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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

HUNGARY

ACT CXI OF 2011

ON THE COMMISSIONER FOR FUNDAMENTAL RIGHTS¹

¹ Promulgated on 26 July 2011.

In the interest of ensuring the effective, coherent and most comprehensive protection of fundamental rights and in order to implement the Fundamental Law, Parliament hereby adopts the following Act pursuant to Paragraph (5) of Article 30 of the Fundamental Law:

Chapter I

General provisions

1. The tasks and competences of the Commissioner for Fundamental Rights and of his/her Deputies

Section 1 (1)^[2] The Commissioner for Fundamental Rights shall – in addition to his/her tasks and competences specified in the Fundamental Law – perform the tasks and exercise the competences laid down in this Act.

(2) In the course of his/her activities the Commissioner for Fundamental Rights shall pay special attention, especially by conducting proceedings ex officio, to the protection of

- a) the rights of the child,
- b) the values determined in Article P of the Fundamental Law (hereinafter referred to as “the interests of future generations”),
- c) the rights determined in Article XXIX of the Fundamental Law (hereinafter referred to as “the rights of nationalities living in Hungary”), and
- d) the rights of the most vulnerable social groups.

(3)^[3] In the course of his/her activities the Commissioner for Fundamental Rights shall – especially by conducting proceedings ex officio – pay special attention to assisting, protecting and supervising the implementation of the Convention on the Rights of Persons with Disabilities, promulgated by Act XCII of 2007.

Section 2 (1)^[4] ^[5] The Commissioner for Fundamental Rights shall survey and analyse the situation of fundamental rights in Hungary, and shall prepare statistics on those infringements of rights in Hungary which are related to fundamental rights. At the request of the Commissioner for Fundamental Rights, ~~the public administration organ monitoring the enforcement of the requirement of equal treatment, the National Authority for Data Protection and Freedom of Information, the National Authority for Data Protection and Freedom of Information,~~ **the National Authority for Data Protection and Freedom of Information**, and the Commissioner for Educational Rights shall supply aggregate data not containing personal data for the purpose of statistical reports.

(2) The Commissioner for Fundamental Rights shall give an opinion on the draft legislation affecting his/her tasks and competences, on long-term development and spatial planning plans and concepts, and on plans and concepts otherwise directly affecting the quality of life of future generations, and may make proposals for the amendment and drafting of legislation affecting fundamental rights, and the expression of consent to be bound by an international treaty.

(3)^[6] The Commissioner for Fundamental Rights may initiate at the Constitutional Court the review of legislation as to their conformity with the Fundamental Law, the interpretation of the Fundamental Law and, within thirty day after their promulgation, the review of the adherence to the procedural requirements stipulated by the Fundamental Law as regards the adoption and promulgation of the Fundamental Law and its amendments.

(4) The Commissioner for Fundamental Rights shall participate in the preparation of national reports based on international treaties relating to his/her tasks and competences, and shall monitor and evaluate the enforcement of these treaties under Hungarian jurisdiction.

(5)^[7] The Commissioner for Fundamental Rights shall promote the enforcement and protection of fundamental rights. In doing so, he/she shall engage in social awareness raising and information

activities and cooperate with organisations and national institutions aiming at the promotion of the protection of fundamental rights.

(6)^[8] The Commissioner for Fundamental Rights shall perform the tasks related to the National Preventive Mechanism pursuant to Article 3 of the Optional Protocol of the Convention against Torture and other Inhuman or Degrading Treatment or Punishment, promulgated by Act CXLIII of 2011.

(7)^[9] With a view to the adherence to fundamental rights and a more efficient protection thereof, the Commissioner for Fundamental Rights may propose that the national police chief of Hungary, the director general of the organ in charge of internal crime prevention and criminal investigation, the director general of the counter-terrorism unit, and the director general of the Hungarian immigration office issue, amend or repeal an instruction.

(8)^[10] The Commissioner for Fundamental Rights shall perform the tasks laid down in Act CXXV of 2003 on equal treatment and the promotion of equal opportunities (hereinafter referred to as “Ebkvt.”).

Section 3 (1) The Deputy Commissioner for Fundamental Rights responsible for the protection of the interests of future generations shall monitor the enforcement of the interests of future generations, and

a)^[11] shall regularly inform the Commissioner for Fundamental Rights, the institutions concerned and the public of his/her experience regarding the enforcement of the interests of future generations,

b)^[12] shall draw the attention of the Commissioner for Fundamental Rights, the institutions concerned and the public to the danger of infringement of rights affecting a larger group of natural persons, the future generations in particular,

c) may propose that the Commissioner for Fundamental Rights institute proceedings ex officio,

d) shall participate in the inquiries of the Commissioner for Fundamental Rights,

e) may propose that the Commissioner for Fundamental Rights turn to the Constitutional Court,

f)^[13] shall monitor the implementation of the sustainable development strategy adopted by the Parliament,

g)^[14] may propose the adoption and amendment of legislation on the rights of future generations, and

h)^[15] shall promote, through his/her international activities, the presentation of the merits of domestic institutions related to the interests of future generations.

(2) The Deputy Commissioner for Fundamental Rights responsible for the protection of the rights of nationalities living in Hungary shall monitor the enforcement of the rights of nationalities living in Hungary, and

a)^[16] shall regularly inform the Commissioner for Fundamental Rights, the institutions concerned and the public of his/her experience regarding the enforcement of the interests of nationalities living in Hungary,

b)^[17] shall draw the attention of the Commissioner for Fundamental Rights, the institutions concerned and the public to the danger of infringement of rights affecting the nationalities living in Hungary,

c) may propose that the Commissioner for Fundamental Rights institute proceedings ex officio,

d) shall participate in the inquiries of the Commissioner for Fundamental Rights,

e) may propose that the Commissioner for Fundamental Rights turn to the Constitutional Court,

f)^[18] shall review the Government's social inclusion strategy and monitor the implementation of its objectives concerning nationalities living in Hungary,

g)^[19] may propose the adoption and amendment of legislation on the rights of nationalities living in Hungary, and

h)^[20] shall promote, through his/her international activities, the presentation of the merits of domestic institutions related to the interests of the nationalities living in Hungary.

(3) If a Deputy Commissioner for Fundamental Rights proposes within his/her competence pursuant to Point a) of Subsection (1) or Point a) of Subsection (2) that the Commissioner for Fundamental Rights institute proceedings ex officio or turn to the Constitutional Court, the Commissioner for Fundamental Rights shall be bound to act accordingly or to inform Parliament in the annual report of the reasons for his/her refusal to do so.

(4)^[21] In the course of their activities, the Deputy Commissioner for Fundamental Rights responsible for the protection of the interests of future generations may use the title of "Ombudsman for Future Generations", and the Deputy Commissioner for Fundamental Rights responsible for the protection of the rights of nationalities living in Hungary may use the title of "Ombudsman for the Rights of National Minorities".

Chapter II

The mandate of the Commissioner for Fundamental Rights and of his/her Deputies

2. The election of the Commissioner for Fundamental Rights and of his/her Deputies

Section 4 (1) Parliament shall elect the Deputy of the Commissioner for Fundamental Rights responsible for the protection of the interests of future generations and the Deputy of the Commissioner for Fundamental Rights responsible for the protection of the rights of nationalities living in Hungary at the proposal of the Commissioner for Fundamental Rights.

