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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

A. GENERAL JUSTIFICATION

The Seventeenth Amendment to the Fundamental Law contributes to the creation of the conditions for democratic exercise of power and institutional autonomy, in that, within this framework, the National Assembly, on the basis of the exceptional mandate received from the voters, ensures through a series of interconnected measures the prerequisites for the restoration of constitutional democracy.

B. DETAILED JUSTIFICATION

On Article 1

A review of the constitutional provisions relating to independent regulatory bodies is warranted.

On Article 2

The social and constitutional experience of recent decades has shown that, in order to ensure democratic exercise of power, a temporal limitation on parliamentary mandates is warranted. The democratic legitimacy of participation in popular representation presupposes not only the regular holding of elections but also the possibility of renewal of certain elected officeholders. A temporal limitation on mandates contributes to enabling new social experiences and perspectives to appear more broadly in the legislature. In light of all this, the limitation of the duration of parliamentary mandates is warranted in Hungary.

On Article 3

Taking into account the requirements of the rule of law, the amendment reintroduces the upper age limit of 70 years for the mandate of Constitutional Court judges and at the same time ensures that the operation of the Constitutional Court shall be independent in the future. This purpose is also served by the fact that the amendment to the Fundamental Law creates the conditions for the members of the Constitutional Court to again elect the President of the Constitutional Court from among themselves, by a collegial decision.

On Articles 4–5

In order to enforce judicial self-governance and strengthen the independence of the court system, the amendment modifies the rules on the nomination, election, and termination of mandate of the President of the National Judicial Office and the President of the Kúria.

Under the amendment, three candidates proposed by judges — in the manner defined by a cardinal act — shall be nominated for the position of President of the National Judicial Office and President of the Kúria respectively, and the President of the Republic shall select from these three candidates the person whose election is proposed to the National Assembly. The person proposed for the position of President of the National Judicial Office and President of the Kúria shall continue to be elected by the National Assembly by the votes of two-thirds of Members of Parliament.

In addition, the amendment defines the cases in which the mandate of the President of the National Judicial Office and the President of the Kúria shall cease, and allows for the recall of the President of the National Judicial Office and the President of the Kúria, in the manner defined by a cardinal act, with the participation of judges.

On Article 6

The amendment to the Fundamental Law establishes the National Asset Recovery and Protection Office in order to protect public assets and recover public assets that have been unlawfully used. In order to preserve community resources and restore public trust in the

transparency of the management of public assets, it is necessary to provide a constitutional basis for an independent institution that promotes the uncovering of abuses affecting public assets and the protection of public assets. Accordingly, the amendment enshrines the establishment of the Office and its basic constitutional status in the Fundamental Law, while entrusting the determination of detailed rules to a cardinal act.

On Article 7

The mandate of the incumbent President of the Republic shall cease following the entry into force of the amendment; the provision also determines that the National Assembly shall elect the new head of state for a term lasting until the entry into force of the new Constitution, but not exceeding five years. A serious loss of public trust has occurred in relation to the activities of the incumbent President of the Republic, while the voters have granted an exceptional mandate for the two-thirds majority of the National Assembly to restore constitutional democracy and ensure the effective functioning of constitutional institutions.

The transitional provision ensures that the function of the institution of the President of the Republic shall be realised in Hungary in the future.

The transitional provision also serves the uniform application of the age conditions applicable to members of the Constitutional Court. The transitional provision seeks to regulate the legal status of those Constitutional Court judges who have already completed their seventieth year of age at the time the amendment enters into force, and ensures that the new rules shall also apply to them. Setting the cessation of the mandate for the first day of the month following entry into force provides adequate preparation time for those concerned and for the operation of the Constitutional Court.

In relation to the eligibility of Members of Parliament to stand for election, the amendment lays down as a transitional provision that it shall be applied for the first time at the next general election of Members of Parliament.

On Article 8

The restoration of the democratic functioning of the state structure necessitates a review of the scope of cardinal acts. Currently, the Fundamental Law prescribes cardinal act regulation in 36 subject areas, and on this basis a number of acts qualify as cardinal acts, and an even greater number of acts have individual provisions that are cardinal.

Rules adopted by qualified majority unnecessarily broadly restrict any democratic majority that does not hold a constituent majority from exercising public power in an appropriate manner.

In light of this, in order to restore the democratic functioning of the state, the amendment narrows the range of legislative subject matters falling within the scope of cardinal acts, confining to this higher majority requirement only those subject areas that are indispensably necessary for the stability of constitutional democracy. Subject areas remaining under the requirement of cardinality include, among others, the right to vote, electoral procedure, the election of Members of Parliament, the legal status and election of the President of the Republic, the competences, organisation, and functioning of the Constitutional Court, the organisation, administration, and supervision of central administration of courts, the legal status and remuneration of judges, the legal status and tasks and competences of the National Asset Recovery and Protection Office and the Prosecution Service, and detailed rules on local governments.

On Article 9

The repeal of Article 37(4) and (5) of the Fundamental Law is justified by the fact that these provisions restrict the review competence of the Constitutional Court in relation to the debt level of the central budget. In accordance with the requirements of the rule of law and

constitutional protection, the restoration of the full normative review competence of the Constitutional Court is warranted, ensuring that the constitutionality of all legislation can be reviewed by the same standard.

The amendment repeals the separate definition of the concept of public funds, as its content can be clearly derived from the entirety of the applicable legal order and established legal practice. The codified definition of the concept could have unreasonably narrowed its scope of interpretation and hindered adaptation to changing financial and organisational circumstances.

On Article 10

The amendment determines the provisions relating to entry into force, the legal basis for adoption, and publication in consolidated form.