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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

HUNGARY

**ACT LXXXVIII OF 2023 ON THE
PROTECTION OF NATIONAL SOVEREIGNTY**

Act LXXXVIII of 2023 on the protection of national sovereignty

Illegal attacks on the sovereignty of Hungary are becoming more and more frequent. For years, there have been manifest attempts—in many cases known even to the public—at exerting influence by foreign organisations and individuals seeking to assert their own interests in our country, as opposed to Hungarian interests and rules.

There were already attempts to influence the 2022 parliamentary election campaign by money received directly from abroad as confirmed by the national security investigation that revealed support received by the united left-wing opposition. In addition to several other cases, even the prime ministerial candidate for the united opposition himself declared that they had received millions of US dollars from the United States of America during the election campaign.

The Hungarian rules in place already prohibit political parties from accepting foreign support; however, the united opposition circumvented this rule in spring 2022 by using funds from abroad through their civil society organisations and companies engaged in political activities. To prevent similar cases, it is appropriate to tighten the applicable rules.

Political power falling into the hands of persons and organisations who are dependent on a foreign power, organisation or person damages Hungary's sovereignty and, at the same time, poses a major national security risk.

For promoting democratic discourse, meeting the requirement of transparency of state and social decision-making processes, revealing foreign interference attempts, and preventing interference attempts similar to those mentioned above, it is appropriate to establish an independent organ to investigate them, and to punish under criminal law the use of foreign support in the context of elections.

In light of the above, with a view to combatting interference attempts against Hungary's sovereignty, for the purpose of implementing the Fundamental Law, and on the basis of Article R) (4) of the Fundamental Law, the National Assembly adopts the following Act:

1. Status of the Sovereignty Protection Office

Section 1 (1) The Sovereignty Protection Office (hereinafter the "Office") shall be a state administration organ established by Article R) (4) of the Fundamental Law in the interest of protecting constitutional identity which shall operate in accordance with the provisions of this Act and carry out analytical, assessment, proposal-making and investigative activities.

(2) The Office shall be independent and subordinated only to law, shall not be instructed by another person or organ in the exercise of its functions, and shall perform its task separately from other organs and without any interference by any other institution, organ, political party, company, association, or legal or natural person. The Office may be assigned a tasks only in an Act.

(3) The seat of the Office shall be in Budapest.

(4) The Office shall be a central budgetary organ with the status of an organ in charge of managing a budget heading. The budget of the Office shall be a separate heading in the structure of the central budget.

(5) The Office shall draw up the proposal for its budget and the account on the implementation of its budget, and the Government shall submit them without change to the National Assembly as part of the legislative proposals for the central budget and its implementation.

(6) The budget of the Office shall be established so that the aggregate amount of the appropriations of the other operational expenditures and the accumulation expenditures is not lower than the aggregate amount of the same appropriations set in the central budget of the previous year, not including the amount of special budget subsidy sought for one-off investments.

(7) The Office's budget of the current year may not be reduced, unless the Office consents to it.

(8) An Act may not assign further tasks to the Office, unless it also provides for the necessary finance to cover the performance of those tasks.

2. Tasks of the Sovereignty Protection Office

Section 2 In connection with its analytical, assessment and proposal-making activities, the Office

- a) shall develop and apply a sovereignty risk assessment methodology,
- b) assessing information and data obtained from investigated organisations, state and local government organs as well as other organisations or persons concerned in the case at issue, shall analyse national sovereignty,
- c) shall draw up proposals and formulate recommendations for measures for the protection of Hungary's sovereignty,
- d) may make proposals as regards the adoption or amendment of laws affecting national sovereignty, and shall give its opinion with respect to draft laws affecting its status,
- e) shall draw up a national sovereignty report every year,
- f) shall carry out and finance research activities to improve the societal, economic, cultural, institutional and legal conditionalities for national sovereignty.

