

CONSTITUTION /BASIC LAW OF HUNGARY
(25. April 2011.)
(draft)

GOD, BLESS HUNGARIANS

National Pledge/National Declaration

We, members of the Hungarian nation at the beginning of the new Millennium, bearing responsibility for all Hungarians hereby declare that:

We are proud, that our King St. Stephen established the Hungarian state on firm foundations a thousand years ago and made our country a part of Christian Europe.

We are proud of our forefathers who struggled for the survival, freedom and independence of our country.

We are proud of the magnificent intellectual performance of Hungarian people.

We are proud that our people have battled for centuries to protect Europe and have, with their talent and diligence enriched its common values.

We recognize the role of Christianity in preserving our nation. We appreciate the different religious traditions of our country.

We promise to preserve the spiritual and intellectual unity of our country battered by the storms of the past century.

We undertake to preserve and nurture our legacy, the Hungarian culture, our unique language, and the man-made and natural treasures of the Carpathian-basin. We bear responsibility for our descendants; therefore we will prudently use our material, intellectual and natural resources, so as protect the essentials of life for future generations.

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

We respect the freedom and cultures of other people; we aspire to cooperate with all nations of the world.

We profess that the basis of human existence is human dignity.

We profess that individual freedom can only develop in cooperation with others.

We profess that the most important frameworks for our coexistence are the family and the nation, the fundamental values binding us together are loyalty, faith and love.

We profess that the strength of a community and the honour of every person is rooted in work and intellectual performance.

We acknowledge the mandate to help the needy and the poor.

We profess that the common objective of the citizen and the state is the achievement of peace, security, order, justice and freedom.

We profess that the true rule of the people can only exist when the state serves its citizens and manages their affairs in an equitable manner without abuse or bias.

We respect the achievements of our historic Constitution and the Holy Crown, which embodies the continuity of the Hungarian constitutional state.

We do not acknowledge the suspension of our historic Constitution as a result of foreign occupation. We reject the applicability of statute of limitations to the inhuman crimes committed against the Hungarian nation and its citizens during the reign of the national socialist and the communist regimes.

We do not accept the legal continuity of the communist Constitution of 1949, which served as the basis of an oppressive regime; therefore we declare it null and void.

We agree with the members of the first freely elected Parliament, who pronounced in their first resolution that our freedom today stems from our 1956 revolution and freedom fight, which delivered a fatal blow to world communism.

We consider that the state sovereignty of Hungary lost on March 19, 1944 was regained on May 2, 1990, when the first freely elected representative body of the people was constituted.

We declare that after the decades of events of the twentieth century that lead to a moral decline, we have an eminent need of spiritual and intellectual renewal.

We have trust in the future we jointly build, the commitment of the young generations. We believe that our children and grandchildren will use their talent, perseverance and emotional strength to make Hungary great again.

Our basic law is the foundation of our legal system; it is a compact between Hungarians of the past, present, and the future; it is a dynamic framework, which articulates the will of the nation, the framework in which we wish to live.

We, the citizens of Hungary, are ready to base the system of our country on the cooperation of the nation.

BASIC STIPULATIONS

A. Article

The name of our COUNTRY is Hungary.

B. Article

- (1) Hungary is an independent, democratic state under the rule of law.
- (2) Hungary is a republic.
- (3) The source of all power are the people,
- (4) The people exercise their power through their elected representatives, and directly in exceptional cases.

C. Article

- (1) The functioning of the Hungarian state is based on the principle of the separation of powers.
- (2) Nobody may direct their activity at the acquisition or exercise of public authority by force, or seek its exclusive possession. Everyone shall have the right and obligation to resist by lawful means such attempts.
- (3) Only state authorities shall have the exclusive right to use force in order to enforce the Constitution and laws.

D. Article

Motivated by the ideal of a unified Hungarian nation, Hungary shall bear a sense of responsibility for the destiny of Hungarians living outside her borders, shall promote their survival and development, and will continue to support their efforts to preserve their Hungarian culture, and foster their cooperation with each other and with Hungary.

E. Article

- (1) Hungary shall contribute to creating European unity, so as to achieve freedom, well-being and the security for the European people.
- (2) In the interest of participating as a Member State of the European Union on the basis of international treaties - to the extent required to exercise rights and perform obligations set forth in the basic treaties – Hungary may exercise some of its authorities stemming from the Constitution in conjunction with the other member states through the institutions of the European Union.
- (3) A majority of two-thirds of the votes of the Members of Parliament shall be required for the ratification and adoption of the international treaties specified in subsection (2).

F. Article

- (1) The capital of Hungary is Budapest.
- (2) The territory of Hungary shall be divided into counties, cities and municipalities. Districts may be formed in cities.

G. Article

- (1) A child born to a Hungarian citizen will be a Hungarian citizen by birth. A super majority law may define other means by which Hungarian citizenship may originate or be obtained.
- (2) Hungary shall protect its citizens.
- (3) No one may be deprived of their Hungarian citizenship acquired at birth or legally obtained.
- (4) A super majority law will define the detailed regulations pertaining to citizenship.

H. Article

- (1) The official language is Hungarian.
- (2) Hungary will protect the Hungarian language; respect the languages of nationalities and ethnic groups living in the country, as well as the languages of other nations.

I. Article

- (1) The Coat of Arms of Hungary shall be a vertically divided shield with a rounded base coming to a point. The first field contains eight horizontal bars of red and silver. The second field has a background of red and depicts a base of three green mounds with a golden crown resting on the centre mound and a silver patriarchal cross rising from the middle of the crown. The Holy Crown of St. Stephen rests on the top of the shield

[picture of the coat of arms]

- (2) The National Flag of Hungary shall be a tricolour consisting of horizontal red, white and green bands of equal width.

[picture of the flag]

- (3) The national anthem of Hungary is the poem "Himnusz" by Ferenc Kölcsey, set to the music of Ferenc Erkel.

[sheet music with the text]

- (4) The coat of arms and the flag may also be used in other historically evolved forms. The detailed rules on the use of the coat of arms and the flag, as well as the state decorations will be set forth in a super majority law.

J. Article

- (1) The national holidays of Hungary

- a)* the 15th of March to commemorate the 1848-49 revolution and freedom fight,
 - b)* the 20th of August, to commemorate the founding of the state and the founder King St. Stephen
 - c)* the 23rd of October, to commemorate the 1956 revolution and freedom fight.
- (2) The official national day will be the 20th of August.

K. Article

- (1) The economy of Hungary will be based on value creating work and the freedom of enterprise.
- (2) Hungary shall provide the conditions for fair economic competition, will act against the abuse of economic power and will protect the rights of consumers.

L. Article

- (1) Hungary will operate based on the principle of balanced, transparent and sustainable budget management.
- (2) The Parliament and the Government will bear the primary responsibility for the implementation of the above principles.
- (3) In carrying out their tasks the Constitutional Court, the judiciary, the local governments and other state authorities will be obliged to observe these objectives.

M. Article

- (1) Hungary protects the institution of marriage between man and woman, a matrimonial relationship voluntarily established, as well as the family as the basis for the survival of the nation.
- (2) Hungary supports child-bearing.
- (3) The protection of families is regulated by a super majority law.

N. Article

Everyone will bear responsibility for themselves according to their abilities and is obligated, within their means, to contribute to the performance of state and community tasks.

O. Article

- (1) Hungary protects and safeguards a healthy environment.
- (2) Natural resources, especially arable land and the drinking water supplies, as well as the biologic diversity and cultural values which all form part of the common national heritage, preservation of which for future generations is an obligation of the state and all others.
- (3) Hungary protects the sign language of the deaf and the hearing impaired, as a part of the Hungarian culture.

P. Article

- (1) Hungary will endeavour to cooperate with all peoples and countries of the world in the interest of establishing and preserving peace and security and promoting the sustainable development of mankind.
- (2) Hungary will in the interest of performing its obligations assumed under international laws ensure the harmony between domestic and international law.
- (3) Hungary will respect the generally recognized rules of international law. Other sources of international law will become part of the Hungarian legal system upon their promulgation in another law.

Q. Article

- (1) The Constitution is the basis of the Hungarian legal system.
- (2) The Constitution and laws are binding on everyone.
- (3) The provisions of the Constitution shall be interpreted consistent with their objective, including the National Pledge incorporated therein, and the achievements of our historic Constitution.

R. Article

The approval of a motion to ratify or amend the Constitution shall require the support of at least two-thirds of the Members of Parliament.

