right to vote, in elections ensuring the free expression of the will of the voters, in the manner laid down in a cardinal Act.
- (2) Local government representatives and mayors shall be elected for a term of five years as laid down in a cardinal Act.
- (3) The mandate of the local representative body shall last until the day of the general local government elections. If elections cannot be held due to a lack of candidates, the mandate of the local representative body shall be extended until a by-election can take place. The mandate of an incumbent mayor shall last until the election of a new mayor.
- (4) A local representative body may declare its dissolution in accordance with the conditions laid down in a cardinal Act.
- (5) At the submission of a motion of the Government made following its request for an opinion of the Constitutional Court, the Parliament shall dissolve the representative body functioning contrary to the Fundamental Law.
- (6) Upon dissolution of a local representative body, the mandate of the mayor shall also end.

### **The Central Budget and its Implementation**

#### **Article 36**

- (1) The Parliament shall adopt an Act on the central budget for one calendar year and on its implementation. The Government shall submit the Bill on the central budget and the Bill on implementation thereof to the Parliament by the deadline provided for in an Act.
- (2) The Bill on the central budget and the Bill on implementation thereof shall contain all state expenditures and revenues in an identical format, in a transparent manner and in reasonable detail.
- (3) With the adoption of the Act on the central budget, the Parliament shall authorise the Government to collect the revenues and make the expenditures determined in the same.
- (4) The Parliament may only adopt an Act on the central Budget which will not result in an increase in the state debt compared to gross domestic product.
- (5) For as long as the level of state debt exceeds the level specified in Paragraph (2) of Article 37, the Parliament may only adopt an Act on the central budget which envisages a decrease of the state debt.
- (6) One may only derogate from the provisions contained in Paragraph (4) during a special legal order and to the extent necessary to mitigate the consequences of circumstances triggering

the special legal order, or, if there is a significant and enduring national economic recession, to the extent necessary to restore the balance of the national economy.

- (7) If the Parliament has not adopted the Act on the central budget by the beginning of the calendar year, the Government shall be authorised to collect the revenues determined in the relevant rules of law and, within the framework of the appropriations determined in the Act on the central budget for the previous year, make the pro-rata expenditures.

### **Article 37**

- (1) The Government shall implement the central budget in a lawful and expedient manner, with effective management of public funds and the guarantee of transparency.
- (2) In the course of the implementation of the central budget, the Government may not – with the exceptions specified in Paragraph (6) of Article 36 – contract such debts or undertake such financial obligations on behalf of the State as a result of which the level of state debt would exceed fifty per cent of the gross domestic product of the previous calendar year. The method for calculating the level of state debt and of the gross domestic product shall be laid down in an Act of Parliament.
- (3) During the period specified in Paragraph (5) of Article 36, the Government when implementing the central budget may not, with the exceptions specified in Paragraph (6) of Article 36, contract such debts or undertake such financial commitments on behalf of the State as would result in an increase of the state debt compared to that of the preceding calendar year.

## **National Assets**

### **Article 38**

- (1) The property of the Hungarian State and of local governments shall constitute national assets. The aim of the management and protection of national assets shall be to serve the public interest, to satisfy common needs and to preserve natural resources, and to take into account the needs of future generations. The requirements for preserving and protecting national assets, as well as for the responsible management thereof, shall be laid down in a cardinal Act of Parliament.
- (2) The spheres of the exclusive property and of the exclusive economic activities of the State, as well as the limits and conditions of the alienation of national assets of outstanding importance for the national economy shall be determined by a cardinal Act of Parliament with regard to the aims referred to in Paragraph (2).
- (3) National assets may only be alienated only for purposes specified in an Act, with exceptions defined by an Act of Parliament taking costs and benefits into account.
- (4) Contracts for the alienation or utilisation of national assets may only be concluded with an organisation in which there is transparency of ownership structure, organization, and of the activities relating to the management of the alienated or utilised national assets.
- (5) Economic organizations in state or local government ownership shall conduct their management duties responsibly and autonomously in a manner determined by an Act of Parliament, according to the requirements of legality, expediency, and effectiveness.

## **The Protection of Public Funds**

### **Article 39**

- (1) Only such organizations may receive funding or contracted payments from the central

budget in which there is transparency of ownership structure, organization, and of the activities for which funding are to be used.

- (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 considered to be data of public interest.