(2) Employer's rights regarding the Deputies of the Commissioner for Fundamental Rights – with the exception of those pertaining to the establishment and termination of the mandate – shall be exercised by the Commissioner for Fundamental Rights.

Section 5 (1) Any Hungarian citizen may be elected Commissioner for Fundamental Rights or his/her Deputy if he/she has a law degree, has the right to stand as a candidate in the elections of Members of Parliament, and meets the requirements laid down in this Section.

(2) Parliament shall elect the Commissioner for Fundamental Rights from among those lawyers who have outstanding theoretical knowledge or at least ten years of professional experience, have reached the age of thirty-five years and have considerable experience in conducting or supervising proceedings concerning fundamental rights or in the scientific theory of such proceedings.

(3) Parliament shall elect the Deputy of the Commissioner for Fundamental Rights responsible for the protection of the interests of future generations from among those lawyers who have reached the age of thirty-five years, have outstanding theoretical knowledge or at least ten years of professional experience, and have considerable experience in conducting or supervising proceedings affecting the rights of future generations or in the scientific theory of such proceedings.

(4) Parliament shall elect the Deputy of the Commissioner for Fundamental Rights responsible for the protection of the rights of nationalities living in Hungary from among those lawyers who have reached the age of thirty-five years, have outstanding theoretical knowledge or at least ten years of professional experience, and have considerable experience in conducting or supervising proceedings affecting the rights of nationalities living in Hungary or in the scientific theory of such proceedings.

(5)^[22] ^[23] No one may become Commissioner for Fundamental Rights or his/her Deputy who – in the four years preceding the proposal for his/her election – has been a Member of Parliament, nationality spokesperson, Member of the European Parliament, President of the Republic, Member of the Government, state secretary, member of a local government body, mayor, deputy mayor, member of a nationality self-government, notary, professional member of the Hungarian Defence

Forces, professional member of the law-enforcement organs or of organs performing law-enforcement tasks, employee of the National Tax and Customs Administration in the position of excise officer, or the officer or employee of a political party.

Section 6 (1) The President of the Republic shall make a proposal for the person of the Commissioner for Fundamental Rights between the ninetieth day and the forty-fifth day preceding the expiry of the mandate of the Commissioner for Fundamental Rights.

(2) If the mandate of the Commissioner for Fundamental Rights has terminated for a reason specified in Points *b*) to *g*) of Subsection (1) of Section 16, the President of the Republic shall make a proposal for the person of the Commissioner for Fundamental Rights within thirty days of the termination of the mandate.

(3) If the proposed person is not elected by Parliament, the President of the Republic shall make a new proposal within thirty days at the latest.

(4) The person proposed for Commissioner for Fundamental Rights shall be given a hearing by the committee of Parliament competent in the tasks of the Commissioner for Fundamental Rights.

(5) The Commissioner for Fundamental Rights may be re-elected once.

Section 7 (1) The Commissioner for Fundamental Rights shall make a proposal for the person of a Deputy Commissioner for Fundamental Rights between the ninetieth day and the forty-fifth day preceding the expiry of the mandate of the Deputy Commissioner for Fundamental Rights.

(2) If the mandate of a Deputy Commissioner for Fundamental Rights has terminated for a reason specified in Points *b*) to *g*) of Subsection (1) of Section 17, the Commissioner for Fundamental Rights shall make a proposal for the person of the Deputy Commissioner for Fundamental Rights within thirty days of the termination of the mandate.

(2a)^[24] If the mandates of the Commissioner for Fundamental Rights and his/her Deputy terminate at the same time, the newly elected Commissioner for Fundamental Rights shall make a proposal for the person of the Deputy Commissioner for Fundamental Rights within thirty days of his/her election.

(3) If the person proposed for Deputy Commissioner for Fundamental Rights is not elected by Parliament, the Commissioner for Fundamental Rights shall make a new proposal within thirty days at the latest.

(4) The Commissioner for Fundamental Rights shall – before making his/her proposal for the person of the Deputy Commissioner for Fundamental Rights responsible for the protection of the rights of the nationalities living in Hungary – request an opinion from the national nationality self-governments.

(5) The person proposed for Deputy Commissioner for Fundamental Rights shall be given a hearing by the committee of Parliament competent in the tasks of the Deputy Commissioner for Fundamental Rights.

(6) The Deputy Commissioner for Fundamental Rights may be re-elected once.

3. Conflict of interests

Section 8 (1) The mandate of the Commissioner for Fundamental Rights and of his/her Deputies shall be incompatible with any other state, local government, social or political office or mandate.

(2)^[25] The Commissioner for Fundamental Rights and his/her Deputies may not pursue any other gainful occupation, nor accept pay for their other activities, with the exception of scientific, educational, artistic activities, activities falling under copyright protection, proof-reading or editing activities, or having a foster parent's employment relationship.

(3) The Commissioner for Fundamental Rights and his/her Deputies may not be executive officers of a business undertaking, members of its supervisory board or such members of a business undertaking as have an obligation of personal involvement.

4. Declaration of assets

Section 9 (1) The Commissioner for Fundamental Rights and his/her Deputies shall make a declaration of assets, identical in contents to those of Members of Parliament, within thirty days of their election, then each year by 31 January and within thirty days of the termination of their mandates.

(2) The Commissioner for Fundamental Rights and his/her Deputies shall attach to their own declarations of assets the declarations of assets of their spouses or partners and children living in the same household (hereinafter referred to together as “family members”), the contents of which shall be identical to those of the Commissioner for Fundamental Rights and his/her Deputies.

(3) In the event of failure to make a declaration of assets, the Commissioner for Fundamental Rights and his/her Deputies may not – until submission of the declaration of assets – perform the tasks deriving from their mandate, and may not receive remuneration.

(4) With the exception of the declarations of assets of family members, the declarations of assets shall be public, and an authentic copy thereof – with the exception of the personal data of family members – shall be published without delay by the Secretary General of the Office of the Commissioner for Fundamental Rights (hereinafter referred to as “the Office”) on the website of the Office. The declarations of assets may be removed from the website after a period of one year following the termination of the mandate of the Commissioner for Fundamental Rights or of his/her Deputies.

(5) The declarations of assets shall be processed by the Secretary General of the Office.

(6) Only the members of the Conflict of Interests Committee of Parliament (hereinafter referred to as “the Conflict of Interests Committee”) may have access to the declarations of assets of family members in proceedings related to the declaration of assets of the Commissioner for Fundamental Rights or of his/her Deputies.

(7) Anyone may initiate proceedings related to the declaration of assets of the Commissioner for Fundamental Rights or of his/her Deputies by the chairman of the Conflict of Interests Committee with a statement of facts specifically indicating the contested part and content of the declaration of assets. If such initiative does not meet the requirements contained in this subsection, if it is manifestly unfounded or if a repeatedly submitted initiative does not contain new facts or data, the chairman of the Conflict of Interests Committee shall reject the initiative without conducting proceedings. The veracity of those contained in the declaration of assets shall be checked by the Conflict of Interests Committee.

(8) In the course of the proceedings related to the declaration of assets, at the invitation of the Conflict of Interests Committee, the Commissioner for Fundamental Rights or his/her Deputies shall declare without delay and in writing the supporting data on property, income and interest relations indicated in their own declaration of assets and in those of their family members. Such supporting data may be accessed only by members of the Conflict of Interests Committee. The chairman of the Conflict of Interests Committee shall inform the Speaker of Parliament of the outcome of the check and the latter shall inform Parliament at its next sitting of the facts established by the Conflict of Interests Committee.