S. Article

- (1) Generally binding rules of conduct shall be established only by laws issued by law-making authorities specified in the Constitution and published in the Official Gazette. A super majority law may stipulate different publication requirements for promulgating local government decrees and legislation passed during on emergency.
- (2) An Act of Parliament, a Government Decree, a Decree of the President of the National Bank, a Decree of the Prime Minister, a Ministerial Decree, the decrees issued by independent regulatory bodies and local governments shall have the force of law. A decree issued by the National Defence Council during a state of extraordinary condition and a decree issued by the President of the Republic during a state of emergency will also have the force of law.
- (3) Super majority law shall be all statutes, which to be adopted or amended require the vote of two-thirds of the Members of Parliament present.

FREEDOM AND RESPONSIBILITY

I. Article

- (1) Inviolable and inalienable fundamental rights of humans have to be respected. Protecting them shall be the primary obligation of the state.
- (2) Hungary acknowledges the fundamental rights of individuals and the fundamental collective rights of communities.
- (3) Regulations on fundamental rights and obligations shall be set forth in law. The exercise of any fundamental right may only be restricted in the interest of the enforcement of another fundamental right or the protection of values set forth in the Constitution, only to the extent required, proportionally to the objective to be achieved, while fully respecting the substantial content of the fundamental right.
- (4) Legal persons established in accordance with law shall also have the fundamental rights and be bound by the obligations that by their nature do not only pertain to natural persons.
- (5) Law may allow non- Hungarian citizens to exercise fundamental rights of citizens.

II. Article

Human dignity is inviolable. Everyone has the right to life and human dignity; the life of a foetus will be protected from conception.

III. Article

- (1) No one shall be subjected to torture or inhuman or degrading treatment or punishment or be held in servitude. Trafficking in human beings is prohibited.
- (2) Medical or scientific experiments on humans without their free and informed consent are prohibited.
- (3) Eugenic practices aimed at selection of persons, making the human body and its parts a source of profit and the reproductive cloning of human beings are prohibited.

IV. Article

- (1) Everyone has the right to liberty and security of person; no one shall be deprived of this freedom except on the grounds and in accordance with the procedures provided for by law. Persons may only be deprived of their personal freedom after a court has established the criminal responsibility in a final judgment for a crime committed.
- (2) A person suspected of committing a crime, who has been detained, will be set free or brought before a court within the shortest time possible. The court must hear such a person and decide forthwith in a written ruling with detailed reasoning on setting the person free or placing the person under arrest.

V. Article

- (1) Everyone is entitled to respect for his or her private and family life, home, communications and good reputation.
- (2) Everyone has the right to the protection of personal data concerning him or her, as well as the right to access and disseminate information of public interest.
- (3) An independent authority will be responsible for protecting personal data and for the publication of information of public interest.

VI. Article

- (1) Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to choose and to change religion or belief and freedom, either alone or in community with others and in public or in private, to manifest or choose not to manifest religion or belief, in worship, teaching, practice and observance.
- (2) In Hungary the churches and the State operate separately. Churches are independent in Hungary. The State will cooperate with churches in the pursuit of community objectives.
- (3) Detailed regulations pertaining to churches will be set forth in a super majority law.

VII. Article

- (1) Everyone has the right to freedom of peaceful assembly.
- (2) Everyone has the right to establish organizations and to join such organizations.
- (3) Parties may be formed and may operate freely in accordance with the Act on Association. Parties will participate in forming and expressing the will of the people. Political parties may not exercise public power directly.
- (4) A super majority law will regulate the financial management and operation of parties, with a special view to ensuring the ethical public life.
- (5) Trade unions, chambers and other special interest representative groups may be formed and may operate freely in accordance with the Act on Association.

VIII. Article

- (1) Everyone has the right to freedom of expression.
- (2) Hungary recognises and protects the freedom of the media.
- (3) A super majority law will provide the detailed the rules on the freedom of the media, as well as rules on the supervision of the electronic mass media and the news media market.

IX. Article

- (1) Hungary will protect the freedom of scientific and artistic life, the freedom of learning and teaching.

(2) Only representatives of academic life will have the right to define the scientific value of research.

(3) Hungary will protect the academic and artistic freedom of the Hungarian Academy of Sciences, the Hungarian Academy of Arts and higher education institutions; will – within the framework set forth in law – provide for their institutional autonomy with a view to a responsible management of the revenues and assets of state institutions, as well as support provided from public funds.

X. Article

(1) Every Hungarian citizen has the right to education.

(2) Hungary provides this right by expanding public education and making it general, through free and obligatory elementary education, free secondary education accessible for all and through higher education accessible for everyone having the required skills, as well as through financial support provided to those studying as it is set forth in law.

XI. Article

(1) Everyone has the right to freely choose the fields of work or occupation, and to conduct a business. Everyone should contribute to the welfare of the community through their work in accordance with their skills and opportunities.

(2) Hungary endeavours to create the conditions that allow everyone who wishes to work.

XII. Article

(1) Everyone has the right to property and to inheritance. Owning property carries a social responsibility.

(2) Property may only be expropriated in exceptional cases and in the public interest and in cases and under the conditions provided for by law, subject to full, unconditional and immediate compensation for the loss.

XIII. Article

(1) No Hungarian citizen will be expelled from the territory of Hungary and may at any time return from abroad. Foreigners staying in the territory of Hungary may only be expelled on the basis of a decision made in accordance with law.

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

(3) Hungary will upon receipt of a request to provide asylum to those non-Hungarian citizens who are subject to persecution in their native country or in the country of their regular residence, on the basis of their race, nationality, belonging to a specified social group, religious or political convictions, or whose fear of persecution is well founded, provided that neither the country of their origin nor another country provide them protection.

XIV. Article

- (1) Everyone is equal under the law. Everyone shall have legal capacity.
- (2) Hungary ensures fundamental rights to all, without any discrimination based on sex, race, colour, ethnic or social origin, national origin, handicap, language, religion, political or any other opinion, property, birth or other condition without discrimination.
- (3) Men and women have equal rights.
- (4) Hungary shall institute measures aimed at achieving equality and preventing the lack of equal opportunities.

XV. Article

- (1) Children shall have the right to such protection and care as is necessary for their physical, intellectual and moral development.
- (2) Parents have the right select the upbringing for their children.
- (3) Parents are obliged to care for their minor children. This obligation encompasses the need to ensure the education of their children.
- (4) Adult children will be obliged to care for their parents in need.
- (5) Hungary will protect women, the elderly and those living with disabilities with special measures.

XVI. Article

- (1) Employees and employers will cooperate in the interest of maintaining the national economy, ensuring jobs and implementing other community objectives
- (2) Employees and employers, or their respective organizations, have, in accordance the law, the right to negotiate and conclude collective agreements and, in cases of conflicts of interest, to take collective action to defend their interests, including strike action.
- (3) Every employee has the right to working conditions that respect his or her health, safety and dignity.
- (4) Every worker has the right to daily and weekly rest periods, as well as to annual paid leave.

XVII. Article

- (1) The employment of children is prohibited, with the exception of cases set forth in law, that do not harm their physical, mental or moral development.
- (2) Hungary will provide for the protection of young people and parents at the work place with separate measures.

XVIII. Article

- (1) Hungary will strive to provide social security to every citizen. Every Hungarian citizen shall be entitled to support set forth in law in the case of maternity, illness, disability, being orphaned or widowed, and in the case of loss of employment through no fault of the employee.
- (2) Hungary will provide social services for those mentioned in section (1) and to others through social security and a system of social institutions and measures.
- (3) A law may set forth the character and extent of social services provided based on the work in the public interest performed by the person benefiting from such social services.
- (4) Hungary will ensure the livelihood for the elderly by maintaining an integrated state pension system based on social solidarity and by allowing the functioning of voluntary social institutions. A law may also provide for the conditions entitling women to state pensions taking into consideration the need for their increased protection.

XIX. Article

- (1) Everyone shall have the right to preserve their physical and mental health.
- (2) Hungary shall ensure this right through the organization of labour safety, health care institutions, medical care, by securing the opportunities for regular physical activity, as well as through the protection of the built and natural environment.

XX. Article

Hungary shall endeavour to provide for everyone the opportunity for housing in accordance with human dignity and to provide access to public services for all.