#### **Article 40**

A cardinal Act of Parliament shall regulate the basic rules for sharing the burden of public finances and public service provision as well as of the pension system, in order to make calculable contributions to common needs and ensure decent living conditions for the elderly.

### **The National Bank of Hungary**

#### **Article 41**

- (1) The National Bank of Hungary is the central bank of Hungary. The National Bank of Hungary shall be responsible for monetary policy as laid down in an Act of Parliament.
- (2) The President of the National Bank of Hungary shall be appointed for a period of nine years by the President of the Republic, upon the proposal of the Prime Minister. The Vice-President or Vice-Presidents of the National Bank of Hungary shall be appointed by the President of the National Bank of Hungary.
- (3) The President of the National Bank of Hungary shall report annually to the Parliament on the activities of the National Bank of Hungary.
- (4) As authorized by an Act of Parliament, the President of the National Bank of Hungary shall issue decrees on matters falling within his/her competence defined by an Act of Parliament, such decrees may not be contrary to Acts of Parliament. In issuing a decree, the President of the National Bank of Hungary may be substituted by the Vice-President he or she has designated in a decree.

### **The State Audit Office**

#### **Article 42**

- (1) The State Audit Office is the organ of the Parliament responsible for financial and economic control. Within its remit as laid down in an Act of Parliament, the State Audit Office shall control implementation of the central budget, the management of public finances, the utilisation of public funds and the management of national assets. The State Audit Office shall carry out such oversight according to the criteria of legality, expediency and effectiveness.
- (2) The President of the State Audit Office shall be elected for a period of twelve years by the Parliament with a majority of two thirds of the votes of all Members of Parliament.
- (3) The President of the State Audit Office shall report annually to the Parliament on the activities of the State Audit Office.
- (4) The detailed rules of the organisation and functioning of the State Audit Office shall be regulated in a cardinal Act of Parliament.

### **The Budgetary Council**

### **Article 43**

- (1) The Budgetary Council shall be an organ assisting the legislative activities of the Parliament by examining whether the central budget is well-founded.
- (2) The Budgetary Council shall contribute to the preparation of the Act of Parliament on the central budget in a manner defined by an Act of Parliament.
- (3) For the adoption of the Act of Parliament on the central budget, the prior approval of the Budgetary Council shall be needed in order to enforce the provisions contained in Paragraphs (4) and (5) of Article 36.
- (4) The members of the Budgetary Council shall be the President of the Budgetary Council, the President of the National Bank of Hungary, and the President of the State Audit Office. The President of the Budgetary Council shall be appointed for a period of six years by the President of the Republic.
- (5) The detailed rules of the functioning of the Budgetary Council shall be regulated in a cardinal Act of Parliament.

## **The Hungarian Defence Forces**

### **Article 44**

- (1) The armed forces of Hungary are the Hungarian Defence Forces. The fundamental duty of the Hungarian Defence Forces shall be to defend by military means the independence, territorial integrity and borders of Hungary, to perform common defence and peace-keeping missions arising from international treaties, as well as to carry out humanitarian operations in accordance with the rules of international law.
- (2) Unless otherwise provided for by an international treaty, only the Parliament, the President of the Republic, the National Defence Council, the Government or the competent minister shall have the right to command the Hungarian Defence Forces, within the framework determined in the Fundamental Law and in a cardinal Act of Parliament. The Hungarian Defence Forces shall operate under the direction of the Government.
- (3) The Hungarian Defence Forces shall participate in the prevention of disasters, and the mitigation of and recovery from the consequences thereof.
- (4) Professional staff members of the Hungarian Defence Forces may not be members of political parties and may not engage in political activities.
- (5) The detailed rules of the organisation, tasks, direction and management, as well as the operation of the Hungarian Defence Forces shall be laid down in a cardinal Act of Parliament.

## **The Police and the National Security Services**

### **Article 45**

- (1) The fundamental duty of the Police shall be the prevention and detection of criminal acts, as well as the protection of public security, public safety 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 the protection of the independence and lawful order of Hungary, as well as the enforcement of its national security interests.
- (4) The National Security Services shall operate under the direction of the Government.
- (5) Professional staff members of the Police and the National Security Services may not be members of political parties and may not engage in political activities.

- (6) The detailed rules of the organisation and operation of the Police and the National Security Services, the rules of means and techniques of secret services, as well as the rules related to national security activities shall be laid down in a cardinal Act of Parliament.

