

**Fourth Amendment to the Fundamental Law of Hungary**  
**(...2013)**

Parliament as constituent power, acting within its competence defined by Article 1(2) a) of the Fundamental Law, hereby amends the Fundamental Law as follows:

**Article 1**

Article L(1) of the Fundamental Law shall be replaced by the following provision:

“(1) Hungary shall protect the institution of marriage as the union of a man and a woman established by voluntary decision, and the family as the basis of the nation’s survival. Family ties shall be based on marriage and the relationship between parents and children.”

**Article 2**

Article S(3) of the Fundamental Law shall be replaced by the following provision:

“(3) The Speaker of the House shall sign the adopted Fundamental Law or the adopted amendment thereof within five days and shall send it to the President of the Republic. The President of the Republic shall sign the Fundamental Law or the amendment thereof sent to him within five days of receipt and shall order its publication in the Official Gazette. If the President of the Republic finds a departure from any procedural requirement laid down in the Fundamental Law with respect to adoption of the Fundamental Law or any amendment thereof, the President of the Republic refers such departure to the Constitutional Court for a revision. Should the revision by the Constitutional Court not verify the departure from the requirements, the President of the Republic shall immediately sign the Fundamental Law or the amendment thereof, and shall order its publication in the Official Gazette.”

**Article 3**

The part of the Fundamental Law designated as “FOUNDATION” shall be supplemented by the following Article U:

“Article U

(1) The form of government established on the basis of the rule of law by the will of the nation by means of the first free elections in 1990 and the previous communist dictatorship are incompatible. The Hungarian Socialist Workers’ Party and its legal predecessors and other political organisations established to serve them in the spirit of communist ideology were criminal organisations, whose leaders have responsibility without statute of limitations for:

- a) maintaining and directing an oppressive regime, violating the laws and betraying the nation;
- b) eliminating with Soviet military assistance a democratic attempt based on a multi-party system in the years after World War II;
- c) establishing a legal order based on the exclusive exercise of power and unlawfulness;
- d) eliminating an economy based on the freedom of property and driving the country into debt;

- e) submitting the economy, national defence, diplomacy and human resources of Hungary to foreign interests;
- f) systematically devastating the traditional values of European civilisation;
- g) depriving citizens and certain groups of citizens of, or seriously restricting their fundamental human rights, especially for murdering people, extraditing them to foreign power, unlawfully incarcerating them, carrying them off to forced labour camps, torturing them and submitting them to inhuman treatment; arbitrarily depriving citizens of their assets, restricting their rights to property; fully depriving citizens of their liberties, submitting the expression of political opinion and will to the state's constraint; discriminating people on the grounds of origin, world view or political conviction, impeding their advancement and success based on knowledge, diligence and talent; establishing and operating a secret police to unlawfully watch and influence the private lives of people;
- h) suppressing with bloodshed, in cooperation with Soviet occupying forces, the revolution and war of independence, which broke out on 23 October 1956, the ensuing reign of terror and retaliation, and for the forced flight of two hundred thousand Hungarian people from their native land;
- i) all politically motivated ordinary offences which were not prosecuted by the administration of justice due to political reasons.

Political organisations recognised legally during the democratic transition as legal successors of the Hungarian Socialist Workers' Party continue to share the liability of their predecessors as beneficiaries of their unlawfully accumulated assets.

(2) In consideration of Paragraph (1), the operation of the communist dictatorship shall be truthfully revealed and public sense of justice shall be ensured as laid down in Paragraphs (3)–(10).

(3) In order for the State to preserve the memory of the communist dictatorship, the Committee of National Memory shall operate. The Committee of National Memory shall explore the operation of the communist dictatorship in terms of power, the role of individuals and organisations holding communist power, and shall publish the results of its activity in a comprehensive report and other documents.

(4) The holders of power of the communist dictatorship shall tolerate factual statements, except for any wilful and essentially false allegations, about their roles and actions related to the operation of the dictatorship and their personal data related to such roles and actions may be disclosed to the public.

(5) Statutory pensions or any other benefits provided by the State to leaders of the communist dictatorship as defined by law may be reduced to a statutory extent; the arising revenues shall be used to mitigate the affronts caused by the communist dictatorship and to preserve the memory of victims as prescribed by law.

