

## **Fourth Amendment to Hungary's Fundamental Law**

**The Fourth Amendment to Hungary's Fundamental Law  
(2013. ...)**

Parliament, acting as a constitution-maker based on Article 1(2)a) of the Fundamental Law amends the Fundamental Law as follows::

**Article 1**

The following provision shall replace Article L(1) of the Fundamental Law:

“(1) Hungary shall protect the institution of marriage, understood to be the union of a man and a woman established by their voluntary decision, and the family as the basis of the nation’s survival. Marriage and the parent-child relationships are the basis of the family.”

**Article 2**

The following provision shall replace Article S(3) of the Fundamental Law:

“(3) The Speaker of Parliament shall sign the adopted Fundamental Law or an adopted amendment thereof within five days and send it to the President of the Republic. The President of the Republic shall sign the Fundamental Law sent to him/her or the amendment thereof sent to him/her within five days of receipt and shall order its publication in the Official Gazette. If in the judgment of the President of the Republic the procedural requirements concerning the adoption of the Fundamental Law or its amendment defined in the Fundamental Law have been violated, the President of the Republic asks the Constitutional Court for a review. If the Constitutional Court does not declare any violation of the procedural requirements, the President of the Republic immediately signs the Fundamental Law or its amendment and orders its promulgation in the Official Gazette.”

**Article 3**

The “Fundamentals” Part of the Fundamental Law shall be supplemented with the following Article U):

“Article U

(1) The form of government based on the rule of law, established in accordance with the will of the nation through the first free elections held in 1990, and the previous communist dictatorship are incompatible. The Hungarian Socialist Worker’s Party, its legal predecessors and the political organs created in the communist ideology for their service were all criminal organs, and their leaders are responsible without statute of limitations for

- a) maintaining and managing the oppressive regime, the crimes committed and betraying the nation;
- b) for eliminating, with the help of the Soviet Army, the democratic, multi-party effort in the years after World War II;
- c) establishing a legal system based on exclusive use of power and unlawfulness;
- d) eliminating an economy based on the freedom of property and for indebting the state;

- e) subjecting Hungary's economy, military, foreign policy and human resources to foreign rule;
- f) systematically destroying the traditions of European values;
- g) depriving or seriously limiting fundamental rights of individual citizens and their certain groups, specifically for murdering, subjecting to foreign power, unlawfully imprisoning, forcing into labor camps, torturing, and inhumanly treating people; for arbitrarily confiscating property from citizens and limiting their rights attached to private property; for entirely depriving people's liberty rights and subjecting political opinion and expression of will to state coercion; for negatively discriminating against people based on origin, worldview or political conviction, and for obstructing their progress and self-fulfillment based on knowledge, diligence, and talent; for creating and operating a secret police to illegally observe and influence people's personal lives;
- h) suppressing with bloodshed the Revolution and War of Independence, which broke out on 23 October 1956, in cooperation with the Soviet occupiers, for the ensuing reign of terror and retaliation, and for the forced escape of two hundred thousand Hungarian people from their native country;
- i) for all ordinary crimes committed for political motives and left unprosecuted by the justice system for political motives.

The parties that became legal successors to the Hungarian Socialist Worker's Party in the democratic transition share the responsibility of their legal predecessors also as the inheritors of the illegally amassed wealth.

(2) With respect to Paragraph (1), the true discovery of the functioning of the communist dictatorship and the society's sense of justice must be guaranteed as defined in Paragraphs (3)-(10).

(3) In order to preserve the memory of communist dictatorship by the state, a National Memorial Commission shall be established. The National Memorial Commission shall investigate the functioning of the communist dictatorship and the role of individuals and organizations, which held the powers of the communist regime. The Commission shall publish the results of its activities in a thorough report and further documents.

(4) Those in power under the communist dictatorship need to tolerate public statements regarding their role and acts related to the communist dictatorship, with the exception of deliberate and essentially untrue statements. Personal data in relation to these roles and acts may be revealed to the public.

(5) The pension or other allowances of communist leaders defined by an Act of Parliament, granted by the state in legal rules, may be reduced to a degree set out by an Act of Parliament. The revenues from the reduction shall be used according to an Act of Parliament for alleviating the injuries caused by the communist dictatorship and preserving the memory of its victims.