### **Decision on Participation in Military Operations**

#### **Article 46**

- (1) The Government shall decide on such troop movements of the Hungarian Defence Forces and of foreign armed forces that involve border crossing.
- (2) With the exception of the cases specified in Paragraph (3) below, the 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 Defence Forces abroad or within Hungary, or on their stationing abroad, the use of foreign armed forces within or departing from the territory of Hungary, or on the stationing of foreign armed forces in Hungary.
- (3) The Government shall decide on such use of the Hungarian Defence Forces and foreign armed forces as referred to in Paragraph (2) and based on a decision of the European Union or the North Atlantic Treaty Organisation, or on other troop movements thereof.
- (4) While simultaneously informing the President of the Republic, the Government shall immediately report to the Parliament on any decision made in accordance with Paragraph (3), or authorizing the participation of the Hungarian Defence Forces in peace-keeping missions or in humanitarian operations in foreign theaters of operation.

### **The Special Legal Order**

#### **Article 47**

- (1) The Parliament shall
  - a) declare a state of national crisis and set up a National Defence Council in the event of the declaration of a state of war or the immediate danger of an armed attack by a foreign power (danger of war);
  - b) declare a state of emergency in the event of armed actions aimed at subverting the lawful order or at the acquisition of exclusive control of power, or in the event of grave acts of violence committed with the use of arms or alternative means capable of endangering life and property on a massive scale.
- (2) For declaration of the special legal order pursuant to Paragraph (1), a majority of two thirds of the votes of all Members of Parliament shall be required.
- (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 Defence Council, or to declare a state of emergency.
- (4) The Parliament shall be deemed incapable of taking such decisions if it is not in session and its recall is made impossible by insurmountable obstacles caused by lack of time or the events necessitating the declaration of a state of war, state of national crisis or state of emergency.
- (5) The Speaker of Parliament, the President of the Constitutional Court and the Prime Minister shall 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) As soon as the Parliament is once more able to act, it shall review at its first session whether the declaration of a state of war, state of national crisis or state of emergency was justified, and it shall decide upon the legality of the measures taken. A majority of two-thirds of the votes of all Members of Parliament shall be required for such decision.

- (7) During a state of national crisis or a state of emergency the Parliament may not dissolve itself, nor may it be dissolved. During a state of national crisis or a state of emergency no date may be set for general elections for Members of Parliament, nor may such elections be held; in such cases a new Parliament shall be elected within ninety days from the 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 had its inaugural session, the President of the Republic shall convene the inaugural session 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 Defence Council during a state of national crisis, or by the President of the Republic during a state of emergency.

## **A State of National Crisis**

### **Article 48**

- (1) The President of the Defence Council shall be the President of the Republic, and its members shall be the Speaker of Parliament, the leaders of the fractions of political parties represented in the Parliament, the Prime Minister and the Ministers and – in an advisory capacity – the Chief of Staff of the Hungarian Defence Forces.
- (2) The Defence Council shall exercise
  - a) the powers conferred on it by the Parliament;
  - b) the powers of the President of the Republic;
  - c) the powers of the Government.
- (3) The National Defence Council shall decide
  - a) on the use of the Hungarian Defence Forces within or outside Hungary, on their participation in peace-keeping missions, or in humanitarian operations in foreign spheres of operation, or on their stationing abroad;
  - b) on the use of foreign armed forces within or departing from the territory of Hungary, or their stationing in Hungary;
  - c) on the introduction of extraordinary measures laid down in a cardinal Act of Parliament.
- (4) The National Defence Council may issue decrees suspending the application of certain Acts of Parliament or derogating from the provisions of Acts of Parliament, and it may take other extraordinary measures.
- (5) Upon the termination of the state of national crisis, the decrees of the National Defence Council shall cease to have effect unless the Parliament extends their effect.

## **A State of Emergency**

### **Article 49**

- (1) The Hungarian Defence Forces may be used during a state of emergency if the use of the Police – and of the National Security Services – is insufficient.
- (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 Defence Forces pursuant to Paragraph (1).
- (3) During a state of emergency, the extraordinary measures defined by a cardinal Act of Parliament shall be introduced by decree of the President of the Republic. In his or her decree, the President of the Republic may suspend the application of certain Acts of Parliament, derogate from provisions of Acts of Parliament, or take other extraordinary measures.