(6) There shall be no statute of limitations for the serious statutory crimes which were committed against Hungary or persons in the communist dictatorship in the name and interest of, or in agreement with, the party-state and which were left unprosecuted for political reasons by ignoring the criminal law in force at the time of perpetration.

(7) The crimes laid down in Paragraph (6) shall become statute-barred on the expiry of the period defined by the criminal law in force at the time of perpetration, to be calculated from

the day when the Fundamental Law came into force, provided that they would have become statute-barred by 1 May 1990 under the criminal law in force at the time of perpetration.

(8) The crimes laid down in Paragraph (6) shall become statute-barred on the expiry of the period between the date of perpetration and 1 May 1990, to be calculated from the day when the Fundamental Law came into force, provided that they would have become statute-barred between 2 May 1990 and 31 December 2011 under the criminal law in force at the time of perpetration and that the perpetrator was not prosecuted for the crime.

(9) No law may establish any new legal grounds for compensation providing financial or any other pecuniary benefits to individuals who were unlawfully deprived of their lives or freedom for political reasons and who suffered undue property damage from the state before 2 May 1990.

(10) The documents of the communist state party, the non-governmental and youth organisations established with its contribution and/or existing under its direct influence and of trade unions created during the communist dictatorship shall be the property of the State and shall be deposited in public archives in the same way as the files of bodies in charge of public duties.”

#### **Article 4**

(1) Article VII(2) and (3) of the Fundamental Law shall be replaced by the following provisions:

“(2) Parliament may pass cardinal Acts to recognise certain organisations engaged in religious activities as Churches, with which the State shall cooperate to promote community goals. The provisions of cardinal Acts concerning the recognition of Churches may be the subject of a constitutional complaint.

(3) The State and Churches and other organisations engaged in religious activities shall be separated. Churches and other organisations engaged in religious activities shall be autonomous.”

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

“(4) The detailed rules for Churches shall be determined by cardinal Act. As a requirement for the recognition of any organisation engaged in religious activities as a Church, the cardinal Act may prescribe an extended period of operation, social support and suitability for cooperation to promote community goals.”

#### **Article 5**

(1) Article IX(3) of the Fundamental Law shall be replaced by the following provision:

“(3) For the dissemination of appropriate information required for the formation of democratic public opinion and to ensure the equality of opportunity, political advertisements shall be published in media services, exclusively free of charge. In the campaign period prior to the election of Members of Parliament and of Members of the European Parliament, political advertisements published by and in the interest of nominating organisations setting up country-

wide candidacy lists for the general election of Members of Parliament or candidacy lists for the election of Members of the European Parliament shall exclusively be published by way of public media services and under equal conditions, as determined by cardinal Act.”

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

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

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

(6) The detailed rules governing freedom of the press and the body supervising media services, press products and the communications market shall be laid down in a cardinal Act.”

#### **Article 6**

Article X(3) of the Fundamental Law shall be replaced by the following provision:

“(3) Hungary shall protect the scientific and artistic freedom of the Hungarian Academy of Sciences and the Hungarian Academy of Arts. All institutions of higher education shall be autonomous in terms of the contents and methodology of research and teaching, and their rules of organisation shall be regulated by Act. Government shall determine, to the extent permitted by law, the rules of financial management of public institutions of higher education and shall supervise their financial management.”

#### **Article 7**

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

“(3) By virtue of an Act of Parliament, financial support of higher education studies may be bound to participation for a definite period in employment or to exercising for a definite period of entrepreneurial activities, regulated by Hungarian law.”

#### **Article 8**

Article XXII of the Fundamental Law shall be replaced by the following provision:

#### **“Article XXII**

(1) Hungary shall strive to provide every person with decent housing and access to public services.

(2) The State and local governments shall also contribute to creating the conditions of decent housing by striving to provide accommodation to all homeless people.

(3) In order to protect public order, public security, public health and cultural values, an Act of Parliament or a local ordinance may declare illegal staying in a public area as a permanent abode with respect to a specific part of such public area.”

#### **Article 9**

Article XXIX(3) of the Fundamental Law shall be replaced by the following provision:

“(3) A cardinal Act shall determine the detailed rules relating to the rights of nationalities living in Hungary, the nationalities, the requirements for recognition as a nationality and the rules relating to the election of their local and national self-governments. By virtue of such cardinal Act, recognition as a nationality may be subject to national status of a specific period and to the initiative of a specific number of individuals who declare to be members of such nationality.”