(6) The statute of limitations cannot be considered expired on serious crimes set out by an Act of Parliament, committed against Hungary or individuals in the name or interest of the state party or with its consent during the communist dictatorship, which were not prosecuted for political reasons through the negligence of the penal code in effect at the time of committing the crime.

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

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

(9) No legal rule may establish new grounds for compensation ensuring pecuniary or other asset contributions to persons unlawfully deprived of their lives or freedom for political reasons or to persons who sustained undue property damage by the State before 2 May 1990.

(10) The documents of the communist state party, of societal and youth organs created with the assistance of the communist state party or directly been under the influence of the state party, and of labour unions, belong now to the State. Such documents should be treated in the same manner as other public agencies documentation and stored in the public record offices.”

#### **Article 4**

(1) The following provisions shall replace Article VII(2) and VII(3):

“(2) Parliament may recognize, in a cardinal Act, certain organizations that serve a religious mission as a church. With them the State collaborates for the public interest. Against the provisions of the cardinal Act concerning the recognition of churches a constitutional complaint may be filed.

(3) The State and churches and other organizations that serve a religious mission operate separately. Churches and other organizations that serve a religious mission are independent.”

(2) Article VII of the Fundamental Law shall be supplemented with the following Paragraph(4):

“(4) Cardinal Act defines the detailed rules pertaining to churches. Cardinal Act may set as a requirement that an organization with a religious mission needs to fulfil to be recognised as a church that it operates for a considerable period of time, that it has societal support and that suitable to cooperate with in the interest of community objectives.”

#### **Article 5**

(1) The following provision shall replace Article IX(3) of the Fundamental Law:

“In order to guarantee adequate information necessary for the formation of a democratic public opinion and in order to guarantee equal opportunities, political advertisements may be published in the media exclusively free of charge. Before the election of Members of Parliament and Members of the European Parliament, in the campaign period, political advertisements may be published by and in the interest of those organisations nominating candidates which set up a national list of candidates for the general elections of Members of Parliament or setting up a list of candidates for the election of Members of the European Parliament – as defined in a Cardinal Act – exclusively via public media outlets, under equal conditions.”

(2) Article IX of the Fundamental Law shall be supplemented with the following Paragraphs(4)-(6):

“(4) The exercise of one’s right to free expression cannot be aimed at violating other persons’ human dignity.

(5) The exercise of one's right to free expression cannot be aimed at violating the dignity of the Hungarian nation or the dignity of any national, ethnic, racial or religious group. Members of such groups are entitled to turn to court as defined by an Act against the expression violating the group in order to enforce their claim related to the violation of their human dignity.

(6) Cardinal Act prescribes the detailed rules pertaining to the organ that oversees the freedom of the press, media outlets, press products and the information market.”

#### **Article 6**

The following provision shall replace Article X(3) of the Fundamental Law:

“(3) Hungary protects the scientific and artistic independence of the Hungarian Academy of Sciences and the Hungarian Academy of the Arts. Higher educational institutions define the content and method of research and education independent of the State. Statute sets their organizational structure. Within the limits of an Act of Parliament, the Government sets the financial order of the State's higher educational institutions and the Government supervises their financial management.”

#### **Article 7**

Article XI of the Fundamental Law shall be supplemented with the following Paragraph(3):

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

#### **Article 8**

The following provision shall replace Article XXII of the Fundamental Law:

“Article XXII

“(1) Hungary shall strive to provide the conditions for housing with human dignity and to guarantee access to public services for everyone.

(2) The State and local governments shall contribute to creating the conditions for housing with human dignity by striving to guarantee housing for every homeless person.

(3) An Act of Parliament or local government decree may outlaw the use of certain public space for habitation in order to preserve the public order, public safety, public health and cultural values.“

#### **Article 9**

The following provision shall replace Article XXIX(3) of the Fundamental Law:

“(3) A cardinal Act shall prescribe the detailed rules pertaining to rights of national minorities living in Hungary, the national minorities and the conditions for recognising a group as a national minority, and the rules for electing local and nation-wide minority self-governments. A cardinal Act may subject the recognition of a national minority group to conditions of certain length of residence and certain number of members of a group that petition for recognition.”