XXI. Article

- (1) All adult Hungarian citizens residing in the territory of Hungary shall have the right to be elected and the right to vote in parliamentary elections, local elections of representatives and mayors, as well as the elections of members of the European Parliament. The right to vote or the comprehensiveness of such right may be restricted to residence in Hungary and eligibility to be elected to further criteria in a separate super majority law.
- (2) It cannot be considered an infringement of equal voting rights if a super majority law provides an additional vote for mothers in families with minor children, or as a provided by law, another person may be entitled to an additional vote.
- (3) The right to vote shall not be granted to persons who are subject to the final judgment of a court forbidding them to participate in public affairs. The right to vote shall not be granted to persons who have been excluded by a court decision on the basis of limited or restricted capacity.
- (4) Everyone eligible to vote at a parliamentary election has the right to participate in a national referendum. Everyone has the right to participate at a local referendum if they are eligible for voting at the local election of mayors.

(5) All Hungarian citizens shall have the right to hold public office in accordance with their suitability, education and professional ability. A law will define public offices which may not be held by party members or officials.

XXII. Article

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

(2) Every person has the right as provided in the law to be compensated by the State for any damage illegally caused by its authorities in the performance of their duties.

XXIII. Article

Everyone shall have the right to present, individually or jointly with others, written petitions, complaints or suggestions to any public authority.

XXIV. Article

The State will endeavour to make greater use of new technical solutions and scientific advances with a view to providing for a more efficient operation, to increasing the level of public services, to ensuring increased transparency of public affairs and to ensuring equal opportunities.

XXV. Article

(1) Everyone legally staying in the territory of Hungary shall have the right to freely move and choose a place of residence.

(2) Every Hungarian citizen has the right to enjoy the protection of Hungary while abroad.

XXVI. Article

(1) Everyone shall be entitled in the determination of any criminal charge against them or in the litigation of their rights to a fair and public – or for special cases as defined by law, at closed hearing - within a reasonable time by an independent and impartial court previously established by law.

(2) No one shall be considered guilty until the court determines criminal responsibility in a final judgment.

(3) Everyone subjected to criminal proceedings shall be entitled to be defended at all stages of the proceedings. Representative of the defence shall not be held responsible for opinions expressed in the course of the defence.

(4) No one shall be declared guilty and subjected to punishment for an action that was not considered, at the time it was committed, a criminal offense under Hungarian law. This prohibition will –within the scope defined in international treaties and the legal act of the European Union -

encompass the trial and punishment for any act which was criminal according to the law of another state.

(5) No one shall be liable to be tried or punished again in criminal proceedings for an offence for which he or she has already been finally acquitted or convicted in Hungary or – within the scope defined in international treaties and the legal act of the European Union - in another state.

(6) Everyone shall be entitled to seek legal remedy against decisions of the courts, the public administration or other authorities, which infringe their rights or legal interests.

XXVII. Article

(1) Every nationality and ethnic group living in Hungary shall be considered a part of the state forming entity. National and ethnic minorities will have the right to use their own languages, to use their names in their own languages, to foster their culture and to education in their own languages.

(2) National and ethnic minorities in Hungary shall have the right to form local and national self-governments.

XXVIII. Article

(1) Every natural and legal person established by law will have the obligation to contribute to pay for public necessities in accordance with their means and capabilities.

(2) In the case of those bringing up children, the level of the contribution for public necessities will have to be established taking into consideration the costs of bringing up a child.

XXIX. Article

(1) All Hungarian citizens shall have the obligation to defend the homeland.

(2) Hungary maintains a voluntary system of reservists for the military.

(3) During a state of emergency, or if the Parliament decided in a preventive defensive situation, all adult men of Hungarian citizenship residing in the territory of Hungary will perform national defence service. A super majority law will define the precise rules and forms of such military service.

(4) National defence work obligation may be prescribed – in accordance with a relevant cardinal law - for all adults of Hungarian citizenship residing in the territory of Hungary during a state of emergency.

(5) Civilian defence obligation may be introduced – in accordance with a relevant super majority law - for all adults of Hungarian citizenship residing in the territory of Hungary for national defence or disaster protection duties.

(6) Every natural and legal person established by law may be compelled – in accordance with a relevant super majority law - to perform economic and material services for national defence or disaster protection.

THE STATE

The Parliament

The duties and the authorities of the Parliament

1. Article

- (1) The Parliament is the supreme body of popular representation in Hungary.
- (2) The Parliament
 - a)* adopts the Constitution of Hungary,
 - b)* passes other legislation,
 - c)* approves the central budget and its execution,
 - d)* provides a mandate for the recognition of the mandatory scope of international treaties falling under its duties and authority,
 - e)* elects the President of the Republic, the members of the Constitutional Court, the President of the Curia, the Chief Public Prosecutor, the Parliamentary Commissioner for Fundamental Rights and the President of the State Audit Office,
 - f)* elects the Prime Minister and decides on motions of confidence related to the Government,
 - g)* dissolves representative councils functioning in breach of the Constitution,
 - h)* renders decisions pertaining to extraordinary legal circumstances and military operations,
 - i)* exercises general amnesty, and
 - j)* exercises further duties and authorities set forth in the Constitution and other laws.

Election of Members of Parliament

2. Article

- (1) Members of Parliament shall be elected by direct, secret ballot by voting citizens articulating their free will, based on their universal and equal right to vote in a manner defined in a super majority law.
- (2) The participation of national and ethnic minorities living in Hungary in the work of the Parliament will be regulated by a super majority law.
- (3) The general election of the Members of Parliament, except elections following the dissolution of the Parliament, shall be held in the month of April or May of the fourth year following the election of the previous Parliament.

The commencement and the termination of the Parliament's mandate

3. Article

- (1) The mandate of the Parliament shall commence with its inaugural session and will last until the inaugural session of the next Parliament. The inaugural session of the Parliament shall be convened by the President of the Republic for a date within one month after the elections.
- (2) The Parliament may declare its dissolution.
- (3) The President of the Republic may dissolve the Parliament, simultaneously with the announcement of new elections, if:
- a)* the mandate of the Government terminates, 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 day upon which the first candidate was nominated, or
 - b)* the Parliament does not adopt the central budget by March 31.
- (4) Prior to dissolving the Parliament, the President of the Republic shall request the opinion of the Prime Minister, the Speaker of the Parliament and the leaders of the parliamentary factions of the parties represented in the Parliament.
- (5) The President of the Republic may exercise the right set forth under paragraph (3) section a) until the Parliament elects a Prime Minister. The President of the Republic may exercise the right set forth under paragraph (3) section b) until the Parliament adopts the budget.
- (6) A new Parliament has to be elected within ninety days of the date when the Parliament dissolved itself or was dissolved.

The legal status of Members of Parliament

4. Article

- (1) The rights and obligations of Members of Parliament are equal, they perform their duties in the public interest and cannot be ordered with reference to that.
- (2) Members of Parliament shall be entitled to immunity and to remuneration adequate to ensure their independence. A super majority law will define the public offices that a Member of Parliament cannot assume and may also describe other conflict of interests situations.
- (3) The mandate of a Member of Parliament shall terminate
- a)* upon completion of the term of Parliament,
 - b)* upon the death of the Member of Parliament;
 - c)* upon declaration of a conflict of interests;
 - d)* upon resignation,
 - e)* if the conditions required for his or her election no longer exist, or
 - f)* if he or she does not participate in the work of the Parliament for a year.

(4) The Parliament shall decide on the declaration of conflict of interests and on the termination of the mandate in accordance with paragraph 4, sections e) and f) with a majority of two-thirds of the votes of the Members of Parliament present.

(5) A super majority law will define the detailed rules on the legal status and the remuneration of Members of Parliament.

The functioning of the Parliament

5. Article

(1) Sessions of the Parliament shall be open to the public. Upon request by the President of the Republic, the Government or any Member of Parliament and with the assent of two-thirds of its Members, the Parliament may decide to hold an *in camera* session.

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

(3)) The Parliament shall establish standing committees from among its members.

(4) In order to coordinate their activity, the Members of Parliament may establish – consistent with the House Rules – factions made up of Members of Parliament.

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

(6) In the absence of any rules set to the contrary forth in the Constitution, the Parliament shall pass its decisions with a majority of more than half of the votes of its Members present. The bye-laws of the House may set the requirement of a qualified majority for certain decisions.

(7) The Parliament shall establish its rules of procedure and order of debate with a majority of two-thirds of the votes of the Members of Parliament present.

(8) A super majority law will set forth the rules for the regular sessions of the Parliament.

Legislation

6. Article

(1) Legislation may be initiated by the President of the Republic, the Government, any Parliamentary Committee, and any Member of Parliament.

