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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
OF THE COUNCIL OF EUROPE
(VENICE COMMISSION)

HUNGARY

SEVENTEENTH AMENDMENT TO THE FUNDAMENTAL LAW

AND

EXPLANATORY MEMORANDUM*

(*) Unofficial translation

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I. Seventeenth Amendment to the Fundamental Law of Hungary

July 13, 2026

[1] The National Assembly states that, in order to restore the rule-of-law democracy, it is necessary to create regulations that establish the constitutional framework for the operation of the state and promote the review and renewal of the constitutional institutional system.
[2] The National Assembly, as constituent power, declares its intention to adopt — following broad social and professional consultation — the new Constitution of Hungary, which shall be built on popular sovereignty, the separation of powers, the rule of law, and the protection of fundamental rights.
[3] The purpose of the present amendment is to ensure, until the entry into force of the new Constitution, the indispensable institutional conditions necessary for the lawful operation of the state, and to establish the foundations for the restoration of constitutional democracy.
[4] The National Assembly, acting as constituent power within the competence defined in Article 1(2)(a) of the Fundamental Law, amends the Fundamental Law as follows:

Article 1.
Article XXIII of the Fundamental Law is replaced by the following provision:
“Article XXIII
(1) Every adult Hungarian citizen has the right — subject to the exception set out in paragraph (2) — to vote and stand for election in elections for Members of Parliament.
(2) A person who has already held a parliamentary mandate for a cumulative total of at least twelve years, or who has been elected as a Member of Parliament at least three elections, may not stand for election in elections for Members of Parliament.
(3) Every adult Hungarian citizen has the right to vote and stand for election in elections for local government representatives and mayors, and in elections for Members of the European Parliament.
(4) Every adult citizen of another Member State of the European Union who has a place of residence in Hungary has the right to vote and stand for election in elections for local government representatives and mayors, and in elections for Members of the European Parliament.
(5) Every adult person recognised as a refugee in Hungary or holding a permanent right of residence has the right to vote in elections for local government representatives and mayors.
(6) A cardinal act may make the right to vote, or the full exercise thereof, conditional on having a place of residence in Hungary, and may make the right to stand for election subject to further conditions.
(7) In elections for local government representatives and mayors, a voter may vote at their place of permanent residence or registered place of stay. A voter may exercise the right to vote at their place of permanent residence or registered place of stay.
(8) A person who has been excluded from the right to vote by a court on account of having committed a criminal offence or on account of a limitation of their capacity for judgement shall not have the right to vote. A citizen of another Member State of the European Union who has a place of residence in Hungary may not stand for election if, under the law, a court decision, or an administrative decision of the state of their citizenship, they have been excluded from exercising this right in their home country.
(9) Everyone who has the right to vote in elections for Members of Parliament has the right to participate in national referenda. Everyone who has the right to vote in elections for local government representatives and mayors has the right to participate in local referenda.
(10) Every Hungarian citizen has the right to hold public office in accordance with their suitability, qualifications, and professional knowledge. An act shall designate those public offices which may not be held by a member or official of a political party."

Article 2.
Article 24(8) of the Fundamental Law is replaced by the following provision:
"(8) The Constitutional Court is a body of fifteen members, whose members are elected by the National Assembly by the votes of two-thirds of Members of Parliament for nine years. A member of the Constitutional Court may not be re-elected to this office. The Constitutional Court elects its President from among its members for three years; the President may be re-elected to this office. Members of the Constitutional Court may not be members of a political party and may not engage in political activities. The mandate of a member of the Constitutional Court shall cease upon that member completing their seventieth year of age."