## Article 10

(1) The following provision shall replace Article 5(7) of the Fundamental Law:

“(7) Parliament shall establish the rules of its operation and the standing order in its Rules of Procedure, which are to be adopted by a majority of two-thirds of the votes of the Members of Parliament present. In order to guarantee the steady operation and maintain the dignity of Parliament, the Speaker of House has the provost and disciplinary authorities, laid out in the Rules of Procedure.”

(2) Article 5 of the Fundamental Law shall be supplemented with the following Paragraph(9):

“(9) The Parliamentary Guard guarantees the security of Parliament. The Parliamentary Guard operates under the direction of the Speaker of the House.”

## Article 11

The following provision shall replace Article 9(3)i) of the Fundamental Law:

*(President of the Republic)*

“i) may send the adopted Fundamental Law or an amendment to the Fundamental Law to the Constitutional Court to have their compliance with the Fundamental Law’s procedural requirements regulating their adoption examined and may send Acts adopted by Parliament to the Constitutional Court to have their conformity with the Fundamental Law examined, or may return these Acts to Parliament for reconsideration;”

## Article 12

(1) The following provision shall replace Article 24(2)b) of the Fundamental Law:

*(The Constitutional Court)*

“b) shall, at the initiative of a judge, examine forthwith but within 30 days at the latest the conformity with the Fundamental Law of legal rules applicable in a particular case;”

(2) The following provision shall replace Article 24(2)e) of the Fundamental Law:

*(The Constitutional Court)*

“e) examines, based upon the petition of the Government, one fourth of all Members of Parliament, the President of the Curia, the Prosecutor General, or the Commissioner for Fundamental Rights, the conformity of legal rules with the Fundamental Law;”

(4) The following provisions shall replace Articles 24(4) and 24(5) of the Fundamental Law:

“(4) The Constitutional Court may only review and annul legal provisions, that have not been challenged in a petition, if the provisions are substantively related to the petition.

(5) The Constitutional Court may only review the compliance of the Fundamental Law and an amendment to the Fundamental Law with the procedural requirements included in the Fundamental Law pertaining to the adoption and the promulgation of the Fundamental Law or its amendments. This review may be initiated by

- a) the President of the Republic, in case the Fundamental Law or an amendment to the Fundamental Law has already been adopted by Parliament but not yet promulgated,
- b) the Government, one fourth of all Members of Parliament, the President of the Curia, the Prosecutor General, or the Commissioner for Fundamental Rights within 30 days of promulgation.”

(5) Article 24 of the Fundamental Law shall be supplemented with the following Paragraphs (6)-(9):

“(6) The Constitutional Court decides forthwith but within 30 days at the latest on the petitions defined in Paragraph (5). If the Constitutional Court declares that the Fundamental Law or an amendment to the Fundamental Law does not comply with the procedural requirements of Paragraph (5), then

- a) In case of Paragraph (5)a), Parliament reconsiders the Fundamental Law or an amendment to the Fundamental Law,
- b) In case of Paragraph, (5)b), the Constitutional Court annuls the Fundamental Law or an amendment to the Fundamental Law.

(7) The Constitutional Court shall hear, according to the rules defined in a cardinal Act, the author of a legal rule, the initiator of an Act, or their representative, or shall request their opinion in the course of its procedure, if the case affects a wide circle of persons. This phase of the procedure shall be open to the public.

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

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

### **Article 13**

(1) The following provisions shall replace Article 25(4)-(7) of the Fundamental Law:

“(4) The judicial system shall have a multi-level organization. Separate courts may be established for specific groups of cases.

(5) The President of the National Judicial Office manages the central administrative affairs of the courts. The organs of judicial self-government shall participate in the administration of the courts.

(6) Parliament elects, from the judges and based on the recommendation of the President of the Republic, the President of the National Judicial Office for a nine-year term. Parliament shall elect the President of the National Judicial Office with a majority of two-thirds of the votes of all Members of Parliament.

(7) An Act of Parliament may provide that in certain types of litigation other organs may also conduct proceedings.”

(2) Article 25 of the Fundamental Law shall be supplemented with the following Paragraph(8):

“(8) The detailed rules of the organization and administration of courts and of the legal status of judges, and the remuneration of judges shall be laid down in a cardinal Act.”