#### **Article 10**

(1) Article 5(7) of the Fundamental Law shall be replaced by the following provision:

“(7) Parliament shall determine its rules of operation and the order of its debates in its Rules of Procedure adopted by a majority of two-thirds of the votes of the Members of Parliament present. In order to ensure the undisturbed operation of Parliament and to preserve its dignity, the Speaker of the House shall have law and order and disciplinary powers as defined by the Rules of Procedure.”

(2) Article 5 of the Fundamental Law shall be extended by the following Paragraph (9):

“(9) Parliament’s security shall be ensured by the Parliament Guard. The operation of the Parliament Guard shall be directed by the Speaker of the House.”

#### **Article 11**

Article 9(3) i) of the Fundamental Law shall be replaced by the following provision:

*(The President of the Republic:)*

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

#### **Article 12**

(1) Article 24(2) b) of the Fundamental Law shall be replaced by the following provision:

*(The Constitutional Court shall:)*

“(b) review immediately but no later than thirty days any legal regulation applicable in a particular case for conformity with the Fundamental Law upon the proposal of any judge;”

(2) Article 24(2) e) of the Fundamental Law shall be replaced by the following provision:

*(The Constitutional Court shall:)*

“e) review any legal regulation for conformity with the Fundamental Law upon an initiative to that effect by the Government, one-fourth of the Members of Parliament, the President of the Curia, the Supreme Prosecutor or the Commissioner for Fundamental Rights;”

(3) Article 24(4) and (5) of the Fundamental Law shall be replaced by the following provisions:

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

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

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

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

(4) Article 24 of the Fundamental Law shall be supplemented by the following Paragraphs (6)–(9):

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

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

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

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

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

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

### **Article 13**

(1) Article 25(4)–(7) of the Fundamental Law shall be replaced by the following provisions:

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

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

(6) Upon a proposal of the President of the Republic, Parliament shall elect a judge to serve as the President of the National Office for the Judiciary for a term of nine years. The election of the President of the National Office for the Judiciary shall require a two-third majority of the votes of the Members of Parliament.

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

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

“(8) The detailed rules for the organisation and administration of courts and for the legal status and remuneration of judges shall be regulated by cardinal Act.”

#### **Article 14**

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

“(4) To give effect to the fundamental right to a court decision taken within a reasonable time and to balance the workload across courts, the President of the National Office for the Judiciary may appoint, in the way defined by cardinal Act, a court other than a court of general competence but with the same powers to hear particular cases defined by cardinal Act.”

#### **Article 15**

Article 34(3) of the Fundamental Law shall be replaced by the following provision:

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

#### **Article 16**

Article 35(2) of the Fundamental Law shall be replaced by the following provision:

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

#### **Article 17**

(1) Article 37(5) of the Fundamental Law shall be replaced by the following provision:

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

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

“(6) As long as state debt exceeds half of the Gross Domestic Product, if the State incurs a payment obligation by virtue of a decision of the Constitutional Court, the Court of Justice of the European Union or any other court or executive body for which the available amount under the State Budget Act is insufficient, a contribution to the satisfaction of common needs shall be established which shall be exclusively and explicitly related to the fulfilment of such obligation in terms of both content and designation.

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

### **Article 18**

### **Article 19**

The part of the Fundamental Law designated as “CLOSING PROVISIONS” shall be replaced by the following provision:

“CLOSING AND MISCELLANEOUS PROVISIONS”

### **Article 20**

(1) Point 3 of the Fundamental Law shall be replaced by the following provision:

“The transitional provisions related to the entry into force of the Fundamental Law are contained in Points 8 to 26.”

(2) Point 5 of the Fundamental Law shall be replaced by the following provision:

“5. Constitutional Court rulings given prior to the entry into force of the Fundamental Law are hereby repealed. This provision is without prejudice to the legal effect produced by those rulings.”

### **Article 21**

The part of the Fundamental Law designated as “CLOSING PROVISIONS” shall be supplemented by the following Points 6 to 26:

“6. The 25<sup>th</sup> day of April shall be Fundamental Law Day to commemorate the publication of the Fundamental Law.

7. The first general election of local representatives and mayors after the entry into force of the Fundamental Law shall take place in October 2014.

8. The coming into force of the Fundamental Law shall not prejudice the effect of laws made, regulatory means of public law organisations and other legal instruments of state control is-

sued, individual decisions made and international legal commitments undertaken before its coming into force.