Article 3.
Article 25 of the Fundamental Law is replaced by the following provision:
"Article 25
(1) Courts carry out judicial activities. The supreme judicial body is the Kúria.
(2) Courts decide in criminal cases, in civil law disputes, on the lawfulness of administrative decisions, on the conflict of local government decrees with other legislation and their annulment, on the failure of local governments to fulfil their statutory obligation to legislate, and in other matters defined by act.
(3) In addition to the matters set out in paragraph (2), the Kúria ensures the uniformity of the application of the law by courts, and adopts uniformity decisions binding on courts.
(4) The court organisation is multi-tiered.
(5) The central administrative tasks of the courts are performed by the President of the National Judicial Office. The National Judicial Council supervises the central administration of the courts. The National Judicial Council and other judicial self-governing bodies participate in the administration of the courts.
(6) The President of the National Judicial Office shall be elected from among judges for six years by the National Assembly on the proposal of the President of the Republic. The President of the National Judicial Office may not be re-elected. The President of the Republic proposes one of at most three persons nominated by judges — in the manner defined by a cardinal act — as President of the National Judicial Office. The election of the President of the National Judicial Office requires the votes of two-thirds of Members of Parliament. The President of the Kúria is a member of the National Judicial Council; its further members are elected by judges as defined in a cardinal act.
(7) The mandate of the President of the National Judicial Office shall — in the manner defined by a cardinal act — cease:
a) upon the expiry of the term of office,
b) upon the termination of the judicial service relationship,
c) upon resignation,
d) upon a declaration of incompatibility,
e) upon dismissal,
f) upon removal from office,
g) upon recall on the initiative of judges.
(8) An act may allow other bodies to proceed in certain legal disputes.
(9) Detailed rules on the organisation and administration of courts and the supervision of central court administration, on the legal status of judges, and on the remuneration of judges shall be set by a cardinal act."

Article 4.
(1) Article 26(3) of the Fundamental Law is replaced by the following provision:
"(3) The President of the Kúria shall be elected from among judges for six years by the National Assembly on the proposal of the President of the Republic. The President of the Kúria may not be re-elected. The President of the Republic proposes one of at most three persons nominated by judges — in the manner defined by a cardinal act — as President of the Kúria. The election of the President of the Kúria requires the votes of two-thirds of Members of Parliament."
(2) Article 26 of the Fundamental Law is supplemented by the following paragraph (4):
"(4) The mandate of the President of the Kúria shall — in the manner defined by a cardinal act — cease:
a) upon the expiry of the term of office,
b) upon the termination of the judicial service relationship,
c) upon resignation,
d) upon a declaration of incompatibility,
e) upon dismissal,
f) upon removal from office,
g) upon recall on the initiative of judges."

Article 5.
The Fundamental Law is supplemented by the following Article 42:
"Article 42
(1) In order to protect public assets and to promote the investigation and recovery of public assets that have been unlawfully managed or used, a National Asset Recovery and Asset Protection Office shall operate.
(2) The National Asset Recovery and Asset Protection Office is independent and, as defined by act, acts as a public prosecutor as an auxiliary to the justice system, enforcing the state's right to prosecute.
(3) The National Asset Recovery and Asset Protection Office, as defined by act:
a) exercises rights in connection with criminal investigations,
b) represents public prosecution in court proceedings,
c) performs public asset recovery and protection tasks.
(4) The President and Deputy Presidents of the National Asset Recovery and Asset Protection Office shall be elected by the National Assembly by the votes of two-thirds of Members of Parliament for six years.
(5) The President of the National Asset Recovery and Asset Protection Office reports annually to the National Assembly on its activities.
(6) Members of the staff of the National Asset Recovery and Asset Protection Office may not be members of a political party and may not engage in political activities.
(7) Detailed rules on the organisation and operation of the National Asset Recovery and Asset Protection Office and on the legal status of its President and Deputy Presidents shall be set by a cardinal act."

Article 6.
(1) [...]
(2) The "Closing and Miscellaneous Provisions" part of the Fundamental Law is supplemented by the following points 34–39:
"34. On the day following the entry into force of the Seventeenth Amendment to the Fundamental Law, the mandate of the incumbent President of the Republic shall cease. Following the cessation of the mandate of the incumbent President of the Republic, the National Assembly shall elect a President of the Republic pursuant to the provisions of Article 11, for a term lasting until the entry into force of the new Constitution, but not exceeding five years.