Section 3 In connection with its investigative activities, the Office

- a) shall explore and investigate
 - aa) interest representation activities, not including the activities of diplomatic or foreign missions and professional interest representation organisations,
 - ab) information manipulation and disinformation activities,
 - ac) activities aimed at influencing democratic discourse and state and social decision-making processes, including activities influencing decision making by individuals who exercise public authority responsibilities of the state,
carried out in the interest of another state and, irrespective of its legal status, of a foreign organ or organisation and natural person if they can harm or jeopardise the sovereignty of Hungary;
- b) shall explore and investigate the organisations whose activity funded with supports from abroad may exert influence on the outcome of elections;
- c) shall explore and investigate the organisations which, using supports from abroad, perform or support activities aimed at influencing the will of voters.

Section 4 The Office shall take efforts to ensure transparency in the social decision-making processes and shall cooperate with all state organs to promote the protection of national sovereignty.

Section 5 The Office may enter into agreement with other state organs and non-state organs to ensure the provision of information necessary for the performance of its tasks. Such agreements may be entered into only if the requirements for the protection of personal, classified and other data are observed.

Section 6 (1) In the context of its tasks referred to in section 3, the Office shall investigate individual cases and publish on its website the outcome of its specific investigations, which shall contain the facts revealed by the investigation as well as the resulting findings and conclusions.

(2) In connection with its tasks referred to in section 3, the Office shall draw up a national sovereignty report every year that shall include the following:

a) laws affecting national sovereignty and the effectiveness of the application of these laws, problems encountered in implementation and the application of law, as well as analysis of the legal and administrative practice,

b) a sovereignty risk assessment prepared on the basis of the sovereignty risk assessment methodology, which identifies the risks and issues to be addressed regarding national sovereignty, means available to address them, deficiencies in addressing such risks and issues as well as solutions,

c) recommendations for the organs vested with the relevant functions and powers,

d) evaluation of how the organs vested with the relevant functions and powers have taken into account previous reports and recommendations,

e) summary about the activities and operation of the Office for the previous year.

(3) Each year, the annual national sovereignty report for the previous calendar year shall be made publicly available on the website of the Office by 30 June.

(4) Together with publishing it, the Office shall send, for information, the annual national sovereignty report to the standing committee dealing with national security of the National Assembly and to the Government.

(5) Within three months of the publication of the annual national sovereignty report, the Government shall present in its reply to the Office how it will address the findings made in the annual national sovereignty report.

(6) The report of the Office made public in accordance with paragraphs (1) and (3) shall not include personal data except for personal data accessible on public interest grounds, nor shall it include classified data, secrets protected by the law and secrets related to the exercise of a profession.

(7) No legal remedy shall lie against the report of the Office made public in accordance with paragraphs (1) and (3).

(8) Before making the report under paragraphs (1) and (3) public, the Office shall send its investigation findings to the organisations whose activity justifies, according to the investigation carried out, that the organisation is included in the public report of the Office. The investigated organisation may make comments on the findings of the Office within fifteen days of service. The Office shall reply to the comments in writing within thirty days of receipt. The Office shall give reasons as to why it has not accepted the disregarded comments.

3. Investigation proceedings by the Sovereignty Protection Office

Section 7 (1) In connection with an investigation under section 3, the Office may request the investigated organisation to provide information and data in accordance with the provisions of section 8.

(2) In its investigations the Office may request information and data provision from any state or local government organ concerned in the case at issue and any other organisation or person concerned in the case at issue in accordance with the provisions of section 8.

(3) The investigated organisation as well as the requested state or local government organ, organisation or person (hereinafter jointly the “contributor”) shall be obliged to comply with the request of the Office within the time limit set by the Office. The time limit shall not be shorter than fifteen days from the request.

(4) If the contributor does not comply, or is in default regarding compliance, with its contribution obligation without justification, the Office shall take notice of this fact in its investigation and shall specifically indicate it in its annual report.

(5) The requested state or local government organ shall not charge any fee for complying with the request.

Section 8 (1) In the course of the investigation procedure under this subtitle, in accordance with the law, the Office may carry out the following acts as acts of evidentiary nature:

a) accessing and making copies of all data related to the case under investigation processed by the investigated organisation or the state or local government organ concerned in the case at issue, and inspecting and requesting copies of all such documents, including documents stored on an electronic data-storage medium,

b) requesting written and oral information from the investigated organisation, any staff member of the investigated organisation, or the state or local government organ concerned in the case at issue,

c) requesting written and oral information from any organisation or person related to the case under investigation, and copies of any data or document, including documents stored on an electronic data-storage medium, related to the case under investigation.