(2) The Parliament may – upon the motion of the proponent of the law, the Government, or the Speaker of the Parliament *submitted before the final vote* – send the law adopted for a constitutional review to the Constitutional Court. The Parliament shall decide on the motion after the final vote. Should the motion be adopted, the Speaker of the Parliament will send forth with the law adopted for constitutional review to the Constitutional Court.

(3) The Speaker of the Parliament shall sign the law within 5 days of its adoption and will send it to the President of the Republic. The President of the Republic will sign the law within five days and order its publication. If the Parliament has decided in accordance with paragraph (2) to send the law

for constitutional review, then the Speaker of the Parliament will sign the law and send it to the President of the Republic only if the Constitutional Court did not determine the law to be unconstitutional.

(4) Should the President of the Republic consider the law or any of its provisions to be unconstitutional and the constitutional review set forth in paragraph (2) was not initiated, then President shall, prior to signing it, refer it to the Constitutional Court for review.

(5) Should the President of the Republic disagree with a law or with any provision thereof and has not exercised the right stipulated in paragraph (4), prior to signing it, the President may return such text, along with comments, to the Parliament once for reconsideration. The Parliament shall debate the statute again and hold another vote on adopting it. The President of the Republic may exercise this right also if the constitutional review initiated by the Parliament and carried out by the Constitutional Court did not determine the text to be unconstitutional.

(6) The Constitutional Court shall examine motions received as set forth in paragraphs (2) or (4) in an extraordinary procedure. If the Court deems the text to be unconstitutional, the Parliament will debate the law again in order to resolve the unconstitutionally issue.

(7) If the Constitutional Court has not determined the text sent to it by the President of the Republic to be unconstitutional, then the President of the Republic shall sign the law forthwith and order it to be published.

(8) The constitutional review of a law debated and adopted by the Parliament according to paragraph (6) may be requested again from the Constitutional Court as set forth in paragraph (2) and (4). The Constitutional Court shall rule on the repeated motion in an expedited procedure, but within 10 days at the latest.

(9) If the law that was returned by the President of the Republic for repeated debate, because of his disagreement, and as a result is amended by the Parliament, then the procedures set forth in paragraph (2) and (4) can be exercised by the Parliament, whereas the President of the Republic shall have the same rights in respect of the amended provisions.

Parliamentary oversight procedures

7. Article

(1) A Member of Parliament may direct a question to the Parliamentary Commissioner for Fundamental Rights, to the President of the State Audit Office, to the Chief Public Prosecutor as well as to the President of the National Bank on issues falling under their scope of authority.

(2) A Member of Parliament may direct an interpellation or a question to the Government or any of the Members of the Government on any matter which falls within their respective competence.

(3) The investigative authority of parliamentary committees and the obligation to appear before the committees will be regulated in a super majority law.

National referendum

8. Article

(1) The Parliament will hold a referendum upon a petition signed by at least two-hundred thousand voters. On the initiative of the President of the Republic, the Government, or one-hundred thousand voters, the Parliament may decide to hold a national referendum. The outcome of the referendum will be binding on the Parliament.

(2) The subject of a national referendum may be any issue related to the duties and the scope of authority of the Parliament.

(3) No national referendum may be held on:

a) the amendment of the Constitution,

b) the statutes concerning State Budget and its implementation, central taxes, fees pension and health contribution customs duties, as well as on the content of statutes concerning central requirements on local taxes,

c) the content of laws related to the election of Members of Parliament, local government representatives and mayors, as well as Members of the European Parliament,

d) the obligations arising from international treaties in force,

e) on personnel issues, and organizational structures within the competence of the Parliament;

f) the dissolution of the Parliament

g) the dissolution of a council of representatives,

h) the declaration of a state of war, a state of extraordinary measures or a state of emergency,

i) general amnesty.

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

The President of the Republic

The duties and scope of authority of the President of the Republic

9. Article

(1) The Head of State of Hungary shall be the President of the Republic, who shall express the unity of the nation and guard 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 shall

a) represent Hungary,

- b)* participate and speak at the sessions of the Parliament,
- c)* initiate laws,
- d)* initiate a national referendum,
- e)* set the date for general parliamentary, local government and mayoral elections, as well as the dates of European Parliament elections and national referendum,
- f)* make decisions related to extraordinary legal matters,
- g)* convene the constituting session of the Parliament,
- h)* dissolve the Parliament,
- i)* may refer an adopted law for constitutional review to the Constitutional Court or refer it back to the Parliament for reconsideration,
- j)* propose candidates for the office of the Prime Minister, the President of the Curia, the Chief Prosecutor and the Parliamentary Commissioner for Fundamental Rights,
- k)* appoint professional judges and the Chairman of the Budgetary Council,
- l)* confirm the President of the Hungarian Academy of Sciences and
- m)* decide all issues assigned to the President's competence by law.

(4) The President of the Republic shall

- a)* on the basis of a mandate from the Parliament or the Government, affirm the binding nature of an international treaty,
- b)* accredit and receive ambassadors and envoys,
- c)* appoint ministers, the President of the Hungarian National bank, the executive officers of independent regulatory organs and university professors,
- d)* appoint university rectors,
- e)* appoint and promote generals,
- f)* confer titles, medals of merit and decorations specified by law and authorize the use of foreign state decorations,
- g)* exercise the right of individual clemency,
- h)* decide on territorial organizational issues falling under the competences of the office and
- i)* decide on issue related to the acquisition and termination of citizenship.

(5) The President of the Republic shall for all actions and decisions set forth in paragraph (4) require the counter-signature of the a member of government. A law may require that a decision stipulated in law for the President of the Republic requires the supporting signature of a member of government.

(6) The President of the Republic may decline any of the acts set forth in sections b)-e) of paragraph (4) if the necessary legislative conditions are absent or if there is reasonable doubt that it would result in a serious disruption of the democratic functioning of the state organization.

(7) The President of the Republic may decide to refuse any of the acts set forth in section f) of paragraph (4) if it would be in violation of the values enshrined in the Constitution.

The creation of the mandate of the President of the Republic

10. Article

- (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 prior to the date of the election may be elected President of the Republic.
- (3) The President of the Republic may be re-elected to this office no more than once.

11. Article

- (1) The President of the Republic must be elected at least thirty and no more than sixty days before the termination of the mandate of the previous President and within thirty days of the termination of the mandate if the mandate was terminated early. The date for the election of the President of the Republic will be set by the Speaker of the 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 nomination. The written recommendation of at least one-fifth of all Members of Parliament shall be required for a valid nomination. The nomination shall be submitted to the Speaker of Parliament prior to the announcement of the vote. No Member of Parliament may nominate more than one candidate. If a Member of Parliament nominates more than one candidate, all nominations made by that Member are invalid.
- (3) The candidate who receives a majority of two-thirds of the votes of the Members of Parliament at the first voting shall be elected President of the Republic.
- (4) If the first round of the vote was unsuccessful, a second vote shall be held. During this second vote only the two candidates receiving the most votes in the first round may be included. If there is a tie in the second place then those receiving the highest number of votes in the first round vote will be included. The candidate receiving the most valid votes – without regard to the number of those participating in the vote – will be elected President of the Republic. If the second round vote is unsuccessful, a new election has to be held on the basis of new nominations.
- (5) The election procedure shall be completed within a period of no more than two consecutive days
- (6) The newly elected President of the Republic shall enter office upon expiration of the previous President's mandate or, should the President's mandate terminate prematurely, on the eighth day following the announcement of the result of the elections. Prior to entering office, the President of the Republic shall take an oath before the Parliament.

The legal status of the President of the Republic

12. Article

- (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 and political offices or mandates. The President of the Republic shall not otherwise gainfully pursue an occupation and shall 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 completion of the term of office,
 - b)* upon the death of the President,
 - c)* upon incapacitation preventing the President from attending to his duties for a period of more than ninety days,
 - d)* if the conditions required for election no longer exist,
 - e)* upon declaration of conflict of interests,
 - f)* upon resignation or
 - g)* upon removal of the President of the Republic from office.
- (2) The Parliament will decide with a two-third majority of the Members of Parliament present on cases involving the incapacitation preventing the President from attending to his duties for a period of more than ninety days, if the conditions required for election no longer exist and upon declaration of conflict of interests.
- (3) A super majority law will set forth the detailed rules on the legal status and the remuneration of the President of the Republic.