35. Article 24(8) as established by the Seventeenth Amendment to the Fundamental Law shall — subject to the exception in point 36 — be applied for the first time in respect of members of the Constitutional Court elected after the entry into force of the Seventeenth Amendment to the Fundamental Law.
36. If a member of the Constitutional Court has already completed their seventieth year of age on the date of entry into force of the Seventeenth Amendment to the Fundamental Law, their mandate shall cease on the first day of the second month following the entry into force of the Seventeenth Amendment to the Fundamental Law. If a member of the Constitutional Court who is in office at the time of entry into force of the Seventeenth Amendment to the Fundamental Law completes their seventieth year of age after the entry into force of the Seventeenth Amendment to the Fundamental Law, their mandate shall cease on the day on which they complete their seventieth year of age.
37. Article 25(6) as established by the Seventeenth Amendment to the Fundamental Law shall be applied for the first time in respect of the President of the National Judicial Office elected after the entry into force of the Seventeenth Amendment to the Fundamental Law.
38. Article 26(3) as established by the Seventeenth Amendment to the Fundamental Law shall be applied for the first time in respect of the President of the Kúria elected after the entry into force of the Seventeenth Amendment to the Fundamental Law.
39. Article XXIII(2) as established by the Seventeenth Amendment to the Fundamental Law does not affect the parliamentary mandate — as it stood at the time of entry into force of the Seventeenth Amendment to the Fundamental Law — of Members of Parliament holding a parliamentary mandate at the time of entry into force of the Seventeenth Amendment to the Fundamental Law."

Article 7.
In the Fundamental Law

a) [...],
b) in Article T(1), the text ", and" is replaced by the text "its rules of promulgation, and an act may also establish different rules",
c) in Article 1(2)(e), the text "the Prosecutor General, the" is replaced by the text "the Prosecutor General, the President and Deputy Presidents of the National Asset Recovery and Asset Protection Office, the",
d) in Article 7(1), the text "to the Prosecutor General and" is replaced by the text "to the Prosecutor General, to the President of the National Asset Recovery and Asset Protection Office and",
e) [...],
f) in Article 24(2)(e), the text "the Prosecutor General or" is replaced by the text "the Prosecutor General, the President of the National Asset Recovery and Asset Protection Office or",
g) in Article 24(5)(b), the text "the Prosecutor General or" is replaced by the text "the Prosecutor General, the President of the National Asset Recovery and Asset Protection Office or",
h) in Article 29(1), the text "independent, the" is replaced by the text "independent and, as defined by act, the",
i) in Article 29(2)(b), the text "represents public prosecution" is replaced by the text "prosecutes publicly",
j) [...],
k) [...],
l) [...],
m) [...],
n) [...]

shall be replaced.

Article 8.
The following shall cease to have effect in the Fundamental Law:

1. the word "cardinal" in Article I(4),
2. the word "cardinal" in Article VI(4),
3. the text "and its President" in Article 1(2)(e),
4. [...],
5. [...],
6. the word "cardinal" in Article 7(3),
7. the word "exclusively" in Article 29(1),
8. Article 37(4) and (5),
9. Article 39(3),
10. the word "cardinal" in Article 40,
11. the word "cardinal" in Article 41(1),
12. the word "cardinal" in Article 41(5),
13. the word "cardinal" in Article 41(6),
14. the word "cardinal" in Article 43(4),
15. Article 44(3),
16. the word "cardinal" in Article 52(5),
17. the word "cardinal" in the opening text of Article 53(1),
18. the word "cardinal" in Article 54(1),
19. the word "cardinal" in Article 54(8).

Article 9.
(1) This amendment to the Fundamental Law — subject to the exception in paragraph (2) — shall enter into force on the day following its promulgation.
(2) Article 6(1), points (a), (e), and (j)–(n) of Article 7, and points 4 and 5 of Article 8 shall enter into force on 1 October 2026.
(3) This amendment to the Fundamental Law is adopted by the National Assembly on the basis of Article 1(2)(a) and Article S(2) of the Fundamental Law.
(4) Upon the entry into force of this amendment to the Fundamental Law, the consolidated text of the Fundamental Law shall be published in the official gazette.

II. Explanatory Memorandum to the Seventeenth Amendment to the Fundamental Law of Hungary

GENERAL EXPLANATORY MEMORANDUM

In the more than fourteen years since it came into force, the Fundamental Law has failed to fulfil the most important purpose of a constitution. Rather than being a symbol of national unity, the Fundamental Law has become a symbol of division in public law and politics. At the same time, Hungary has gradually drifted away from the fundamental requirements of constitutional democracy, which has also resulted in a substantial transformation of its relationship with common European constitutional traditions.

In this situation, the overarching aim of the constitutional-making authority is for Hungary to once again become a constitutional democracy. Hungary therefore needs a new constitution that faithfully reflects and effectively guarantees the values of the rule of law; however, the adoption of the new Constitution must not once again take place in a unilateral manner, excluding a large section of society. The new Constitution must be based on thorough preparation and wide-ranging consultation with society and experts. A constitutional process is now beginning in Hungary that addresses every Hungarian citizen.