(2) The investigation procedure of the Office under this subtitle shall not constitute an administrative authority procedure and no administrative court action shall be brought in relation to the activities of the Office under this subtitle.

Section 9 (1) Section 27 (1) and (3) of Act CXI of 2011 on the Commissioner for Fundamental Rights (hereinafter the “Commissioner for Fundamental Rights Act”) shall apply accordingly to the activities under sections 7 to 8 of the Office.

(2) In the course of its activities under sections 7 to 8, the Office may not inspect the documents referred to in section 23 (1) to (6) of the Commissioner for Fundamental Rights Act, and may access classified data by applying accordingly section 27 (2) of the Commissioner for Fundamental Rights Act.

(3) If it is necessary for the performance of the tasks of the Office to publish the classified data, the president of the Office may request the entity which classified the data to declassify the classified data. If it does not jeopardise the performance of its tasks, the entity which classified the data may declassify the data in accordance with the Act on the protection of classified data.

Section 10 (1) The investigation acts specified in sections 7 to 8 shall be carried out by the president of the Office or, if authorised by the president of the Office, by the vice-president of the Office or a person employed at the Office, in the name of the Office.

(2) The following shall not participate in the investigation under section (3) of the Office:

- a) any person who was an executive officer or member of the investigated organisation or had an employment-related relationship with the investigated organisation in the three calendar years prior to the investigation or in the investigated period,
- b) any person who had a relationship based on a regular or long-term agency contract or a contract to produce a work with the investigated organisation in the three calendar years prior to the investigation or in the investigated period,
- c) any person who engages or, in the investigated period, engaged in any other permitted activity at the investigated organisation,
- d) any person who is a relative within the meaning of the Civil Code of the head of the investigated organisation.

Section 11 If the Office establishes any fact or detects any circumstance that can serve as a ground for initiating or conducting an infraction or criminal proceeding, an administrative authority proceeding or other proceeding, it shall notify to that end the organ authorised to conduct such a proceeding.

Section 12 The president of the Office may request the standing committee dealing with national security of the National Assembly to discuss its report under section 6 (1) and to interview the head of the investigated organisation if

- a) the investigated organisation fails to provide information within the time limit referred to in section 7 (3), or
- b) this is justified by the nature or gravity of the case at issue in any other way.

Section 13 (1) The operation of the Office shall be assisted by a separate organisational division, the Research Institute of the Sovereignty Protection Office (hereinafter "Research Institute"), which shall perform independent scientific activity. Head and members of the Research Institute shall be the public officials and employees of the Office.

(2) The work of the Research Institute shall be supervised by the president of the Office.

(3) The Research Institute shall have the following tasks:

- a) providing support to the operation of the Office by performing research and analysis tasks,
- b) publishing professional publications,
- c) organising professional conferences,
- d) other tasks assigned by the president of the Office to the Research Institute.

(4) The Research Institute may engage also external experts under agency relationship.

4. Organisation of the Sovereignty Protection Office

Section 14 (1) The president of the Office shall be appointed by the President of the Republic, on a proposal from the Prime Minister, for a term of six years. After expiry of the term of office,

the president of the Office may be re-appointed. Upon being appointed, the president of the Office shall take the oath or affirmation before the President of the Republic, reciting the wording laid down in the Act on the oath and affirmation of certain public law officers.

(2) The president of the Office shall be appointed from among those Hungarian citizens who have no criminal records, have the right to stand as candidates in elections of Members of the National Assembly, have a higher education degree, and concerning whom no national security risk has been identified by the national security vetting under the Act on national security services.

(3) The mandate of the president of the Office shall be incompatible with any other state and local government office or mandate.

(4) The president of the Office may not pursue any other gainful occupation, except for scientific, lecturing, artistic, reviewer and editorial activities, intellectual activities falling under legal protection, and the foster employment relationship (hereinafter "permitted activity"), and may not receive remuneration for any other activity, except for a permitted activity.