Impeachment of the President of the Republic

13. Article

- (1) Criminal proceedings against the President of the Republic may only be initiated after the termination of office.
- (2) Should the President of the Republic violate the Constitution or any other statute or intentionally commit a crime while performing presidential duties, a motion supported by one-fifth of the Members of Parliament may propose that impeachment proceedings be initiated against the President.
- (3) A majority of two-thirds of the votes of the Members of Parliament shall be required to initiate impeachment proceedings. Voting shall be held by secret ballot.
- (4) From the passing of the parliamentary resolution until the conclusion of the impeachment proceedings, the President of the Republic may not perform presidential duties.

- (5) The Constitutional Court shall have jurisdiction to decide the case.
- (6) Should the Constitutional Court determine that the law was violated, as set forth in paragraph (2), it may remove the President of the Republic from office.

Substitution of the President of the Republic

14. Article

- (1) Should the President of the Republic be temporarily prevented from performing the presidential duties, or should the President's mandate terminate prematurely for any reason, the Speaker of the Parliament shall exercise the powers of the President of the Republic until the newly elected President enters office.
- (2) The Parliament shall decide on a motion submitted by the President of the Republic, the Government or any Member of Parliament that the President is temporarily prevented from performing the presidential duties.
- (3) While substituting for the President of the Republic, the Speaker of the Parliament may not act as a Member of Parliament, and the duties as Speaker of the Parliament shall be performed by the Deputy Speaker of the Parliament designated by the Parliament.

The Government and independent regulatory authorities

The duties and the scope of authority of the Government

15. Article

- (1) The Government is the main authority of the executive branch; its duties and scope of authority covers all matters that are otherwise not specifically delegated to another authority. The Government is responsible to the Parliament.
- (2) The Government is the highest organ in public administration; it may establish public administration bodies as set forth in law.
- (3) Within its competence, the Government shall issue decrees
- a)* on issues not otherwise regulated in law and
 - b)* on the basis of a mandate set forth in law
- A decree of the Government shall not be in violation of a law.

The organization of the Government, legal status of its members

16. Article

- (1) Members of the Government will be the Prime Minister and the ministers.
- (2) The Prime Minister will designate in a decree one or more Deputy Prime Minister(s) from among the ministers.
- (3) The Prime Minister shall be elected by Parliament, upon the nomination of the President of the Republic.
- (4) The Prime Minister shall be elected by a majority of the votes of the members of Parliament, upon the nomination of the President of the Republic. The Prime Minister will assume office upon election.
- (5) The nomination of the President of the Republic as set forth in paragraph (3) will be made,
 - a) at the inaugural session of the new Parliament, if the mandate of the Prime Minister was terminated with the constitution of the newly elected Parliament,
 - b) within fifteen days of the termination of office, if the mandate of the Prime Minister was terminated because of the resignation, the death, the declaration of a conflict of interests incompatibility or the lack of conditions required for election of the Prime Minister or because Parliament passed a motion of no-confidence against the Prime Minister.
- (6) If the Parliament has not elected the person nominated for Prime Minister as set forth in paragraph (5) then the President will propose a new nominee within fifteen days.
- (7) The minister shall be appointed by the President of the Republic, upon the nomination of the Prime Minister. The minister shall assume office at the designated date or upon appointment in the absence thereof.
- (8) The Government is formed by the appointment of the ministers.
- (9) Members of the Government will take an oath before Parliament.

17. Article

- (1) The ministries shall be listed in a separate law.
- (2) A minister without portfolio may be appointed for specific duties as defined by the Government.
- (3) A law may amend the statutory prescriptions pertaining to the designation of a ministry, a minister or a public administration authority.

The duties and the scope of authority of members of Government

18. Article

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

- (2) A Minister shall within the limits of the general government policy manage the specific sectors and subordinated authorities, as well as perform the duties defined by the Government or the Prime Minister.
- (3) The Government may establish government offices to perform regional public administration roles.
- (4) Within the scope of performing their duties, Members of the Government may issue decrees in accordance with an authorization given by law or a Government decree alone or with the consent of another Minister which, however, shall not be in conflict with law, government decree and a decree of the President of the Hungarian National Bank.
- (5) The Member of Government shall be responsible to Parliament for all actions; the Minister shall be responsible to the Prime Minister. The Member of Government may participate and intervene at the sessions of the Parliament. The Parliament or a parliamentary commission may oblige the Minister to appear at its session.
- (6) A law will set forth the detailed rules on the legal status, the remuneration and the order of substitution of Ministers.
- (7) The Parliament will regulate in a special law the legal status of government officials.

Cooperation of the Government and the Parliament in relation to European Union decision-making

19. Article

The Parliament may request information from the Government on the Government position to be represented in the decision-making mechanism of institutions of the European Union that require governmental participation and may take a position on the issue appearing on the agenda and requiring a decision. The Government shall proceed taking into consideration to the position of the Parliament during the decision-making.

Termination of the mandate of the Government and Members of the Government

20. Article

- (1) The termination of the mandate of the Prime Minister will cause the mandate of the Government to be terminated also.
- (2) The mandate of the Prime Minister is terminated with
- a)* the inauguration of the newly-elected Parliament,
 - b)* the Parliament has issued a vote of no-confidence and has elected a new Prime Minister,
 - c)* if the Parliament has voted not to give confidence to the Prime Minister when the vote of no-confidence was initiated by the Prime Minister,
 - d)* resignation,

e) death,

f) conflict of interests arises or

g) the conditions required for election no longer exist.

(3) The mandate of the ministers shall terminate

a) upon the termination of the mandate of the Prime Minister,

b) resignation,

c) dismissal,

d) death,

(4) The Parliament shall vote with two-third majority on sections *f)* and *g)* of paragraph (2).

21. Article

(1) A written motion of no-confidence against the Prime Minister may be introduced by no less than one-fifth of the Members of Parliament, nominating a candidate for the office of Prime Minister.

(2) If the Parliament supports the motion, it expresses its lack of confidence, and the candidate nominated for the office of Prime Minister in the motion shall be considered to have been elected. For the decision of the Parliament, the vote of the majority of the Members of Parliament will be required.

(3) The Prime Minister may initiate a vote of no-confidence. The Parliament shall express its lack of confidence in the Prime Minister if the majority of the Members does not support the Prime Minister at the vote proposed by the Prime Minister.

(4) The Prime Minister may move that a proposal submitted by Government be considered a vote of no-confidence also. The Parliament shall express its lack of confidence in the Prime Minister if it does not support the proposal submitted by Government.

(5) A decision of no-confidence will be held no earlier than three days after and no later than eight days following the submission of the motion or the move of the Prime Minister as set forth in paragraph (3) and (4).

The interim Government

22. Article

(1) If the mandate of the Government is terminated, the Government shall remain in office ad interim until the formation of the new Government and shall continue to exercise the rights accorded to the Government; it may not, however, conclude international treaties and may only issue decrees with the expressed authorization of a statute in cases when delay is not permissible.

(2) If the mandate of the Prime Minister ended upon the inauguration of the newly elected Parliament or upon the resignation of the Prime Minister or of the Government, the Prime Minister

shall continue exercising powers without the power to propose the appointment or dismissal of ministers, and may only issue a decree in cases when delay is not permissible and on the basis of express authorization provided for by statute.

(3) If the mandate of the Prime Minister terminated upon death, disfranchisement, the declaration of incompatibility or because of a vote of no-confidence until the new Prime Minister is elected the Deputy Prime Minister shall, with the limitations provided for in subsection (2) hereof, exercise the powers of the Prime Minister; and by the First Deputy Prime Minister in the event there is more than one Deputy Prime Ministers.

(4) The minister shall from the termination of the mandate of the Prime Minister exercise the ministerial duties ad interim until the appointment of a new minister or the appointment of a Member of Government to this position, however may only issue decrees in cases when delay is not permissible.

Independent regulatory authorities

23. Article

(1) The Parliament may establish independent regulatory authorities to perform certain duties and authorities set forth in law for the executive branch of power.

(2) The head of this independent regulatory authority will be appointed by the President of the Republic upon the recommendation of the Prime Minister for a period defined in law. The head of the independent regulatory authority will appoint the deputy or the deputies.

(3) The independent regulatory authority will report annually to the Parliament.

(4) The head of the independent regulatory authority may on the mandate granted in law and within the scope set forth in law issue decrees, which cannot be in conflict with law, government decree, ministerial decree or the decree of the President of the Hungarian National Bank. The head of the independent regulatory authority may designate in a decree a deputy to substitute for the head of the regulatory authority.

