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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**HUNGARY**

**FUNDAMENTAL LAW OF HUNGARY (EXTRACTS) AS AMENDED BY THE  
FOURTEENTH AMENDMENT**

**AND**

**ACT CLI OF 2011 ON THE CONSTITUTIONAL COURT (EXTRACTS) AND ACT  
CLXIV OF 2011 ON THE STATUS OF THE PROSECUTOR GENERAL, PUBLIC  
PROSECUTORS AND OTHER MEMBERS OF THE PUBLIC PROSECUTION  
SERVICE AND ON THE CAREER OF PUBLIC PROSECUTORS (EXTRACTS) AS  
AMENDED BY ACT LXVII OF 2024**

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## I. FUNDAMENTAL LAW OF HUNGARY (EXTRACTS)

### Article 26

(1) Judges shall be independent and subordinated only to the law; they shall not be instructed in relation to their judicial activities. Judges may be removed from office only for the reasons and in a procedure specified in a cardinal Act. Judges may not be members of political parties or engage in political activities.

(2) Professional judges shall be appointed by the President of the Republic, as provided for by a cardinal Act. Only persons having reached the age of ~~thirty~~ **thirty-five**<sup>1</sup> years may be appointed judge. Except for the President of the Curia and the President of the National Office for the Judiciary, the service relationship of judges may exist until they reach the general retirement age **or, in a case specified by a cardinal Act, until they reach the age of seventy years.**<sup>2</sup>

(3) The President of the Curia shall be elected by the National Assembly from among the judges for nine years on a proposal from the President of the Republic. The President of the Curia shall be elected with the votes of two thirds of the Members of the National Assembly.

### Article 29

(1) The Prosecutor General and the prosecution service shall be independent and shall contribute to the administration of justice by exclusively enforcing the State's demand for punishment as public prosecutor. The prosecution service shall prosecute criminal offences and take action against other unlawful acts and omissions, as well as contribute to the prevention of unlawful acts.

(2) The Prosecutor General and the prosecution service:

- a) shall exercise rights in connection with investigations, as provided for by an Act;
- b) shall represent the public prosecution in court proceedings;
- c) shall supervise the lawfulness of penal enforcement;
- d) shall, as a guardian of public interest, exercise further functions and powers laid down in the Fundamental Law or in an Act.

(3) The organisation of the prosecution service shall be led and directed by the Prosecutor General who shall appoint prosecutors. Except for the Prosecutor General, the service relationship of prosecutors may exist until they reach the general retirement age.

(4) The Prosecutor General shall be elected by the National Assembly ~~from among the public prosecutors~~<sup>3</sup> for nine years on a proposal from the President of the Republic. The Prosecutor General shall be elected with the votes of two thirds of the Members of the National Assembly.

(5) The Prosecutor General shall give an account annually to the National Assembly of his or her activities.

(6) Prosecutors may not be members of political parties or engage in political activities.

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<sup>1</sup> In force as of 1 March 2025.

<sup>2</sup> Will enter into force on 1 January 2026.

<sup>3</sup> In force as of 1 January 2025.

(7) The detailed rules for the organisation and operation of the prosecution service and for the legal status of the Prosecutor General and the prosecutors, as well as their remuneration, shall be laid down in a cardinal Act.

#### **Final and transitional provisions<sup>4</sup>**

~~45. (1) With the exception laid down in paragraph (2), the lowest age requirement laid down in Article 26 (2) of the Fundamental Law shall apply to judges appointed on the basis of a call for applications announced after the entry into force of the Fundamental Law.  
(2) If, as laid down in an Act, the appointment takes place without the announcement of a call for applications, the lowest age requirement shall apply to judges appointed after the entry into force of the Fundamental Law.~~

30. An applicant may be appointed judge on the basis of a call for applications announced before the entry into force of the Fourteenth Amendment to the Fundamental Law if he or she has reached the age of thirty years.

31. A junior judge whose service relationship with a judicial organ was established before 1 January 2025 as well as a junior judge who served as trainee judge under a service relationship at a judicial organ before 1 January 2025 may be appointed judge if he or she reached the age of thirty years.

32. The lowest age requirement set by Article 26 (2) as introduced by the Fourteenth Amendment to the Fundamental Law shall not apply to judges who are already appointed.”

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<sup>4</sup> In force as of 1 March 2025.

## II. ACT CLI OF 2011 ON THE CONSTITUTIONAL COURT (EXTRACTS)

### Section 6

(1) Any Hungarian citizen with no prior criminal record and who has the right to stand as a candidate in parliamentary elections shall be eligible for election into the Constitutional Court if he or she:

- a) has a law degree;
- b) is between forty-five years of age and seventy years of age; and
- c) is an academic lawyer with outstanding theoretical knowledge [university professor or doctor of the Magyar Tudományos Akadémia (Hungarian Academy of Sciences)] or have at least twenty years of professional experience in the field of law.

~~(2) The professional experience in the field of law referred to in Subsection (1) shall be in a position for which a law degree is required.~~

(3) The term of office of Members of the Constitutional Court shall be twelve years. Members of the Constitutional Court may not be re-elected.

(4) Any person who was a member the Government, or held an executive office in any political party or held a senior political or professional office in the four years prior to election may not be elected as Member of the Constitutional Court.

## III. ACT CLXIV OF 2011 ON THE STATUS OF THE PROSECUTOR GENERAL, PUBLIC PROSECUTORS AND OTHER MEMBERS OF THE PUBLIC PROSECUTION SERVICE AND ON THE CAREER OF PUBLIC PROSECUTORS (EXTRACTS)

### Section 11 (extracts)

(1) A person may be appointed prosecutor **or elected Prosecutor General** <sup>5</sup> if he or she holds Hungarian citizenship, a university degree in law, has passed the professional examination in law, and who is not under guardianship affecting legal capacity or supported decision-making. For appointment as a military prosecutor, an additional requirement is that the person be an officer of the professional staff of the Hungarian Defence Forces.

(2) In addition to the conditions in paragraph (1), a person may be appointed as a prosecutor if, after passing the professional legal examination:

- a) has worked as a junior prosecutor, court secretary, notary, lawyer, legal counsel, researcher at the OKRI, or investigator at an investigative authority for at least one year;
- b) has worked for at least one year in a position requiring a public administration or legal examination at an organ specified in Section 2 of Act CXXV of 2018 on Government Administration, and in a position requiring a public administration or legal examination at an organ specified in Section 2 of Act CXIX of 2011 on Civil Servants, the State Audit Office, the central, regional and local organs of the police, the penitentiary system and the professional disaster management organ ;
- c) as a prosecutor, constitutional judge, or judge;

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<sup>5</sup> In force as of 1 January 2025.

- d) at an international organisation or body of the European Union, performing justice-related activities for at least one year.

(3) For the purposes of paragraph (2), up to six months may be credited as junior prosecutorial experience for those who, after passing the professional legal exam, worked at least three years in a legally qualified role not listed in paragraph (2).

[...]