(5) The president of the Office may not be an executive officer and supervisory board member of a company, nor may he be a member of a company who is required to provide personal assistance.

(6) The president of the Office shall not have an ownership share in any entity which is not transparent within the meaning of the Act on national assets.

(7) The president of the Office shall not be a member or officer of a political party or a political party foundation.

(8) The president of the Office may not engage in party-political activities or undertake public appearances in the name or on behalf of a political party.

Section 15 (1) The president of the Office shall make a declaration of assets within thirty days of his appointment. The rules relating to the declaration of assets of the Members of the National Assembly shall apply accordingly to the declaration of assets, with the derogations provided for in this Act.

(2) Should the president of the Office fail to make the declaration of assets, he shall not be allowed to exercise his office and shall not receive remuneration until his declaration of assets is submitted.

(3) Anyone may apply to the Prime Minister for the initiation of proceedings regarding the declaration of assets of the president of the Office by making a statement of facts concerning the specific content of the declaration that clearly identifies the contested part and content of the declaration. If the application does not meet the requirements specified in this paragraph or is manifestly unfounded, or if a repeatedly submitted application does not indicate new facts or data, the Prime Minister shall reject the application without conducting a proceeding. The Prime Minister shall assess the veracity of the information supplied in the declaration of assets.

(4) Upon a call by the Prime Minister in the proceeding regarding the declaration of assets, the president of the Office shall make available to the Prime Minister in writing the data supporting the circumstances as regards assets, income and economic interests indicated in the declaration of assets without delay. The Prime Minister shall send the data to the President of the Republic to inform him of the outcome of the verification. Only the Prime Minister and the President of the Republic may inspect the data.

(5) The president of the Office shall enjoy the same immunity as a Member of the National Assembly.

(6) The procedural rules relating to the immunity of the Members of the National Assembly shall apply to proceedings relating to immunity. The decision on lifting immunity shall lie with the National Assembly; any measure necessary where immunity has been violated shall be taken by the Speaker of the National Assembly.

Section 16 (1) The term of office of the president of the Office shall terminate

- a) upon the expiry of his term of office,
- b) upon his resignation,
- c) upon his death,
- d) upon incompatibility or conflict of interest being established with regard to him,
- e) if it is established that the conditions for his appointment are not met,
- f) if it is established that the provisions regarding the declaration of assets are violated.

(2) The president of the Office may resign from office at any time by tendering his resignation in writing to the President of the Republic via the Prime Minister. The mandate of the president of the National Election Office shall terminate after the communication of the resignation, on the day indicated in the resignation, or, failing this, on the day following the communication of the resignation. Acceptance of the resignation shall not be required to make it effective.

(3) If the president of the Office does not eliminate incompatibility or conflict of interest within thirty days from appointment, or if a cause of incompatibility or conflict of interest arises concerning him while in office, the President of the Republic shall, upon a motion from the Prime Minister, decide on the issue of incompatibility or conflict of interest.

(4) The President of the Republic, upon a motion from the Prime Minister, shall be responsible for establishing if the requirements for the appointment of the president of the Office are not met. Where the president of the Office has knowingly misrepresented substantial data or facts in his declaration of assets, the President of the Republic shall, upon a motion from the Prime Minister, establish the violation of the provisions on the declaration of assets.

(5) Simultaneously with sending it to the President of the Republic, the Prime Minister shall send the motion made under paragraphs (3) and (4) also to the president of the Office.

(6) No counter-signature shall be required for the decisions and measures taken by the President of the Republic in the course of his activities referred to in paragraphs (3) and (4) and in section 14 (1).

(7) If the mandate of the president of the Office terminates under paragraph (1) a), he shall be entitled to severance pay equal to twice the monthly remuneration at the time of termination.

Section 17 (1) The president of the Office shall appoint two vice-presidents for a term of six years.

(2) The vice-president shall meet the requirements for the appointment of the president of the Office set out in section 14 (2).

(3) The provisions of section 14 (3) to (8) shall apply accordingly to the incompatibility and conflict of interest of the vice-president.