At the same time, the Fundamental Law cannot remain unchanged until the new Constitution is adopted. It is imperative to establish the constitutional process and the fundamental conditions for the functioning of constitutional democracy without delay. In the interests of restoring the rule of law, this set of amendments is urgent, and has already begun with the sixteenth amendment to the Fundamental Law.

The proposal for the seventeenth amendment to the Fundamental Law, whilst taking into account the future drafting of the new Constitution, necessarily contains comprehensive yet urgent constitutional reforms.

This explanatory memorandum is published in the ‘Repository of Explanatory Memoranda’, which appears as an annex to the Hungarian Official Gazette, in accordance with Section 18(6) of Act CXXX of 2010 on Legislation, and pursuant to point (a) of paragraph 2 of Section 20 of Decree 5/2019. (13 March) IM on the publication of the Hungarian Official Gazette and the designation of legislation during its promulgation and of public-law organisational regulatory instruments, it shall be published in the Compendium of Explanatory Statements, which appears as an annex to the Hungarian Official Gazette.

DETAILED EXPLANATORY MEMORANDUM

1.

Limiting the duration of terms of office helps to ensure that new social experiences and perspectives are more widely represented in political decision-making, thereby strengthening the democratic and pluralistic character of the representative system. Furthermore, this provision is also suitable for mitigating the persistence of political structures that have become entrenched over a long period, and for promoting the continuous renewal of the system of public institutions and democratic dialogue. In view of all this, limiting the duration of the mandate of Members of Parliament is justified.

2.

The Constitutional Court is a guaranteeing institution of paramount importance for the protection of fundamental rights and the democratic rule of law; therefore, the restoration of its independent and effective functioning is a prerequisite for public authorities to operate within constitutional limits. All organs of the State are obliged to comply with the provisions of the Constitution in force at any given time, and only a truly independent Constitutional Court,

which enjoys the trust of society, is capable of enforcing this. The independence of the Constitutional Court serves as a guarantee that politics cannot stand above the law, and that the government of the day is also obliged to adhere to the constitutional framework governing the exercise of public authority.

From the Constitutional Court's establishment until 2013, the age limit for constitutional judges was 70 years. This rule, adopted at the time of the change of regime and in force for 24 years, was repealed in 2013 by the constitutional majority of the time, with effect extending to constitutional judges then in office. The hidden reason behind the amendment was that, under the rules in force at the time, the 12-year terms of several constitutionally appointed and elected judges would have been terminated on the grounds of their age before they had completed their terms.

The aim of the amendment concerning the Constitutional Court is to restore the Court's independence so that it may exercise effective control over the constitutional functioning of the state. The measure adopted pursues the objective of restoring the rule of law; it is therefore a necessary and proportionate measure in relation to that objective, having regard also to the provisions of this amendment to the Fundamental Law which restore the powers of the Constitutional Court.

3–4.

The amendment modifies the rules governing the nomination, election and termination of office of the President of the National Judicial Office and the President of the Supreme Court, with a view to upholding judicial self-administration and strengthening the independence of the judicial system.

Under the amendment, judges shall propose candidates for the posts of President of the National Judicial Office and President of the Supreme Court in the manner specified in the cardinal law; on the basis of the resulting shortlist – comprising no more than three candidates – the President of the Republic shall select the one person whose election he or she will recommend to the National Assembly. The National Judicial Office and the Supreme Court shall continue to elect the proposed candidates for the posts of President of the National Judicial Office and President of the Supreme Court by a two-thirds majority of Members of Parliament.

Furthermore, the amendment specifies the circumstances under which the terms of office of the President of the National Judicial Office and the President of the Supreme Court shall cease, and allows for the recall of the President of the National Judicial Office and the President of the Supreme Court in the manner laid down by a cardinal law, upon the initiative of the judges.

5.

The amendment to the Fundamental Law establishes the National Office for the Recovery and Protection of Public Assets with a view to protecting public assets and recovering those that have been unlawfully used or managed. In order to preserve the community's resources and to restore public confidence in the transparency of the management of public assets, an independent institution is required to facilitate the detection of abuses concerning public assets and the protection of such assets. Accordingly, the amendment enshrines the constitutional status of the National Office for Asset Recovery and Protection in the Fundamental Law, whilst entrusting the determination of detailed rules to a cardinal act.

6.