The Constitutional Court

24. Article

(1) The Constitutional Court shall be the main authority for constitutional protection.

(2) The Constitutional Court shall

a) review the constitutionality of laws adopted, but not yet published,

b) review at the request of a judge the constitutionality of legislation to be applied in an individual case,

c) on the basis of a constitutional complaint, review the constitutionality of legislation or a judicial decision applied in an individual case,

d) upon the initiative of the Government or one quarter of the Members of Parliament review the constitutionality of laws,

e) review the conflict of legislation with international treaties, and

f) perform other duties and authorities defined in the Constitution and in super majority laws.

(3) Acting pursuant to its jurisdiction in its competence under section b)-d) of paragraph (2), the Constitutional Court will annul laws and other legal norms, judicial decisions that it finds to be unconstitutional, pursuant to its jurisdiction under section e) of paragraph (2) annul laws or legal norms deemed to be in conflict with international treaties and will also rule on other issues set forth in super majority laws.

(4) Acting pursuant to its jurisdiction under section c)-d) of paragraph (2), the Constitutional Court shall review the constitutionality of laws on the State Budget and its implementation, on central taxes, fees and customs duties, pension and health care contributions, as well as on the content of the statutes concerning uniform requirements on local taxes only if the petition refers exclusively to the right to life and human dignity, the right to the protection of personal data, the right to freedom of thought, conscience and religion or the right connected to the Hungarian citizenship, if the conditions defined for adopting and promulgating the law have not been met.

(5) The Constitutional Court is a body comprised of eleven members, who are elected by Parliament for a period of twelve years by a two-third majority of the Members of Parliament. The Parliament will elect with a two-third majority of the Members of Parliament a President, with a mandate that lasts until the term of the judge's mandate. Members of the Constitutional Court may not be members of a political party and may not engage in any political activities.

(6) A super majority law will set forth the detailed rules on the scope of authority, the organization and the functioning of the Constitutional Court.

The judiciary

25. Article

(1) Courts perform the function of administering justice. The Curia shall be the highest judicial authority.

(2) The courts shall rule in criminal cases, civil legal disputes and in other cases as set forth in law, and will also decide on the legality of public administration decrees.

(3) The Curia in addition to the provisions of paragraph (2)

a) ensures the uniformity in the application of the law by the courts; its uniformity decisions shall be binding on all courts,

b) on the initiative of the Municipal or County Government Offices rule on the conflict of local government decrees with other laws, with the exception of a conflict with the Constitution; will annul local government decrees in conflict with other laws.

c) on the initiative of a judge rule on the conflict of local government decrees with other laws if these are to be applied in an individual case, with the exception of a conflict with the Constitution; will annul local government decrees in conflict with other laws.

- (4) The system of the judiciary will be multi-tiered. Special courts for specific groups of cases – especially public administration and labour law cases - may be established
- (5) The judicial self-government authorities will participate in the administration of the courts.
- (6) Law may be passed to permit the processing by authorities other than courts of certain legal disputes.
- (7) A super majority law will define the detailed rules of the organisation and administration of courts, the legal status of judges, as well as the remuneration of judges.

26. Article

- (1) Judges shall be independent and controlled only by the law, may not be ordered in their adjudication process. Judges may only be removed from office on the grounds and in accordance with the procedure specified by law. Judges may not be members of political parties and may not engage in political activities.
- (2) Professional judges will be appointed by the President of the Republic.
- (3) The President of the Curia will be elected by the Parliament for a period of nine years upon the recommendation of the President of the Republic. Two-third majority of the members of Parliament will be required to elect the President of the Curia.

27. Article

- (1) The courts, unless provided otherwise by law, shall adjudicate in panels.
- (2) In cases and in the manner provided by law, non professional judges may also participate in adjudications.
- (3) Only professional judges may proceed alone or act as president of a panel. In matters that fall within the jurisdiction of a single judge, defined by law, the clerk officer of the court may also proceed, who shall act in accordance with paragraph (1) of Article 26.

28. Article

- (1) During the application of law the courts will interpret the language of the law consistent with its intent and the Constitution. When interpreting laws it has to be assumed that these serve rational, ethical and economic objectives.

The Prosecution Service

29. Article

- (1) The Public Prosecutor General and the Prosecution Service of Hungary will serve to administer justice and shall enforce vindicate the claim of the State to punishment. They ensure the protection of the rights of natural and legal persons as well as legal persons established through law, and shall prosecute consistently any act which violates or endangers the constitutional order, security and independence of the country.

- (2) In accordance with the stipulations of law the Prosecution Service will
 - a) exercise powers in relation to investigations,
 - b) represent the prosecution in court proceedings,
 - c) supervise the legal operation of the penitentiary system,
 - d) as the protector of the public interest will perform other duties as set forth in law.
- (3) The Prosecution Service is headed and managed by the Public Prosecutor General, who appoints public prosecutors.
- (4) The Public Prosecutor General is elected by the Parliament upon the recommendation of the President of the Republic for a period of nine years. Two-third majority of the Members of Parliament is required to elect the Public Prosecutor General.
- (5) The Public Prosecutor General will report of the activities annually to Parliament.
- (6) Public Prosecutors may not be members of political parties and may not engage in political activities.
- (7) A super majority law will define the detailed regulations of the organization and functioning of the Prosecution Service, as well as the legal status of public prosecutors.

The Parliamentary Commissioner for Fundamental Rights

30. Article

- (1) The Parliamentary Commissioner for Fundamental Rights shall work to protect fundamental rights, everyone shall have the right to initiate proceedings before the Parliamentary Commissioner.
- (2) The Parliamentary Commissioner for Fundamental Rights shall be responsible for investigating or having investigated anomalies concerning constitutional rights which have come to the Commissioner's attention and initiating general or specific measures for redress. The Parliamentary Commissioner for Fundamental Rights will pay special attention to the interests of future generations, as well as the protection of the rights of nationalities and ethnic groups in the country.
- (3) The Parliamentary Commissioner for Fundamental Rights shall be elected by a two-thirds majority of the Members of Parliament for a period of six years. The Parliamentary Commissioner elected will in turn appoint his deputies for a period identical to his mandate. The Parliamentary Commissioner and the deputies may not be members of political parties and may not engage in political activities.
- (4) The Parliamentary Commissioner for Fundamental Rights will report annually to Parliament.
- (5) Law will define the detailed regulations for the Parliamentary Commissioner for Fundamental Rights and the deputies, as well as the order of substitution.

Local Governments

Local public authority

31. Article

- (1) Local governments will function in Hungary in order to manage public affairs and to exercise public authority.
- (2) Fundamental rules pertaining to local governments will be set forth in a super majority law.

Duties and the scope of authority of local governments

32. Article

- (1) Local governments shall with a view to managing local public affairs within the frameworks defined in law
 - a) issue decrees,
 - b) make resolutions,
 - c) perform individual administration,
 - d) define its own organization and rules of procedure,
 - e) with respect to local government assets exercise proprietary rights,
 - f) established its own budget and manage it independently,
 - g) independently manage local government assets and revenues and, without endangering its mandatory obligations, undertake entrepreneurial activities,
 - h) determine the types and rates of local taxes,
 - i) create symbols and emblems of local government, and establish local honours and titles,
 - j) may request information from authorities with jurisdiction, initiate a decision, articulate an opinion,
 - k) freely associate with other local representative bodies, may create local government associations for the representation of their interests, may co-operate with the local governments of other countries and may be a member of international organizations of local governments, and
 - l) may exercise other tasks and authority as set forth in law.
- (2) Local government acting under its own competence
 - a) with a view to settling local social issues not regulated by law, and
 - b) on the basis of a mandate stipulated by law

issue local government decrees. Local government decrees may not be in conflict with other legislation.

- (3) The legal supervision of local governments is performed by Government Offices.
- (4) The local government will send its resolution and the local government decree once published forthwith to the Government Office having jurisdiction. If the Government Office determines that the resolution or the local government decree or any of its decrees are contrary to the law, it may within fifteen days of receipt initiate a court review of the resolution or a review by the Curia of the local government decree.
- (5) The assets of local government constitute public property, which serve the interest of performing their duties.

The local government authorities

33. Article

- (1) Local government duties and authorities will be exercised by the representative body.
- (2) The local representative body is headed by the mayor. The president of the County Representative Body is elected from among the members for the period of its mandate.
- (3) The representative body may, in accordance with the provisions of a super majority law, elect a committee and establish an office.