(4) The provisions of section 15 (1) to (4) shall apply to the obligation of the vice-president to make a declaration of assets and to the proceeding regarding his declaration of assets, with the

proviso that in the proceeding regarding the vice-president's declaration of assets, the president of the Office shall act in place of the Prime Minister and there shall be no need to inform the President of the Republic of the outcome of the proceeding.

(5) The term of office of the vice-president of the Office shall terminate

- a) upon the expiry of his term of office,
- b) upon his resignation,
- c) upon his death,
- d) if it is established that the conditions for his appointment are not met,
- e) upon incompatibility or conflict of interest being established with regard to him,
- f) upon his dismissal,
- g) upon his removal from office.

(6) The vice-president of the Office may resign from office at any time by tendering his resignation in writing to the president of the Office. The mandate of the vice-president of the Office shall terminate after the communication of the resignation, on the day indicated in the resignation, or, failing this, on the day of communication of the resignation. Acceptance of the resignation shall not be required to make it effective.

(7) If the vice-president of the Office does not eliminate incompatibility or conflict of interest within thirty days from appointment, or if a cause of incompatibility or conflict of interest arises concerning him while in office, the president of the Office shall decide on the issue of incompatibility or conflict of interest.

(8) The president of the Office shall dismiss the vice-president of the Office if the vice-president of the Office is unable to perform his official duties for a period of over ninety days for reasons beyond his control.

(9) The president of the Office may dismiss the vice-president of the Office.

(10) The president of the Office shall remove the vice-president of the Office from office if the vice-president fails to perform his official duties for a period of over ninety days for reasons within his control, or if the vice-president has knowingly misrepresented substantial data or facts in his declaration of assets.

(11) The president of the Office shall be responsible for establishing if the requirements for the appointment of the vice-president of the Office are not met.

(12) If the mandate of the vice-president of the Office terminates under paragraph (5) a), he shall be entitled to severance pay equal to twice the monthly remuneration at the time of termination.

Section 18 (1) The president of the Office

- a) shall head the Office,
- b) shall arrange for his replacement on occasions he is prevented from acting,
- c) shall issue the organisational and operational regulations of the Office,
- d) shall establish the professional rules and methods of the investigations of the Office,

e) shall represent the Office.

(2) If the president of the Office is prevented from acting, the vice-president, acting within the powers of the president, shall replace the president; furthermore, he shall perform all the tasks assigned to him in the organisational and operational regulations and those entrusted to him by the president. If the office of the president is vacant, the vice-president shall exercise the powers of the president.

Section 19 (1) The monthly remuneration of the president of the Office shall amount to 80% of the monthly wage referred to in section 149 (1) of Act CXXXIX of 2013 on the Hungarian National Bank.

(2) The monthly remuneration of the vice-presidents of the Office shall amount to 60% of the monthly wage referred to in section 149 (2) of Act CXXXIX of 2013 on the Hungarian National Bank.

(3) The president of the Office shall be entitled to the same benefits as a Minister, and the vice-presidents of the Office shall be entitled to the same benefits as a permanent state secretary.

(4) Each calendar year, the president of the Office shall be entitled to twenty, and the vice-presidents of the Office to fifteen, working days of executive additional annual leave.

Section 20 (1) Unless otherwise provided for in this Act, the provisions of Act CVII of 2019 on special status organs and the legal status of persons employed by them shall apply to the legal relationship of the president and vice-president of the Office and those employed at the Office.

(2) The public official and the employee of the Office may not hold office in a political party or political party foundation, may not stand as candidate in parliamentary, European Parliament and local government elections, and may not engage in party-political activities or undertake public appearances in the name or on behalf of a political party.

(3) For the persons employed at the Office, the employer's rights shall be exercised by the president of the Office.

(4) For the vice-president, the employer's rights shall be exercised by the president of the Office.

(5) The president of the Office may delegate the right to issue authentic copies to the vice-president in the organisational and operational regulations and for documents not involving a measure to a public official of the Office employed in a senior position.

5. Final provisions

Section 21 (1) With the exception specified in paragraph (2), this Act shall enter into force on the day following its promulgation.

(2) Section 26 (2) shall enter into force on 1 March 2024.