(9) The supporting data submitted by the Commissioner for Fundamental Rights or his/her Deputies shall be deleted on the thirtieth day following the termination of the proceedings related to the declaration of assets. The Secretary General of the Office shall keep the declaration of assets of a former Commissioner for Fundamental Rights and of his/her former Deputies, as well as of their family members, for a period of one year following the termination of their mandates.

5. The legal status and remuneration of the Commissioner for Fundamental Rights and of his/her Deputies

Section 10 (1) The Commissioner for Fundamental Rights and his/her Deputies shall take office upon the expiry of the mandate of their predecessors or, if they are elected after the termination of the mandate of their predecessors, upon their election.

(2) After their election, the Commissioner for Fundamental Rights and his/her Deputies shall take an oath before Parliament.

Section 11 In conducting his/her proceedings, the Commissioner for Fundamental Rights shall be independent, subordinated only to Acts, and may not be given instructions regarding his/her activities.

Section 12 (1)^[26] The Commissioner for Fundamental Rights shall be entitled to a salary two and a half times bigger than that of a Member of Parliament as defined by Act XXXVI of 2012.

(1a)^[27] In addition to the salary defined in Subsection (1), the Commissioner for Fundamental Rights shall be entitled to allowances identical to those of a Minister.

(2)^[28] ^[29] The Deputy Commissioners for Fundamental Rights shall be entitled to a salary identical to the upper limit of that of a deputy state secretary according to the Pay Scale in Point I of Annex 1 of Act CXXV of 2018 on Governmental Administration (hereinafter referred to as “Kit.”).

(2a)^[30] In addition to the salary defined in Subsection (2), the Deputy Commissioners for Fundamental Rights shall be entitled to allowances identical to those of a state secretary.

(3) The Commissioner for Fundamental Rights and his/her Deputies shall be entitled to forty working days of leave per calendar year.

Section 13 (1) From the point of view of entitlement to social security benefits, the Commissioner for Fundamental Rights and his/her Deputies shall be considered insured persons employed in a public service legal relationship.

(2) The term of office of the Commissioner for Fundamental Rights and of his/her Deputies shall be considered as time served in a public service legal relationship with an administrative organ.

6. Immunity

Section 14 (1) The Commissioner for Fundamental Rights and his/her Deputies shall enjoy the same immunity as Members of Parliament.

(2) To proceedings related to immunity the rules of procedure applicable to the immunity of Members of Parliament shall apply.

7. Deputising for the Commissioner for Fundamental Rights

Section 15 If the Commissioner for Fundamental Rights is prevented from acting or the office is vacant, the powers of the Commissioner for Fundamental Rights shall be exercised by the Deputy designated by him/her, or, in the absence of a designated Deputy, by his/her Deputy who is senior in age.

8. Termination of the mandates of the Commissioner for Fundamental Rights and of his/her Deputies

Section 16 (1) The mandate of the Commissioner for Fundamental Rights shall terminate

- a) upon expiry of the term of his/her mandate,
- b) upon his/her death,
- c) upon his/her resignation,
- d) if the conditions necessary for his/her election no longer exist,
- e) upon the declaration of a conflict of interests,
- f) upon his/her dismissal, or
- g) upon removal from office.

(2) The termination of the mandate of the Commissioner for Fundamental Rights pursuant to Points *b*) and *c*) of Subsection (1) shall be established by the Speaker of Parliament. Termination pursuant to Points *d*) to *g*) of Subsection (1) shall be decided by Parliament.

(3) Resignation from office shall be communicated in writing to the Speaker of Parliament. The mandate of the Commissioner for Fundamental Rights shall terminate on the date indicated in the resignation, or, in the absence thereof, on the day of the communication of the resignation. No statement of acceptance shall be necessary for the validity of the resignation.

(4) If the Commissioner for Fundamental Rights fails to terminate a conflict of interests within thirty days of his/her election, or if in the course of the exercise of his/her office a conflict of interests arises, Parliament shall – at the written motion of any Member of Parliament, after obtaining the opinion of the Conflict of Interests Committee – decide on the declaration of a conflict of interests within thirty days of receipt of the motion. No conflict of interests shall be established if, during the conflict of interests proceedings, the Commissioner for Fundamental Rights terminates the reason for the conflict of interests.

(5) The mandate of the Commissioner for Fundamental Rights may be terminated by dismissal if, for reasons not imputable to him/her, the Commissioner for Fundamental Rights is not able to perform the duties deriving from his/her mandate for more than ninety days. A motion for dismissal may be submitted by any Member of Parliament. In the event of dismissal, the Commissioner for Fundamental Rights shall be entitled to three months' additional salary.

(6) The mandate of the Commissioner for Fundamental Rights may be terminated by removal from office if, for reasons imputable to him/her, the Commissioner for Fundamental Rights fails to perform the duties deriving from his/her mandate for more than ninety days, if he/she deliberately fails to comply with his/her obligation to make a declaration of assets, or if he/she deliberately makes a false declaration on important data or facts in his/her declaration of assets. A motion for removal from office may be submitted by the Conflict of Interests Committee after examination of the reasons justifying the removal.

Section 17 (1) The mandate of the Deputy Commissioner for Fundamental Rights shall terminate

- a) upon expiry of the term of his/her mandate,
- b) upon his/her death,
- c) upon his/her resignation,
- d) if the conditions necessary for his/her election no longer exist,
- e) upon the declaration of a conflict of interests,
- f) upon his/her dismissal, or
- g) upon removal from office.

(2) The termination of the mandate of the Deputy Commissioner for Fundamental Rights pursuant to Points *b*) and *c*) of Subsection (1) shall be established by the Speaker of Parliament. Termination pursuant to Points *d*) to *g*) of Subsection (1) shall be decided by Parliament.

(3) A Deputy Commissioner for Fundamental Rights shall communicate his/her resignation from office in writing to the Speaker of Parliament through the Commissioner for Fundamental Rights. The mandate of the Deputy Commissioner for Fundamental Rights shall terminate on the date indicated in the resignation, or, in the absence thereof, on the day of the communication of the resignation. No statement of acceptance shall be necessary for the validity of the resignation.

(4) If the Deputy Commissioner for Fundamental Rights fails to terminate a conflict of interests within thirty days of his/her election, or if in the course of the exercise of his/her office a conflict of interests arises, Parliament shall – at the written motion of any Member of Parliament, after obtaining the opinion of the Commissioner for Fundamental Rights and the Conflict of Interests Committee – decide on the declaration of a conflict of interests within thirty days of receipt of the

motion. No conflict of interests shall be established if, during the conflict of interests proceedings, the Deputy Commissioner for Fundamental Rights terminates the reason for the conflict of interests.

(5) The mandate of the Deputy Commissioner for Fundamental Rights may be terminated by dismissal if, for reasons not imputable to him/her, the Deputy Commissioner for Fundamental Rights is not able to perform the duties deriving from his/her mandate for more than ninety days. A motion for dismissal may be submitted by the Commissioner for Fundamental Rights or any Member of Parliament. In the event of dismissal, the Deputy Commissioner for Fundamental Rights shall be entitled to three months' additional salary.