9. The legal successor of the body assigned remits and powers under Act XX of 1949 on the Constitution of the Republic of Hungary shall be the body assigned remits and powers under the Fundamental Law.

10. The name Republic of Hungary may be used as a reference to Hungary after the coming into force of the Fundamental Law pursuant to the legal provisions effective as of 31 December 2011 until transition to the name laid down in the Fundamental Law can occur according to the principles of responsible financial management.

11. The entry into force of the Fundamental Law shall not affect the mandate of Parliament, the Government and local government representative bodies and persons appointed or elected before the effective date of the Fundamental Law, with the exceptions laid down in Points 12–18.

12. The following provisions of the Fundamental Law shall also be applicable to the mandate of the following persons:

- a) Articles 3 and 4 to the Parliament and Members of Parliament in office,
- b) Articles 12 and 13 to the President of the Republic in office,
- c) Articles 20 and 21 to the Government in office and all Government members in office,
- d) Article 27(3) to all court secretaries in office,
- e) Article 33(2) to the Presidents of all county assemblies and
- f) Article 35(3)–(6) to all local representative bodies and mayors in office.

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

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

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

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

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

16. The position of Parliamentary Commissioner for Citizens' Rights shall be designated as the Commissioner for Fundamental Rights after the effective date of the Fundamental Law. The legal successor of the Parliamentary Commissioner for Citizens' Rights, the Parliamentary Commissioner for National and Ethnic Rights and the Parliamentary Commissioner for Future Generations shall be the Commissioner for Fundamental Rights. The Parliamentary Commissioner for National and Ethnic Rights in office shall be the Deputy of the Commissioner for Fundamental Rights responsible for protecting the rights of nationalities living in Hungary after the effective date of the Fundamental Law; the Parliamentary Commissioner for Future Generations in office shall be the Deputy of the Commissioner for Fundamental

Rights responsible for protecting the interests of future generations when the Fundamental Law takes effect; their mandate shall be terminated when the mandate of the Commissioner for Fundamental Rights is terminated.

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

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

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

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

(3) A procedure launched upon a motion filed with the Constitutional Court by an originator who no longer has the right to file motions under the Fundamental Law before the coming into force of the Fundamental Law shall terminate, provided that the procedure is to be transferred to the remit of another body that has competence after the effective date of the Fundamental Law. The originator may resubmit the motion according to the conditions defined by cardinal Act.

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

(5) The third sentence of Section 70/E(3) of Act XX of 1949 on the Constitution of the Republic of Hungary in force as of 31 December 2011 shall be applicable to the benefits which qualify as pension until 31 December 2012 under the rules in force as of 31 December 2011 with respect to any change in their conditions, nature and amount, and to their transformation to other benefits or to their termination.

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

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

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

23. A declared

- a) state of national crisis shall be subject to the provisions of the Fundamental Law on the state of national crisis,
- b) state of emergency shall be subject to the provisions of the Fundamental Law on the state of emergency if it was declared due to armed acts aimed at overturning constitutional order or at the exclusive acquisition of power and serious mass acts of violence threatening life and property, committed with arms or by armed persons,
- c) state of extreme danger shall be subject to the provisions of the Fundamental Law on the state of extreme danger if it was declared due to a natural disaster or industrial accident massively endangering life or property,
- d) state of preventive defence shall be subject to the provisions of the Fundamental Law on the state of preventive defence,
- e) state under Section 19/E of Act XX of 1949 on the Constitution of the Republic of Hungary shall be subject to the provisions of the Fundamental Law on unexpected attacks, and
- f) state of danger shall be subject to the provisions of the Fundamental Law on the state of danger.

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

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

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

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

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

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

26. The following laws shall be repealed:

- a) Act XX of 1949 on the Constitution of the Republic of Hungary,
- b) Act I of 1972 on the amendment to Act XX of 1949 and the revised and restated text of the Constitution of the People's Republic of Hungary,
- c) Act XXXI of 1989 on the amendment to the Constitution,
- d) Act XVI of 1990 on the amendment to the Constitution of the Republic of Hungary,
- e) Act XXIX of 1990 on the amendment to the Constitution of the Republic of Hungary,
- f) Act XL of 1990 on the amendment to the Constitution of the Republic of Hungary,
- g) the Amendment to the Constitution dated 25 May 2010,
- h) the Amendment to the Constitution dated 5 July 2010,