Section 22 (1) The Prime Minister shall recommend a person for president of the Office by 1 January 2024 for the first time.

(2) The President of the Republic shall appoint the president of the Office by 1 February 2024 for the first time.

Section 23 (1) Sections 1 to 20 and section 22 qualify as cardinal on the basis of Article R) (4) of the Fundamental Law.

(2) Section 24 qualifies as cardinal on the basis of Article 46 (6) of the Fundamental Law.

(3) Section 28 qualifies as cardinal on the basis of Article 43 (4) of the Fundamental Law.

(4) Section 31 (2) qualifies, on the basis of Article 5 (4) and (7) of the Fundamental Law, as a provision of the Rules of Procedure Instruments to be adopted with the votes of two thirds of the Members of the National Assembly present.

(5) Section 33 (1) to (5) qualifies as cardinal on the basis of Article XXIX (3), Article 2 (1) and Article 35 (1) of the Fundamental Law.

(6) Section 33 (6) and (7) qualifies as cardinal on the basis of Article 35 (1) of the Fundamental Law.

(7) Section 38 (1) qualifies as cardinal on the basis of Article 12 (5), Article 4 (2) and (5), Article 25 (8), Article 26 (1) and (2), and Article R) (4) of the Fundamental Law.

Section 24 In Act CXXV of 1995 on national security services, the following paragraph (2a) shall be added to section 8/A:

“(2a) To facilitate the performance of tasks under the Act on the protection of national sovereignty, the National Information Centre shall, in the course of the performance of its tasks relating to the fulfilment of information requests, perform information activities for the Sovereignty Protection Office using information available, or being generated, in connection with information requests.”

Section 25 In Act CXXVI of 1996 on using a specific part of personal income tax in accordance with the instructions of the taxpayer, the following paragraph (7b) shall be added to section 4:

“(7b) The tax authority shall deregister the organisation also if the State Audit Office found the organisation to have violated the provisions of section 307/D (4) of Act XXXVI of 2013 on election procedure.”

Section 26 (1) In Act CLV of 2009 on the protection of classified data, the following paragraph (3a) shall be added to section 13:

“(3a) For the performance of their tasks laid down in an Act, the president and vice-president of the Sovereignty Protection Office shall be entitled to use classified data falling within their functions and powers without a Personnel Security Clearance, confidentiality statement or user authorisation.”

(2) In section 13 (3a) of Act CLV of 2009 on the protection of classified data, the words “, confidentiality statement or user authorisation” shall be replaced by the wording “or confidentiality statement”.

Section 27 In Act XLIII of 2010 on central state administration organs and the legal status of members of the Government and state secretaries, the following point g) shall be added to section 1 (4):

(Autonomous state administration organs shall be the following:)

“g) the Sovereignty Protection Office.”

Section 28 In Act LXVI of 2011 on the State Audit Office, the following paragraph (14) shall be added to section 5:

“(14) The State Audit Office shall perform monitoring tasks as set out in the Act on the election procedure.”

Section 29 In Act CLXXV of 2011 on the right of association, the public-benefit status and the operation of and support to non-governmental organisations, the following paragraph (5) shall be added to section 49:

“(5) The court shall examine, at a motion by the State Audit Office, whether a public-benefit organisation violated the provisions of section 307/D (4) of Act XXXVI of 2013 on election

procedure. Where data shows that a public-benefit organisation violated this requirement, the court shall adopt a decision terminating public-benefit status and deregister the relevant data.”

Section 30 In Act CXCV of 2011 on public finances, point 11 of section 1 shall be replaced by the following provision:

(For the purposes of this Act,)

“11. *budgetary organ under the direction or supervision of the Government* means any budgetary organ included in the central government subsector of the general government with the exception of budgetary organs under the headings of National Assembly, President of the Republic, Constitutional Court, Office of the Commissioner for Fundamental Rights, State Audit Office, Courts, Prosecution Service, Hungarian Competition Authority, Hungarian Academy of Sciences, Hungarian Academy of Arts, Hungarian Research Network, Integrity Authority, Directorate General for Audit of European Funds and Sovereignty Protection Office,”

Section 31 (1) In Act XXXVI of 2012 on the National Assembly, the following point 24 shall be added to section 44/A (1):

(The Speaker shall issue to)

“24. the president and vice-president of the Sovereignty Protection Office”

[a verification card certifying that the person concerned holds an office governed by public law (hereinafter “public law officer card”).]