(6) The mandate of the Deputy Commissioner for Fundamental Rights may be terminated by removal from office if, for reasons imputable to him/her, the Deputy Commissioner for Fundamental Rights fails to perform the duties deriving from his/her mandate for more than ninety days, if he/she deliberately fails to comply with his/her obligation to make a declaration of assets, or if he/she deliberately makes a false declaration on important data or facts in his/her declaration of assets. A motion for removal from office may be submitted by the Commissioner for Fundamental Rights or the Conflict of Interests Committee after examination of the reasons justifying the removal.

Chapter III

Proceedings and measures of the Commissioner for Fundamental Rights

9. Proceedings of the Commissioner for Fundamental Rights

Section 18 (1) Anyone may turn to the Commissioner for Fundamental Rights if, in his/her judgment, the activity or omission of

- a) an administrative organ,
- b) a local government,
- c) a nationality self-government,
- d) a public body with mandatory membership,
- e) the Hungarian Defence Forces,
- f) a law-enforcement organ,
- g) any other organ while acting in its public administration competence,
- h) an investigation authority or an investigation organ of the Prosecution Service,
- i) a notary public,
- j)^[31]
- k) an independent bailiff, or
- l) an organ performing public services

(hereinafter referred to together as "authority") infringes a fundamental right of the person submitting the petition or presents an imminent danger thereto (hereinafter referred to together as "impropriety"), provided that this person has exhausted the available administrative legal remedies, not including the administrative court action, or that no legal remedy is available to him/her.[32]

(2) Regardless of their form of organisation, organs performing public services shall be the following:

- a) organs performing state or local government tasks and/or participating in the performance thereof,
- b) public utility providers,
- c) universal providers,

d) organisations participating in the granting or intermediation of state subsidies or European Union funds,

e) organisations performing activities described in legislation as public service, and

f) organisations performing a public service which is prescribed in legislation and is to be compulsorily received.

Inquiries into an organ performing public services may be carried out only in connection with its public service activities.

(3) The Commissioner for Fundamental Rights, with the exceptions specified in Section 2, Subsection (3), may not conduct inquiries into the activities of

a)^[33] – with the exceptions provided in Section 2, Subsection (3) – the Parliament,

b) the President of the Republic,

c) the Constitutional Court,

d) the State Audit Office,

e) the courts, and

f) the Prosecution Service, with the exception of its investigative service.

(4) The Commissioner for Fundamental Rights may conduct ex officio proceedings in order to have such improprieties terminated as are related to fundamental rights and which have arisen in the course of the activities of the authorities. Ex officio proceedings may be aimed at conducting an inquiry into improprieties affecting not precisely identifiable larger groups of natural persons or at conducting a comprehensive inquiry into the enforcement of a fundamental right.

(5)^[34] If a final administrative decision has been taken in the case, a petition may be filed with the Commissioner for Fundamental Rights within one year of the notification of the decision.

(6) The Commissioner for Fundamental Rights may only inquire into proceedings that were started after 23 October 1989.

(7)^[35] The Commissioner for Fundamental Rights may not proceed in cases where administrative court actions have been initiated against the decision or where a final court decision has been rendered.

(8) The identity of the person who has filed the petition may only be revealed by the Commissioner for Fundamental Rights if the inquiry could not be conducted otherwise. Upon the request of the person filing the petition, the Commissioner for Fundamental Rights shall not reveal his/her identity. No one shall suffer any disadvantage for turning to the Commissioner for Fundamental Rights.

Section 19 The proceedings of the Commissioner for Fundamental Rights shall be free of charge; the costs of inquiries shall be advanced and borne by the Office.

Section 20 (1) The Commissioner for Fundamental Rights shall – with the exceptions specified in Subsections (2) and (3) – conduct an inquiry on the basis of the petition submitted to him/her, and shall take the measure specified in this Act.

(2) The Commissioner for Fundamental Rights shall reject the petition if

a) it does not meet the requirements specified in Subsections (1), (3) or (5) to (7) of Section 18,

b) it is manifestly unfounded,

c) a repeatedly submitted petition does not contain new facts or data on the substance, or

d) the person submitting the petition has requested that his/her identity not be revealed and without this the inquiry cannot be conducted.

(3) The Commissioner for Fundamental Rights may reject the petition if

- a) it has been submitted anonymously, or
- b) in his/her judgment the impropriety referred to in the petition is of minor importance.

(4) Reasons shall be given in every case when petitions are rejected. The Commissioner for Fundamental Rights shall notify the petitioner of the rejection of his/her petition.

(5) If the competent organ can be identified on the basis of the available data, the Commissioner for Fundamental Rights shall transfer petitions relating to matters not falling within his/her competence to the competent organ and simultaneously inform the petitioners thereof. If the Commissioner for Fundamental Rights establishes that on the basis of a petition not falling within his/her competence there is a possibility to institute court proceedings, he/she shall inform the petitioner thereof.

10. Inquiries of the Commissioner for Fundamental Rights

Section 21 (1) In the course of his/her inquiries the Commissioner for Fundamental Rights

- a) may request data and information from the authority subject to inquiry on the proceedings it has conducted or failed to conduct, and may request copies of the relevant documents,
- b) may invite the head of the authority, the head of its supervisory authority or the head of the organ otherwise authorised to do so to conduct an inquiry,
- c) may participate in a public hearing, and
- d) may conduct on-site inspections.

(2) The request of the Commissioner for Fundamental Rights pursuant to Points a) and b) of Subsection (1) shall be complied with within the time-limit set by the Commissioner. The time-limit may not be shorter than 15 days.

Section 22 (1) In the course of an on-site inspection the Commissioner for Fundamental Rights or members of his/her staff authorised to conduct the inquiry

- a) may enter the premises of the authority subject to inquiry, unless provided otherwise by a legal regulation,
- b)^[36] may inspect all documents which may have any relevance to the case under inquiry, and may make copies or extracts thereof, and
- c) may conduct a hearing of any employee of the authority subject to inquiry.

(2)^[37] In the course of an on-site inspection of the Commissioner for Fundamental Rights or of members of his/her staff authorised to conduct the inquiry, the rules of entry into, stay in and exit from the zones serving the operation of the national defence organisation, the law-enforcement organs, the organs of the National Tax and Customs Administration performing customs authority tasks, the Directorate General for Criminal Affairs of the National Tax and Customs Administration and its regional organs conducting investigative activities shall be regulated by the Minister responsible for national defence, the Minister responsible for directing the law-enforcement organ or the Minister supervising the National Tax and Customs Administration.

(3) No legal regulation pertaining to entry into the premises of the authority subject to inquiry may obstruct on-site inspection in substance.

(4) Any employee of the authority subject to inquiry may refuse to answer the questions during the hearing if

- a) the person who is affected by the petition forming the basis of the inquiry conducted by the Commissioner for Fundamental Rights is his/her relative within the meaning of the Code of Civil Procedure, or

b) by giving an answer he/she would accuse himself or herself or his/her relative within the meaning of the Code of Civil Procedure of the perpetration of a criminal offense, concerning the questions relating thereto.