#### **Article 14**

Article 27 of the Fundamental Law shall be supplemented with the following Paragraph(4):

“(4) In the interest of the enforcement of the fundamental right to a court decision within a reasonable time and a balanced distribution of caseload between the courts, the President of the National Judicial Office may designate a court, for cases defined in a cardinal Act and in a manner defined also in a cardinal Act, other than the court of general competence but with the same jurisdiction to adjudicate any case.”

#### **Article 15**

The following provision shall replace Article 34(3) of the Fundamental Law:

“(3) An Act of Parliament or a Government decree by authorisation of an Act of Parliament may vest, in exceptional cases, the mayor, the President of the county representative body, or the head of the local government council’s office or its official in charge with tasks and competences of public administration.”

#### **Article 16**

The following provision shall replace Article 35(2) of the Fundamental Law:

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

#### **Article 17**

(1) The following provision shall replace Article 37(5) of the Fundamental Law:

“(5) Paragraph (4) shall be applicable to provisions of an Act of Parliament which entered into force in the period when state debt exceeded half of the Gross Domestic Product even when the state debt no longer exceeds half of the Gross Domestic Product.”

(2) Article 37 of the Fundamental Law shall be supplemented with the following Paragraphs(6)-(7):

“(6) As long as the state debt exceeds half of the Gross Domestic Product, whenever the State incurs a payment obligation deriving from a decision of the Constitutional Court, the Court of Justice of the European Union or any other court or an organ which applies the law, and the amount previously earmarked by the Act on the Central Budget for performing such obligation is insufficient, a special contribution to covering common needs shall be established, exclusively and expressly related to the performance of such obligation in terms of scope and designation.

(7) The method for the calculation of state debt and the Gross Domestic Product, as well as the rules relating to the implementation of the provisions of Article 36 and of Paragraphs (1) to (3) shall be laid down in an Act.”



### **Article 18**

The following title replaces the title “CLOSING PROVISIONS” in the Fundamental Law:

### **“CLOSING AND MISCELLANEOUS PROVISIONS”**

### **Article 19**

(1) The following provision shall replace point 3 of the Fundamental Law:

“3. The transitional provisions related to the entering into force of the Fundamental Law are included in points 8 to 26.”

(2) The following provision shall replace point 5 of the Fundamental Law: “5. Decisions of the Constitutional Court delivered prior to the entering into force of the Fundamental Law become void. This provision does not concern the legal effects achieved by the preceding decisions.”

### **Article 20**

The “CLOSING PROVISIONS” of the Fundamental Law shall be supplemented with the following points 6 to 26:

“6. The 25<sup>th</sup> day of April shall be the Day of the Fundamental Law in commemoration of the promulgation of the Fundamental Law.

7. The first general elections of local government representatives and mayors after the entering into force of the Fundamental Law shall take place in October 2014.”

8. The entering into force of the Fundamental Law shall not affect the effect of legal rules, normative decisions or orders, or other legal instruments of state administration, concrete decisions or commitments of international law which were adopted, issued, made or undertaken before the Fundamental Law came into force.

9. The legal successor of the organization, which performed the tasks and exercised the competences under Act XX of 1949 on the Constitution of the Republic of Hungary shall be the organ which performs the tasks and exercises the competences under the Fundamental Law.

10. The designation ‘Republic of Hungary’ may be used in reference to Hungary after the Fundamental Law comes into force according to the provisions of legal rules in force on 31 December 2011, until the changeover to the designation set out in the Fundamental Law can be implemented according to the principles of responsible financial management.

11. The entering into force of the Fundamental Law shall not have an effect on the mandate of Parliament, Government and local representative bodies, or of the persons appointed or elected before the entering into force of the Fundamental Law, with the exceptions laid down in points 12 to 18.

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

a) Articles 3 and 4 to Parliament and Members of Parliament in office,

- b) Articles 12 and 13 to the President of the Republic in office,
- c) Articles 20 and 21 to the Government in office and Members of Government in office,
- d) Article 27(3) to court secretaries in office,
- e) Article 33(2) to presidents of county representative bodies in office, and
- f) Article 35(3) to (6) to local representative bodies and mayors in office.