The functioning of local government

34. Article

- (1) The local government and the state will mutually cooperate in the interest of achieving community objectives. A law may set forth mandatory duties and authority for the local government. For discharging its mandatory duties and authority, the local government may have the right to appropriate budgetary and other material support.
- (2) A law may order that mandatory local government duties be performed in a partnership.
- (3) The mayor and the President of the County Representative Body may, in addition to their local government functions, also on occasion perform duties and exercise the authorities of public administration in accordance with law or government decree authorized by law.
- (4) The Government shall exercise legal supervision of local governments through Municipal or County Government Offices.
- (5) In the interest of preserving a balanced budget, law may require the approval of the Municipal or County Government Office for a local government to take out a loan, the size of which will be defined in law, or to undertake any other obligation.

Mandate of the local government

35. Article

- (1) The members of the local representative body and the mayors are elected by the citizens on the basis of universal and equal suffrage, with direct and secret ballot, at elections articulating the free will of the people in a manner defined by super majority law.
- (2) The members of the local representative body and the mayors are elected for a period of five years in a manner defined in the Act on Local Governments.
- (3) The mandate of the local representative body shall last until the day of the local government elections. If elections were not held due to the lack of candidates, the mandate of the local representative body shall be extended until the day of the by-elections. The mandate of the Mayor shall last until the election of the new Mayor.
- (4) A local representative body may declare its dissolution in accordance with the provisions of a super majority law.
- (5) The Parliament may decide after consulting the Government and the Constitutional Court to dissolve a representative body that has been deemed to function unconstitutionally.
- (6) Dissolution or being dissolved also terminates the mandate of the mayor.

Public finances

The Central Budget and its implementation

36. Article

- (1) The Parliament will adopt a law on the central Budget for a period of one calendar year and on its implementation. The legislative proposal on the Central Budget and its implementation will be submitted by the Government within the deadline set forth in law to the Parliament.
- (2) The legislative proposal on the Central Budget and its implementation will have to include in an identical structure and in a transparent manner and in sufficient detail all state expenditures and revenues.
- (3) By passing the law on the Central Budget, the Parliament mandates the Government to collect the revenues and to pay the expenses as set forth therein.
- (4) The Parliament may only adopt law on a Central Budget that does not result in the increase of the level of state debt.
- (5) Stipulations of paragraph (4) may only be disregarded during a period of special legal circumstances to the extent required to alleviate the condition leading to the introduction of special measures, and in case of the continued and significant decline of the national economy, to the extent required to reinstate the balance of the national economy.

- (6) If the Parliament fails to adopt the law on the Central Budget before the start of the calendar year, then the Government shall have the right to collect the revenues as set forth in law and to spend the expenditures set forth for the given period in the Central Budget for the previous year.

37. Article

- (1) The Government will be obliged to execute the Central Budget in a lawful and purposeful manner, with a view to the successful management and to the transparency of public finances.
- (2) The Central Budget – with the exceptions set forth in paragraph (5) of Article 36. – will have to ensure that the level of the state debt does not exceed half of the value of the gross domestic product of the previous calendar year.
- (3) During the implementation of the Central Budget - with the exceptions set forth in paragraph (5) of Article 36. – the Government may not take out loans in the name of the state and may not undertake financial obligations, which would result in the level of the state debt exceeding half of the value of the gross domestic product of the previous calendar year. The method of calculating state debt and gross domestic product will be set forth in law.

Protection of public funds

38. Article

- (1) Support may only be provided and payment may only be made on a contract from the Central Budget to an organization that has a transparent ownership structure and its activity is related to the use of such funds.
- (2) Every organization managing public funds will be obliged to report to the public on the management of public funds. Public funds and national assets have to be managed according to the principles of transparency and the ethical conduct of public affairs. Data pertaining to public funds and to national assets are public data.

National assets

39. Article

- (1) Properties of the Hungarian state and the local governments are national assets. The management and protection of national assets is performed with a view to serving the public interest, satisfying public need, protecting natural resources, as well as having regard to the needs of future generations. A super majority law will define the detailed requirements for on the management and protection of national assets, responsible economic activities.
- (2) A super majority law will with a view to paragraph (1), will define the scope of exclusive state property and exclusive economic activities as well as the restrictions and the conditions on the sale of national assets of exceptional significance.
- (3) National assets may only be transferred for purposes defined by law and with the exceptions defined by law and taking into consideration proportionality of value.

(4) Agreements on the transfer or use of national assets may only be concluded with an organization that has a transparent ownership structure and its activity is related to the use of the national assets.

(5) Economic organizations owned by the state and by local governments will conduct their activities in a manner and with the responsibility as defined in law with a view to legality, purpose and success of operation.

40. Article

A super majority law will set forth the fundamental rules on the sharing of public burden and on the basic rules of the pension system with regard to a predictable contribution to common requirements and secure standards of living at old age.

The Hungarian National Bank

41. Article

- (1) The Hungarian National Bank shall be the central bank of Hungary. The Hungarian National Bank shall be responsible for the monetary politics in a manner provided by separate law.
- (2) The President of the Hungarian National Bank is appointed by the President of the Republic for a period of nine years. The Vice-President or the Vice-Presidents of the Hungarian National Bank will be appointed by the President of the Hungarian National Bank. The period of appointment may not exceed the period remaining from the term of office of the President of the Hungarian National Bank.
- (3) The President of the Hungarian National Bank shall report annually to the Parliament on the activities of the National Bank.
- (4) Within its authority specified by a separate statute, the President of the Hungarian National Bank shall issue decrees, which may not conflict with law. When issuing decrees the Vice-President designated in a decree by the President of the Hungarian National Bank may substitute the President of the Hungarian National Bank.

The State Audit Office

42. Article

- (1) The State Audit Office shall be the organ of the Parliament responsible for financial and economic auditing. Performing this function the State Audit Office shall audit the implementation of the State Budget; the management of public finances; the use of state revenues; and shall audit the management of State assets. The State Audit Office shall conduct its audits from the perspective of legality, expediency and efficiency.
- (2) A majority of two-thirds of the votes of the Members of Parliament shall be required to elect the President of the State Audit Office for a period of twelve years.

- (3) The President of the State Audit Office shall submit report annually to the Parliament on the activities of the State Audit Office.
- (4) The detailed rules on the basic principles governing the organization and operation of the State Audit Office shall be set forth in a super majority law.

The Budgetary Council

43. Article

- (1) The Budgetary Council is an organ supporting the legislative activity of the Parliament, which examines the validity of the Central Budget.
- (2) The Budgetary Council will cooperate in the preparations of the legislation on the Central Budget in accordance with the provisions set forth in law.
- (3) The preliminary approval of the Budgetary Council will be required in order to comply with the requirements articulated in Article 36. paragraph (4) and Article 37. paragraph (2).
- (4) The Budgetary Council will be comprised of the Chairman of the Budgetary Council, the President of the Hungarian National Bank and the President of the State Audit Office. The Chairman of the Budgetary Council will be appointed by the President of the Republic for a period of six years.
- (5) A super majority law will define the detailed rules on the functioning of the Budgetary Council.

The Hungarian Defence Forces, the Police and the national security services

The Hungarian Defence Forces

44. Article

- (1) The Hungarian Defence Forces are the armed forces of Hungary. The basic mission of the Hungarian Defence Forces shall be to provide for the military protection of the independence, the territorial integrity and the borders of Hungary, the performance of collective defence and peacekeeping missions stemming from international treaties as well as humanitarian missions in accordance with rules of international law.
- (2) Within the framework of the Constitution and super majority laws, only the Parliament, the President of the Republic, the National Defence Council, the Government and the competent minister shall have the right to command the Hungarian Defence Forces, unless otherwise provided by international treaties.
- (3) The Hungarian Defence Forces participate in the disaster prevention and the alleviation and management of the consequences of disasters.
- (4) Professional members of the Hungarian Defence Forces may not be members of political parties and may not engage in political activities.

- (5) A super majority law will set forth the detailed rules on the organization, mission, command and control, as well as the functioning of the Hungarian Defence Forces.

Police and national security services

45. Article

- (1) The fundamental duty of the Police shall be the prevention, investigation of crimes, the protection of public security and maintenance of public order and the protection of the state borders.
- (2) The Government controls the functioning of the Police.
- (3) The fundamental mission of the national security services is the protection of the independence and the constitutional order of Hungary and the assertion of national security interests.
- (4) The Government controls the functioning of the national security services.
- (5) Professional members of the Police and the national security services may not be members of political parties and may not engage in political activities.
- (6) A super majority law will set forth the detailed rules on the organization and the functioning of the Police and national security services, the rules for using covert methods and procedures as well as rules related to national security activities.