Section 23 (1) In the course of his/her inquiry affecting the Hungarian Defence Forces, the Commissioner for Fundamental Rights may not inspect

a) documents related to inventions, products or defence investments of outstanding importance for the national defence of Hungary, or documents on the development of national defence capabilities that contain essential information thereon,

b) documents containing a battle order extract of the Hungarian Defence Forces up to the level of divisions, or documents containing aggregate data on the formation, maintenance and deployment of stocks of strategic material,

c) documents containing the plans on the use of the Hungarian Defence Forces under a special legal order,

d) documents on the protected command system of the higher state and military leaders,

e) documents concerning the military preparedness, alert and sales system of the Hungarian Defence Forces, compiled documents on mobilisation readiness and the level of combat readiness of the Hungarian Defence Forces, aggregate military preparedness plans of the military districts and of military organisations of the same or of a higher level or related documents on the whole organisation,

f) aggregate plans of the organisation of communications of the Ministry directed by the Minister responsible for national defence and of the Hungarian Defence Forces, key and other documentation of the special information protection devices introduced or used,

g) the detailed budget, calculations or development materials of the Hungarian Defence Forces,

h) international cooperation agreements and plans, or data of military hardware that are classified by common accord as 'top secret' data by the parties to the international cooperation, or

i) documents relating to devices of strategic reconnaissance and to the functioning thereof, or documents containing aggregate data on the protection of the Hungarian Defence Forces against reconnaissance.

(2) In the course of his/her inquiry affecting the national security services, the Commissioner for Fundamental Rights may not inspect

a) registers for the identification of individuals cooperating with the national security services,

b) documents containing the technical data of devices and methods used by the national security services for intelligence information gathering, or documents making it possible to identify the persons using them,

c) documents relating to encryption activities and encoding,

d) security documents relating to the installations and staff of the national security services,

e) documents related to document security and technological control,

f) documents access to which would make possible the identification of the source of information, or

g) documents access to which would infringe the obligations undertaken by the national security services towards foreign partner services.

(3) In the course of his/her inquiry affecting the police, the Commissioner for Fundamental Rights may not inspect

a) international cooperation agreements and plans concluded with police organs of other countries or with international organisations, joint measures taken in the course of international

cooperation, or data and information originating from the cooperation and put at the disposal of an organ of the police, if the contracting parties have requested their protection as classified data,

b) classified agreements related to international relations that contain specific commitments for the detection and prevention of international organised crime (including drug trafficking, money laundering and acts of terrorism),

c) any document containing data specified in subsection (2) relating to, originating from or pertaining to the cooperation of the national security services with the police,

d) safeguarding plans of installations and persons protected by the police, documents and descriptions pertaining to security equipment, guards and posts,

e) documents enabling the identification of a private person covertly cooperating with the police, except when that person has suffered the infringement of rights and he himself or she herself requests the inquiry thereof,

f)^[38] documents containing technical data relating to the functioning and operation of equipment and methods used by the police for intelligence information gathering or documents enabling the identification of persons using such equipment and methods,

g) documents of the police relating to encoded communications of the police or documents containing aggregate data relating to frequency records for government purposes,

h)^[39] personal data of witnesses, if the closed processing thereof has been ordered under the Act on Criminal Procedure, or

i) cooperation agreements concluded with the Hungarian Defence Forces or the national security services that are classified 'Top secret' data by the parties to the agreement.

(4) In the course of his/her inquiry affecting the organs of the National Tax and Customs Administration performing customs authority tasks or the National Tax and Customs Administration Directorate General for Criminal Affairs, the Commissioner for Fundamental Rights may not inspect

a) international cooperation agreements and plans concluded with the customs organs of other countries or international organisations, joint measures taken in the course of international cooperation, or data and information originating from the cooperation and put at the disposal of the relevant organ of the National Tax and Customs Administration, if the contracting parties have requested their protection as classified data,

b) classified agreements related to international relations that contain specific commitments for the detection and prevention of international organised crime (including drug trafficking, money laundering and acts of terrorism),

c) any document containing data specified in Subsection (2) relating to, originating from or pertaining to the cooperation of the national security services with the relevant organ of the National Tax and Customs Administration,

d) safeguarding plans of installations and persons guarded by the National Tax and Customs Administration, documents and descriptions pertaining to security equipment, guards and posts,

e) documents relating to encoded communications or containing aggregate data relating to frequency records for government purposes,

f) documents enabling the identification of a private person covertly cooperating with the relevant organ of the National Tax and Customs Administration, except when that person has suffered the infringement of rights and he himself or she herself requests the inquiry thereof,

g)^[40] documents containing technical data relating to the functioning and operation of equipment and methods used by the National Tax and Customs Administration for intelligence information gathering or documents enabling the identification of persons using such equipment and methods,

h) documents containing aggregate data relating to the equipment used for intelligence activities by the relevant organ of the National Tax and Customs Administration and to the functioning of such equipment, or

i)^[41] data of methods used by the relevant organ of the National Tax and Customs Administration in connection with the protection of tax stamps, or documents containing data relating to the traffic of internationally controlled products and technologies, to control plans, to observations and the issuing of search warrants, or to military matters.

(5) In the course of his/her inquiries affecting the investigative organ of the Prosecution Service, the Commissioner for Fundamental Rights may not inspect

a)^[42] personal data of witnesses, if the closed processing thereof has been ordered under the Act on Criminal Procedure,

b) documents of the investigative organ of the Prosecution Service originating from intelligence information gathering,

c)^[43] any document specified in Subsection (2) to (4), in relation to organs gathering intelligence information or applying covert operative means, relating to, originating from or pertaining to the cooperation of the investigative organ of the Prosecution Service with organs gathering intelligence information, or

d) documents enabling the identification of a private person covertly cooperating with the police, except when that person has suffered the infringement of rights and he himself or she herself requests the inquiry thereof.

(6) In the course of his/her inquiry affecting the tasks of the National Security Authority, specified in the Act on the Protection of Classified Information, the Commissioner for Fundamental Rights may not inspect documents relating to the professional direction, authorisation or supervision of encoding activities.

(7) If, in order to ensure the complete clarification of a case, the Commissioner for Fundamental Rights considers it necessary that the documents specified in Subsections (1) to (6) also be inspected, he/she may request the competent Minister to have those documents inspected. The competent Minister shall make the inquiry or shall have it made and inform the Commissioner for Fundamental Rights on the outcome of the inquiry within the time-limit set by the Commissioner. The time-limit may not be shorter than thirty days.

Section 24 (1) If there are substantiated grounds to believe that if the measure of the Commissioner for Fundamental Rights is delayed, the fundamental rights of a larger group of natural persons will be seriously infringed, the person conducting the inquiry on the basis of the authorisation of the Commissioner for Fundamental Rights may draw the attention of the head of the authority subject to inquiry to the danger of infringement and shall simultaneously initiate a measure of the Commissioner for Fundamental Rights. Such indication of danger shall be recorded in the case file.

(2)^[44] If, in the course of his/her inquiry, certain circumstances come to the attention of the Commissioner for Fundamental Rights from which circumstances one may conclude that a coercive measure has been unlawfully ordered, he/she shall immediately inform the competent prosecutor through the Prosecutor General. If the coercive measure has been ordered by the Prosecution Service, the Commissioner for Fundamental Rights shall inform the court as well.

Section 25 (1) In the interest of conducting and planning the inquiries of the Commissioner for Fundamental Rights, the authority subject to inquiry, the head of the authority subject to inquiry, the head of the supervisory organ of the authority subject to inquiry, the head of the organ otherwise authorised by legislation to conduct inquiries and the employees of the authority subject to inquiry shall cooperate with the Commissioner for Fundamental Rights in the cases determined in Subsection (1) of Section 21.

(2) If the authority subject to inquiry, without a well-founded reason, fails to comply or complies only belatedly with its obligation to cooperate, the Commissioner for Fundamental Rights shall mention this fact in his/her report, and make special mention thereof in his/her annual report.