The term of office of the incumbent President of the Republic shall cease upon the amendment coming into force; the provision also stipulates that the National Assembly shall elect the new

Head of State for the period until the new Constitution comes into force, but for a maximum of five years.

Voters have granted extraordinary authorisation for the National Assembly, as the constituent power, to restore constitutional democracy and to establish a legal framework whereby, during the transitional period of constitutional drafting, the President of the Republic may fulfil his constitutional functions, represent the unity of the nation, and safeguard the democratic functioning of the state organisation.

The amendment stipulates that the nine-year term of office applicable to members of the Constitutional Court shall apply only to constitutional judges elected following the entry into force of the seventeenth amendment to the Fundamental Law. Furthermore, the transitional provision – in line with the explanatory memorandum attached to Article 2 – aims to regulate the legal status of those constitutional judges who had already reached the age of seventy at the time the amendment came into force, and stipulates that the new regulations shall also apply to them. The timing of the termination of their terms of office – set for the first day of the second month following the entry into force of the seventeenth amendment to the Fundamental Law – ensures sufficient time for preparation for the constitutional judges concerned and for the functioning of the Constitutional Court. Furthermore, the transitional provision makes it clear that the amendment also applies to those members of the Constitutional Court who are in office at the time the seventeenth amendment to the Fundamental Law enters into force and who will reach the age of seventy following the entry into force of the seventeenth amendment to the Fundamental Law.

The transitional provision further stipulates that the new rules governing the election of the President of the Supreme Court and the President of the National Judicial Office – including the term of office – shall apply only after the seventeenth amendment to the Fundamental Law comes into force.

With regard to the eligibility of Members of Parliament, the amendment stipulates, as a transitional provision, that this does not apply to the terms of office of incumbent Members of Parliament – as existing at the time the seventeenth amendment to the Fundamental Law comes into force.

7.

The term ‘county’ is part of our constitutional history; it is a historical designation and a symbolic constraint on modern administrative and local government endeavours. Through social consensus, the term ‘county’ became part of the institutional system at the time of the change of regime. In view of this, references to ‘county’ shall be omitted from the text of the Fundamental Law.

8.

The restoration of the democratic functioning of the state requires a review of the scope of cardinal laws. At present, the Fundamental Law prescribes cardinal legislation in 36 areas, and on this basis, numerous laws are classified as cardinal, whilst certain provisions of an even greater number of laws are deemed cardinal.

Rules adopted by a qualified majority restrict the current democratic majority—which does not hold a constitutional majority—in its ability to exercise public authority appropriately through responsible law-making.

The first measure taken by the former constitutional majority concerning the operation of the Constitutional Court was to grant the Constitutional Court powers regarding the central budget, the implementation of the central budget, central tax categories, duties and contributions, customs duties, and the central conditions governing local taxes. Therefore, the full restoration

of the Constitutional Court's powers of review must feature – as an important, symbolic milestone – amongst the first measures taken by the constitutional majority aiming to restore constitutional democracy.

The Constitutional Court is the supreme body responsible for safeguarding the Fundamental Law. All legislation must be in accordance with the Fundamental Law; therefore, it is fundamentally incompatible with the purpose of constitutional adjudication to exclude certain areas from the Constitutional Court's jurisdiction. This would result in the protection of constitutionality in these areas being left without adequate safeguards, which would weaken the rule of law and undermine the foundations of constitutional democracy.

In light of all this, it is justified to restore the Constitutional Court's full jurisdiction over the review of legislation, ensuring that the constitutionality of all legislation can be examined according to the same standard.

The amendment also aims to repeal the provisions relating to the Parliamentary Guard, given that, in view of the National Assembly's constitutional function, ensuring the functioning, security and order of the National Assembly does not necessitate the maintenance of a separate law enforcement body.

The amendment repeals the definition of the term 'public funds', as its meaning can be clearly deduced from the legal system as a whole and from established legal practice. The explicit codification of the term unjustifiably narrowed the scope of its interpretation and, furthermore, restricted the exercise of freedom of information.

As the adoption of the central budget is the constitutional responsibility of the National Assembly, there is no justification for the Fundamental Law to make the adoption of the decision subject to the prior consent of a constitutional body lacking direct democratic legitimacy. The abolition of the Budget Council's right of veto is therefore justified.

9.

The amendment sets out provisions concerning its entry into force, the legal basis for its adoption and its publication in a consolidated text.