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

## **Article 22**

- (1) In the Fundamental Law,
  - a) in the part designated as “NATIONAL AVOWAL”, the text “The nationalities living with us” shall be replaced by the text “We proclaim that the nationalities living with us”, the text “communist dictatorships” shall be replaced by the text “the communist dictatorship”, the text “the basis of our legal order: it shall be a covenant” shall be replaced by the text “the basis of our legal order, it shall be an alliance”,
  - b) in Article F(2), the text “counties” shall be replaced by the text “the capital, counties”, the text “cities and towns” shall be replaced by the text “in the capital, cities and towns”,
  - c) in Article P(2), the text “agricultural plant” shall be replaced by the text “family farms and other agricultural plants”,
  - d) in Article T(1), the text “in the Fundamental Law” shall be replaced by the text “the Fundamental Law and in the Fundamental Law”,
  - e) in Article XV(4), the text “legal equality” shall be replaced by the text “equality of opportunity and social inclusion”,
  - f) in Article XV(5), the text “children” shall be replaced by the text “families, children”,
  - g) in Article XVII(2), the text “or hold strikes” shall be replaced by the text “including the right of employees to discontinue work”,
  - h) in Article XIX(1), the text “disability” shall be replaced by the text “disability, handicap”,
  - i) in Article 1(2) e), the text “the Supreme Prosecutor” shall be replaced by the text “the President of the National Office for the Judiciary, the Supreme Prosecutor”,

- j) in Article 5(4), the text “under the Rules of Procedure” shall be replaced by the text “under the provisions of the Rules of Procedure”,
- k) in Article 5(6), the text “under the Rules of Procedure” shall be replaced by the text “under the provisions of the Rules of Procedure”,
- l) in Article 9(3) j), the text “the Supreme Prosecutor” shall be replaced by the text “the President of the National Office for the Judiciary, the Supreme Prosecutor”,
- m) in Article 9(3) l), the text “the President of the Hungarian Academy of Sciences” shall be replaced by the text “the President of the Hungarian Academy of Sciences and the President of the Hungarian Academy of Arts”,
- n) in Article 13(2), the text “wilful” shall be replaced by the text “the wilful”,
- o) in Article 24(3) a), the text “c) and e)” shall be replaced by the text “c), e) and f)”,
- p) in Article 24(3)c), the text “f)” shall be replaced by the text “g)”,
- q) in Article 26(2), the text “the President of the Curia” shall be replaced by the text “the President of the Curia and the President of the National Office for the Judiciary”,
- r) in Article 29(1), the text “The Supreme Prosecutor and prosecution services” shall be replaced by the text “The Supreme Prosecutor and prosecution services shall be independent”, the text “enforcing the State’s demand for punishment” shall be replaced by the text “exclusively enforcing the State’s demand for punishment as public accuser”,
- s) in Article 29(2), the text “By statutory definition, (...) prosecution services” shall be replaced by the text “prosecution services”,
- t) in Article 29(2) a), the text “exercise rights” shall be replaced by the text “exercise rights as defined by law”,
- u) in Article 29(2) d), the text “defined by law” shall be replaced by the text “as defender of the public interest defined by the Fundamental Law or law”,
- v) in Article 32(5), the text “metropolitan or county” shall be replaced by the text “metropolitan and county”, the text “legislative obligation” shall be replaced by the text “obligation to pass decrees or take decisions”, the text “legislative obligation” shall be replaced by the text a “obligation to pass decrees or take decisions”, the text “local ordinance” shall be replaced by the text “local ordinance or local government decision”.
- (2) The Transitional Provisions of the Fundamental Law of Hungary (31 December 2011) shall be repealed.

### **Article 23**

- (1) This Amendment to the Fundamental Law shall come into force on the first day of the month after its publication.

(2) Parliament shall adopt this Amendment to the Fundamental Law pursuant to Articles 1(2) a) and S(2) of the Fundamental Law.

(3) Simultaneously with the publication of this Amendment to the Fundamental Law, the revised and restated text of the Fundamental Law shall be published in the Official Gazette.

(4) Articles 20 and 21(2) is without prejudice to the legal effect produced by the Transitional Provisions of the Fundamental Law of Hungary (31 December 2011) prior to the entry into force of the Fourth Amendment to the Fundamental Law of Hungary (... 2013).