Section 26 (1) In the inquiries conducted by the Commissioner for Fundamental Rights, the persons or organisations not qualifying as authority pursuant to this Act as well as the authorities not affected by the inquiry shall be obliged to cooperate.

(2) In a case under inquiry, the Commissioner for Fundamental Rights may request a written explanation, declaration, information or opinion from the organisation, person or employee of the organisation having the obligation to cooperate.

(3) If the organisation or person having the obligation to cooperate, without a well-founded reason, fails to comply or complies only belatedly with its obligation to cooperate, the Commissioner for Fundamental Rights shall mention this fact in his/her report, and make special mention thereof in his/her annual report.

Section 27 (1) In the course of his/her proceedings the Commissioner for Fundamental Rights may process – to the extent necessary for those proceedings – all those personal data and data qualifying as secrets protected by an Act or as secrets restricted to the exercise of a profession which are related to the inquiry or the processing of which is necessary for the successful conduct of the proceedings.

(2) In the course of his/her proceedings the Commissioner for Fundamental Rights may become acquainted with the classified data necessary for the conduct of the inquiry, may prepare extracts or make copies thereof, and may keep the classified data in his/her possession.

(3) The documents and material evidence obtained in the course of the proceedings of the Commissioner for Fundamental Rights shall not be public.

(4)^[45]

Section 28 (1) The Commissioner for Fundamental Rights shall make a report on the inquiry he/she has conducted; it shall contain the uncovered facts, and the findings and conclusions based on the facts.

(2) The reports of the Commissioner for Fundamental Rights shall be public. Published reports may not contain personal data, classified data, secrets protected by an Act or secrets restricted to the exercise of a profession.

(3)^[46] The report of the Commissioner for Fundamental Rights relating to the activities of organs authorised to use covert operative means and methods may not contain any data from which one could draw conclusions on intelligence information gathering activities or the use of covert operative means in the given case.

(4) There shall be no legal remedy against decisions of the Commissioner for Fundamental Rights rejecting a petition or against the reports of the Commissioner.

Section 29 The Commissioner for Fundamental Rights shall inform the petitioner about the outcome of the inquiry and about any measure taken.

Section 30 The Commissioner for Fundamental Rights shall determine the rules and methods of his/her inquiries in normative instructions.

11. Measures of the Commissioner for Fundamental Rights

Section 31 (1) If, on the basis of an inquiry conducted, the Commissioner for Fundamental Rights comes to the conclusion that the impropriety in relation to a fundamental right does exist, in order to redress it he/she may – by simultaneously informing the authority subject to inquiry – address a recommendation to the supervisory organ of the authority subject to inquiry. Within thirty days of receipt of the recommendation, the supervisory organ shall inform the Commissioner for Fundamental Rights of its position on the merits of the recommendation and on the measures taken.

(2) If the supervisory organ does not agree with those contained in the recommendation, within fifteen days of receipt of the communication thereof, the Commissioner for Fundamental Rights shall inform the supervisory organ of the maintenance, amendment or withdrawal of his/her recommendation.

(3) If the Commissioner for Fundamental Rights modifies the recommendation, it shall be considered as a new recommendation from the point of view of the measures to be taken.

(4) If the authority subject to inquiry has no supervisory organ, the Commissioner for Fundamental Rights shall address the recommendation to the authority subject to inquiry.

Section 32 (1) If, according to the available data, the authority subject to inquiry is able to terminate the impropriety related to fundamental rights within its competence, the Commissioner for Fundamental Rights may initiate redress of the impropriety by the head of the authority subject to inquiry. Such initiative may be made directly by phone, orally or by e-mail; in such cases the date, manner and substance of the initiative shall be recorded in the case file.

(2) Within thirty days of receipt of the initiative, the authority subject to inquiry shall inform the Commissioner for Fundamental Rights of its position on the merits of the initiative and on the measures taken; if the initiative concerns an activity which is harmful for the environment, the authority subject to inquiry shall immediately inform the Commissioner for Fundamental Rights.

(3) If the authority subject to inquiry – with the exception of the authority specified in Subsection (4) of Section 31 – does not agree with the initiative, it shall, within thirty days of receipt of the initiative, submit the initiative to its supervisory organ together with its opinion thereon. Within thirty days of receipt of the submission, the supervisory organ shall inform the Commissioner for Fundamental Rights of its position and on the measures taken.

(4) For any further proceedings of the supervisory organ and the Commissioner for Fundamental Rights, those contained in Subsections (1) to (3) of Section 31 shall be applicable, as appropriate, subject to the modification that the Commissioner for Fundamental Rights shall inform the supervisory organ of whether he/she maintains the initiative in an unchanged or modified form as a recommendation.

Section 33 (1)^[47] In order to redress the uncovered impropriety related to a fundamental right, the Commissioner for Fundamental Rights may initiate proceedings for the supervision of legality by the competent prosecutor through the Prosecutor General. Within sixty days the competent prosecutor shall inform the Commissioner for Fundamental Rights of his/her position on the initiation of proceedings for the supervision of legality and his/her measure, if any.

(2)^[48] If the Commissioner for Fundamental Rights, in the course of his/her proceedings, establishes no impropriety related to a fundamental right but nevertheless becomes aware of a circumstance pointing to an infringement of a legal regulation, he/she may forward the petition to the competent prosecutor through the Prosecutor General.

(3)^[49] In the course of the judicial review of an administrative decision relating to the state of the environment, the Commissioner for Fundamental Rights may participate in the proceedings as an intervener.

Section 34 The Commissioner for Fundamental Rights may turn to the Constitutional Court in accordance with the provisions laid down in the Act on the Constitutional Court.

Section 34/A^[50] (1)^[51] If, in the course of his/her inquiries, the Commissioner for Fundamental Rights finds that an impropriety related to fundamental rights is caused by a conflict between a self-government decree and another legal regulation, he may request the Curia to review the self-government decree's compatibility with the other legal regulation.

(2)^[52]

Section 35 (1)^[53] If, in the course of his/her inquiry, the Commissioner for Fundamental Rights considers that there is a well-founded suspicion that a crime has been committed, he/she shall initiate criminal proceedings with the organ authorised to start such proceedings. If, in the course

of his/her inquiry, the Commissioner for Fundamental Rights considers that there is reasonable suspicion that a regulatory offense or a disciplinary offense has been committed, he/she shall initiate regulatory offense proceedings or disciplinary proceedings with the organ authorised to conduct such proceedings.

(2) Unless a provision of an Act provides otherwise, the organ specified in Subsection (1) shall, within thirty days, inform the Commissioner for Fundamental Rights of its position on the starting of proceedings; where proceedings have been started, the organ shall, within thirty days of the termination of the proceedings, inform the Commissioner for Fundamental Rights of the outcome thereof.

Section 36 If, in the course of his/her inquiry, the Commissioner for Fundamental Rights notices an impropriety related to the protection of personal data, to the right of access to data of public interest or to data public on grounds of public interest, he/she shall report it to the National Authority for Data Protection and Freedom of Information.

Section 37 If, according to the Commissioner for Fundamental Rights, the impropriety can be attributed to a superfluous, ambiguous or inappropriate provision of a legal regulation or public law instrument for the regulation of organisations, or to the lack or deficiency of the legal regulation of the given matter, in order to avoid such impropriety in the future he/she may propose that the organ authorised to make law or to issue a public law instrument for the regulation of organisations modify, repeal or issue the legal rule or the public law instrument for the regulation of organisations, or propose that the organ in charge of preparing legal regulations prepare a legal regulation. Within sixty days the requested organ shall inform the Commissioner for Fundamental Rights of its position and of any measure taken.