- (4) The President of the Republic shall immediately inform the Speaker of Parliament of any extraordinary measures introduced. During a state of emergency, the Parliament – or if it is prevented from acting, the Standing Defence Committee of the Parliament – shall remain continuously in session. The Parliament – or if it is prevented from acting, the Standing Defence Committee of the Parliament – shall have the power to suspend the application of extraordinary measures introduced by the President of the Republic.
- (5) Extraordinary measures introduced by decree shall remain in force for a period of thirty days, unless their effect is extended by the Parliament or, if it is unable to act, the Standing Defence 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.

## **A State of Preventive Defence**

### **Article 50**

- (1) In the event of an imminent threat of foreign armed attack or in order to fulfill commitments under an alliance treaty, the Parliament shall declare a state of preventive defence and simultaneously authorise the Government to introduce the extraordinary measures laid down in a cardinal Act of Parliament. The duration of the state of preventive defence may be extended.
- (2) For the declaration or extension of the special legal order pursuant to Paragraph (1), the votes of two-thirds of the Members of Parliament present shall be required.
- (3) After having put forward a motion for a state of preventive defence, the Government may, in a decree, introduce measures derogating from the Acts of Parliament governing the functioning of public administration and of the Hungarian Defence Forces and of law-enforcement organs, of which measures it shall continuously inform the President of the Republic and the competent standing committees of the Parliament. The measures introduced in this way shall remain in force until Parliament's decision on the declaration of a state of preventive defence, but in any case for no longer than sixty days.
- (4) During a state of preventive defence the Government may issue decrees with which it may – according to those laid down in a cardinal Act of Parliament – suspend the application of certain Acts of Parliament, derogate from the provisions laid down in Acts of Parliament, or take other extraordinary measures.
- (5) Upon termination of the state of preventive defence, the decree of the Government shall cease to have effect.

## **An Unexpected Attack**

### **Article 51**

- (1) Should the territory of Hungary be subjected to unexpected attack by foreign armed groups, the Government shall take immediate measures to repel such an attack and defend the territorial integrity of Hungary with the Hungarian and allied anti-aircraft and stand-by air forces, if necessary in accordance with the armed defence plan approved by the President of the Republic. It shall deploy forces proportional with the gravity of the attack and which have been prepared for such a role, until a state of emergency or state of national crisis has been declared, in the interests of protecting lawful order, lives and property, and public order and safety.
- (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 unexpected attack, the Government may issue decrees with which it may – according to the provisions laid down in a cardinal Act of Parliament – suspend the application of certain Acts of Parliament, derogate from the provisions laid down in Acts of Parliament, or take other extraordinary measures.
  - (4) Upon termination of the unexpected attack, the decree of the Government shall cease to have effect.

### **A State of Danger**

#### **Article 52**

- (1) In the event of a natural or industrial disaster endangering lives or property, or in order to mitigate the consequences thereof, the Government shall declare a state of danger, and may introduce extraordinary measures laid down in a cardinal Act of Parliament.
- (2) During a state of danger the Government may issue decrees with which it may – according to the provisions laid down in a cardinal Act of Parliament – suspend the application of certain Acts of Parliament, derogate from the provisions laid down in Acts of Parliament or take other extraordinary measures.
- (3) The decree of the Government pursuant to Paragraph (2) shall remain in force for fifteen days, except if the Government – on the basis of an authorization from the 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 of a Special Legal Order**

#### **Article 53**

- (1) Under special legal order, the exercise of fundamental rights – except for the fundamental rights laid down in Articles II and III, as well as in Paragraphs (2) to (5) of Article XXVI – 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 organ competent to introduce it, if the conditions for its declaration cease to apply.
- (4) The detailed rules to be applied under a special legal order shall be laid down in a cardinal Act of Parliament.

### **Final Provisions**

1. The Fundamental Law of Hungary shall enter into force on 1 January 2012.
2. The Parliament shall adopt the Fundamental Law according to Point a) of Paragraph (3) of §19 and to Paragraph (3) of §24 of Act XX of 1949.
3. The transitional provisions shall be adopted separately by the Parliament according to the procedure referred to in Point 2 above.
4. The Government shall submit to the Parliament the Acts necessary for the implementation of the Fundamental Law.

\*

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

*[at the end of the Fundamental Law, a list of the names of the Members of Parliament voting in favour, without the indication of titles, honours, party affiliation, etc.]*

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