Decision on participation in military operations

46. Article

- (1) The Government shall decide on the troop movements of the Hungarian Defence Forces and foreign armed forces involving troops movements across borders.
- (2) The Parliament will, with the exception of cases set forth in paragraph (3), decide with a two-third majority of the Members of Parliament present on the deployment of the Hungarian Defence Forces in the country and abroad, their stationing abroad and the deployment of foreign armed forces in or from the territory of Hungary, their stationing in Hungary.
- (3) The Government shall decide on the use of the Hungarian Defence Forces and foreign armed units as well as deployment of troops upon the decision of the European Union, or upon the decision of the North Atlantic Treaty Organization in accordance with paragraph (2).
- (4) The Government shall forthwith report to the Parliament, and notify concurrently of its decisions the President of the Republic of its decisions made under paragraph (3) and as regards to the participation of the Hungarian Defence Forces in peacekeeping missions or humanitarian activities in foreign military operations zones.

Special law

Common rules for state of extraordinary measures and a state of emergency

47. Article

- (1) The Parliament
- a) declares a state of extraordinary measures and establish the National Defence Council, in the case of war or present danger of armed attack by a foreign power (danger of war);
 - b) declares a state of emergency, in the case of armed actions aimed at subverting constitutional order or at the acquisition of exclusive control of power, in the case of grave acts of violence committed by force of arms or by armed groups which endanger lives and property on a mass scale (hereinafter, “state of necessity”).
- (2) A majority of two-thirds of the votes of the Members of Parliament shall be required for the declaring of the special law situations set forth in paragraph (1).
- (3) Should the Parliament be prevented from reaching such decisions, the President of the Republic shall have the power to declare a state of war, a state of extraordinary measures and to establish the National Defence Council, or to declare a state of emergency.
- (4) The Parliament shall be considered prevented from reaching such decisions, if it is not in session and its convening encounters insurmountable obstacles due to lack of time as well to the events necessitating the declaration of the state of war, state of extraordinary measures or state of emergency.
- (5) The Speaker of the Parliament, the President of the Constitutional Court and the Prime Minister shall jointly determine whether the Parliament is prevented from acting and whether a declaration of a state of war, a state of national crisis or a state of emergency is verified.
- (6) At its first session following the end of period when it is prevented from acting, the Parliament shall review whether the declaration of a state of war, state of national crisis or state of emergency was justified, and shall decide on the legality of the measures taken. A majority of two-thirds of the votes of the Members of Parliament shall be required for this decision.
- (7) While a state of extraordinary measures or a state of emergency is in force the Parliament may not dissolve itself and may not be dissolved.
- (8) If the mandate of the Parliament expires while a state of extraordinary measures or a state of emergency is in force, the mandate shall be extended until the state of extraordinary measures or a state of emergency has been terminated.
- (9) The Parliament that dissolved itself or was dissolved may be convened again by the National Defence Council in a state of extraordinary measures and by the President of the Republic in a state of emergency. The Parliament will decide itself on extending its own mandate.

State of extraordinary conditions

48. Article

- (1) The National Defence Council shall be chaired by the President of the Republic, and shall be composed of: the Speaker of the Parliament, the leaders of the parliamentary factions of the

political parties represented in Parliament, the Prime Minister, the Ministers, and in an advisory capacity the Chief of Defence Staff.

- (2) During a state of extraordinary measures the National Defence Council will exercise
 - a) the powers transferred to 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 on
 - a) the use of the Hungarian Defence Forces within the country and abroad, the participation of the Hungarian Defence Forces in peacekeeping, humanitarian affairs in foreign theatres of operation, and the stationing of the Hungarian Defence Forces in a foreign country,
 - b) the use and stationing of foreign armed forces in Hungary if they are deployed within the country's territory, or deploy from it,
 - c) taking extraordinary measures as determined by a separate law.
- (4) The National Defence Council may issue decrees, in which it may suspend the application of certain statutes or may deviate from statutory provisions; furthermore, it may take other extraordinary measures.
- (5) Decrees of the National Defence Council shall cease to have effect upon the cessation of the state of national crisis, unless the Parliament extends the effect of such decrees.

State of emergency

49. Article

- (1) The Hungarian Defence Forces may be deployed in a state of emergency if the deployment of the Police – and the national security services – is not enough.
- (2) Should the Parliament be obstructed in declaring a state of emergency, the President of the Republic shall decide on the deployment of the Hungarian Defence Forces under paragraph (1).
- (3) During a state of emergency, the extraordinary measures defined in a separate law shall be introduced by decree of the President of the Republic.
- (4) The President of the Republic shall immediately inform the Speaker of the Parliament of the extraordinary measures taken. The Parliament or, in case it is prevented from acting, the Parliamentary Defence Committee shall remain continuously in session during a state of emergency. The Parliament, or the Parliamentary Defence Committee, 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 the Parliament or, in case of its being prevented from acting, the Parliamentary Defence Committee extends their effect.
- (6) In other respects the regulations governing a state of extraordinary measures shall be applied to a state of emergency.

Preventive defence situation

50. Article

(1) In the event of an armed invasion or if necessary in connection with the country's allied obligations, the Parliament shall declare (extend) a state of preventive defence situation for a defined period and shall empower the Government to take the necessary measures set forth in a super majority law.

(2) A majority of two-thirds of the votes of the Members of Parliament shall be required for the promulgation of the special law system set forth in paragraph (1).

(3) The Government shall have powers, in the event of a preventive defence situation, to introduce measures derogating from the acts governing the administrative system and the operation of the Hungarian Defence Forces and the law enforcement agencies; such measures shall remain in force until the Parliament's decision, not exceeding sixty days, and the Government shall continuously inform the President of the Republic and the competent parliamentary committees concerning these measures.

(4) The Government may during a preventive defence situation issue decrees which – in accordance with super majority law – suspend certain laws and may derogate from legal provisions.

Unexpected attack

51. Article

(1) Should the territory of Hungary be subject to an unexpected attack by foreign armed groups, the Government shall take immediate measures to repel such attack and defend the territorial integrity of the country with the Hungarian and allied air defence and stand-by air forces, in accordance with the defence plan approved by the President of the Republic and with forces commensurate to the gravity of the attack and prepared for such a role, until the state of emergency or state of extraordinary measures is declared, in the interests of protecting the constitutional order, lives and property, as well as public order and safety.

(2) In order to take further measures, the Government shall immediately inform the Parliament and the President of the Republic of its measures taken on the basis of paragraph (1).

(3) The Government may in cases defined in paragraph (1) issue decrees which – in accordance with super majority law – suspend certain laws and may derogate from legal provisions.

Emergency situation

52. Article

(1) The Government may in the case of a natural disaster or industrial accident threatening the safety of life and assets and with a view to mitigating the consequences, declare an emergency situation and introduce extraordinary measures set forth in super majority law.

(2) The Government may in an emergency situation issue decrees which – in accordance with a super majority law – suspend certain laws and may derogate from legal provisions.

(3) Decrees issued by the Government according to paragraph (2) will remain in force for fifteen days. The Parliament may grant authority to the Government to extend the effect of the decree.

Common rules on special legal situations

53. Article

(1) During a state of extraordinary measures, state of emergency or an emergency situation, the exercise of fundamental rights may be suspended with the exception of the fundamental rights enshrined in articles II. and III, as well as article XXVI, paragraph (2)-(5) or restricted in accordance with the stipulations of article I., paragraph (3).

(2) The Constitution may not be suspended in a special legal situation; the functioning of the Constitutional Court may not be restricted.

(3) The special legal situation will be terminated by the competent authority once the conditions mandating it have ceased to exist.

4) Detailed rules to be used in special legal situations will be set forth in a super majority law.

We the representatives of the Parliament elected on April 25, 2010, recognizing our responsibility to God and people, hereby declare the first, integrated basic law of Hungary as set forth above.

MAY THERE BE PEACE, FREEDOM AND UNDERSTANDING

[at the end of the Constitution the name of Members of Parliament who voted yes, without their titles, positions, party affiliation or other remarks]

CLOSING AND INTERIM PROVISIONS

1. The Constitution of Hungary will enter into force on January 1, 2012.
2. A special law adopted with a two-third majority of Members of Parliament will define the interim provisions required for the Constitution to enter into force.