Section 38 (1) If the authority subject to inquiry or its supervisory organ fails to form a position on the merits and to take the appropriate measure, or the Commissioner for Fundamental Rights does not agree with the position or the measure taken, he/she shall submit the case to Parliament within the framework of his/her annual report, and may – with the exception of those contained in Subsection (2) – ask Parliament to inquire into the matter. If, according to his/her findings, the impropriety is of flagrant gravity or affects a larger group of natural persons, the Commissioner may propose that Parliament debate the matter before the annual report is put on its agenda. The Parliament shall decide on whether to put the matter on the agenda.

(2) In the case referred to in Subsection (1), if the Commissioner for Fundamental Rights has taken the measure specified in Section 34, or if in the case specified in Section 37 he/she has applied to Parliament, the Commissioner for Fundamental Rights shall report on his/her measure and on the measure of the contacted organ or the failure of the latter to take any measure in his/her annual report.

(3) In the case referred to in Subsection (1), if the uncovering of the impropriety should affect classified data, the Commissioner for Fundamental Rights shall – simultaneously with his/her annual report, or if the impropriety is of flagrant gravity or affects a larger group of natural persons, prior to the submission of the annual report – submit the case to the competent committee of Parliament in a report of a level of classification determined in the Act on the Protection of Classified Information. The committee shall decide on whether to put the matter on the agenda at a sitting in camera.

11/A.^[54] Inquiries into public interest disclosures

Section 38/A^[55] The Commissioner for Fundamental Rights shall inquire into the practices of authorities specified under Section 18, Subsection (1), Points a)-k) in handling public interest disclosures made in accordance with the Act on complaints and public interest disclosures, and, upon request, into the proper handling of certain public interest disclosures.

Section 38/B^[56] (1) The Commissioner for Fundamental Rights shall provide for the operation of an electronic system for filing and registering public interest disclosures in accordance with the Act on complaints and public interest disclosures (hereinafter referred to as the “electronic system”).

(2) In connection with public interest disclosures filed through the electronic system and their investigation, the authorities specified under Section 18, Subsection (1), Paragraphs a)-k) shall provide the Commissioner for Fundamental Rights with data necessary for performing his/her tasks.

Section 38/C^[57] A whistleblower may submit a petition requesting the Commissioner for Fundamental Rights to remedy a perceived impropriety if

a) a public interest disclosure is qualified as unfounded by the organ authorised to proceed under the Act on Complaints and Public Interest Disclosures (hereinafter referred to as the “organ authorised to proceed),

b) the whistleblower does not agree with the conclusions of the inquiry,

c) according to the whistleblower, the organ authorised to proceed has failed to conduct a comprehensive inquiry into a public interest disclosure.

Section 38/D^[58] [59] Staff members of the Office performing tasks directly related to public interest disclosures shall carry out their duties in posts falling within the scope of national security checks and requiring a personal security certificate.

11/B.^[60] Inquiry into the review process of national security checks

Section 38/E^[61] (1) In accordance with the stipulations of the Act on National Security Services, the Commissioner for Fundamental Rights may inquire into ordering and conducting a review of national security checks from the aspects of fundamental rights related improprieties.

(2) The restrictions stipulated in Section 23, Subsection (2) shall not affect the proceedings of the Commissioner for Fundamental Rights if consulting a document is essential for the successful conduct of the given proceedings.

(3)^[62] Staff members of the Office performing tasks directly related to the review process of national security checks shall carry out their duties in posts falling within the scope of national security checks and requiring a personal security certificate.

12. Exceptional inquiry

Section 39 (1) If, on the basis of the petition, it may be presumed that – with the exception of the organs indicated in Subsection (3) of Section 18 – the activity or omission of the organisation not qualifying as authority gravely infringes the fundamental rights of a larger group of natural persons, the Commissioner for Fundamental Rights may proceed exceptionally (hereinafter referred to as ‘exceptional inquiry’).

(2)^[63] To exceptional inquiries, Subsections (5) to (8) of Section 18, Section 19, Section 20, Subsections (1) and (3) of Section 27, Sections 28 to 30 and Sections 34 to 37 shall be applied.

(3) For the conduct of exceptional inquiries, the organisations not qualifying as authority shall be obliged to cooperate.

(4) In order to conduct an exceptional inquiry, the Commissioner for Fundamental Rights may request a written explanation, declaration, information or opinion from the organisation not qualifying as authority. In case of an activity which is harmful for the environment, the Commissioner for Fundamental Rights may carry out an on-site inspection.

(5) On the basis of the outcome of an exceptional inquiry, the Commissioner for Fundamental Rights may initiate proceedings with the competent authority. On the basis of the above initiative, the authority shall start proceedings without delay.

Chapter III/A^[64]

The proceedings and measures of the commissioner for fundamental rights within the framework of the National Preventive Mechanism^[65]

Section 39/A^[66] If the Commissioner for Fundamental Rights conducts proceedings in the performance of his/her tasks related to the National Preventive Mechanism pursuant to Article 3 (hereinafter referred to as 'National Preventive Mechanism') of the Optional Protocol of the Convention against Torture and other Inhuman or Degrading Treatment or Punishment (hereinafter referred to as 'the Protocol') promulgated by Act CXLIII of 2011, the provisions of Chapter III shall apply to his/her proceedings with the derogations laid down in this chapter.

Section 39/B^[67] (1) In order to perform his/her tasks related to the national preventive mechanism, the Commissioner for Fundamental Rights shall regularly examine the treatment of persons deprived of their liberty and held at a place of detention (hereinafter referred to as 'place of detention') specified in Article 4 of the Protocol – regardless of Subsections (1) to (7) of Section 18 – also in the absence of any petition or alleged impropriety.

(2) In the course of his/her examination the Commissioner for Fundamental Rights may, in addition to those contained in Subsection (1) of Section 21, request data, information and copies of documents from the authority under inquiry on the number and geographical location of places of detention and on the number of persons deprived of their liberty who are held there, on the treatment of these persons and on the conditions of their detention.

(3) In the course of on-site inspections the Commissioner of Fundamental Rights may

a) enter without any restriction the places of detention and other premises of the authority under inquiry,

b) inspect without any restriction all documents concerning the number and geographical location of places of detention, the number of persons deprived of their liberty who are held there, on the treatment of these persons and on the conditions of their detention, and make extracts from or copies of these documents,

c)^[68] hear any person present on the site, including the personnel of the authority under inspection and any person deprived of his/her liberty.

d)^[69]

(4) The hearing held pursuant to Points c) and d) of Subsection (3) may not be attended by persons other than the Commissioner for Fundamental Rights and the person who is given a hearing, unless the Commissioner for Fundamental Rights authorises his/her participation.

Section 39/C^[70] The Commissioner for Fundamental Rights shall each year prepare a comprehensive report on the performance of his/her tasks related to the National Preventive Mechanism, which report shall be published on the website of the Office.