13. The time limit laid down in Article 4(3)f) of the Fundamental Law shall start to run when the Fundamental Law comes into force.

14. (1) The legal successor of the Supreme Court, the National Judicial Council and its President shall be the Curia for the administration of justice, and the President of the National Judicial Office for the administration of courts with the exception defined by the relevant cardinal Act.

(2) The mandates of the President of the Supreme Court and the President and members of the National Council of Justice shall be terminated when the Fundamental Law enters into force.

15. (1) The lowest age requirement defined by Article 26(2) of the Fundamental Law shall be applicable to judges appointed on the basis of a call for applications announced after the entering into force of the Fundamental Law, with the exception laid down in Paragraph (2).

(2) If the appointment takes place without the announcement of a call for applications under an Act, the lowest age requirement shall be applicable to judges appointed after the entering into force of the Fundamental Law.

16. The designation of the office of the Parliamentary Commissioner for Citizens' Rights shall be Commissioner for Fundamental Rights as of the entering into force of the Fundamental Law. The legal successor of the Parliamentary Commissioner for Citizens' Rights, the Parliamentary Commissioner for National and Ethnic Minority Rights and the Parliamentary Commissioner for Future Generations shall be the Commissioner for Fundamental Rights. The Parliamentary Commissioner for National and Ethnic Minority Rights in office shall become the deputy of the Commissioner for Fundamental Rights responsible for the protection of the rights of nationalities living in Hungary as of the coming into force of the Fundamental Law; the Parliamentary Commissioner for Future Generations in office shall become the deputy of the Commissioner for Fundamental Rights responsible for the protection of the interests of future generations as of the coming into force of the Fundamental Law; their mandates shall be terminated when the mandate of the Commissioner for Fundamental Rights is terminated.

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

18. For the purposes and as of the entering into force of the Fundamental Law, the designation of the office of the President of the county assembly shall be President of the county representative body'. The county representative body laid down in the Fundamental Law shall be the legal successor of the county assembly.

19. (1) The provisions of the Fundamental Law shall also be applicable to pending cases, with the exceptions laid down in Paragraphs(2)-(5).

(2) Article 6 of the Fundamental Law shall be applicable from the first sitting of Parliament started after the entering into force of the Fundamental Law.

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

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

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

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

21. The participation, under Article 2(2) of the Fundamental Law, in Parliament's work by the nationalities living in Hungary shall be first guaranteed regarding the work of the Parliament formed after the first general elections of Members of Parliament after the entering into force of the Fundamental Law.

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

23.

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

b) A declared state of emergency shall be subject to the provisions of the Fundamental Law on the state of emergency, if it was declared due to armed actions aimed at overturning the constitutional order or at the acquisition of exclusive power, or to grave acts of violence committed with arms or objects suitable to be used as arms, capable of endangering life and property on a massive scale.

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

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

e) A situation defined by Article 19/E of Act XX of 1949 on the Constitution of the Republic of Hungary shall be subject to the provisions of the Fundamental Law on the state of unexpected attack.

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

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

(2) A person who has been put under guardianship which restricts or excludes his or her legal capacity by a final judgment at the time of the entering into force of the Fundamental Law shall not have suffrage until such guardianship is terminated or until a court establishes the existence of his or her suffrage.

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

(2) Article 44/B(4) of Act XX of 1949 on the Constitution of the Republic of Hungary in force on 31 December 2011 shall be applicable until 31 December 2012. After 31 December 2011, an Act of Parliament or a Government decree by authorisation of an Act of Parliament may invest notaries with tasks and competences of public administration.

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

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

26. Hereby repealed are

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

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

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

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

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

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

g) the 25 May 2010 amendment to the Constitution,

h) the 5 July 2010 amendment to the Constitution,

i) the 6 July 2010 amendment to the Constitution,

j) the 11 August 2010 amendment to the Constitution,

k) Act CXIII of 2010 on the amendment to Act XX of 1949 on the Constitution of the Republic of Hungary,

l) Act CXIX of 2010 on the amendment to Act XX of 1949 on the Constitution of the Republic of Hungary,

- m) Act CLXIII of 2010 on the amendment to Act XX of 1949 on the Constitution of the Republic of Hungary,
- n) Act LXI of 2011 on the amendment to Act XX of 1949 on the Constitution of the Republic of Hungary necessary in order to adopt certain transitional acts related to the Fundamental Law,
- o) Act CXLVI of 2011 on the amendment to Act XX of 1949 on the Constitution of the Republic of Hungary, and
- p) Act CLIX of 2011 on the amendment to Act XX of 1949 on the Constitution of the Republic of Hungary.