(2) In Act XXXVI of 2012 on the National Assembly, the following point *m*) shall be added to section 61/A (2):

(The votes of two thirds of the Members present shall be required for)

“*m*) lifting the immunity of the president of the Sovereignty Protection Office in accordance with the provisions of section 15 (6) of Act LXXXVIII of 2023 on the protection of national sovereignty,”

Section 32 (1) In Act C of 2012 on the Criminal Code, the following paragraph (5) shall be added to section 52:

“(5) The perpetrator of the criminal offence of illegal influence of the will of voters shall be disqualified from being a responsible person in a non-governmental organisation or holding an office in a political party. In cases deserving special consideration, the mandatory application of disqualification from a profession may be dispensed with.”

(2) In Act C of 2012 on the Criminal Code, the following subtitle shall be added:

“Illegal influence of the will of voters

Section 350/A A member, responsible person or executive officer of a nominating organisation within the meaning of the Act on election procedure and a candidate within the meaning of the

Act on election procedure who uses prohibited foreign support or material advantage originating from an agreement disguising, to circumvent this prohibition, the origin of prohibited foreign support is guilty of a felony and shall be punished by imprisonment for up to three years.”

(3) In Act C of 2012 on the Criminal Code, the following points 37 and 38 shall be added to section 459 (1):

(For the purposes of this Act,)

“37. prohibited foreign support means any support from abroad the acceptance or use of which is prohibited by the Act on the operation and financial management of political parties and the Act on election procedure.

38. responsible person means a responsible person within the meaning of the Act on non-governmental organisations.”

Section 33 (1) In Act XXXVI of 2013 on election procedure, the following point 16 shall be added to section 3 (1):

(For the purposes of this Act,)

“16. *foreign support* means financial contribution from another state, a foreign natural or legal person or organisation without legal personality.”

(2) In Act XXXVI of 2013 on election procedure, section 33 (3) b) shall be replaced by the following provision:

(In the regional election commissions, parliamentary single-member constituency election commissions and local election commissions, the mandate)

“b) of the delegated members shall last until the results of all elections connected to the nomination and the drawing up of a list that may be taken into account, pursuant to section 28 (1) to (3) and section 333 (2), as legal basis for delegation to the election commission concerned become final and binding.”

(3) In Act XXXVI of 2013 on election procedure, section 33 (5) shall be replaced by the following provision:

“(5) The mandate of delegated members of a polling station commission shall last until the results of all elections connected to the nomination and the drawing up of a list that may be taken into account, pursuant to section 28 (4), as legal basis for delegation to the polling station commission become final and binding.”

(4) In Act XXXVI of 2013 on election procedure, the following paragraphs (1a) to (1d) shall be added to section 124:

“(1a) When a candidate is notified, he shall make a statement that he complies with the requirements for candidates set out in paragraph (1b) and that he does not use, regarding the election concerned, foreign support or any asset element originating therefrom for the purpose of performing any activity aimed at influencing or attempting to influence the will of voters. The election commission shall register candidates who have made such a statement.

(1b) A person who requests his registration as candidate and a registered candidate shall not use, regarding the election concerned, foreign support or any asset element originating therefrom for the purpose of performing any activity aimed at influencing or attempting to influence the will of voters. If a violation is suspected, the State Audit Office shall check compliance with the provisions of this paragraph.

(1c) Where, following the registration of a candidate, the State Audit Office establishes that the candidate violated the provisions of paragraph (1b), the candidate shall pay twice the amount of support to the central budget within fifteen days after being called upon to do so by the State Audit Office.

(1d) If a candidate fails to comply with his obligation under paragraph (1c) within the time limit, the national tax authority shall collect the debt as taxes at a request by the State Audit Office.”