## Article 21

- (1) In the Fundamental Law's
  - a) "AVOWAL OF NATIONAL FAITH" section, the text "living with us" is replaced by "We declare that [the national minorities] living with us", the text "communist dictatorships" is replaced by "the communist dictatorship", the text "basis of our legal order: it shall be a covenant" is replaced by "basis of our legal order, a union",
  - b) Article F(2), the text "counties" is replaced by "capital, counties" and the text "in the cities" is replaced by "in the capital and cities",
  - c) Article P(2), the text "agricultural company" is replaced by "family farms, and other agricultural companies",
  - d) Article T(1), the text "in the Fundamental Law" is replaced by "Fundamental Law and in the Fundamental Law",
  - e) Article XV(4), the text "equal opportunities" is replaced by "equal opportunities and social inclusion",
  - f) Article XV(5), the text "children" is replaced by "families, children",
  - g) Article XVII(2), the text "or hold strikes" is replaced by "which includes the right of employees to strike",
  - h) Article XIX(1), the text "permanent non-ability to work due the serious health reasons" is replaced by "permanent non-ability to work due the serious health reasons, disability",
  - i) Article 1(2)e), the text "the Prosecutor General" is replaced by "the President of the National Judicial Council, the Prosecutor General",
  - j) Article 5(4), the text "the Rules of Procedure" is replaced by "the provisions on the rules of procedure",
  - k) Article 5(6), the text "the Rules of Procedure" is replaced by "the provisions on the rules of procedure",
  - l) Article 9(3)j), the text "the Prosecutor General" is replaced by "the President of the National Judicial Council, the Prosecutor General",
  - m) Article 9(3)l), the text "the president" is replaced by "the president and the President of the Hungarian Academy of the Arts",
  - n) Article 13(2), the text "willful" is replaced by "the willful",

- o) Article 24(3)a), the text “c) and e)” is replaced by “c), e), and f)”,
  - p) Article 24(3)c), the “f)” is replaced by “g)”,
  - q) Article 26(2), the text “President of the Curia” is replaced by “ President of the Curia and the President of the National Judicial Office”,
  - r) Article 29(1), the text “Prosecutor General and the Prosecution Service” is replaced by “Prosecutor General and the Prosecution Service are independent” and the text “ enforcing the punitive authority of the State” is replaced by “as the public prosecutor, the sole organ to enforce the punitive authority of the State”,
  - s) Article 29(2), the text “the Prosecution Service shall, pursuant to the provisions of an Act,” is replaced by “the Prosecution Service shall”,
  - t) Article 29(2)a), the text “exercise rights” is replaced by “exercise rights, pursuant to the provisions of an Act,”
  - u) Article 29(2)d), the text “specified in an Act” is replaced by “,as the defender of public interest, specified in the Fundamental Law or in an Act”,
  - v) Article 32(5), the text “metropolitan and the county” is replaced by “metropolitan and county”, the text “law-making obligation” is replaced by “decree-making o decision-making obligation”, the text “its law-making obligation” is replaced by “its decree-making or decision-making obligation”, and the text “local government decree” is replaced by “local government decree and local government decision”.
- (2) The Transitional Provisions of the Fundamental Law (31 December 2011) shall be repealed.

## **Article 22**

- (1) This amendment to the Fundamental Law shall enter into force the first day of the month following its promulgation.
- (2) Parliament shall adopt this amendment to the Fundamental Law according to Article 1(2)a) and Article S(2) of the Fundamental Law.
- (3) With the entering into force of this amendment to the Fundamental Law, the text of the Fundamental Law as amended shall be published in the Official Gazette.
- (4) Articles 20 and 21(2) shall have no effect on the legal effects achieved by the Transitional Provisions of the Fundamental Law (31 December 2011) before the coming into force of the Fourth Amendment to the Fundamental Law of Hungary (... of 2013).