(5) In Act XXXVI of 2013 on election procedure, the following point c) shall be added to section 129 (1):

(The list notification shall contain, regarding all candidates on the list, the name of the candidate, his personal identifier, or, in the absence thereof, the number of his official identity verification card, his address, and his statement that)

“c) he does not use, regarding the election concerned, foreign support or any asset element originating therefrom for the purpose of performing any activity aimed at influencing or attempting to influence the will of voters.”

(6) In Act XXXVI of 2013 on election procedure, subtitle 138/C shall be replaced by the following subtitle:

“138/C Notifying nominating organisations

Section 307/D (1) The nominating organisation shall be registered by the regional election commission or the National Election Commission, depending on to which it was notified.

(2) In a by-election, the election commission competent to register the candidate or the list shall register the nominating organisation.

(3) When an association is notified, the association shall make a statement that it complies with the requirement for associations set out in paragraph (4) and that it does not use, regarding the election concerned, any foreign support, support from a Hungarian legal person or organisation without legal personality, anonymous donation, or asset element originating therefrom for the purpose of performing any activity aimed at influencing or attempting to influence the will of voters. The election commission shall register as nominating organisation associations that have made such a statement.

(4) An association which requests its registration, or is registered, as a nominating organisation shall not use, regarding the election concerned, any foreign support, support from a Hungarian legal person or organisation without legal personality, anonymous donation, or asset element originating therefrom for the purpose of performing any activity aimed at influencing or attempting to influence the will of voters. If a violation is suspected, the State Audit Office shall check compliance with the provisions of this paragraph.

(5) Where, following registration as a nominating organisation, the State Audit Office establishes that the association violated the provisions of paragraph (4), the association shall pay twice the amount of support to the central budget within fifteen days after being called upon to do so by the State Audit Office.

(6) If an association violates the provisions of paragraph (4), the State Audit Office shall notify the tax authority or, for a public-benefit association, the court of registration accordingly.

(7) If an association fails to comply with its obligation under paragraph (5) within the time limit, the national tax authority shall collect the debt as taxes at a request by the State Audit Office.

(8) When a national minority organisation is notified, the organisation shall make a statement that the organisation complies with the requirements for national minority organisations set out in the Act on the rights of national minorities.”

(7) In Act XXXVI of 2013 on election procedure, section 307/I (3) shall be replaced by the following provision:

“(3) The provisions of section 307/F (1) and (2) and section 307/H shall apply also to candidates included in a list.”

Section 34 Section 338 (4) of Act XXXVI of 2013 on election procedure shall be repealed.

Section 35 In Act CL of 2017 on the rules of taxation, the following point p) shall be added to section 131 (14):

(At a request or data request, the tax authority shall inform of the tax secret the following:)

“p) the Sovereignty Protection Office if the information is necessary for the performance of a task laid down in an Act.”

Section 36 In Act CVII of 2019 on special status organs and the legal status of persons employed by them, the following point r) shall be added to section 2 (1):

(For the purposes of this Act, special status organs shall be the following:)

“r) the Sovereignty Protection Office.”

Section 37 In Act CVII of 2019 on special status organs and the legal status of persons employed by them, in section 98 (1) the words “and the Directorate General for Audit of European Funds” shall be replaced by the wording “the Directorate General for Audit of European Funds and the Sovereignty Protection Office”.

Section 38 (1) In Act XXVII of 2022 on the control of the use of European Union budget funds, section 5 (6a) shall be replaced by the following provision:

“(6a) In the course of the performance of its tasks, the Authority shall be entitled to initiate a proceeding regarding the declaration of assets in accordance with the rules applicable to the persons specified in points a) to e) as regards the declaration of assets of the following:

- a) the President of the Republic;
- b) a Member of the National Assembly, a national minority advocate, and the Principal of the National Assembly;
- c) a judge;
- d) a senior political executive having a Member of the National Assembly’s mandate; and
- e) the president and vice-president of the Sovereignty Protection Office.

The Authority shall be notified of the outcome of the procedure regarding the declaration of assets.”

(2) In Act XXVII of 2022 on the control of the use of European Union budget funds, the following point d) shall be added to section 77/A (2):

(In section 5 (6a), the following provisions qualify as cardinal:)

“d) point e) on the basis of Article R) (4) of the Fundamental Law.”