Section 39/D^[71] (1) In the performance of his/her tasks related to the National Preventive Mechanism, the Commissioner for Fundamental Rights may act in person or by way of the members of his/her staff authorised by him/her to perform the tasks related to the National Preventive Mechanism. Staff members of the Commissioner for Fundamental Rights authorised by him/her to act shall have the rights pursuant to Sections 21, 22 and 26, as well as to Subsection (1) of Section 27, and to Section 39/B, and the obligation for cooperation pursuant to Section 25 shall be complied with also in their respect.

(2) Staff members of the Commissioner for Fundamental Rights authorised by him/her to perform the tasks related to the National Preventive Mechanism may, if they have the personal security clearance certificate of the required level, obtain access to classified data also without the user permission specified in the Act on the Protection of Classified Information.

(3)^[72]^[73] The Commissioner for Fundamental Rights shall authorise at least eleven staff members to perform the tasks related to the National Preventive Mechanism. The authorised staff members shall be experts with a graduate degree and have an outstanding knowledge in the field of the treatment of persons deprived of their liberty or have at least five years of professional experience. The Commissioner for Fundamental Rights may also authorise, either permanently or on an ad

hoc basis, other experts to contribute to performing the tasks related to the National Preventive Mechanism.

(4)^[74] ^[75] Among the staff members authorised to perform the tasks related to the National Preventive Mechanism, there shall be at least one person who has been proposed by the Deputy Commissioner for Fundamental Rights responsible for the protection of the rights of nationalities living in Hungary, and at least two persons each with a degree in law, medicine and psychology, respectively. Among the authorised staff members, the number of the representatives of either sex may exceed that of the other by one at the most.

Section 39/E^[76] No one shall suffer any disadvantage for providing information to the Commissioner for Fundamental Rights or to his/her staff members authorised to perform the tasks related to the National Preventive Mechanism.

Chapter III/B^[77]

Inquiry into police complaints^[78]

Section 39/F^[79] In the course of the inquiry into a complaint submitted under Subsection (1) of Section 92 of Act XXXIV of 1994 on the Police (hereinafter referred to as the “Police Act”), (hereinafter referred to as “police complaint”), the provisions of Chapter III shall apply, subject to the derogations set out in this Chapter, to the inquiry of the Commissioner for Fundamental Rights.

Section 39/G^[80] (1) In the course of his/her inquiry into police complaints, the Commissioner for Fundamental Rights may proceed in person, or by members of his/her staff authorised to conduct an inquiry into police complaints.

(2) Hearings held under Point c) of Subsection (1) of Section 22 shall not be attended by persons other than the Commissioner for Fundamental Rights and the person being heard unless the Commissioner for Fundamental Rights has consented to their presence.

(3) In the course of conducting such an inquiry, staff members of the Commissioner for Fundamental Rights authorised to conduct an inquiry into police complaints may, if they have the required-level personal security clearance certificate, become acquainted with classified data also without the user permission specified in the Act on the Protection of Classified Information.

(4) Those staff members of the Commissioner for Fundamental Rights authorised to conduct an inquiry into police complaints who would be excluded from the administration of the case by the provisions of the Act on Administrative Authority Proceedings shall not take part in the inquiry into the given complaint and/or in the preparation of the report related thereto.

Section 39/H^[81] (1) The Commissioner for Fundamental Rights may request information on police complaints under Point a) of Subsection (1) of Section 92 of the Police Act, and if the conditions of his/her proceedings are fulfilled, he/she shall inform the complainant and the proceeding police organ about it. The complainant may request within eight days of the receipt of the notification that the national police chief of Hungary, the director general of the organ in charge of internal crime prevention and criminal investigation, the director general of the counter-terrorism unit, and the director general of the Hungarian immigration office assess his/her police complaint after the termination of the proceedings conducted by the Commissioner for Fundamental Rights. The proceeding police authority shall suspend its proceedings upon receiving the notification of the Commissioner for Fundamental Rights.

(2) If the complainant requests within the time limit set out in Subsection (1) that his/her police complaint be assessed by the national police chief of Hungary, the director general of the organ in charge of internal crime prevention and criminal investigation, the director general of the counter-terrorism unit, and the director general of the Hungarian immigration office after the termination of the proceedings conducted by the Commissioner for Fundamental Rights, the police authority shall transfer the police complaint to the Commissioner for Fundamental Rights. If the Commissioner for Fundamental Rights informs the proceeding police authority that the time limit has passed without a result, the police authority shall resume its proceedings.

(3) The national police chief of Hungary, the director general of the organ in charge of internal crime prevention and criminal investigation, the director general of the counter-terrorism unit, and the director general of the Hungarian immigration office shall send a monthly communication to the Commissioner for Fundamental Rights about police complaints under Point a) of Subsection (1) of Section 92 of the Police Act, which shall contain data specified by the Commissioner for Fundamental Rights.

Section 39/I^[82] Police complaints under Point b) of Subsection (1) of Section 92 of the Police Act may be submitted to the Commissioner for Fundamental Rights within one year of the date of the police action.

Section 39/J^[83] (1) The Commissioner for Fundamental Rights shall dismiss police complaints under Point b) of Subsection (1) of Section 92 of the Police Act, as well as police complaints transferred to the Commissioner for Fundamental Rights under Subsection (2) of Section 39/H without drafting a report thereon if:

- a. the police complaint was submitted late,
- b. it is manifestly unfounded, and making an inquiry is not justified on the grounds thereof,
- c. it is repeatedly submitted and does not contain new facts or data on the substance,
- d. the petitioner of the police complaint requested that his/her identity not be revealed, and the proceedings may not be conducted without this.

(2) The Commissioner for Fundamental Rights shall make a report on the inquiry that he/she has conducted; it shall contain the uncovered facts, and the findings and conclusions based on the facts, as well as the measure taken under Chapter III.

(3) If the inquiry establishes no impropriety related to a fundamental right, or does not affect a matter essential from the perspective of fundamental rights, the Commissioner for Fundamental Rights may dismiss the police complaint by the omission of making a report.

(4) The Commissioner for Fundamental Rights shall send his/her report or his/her dismissal under Subsection (3) to the national police chief of Hungary, the director general of the organ in charge of internal crime prevention and criminal investigation, the director general of the counter-terrorism unit, and the director general of the Hungarian immigration office.

Section 39/K^[84] (1) In consideration of the report of the Commissioner for Fundamental Rights under Section 39/J, the national police chief of Hungary, the director general of the organ in charge of internal crime prevention and criminal investigation, the director general of the counter-terrorism unit, and the director general of the Hungarian immigration office shall decide about the police complaint through administrative authority proceedings within thirty-five days. The administrative time limit shall begin on the day following the receipt of the report of the Commissioner for Fundamental Rights.

(2) If the national police chief of Hungary, the director general of the organ in charge of internal crime prevention and criminal investigation, the director general of the counter-terrorism unit, and the director general of the Hungarian immigration office deviate from the report of the Commissioner for Fundamental rights in their respective decisions, they shall justify their derogation.

(3) In the course of actions brought to seek the judicial review of a decision of the national police chief of Hungary, the director general of the organ in charge of internal crime prevention and criminal investigation, the director general of the counter-terrorism unit, or the director general of the Hungarian immigration office under Subsections (1) and (2), the Commissioner for Fundamental Rights may participate in the proceedings as an intervener.

Section 39/L^[85] (1) After making their decision, the national police chief of Hungary, the director general of the organ in charge of internal crime prevention and criminal investigation, the director general of the counter-terrorism unit, and the director general of the Hungarian immigration office shall publish the report of the Commissioner for Fundamental Rights – with the omission of

personal identification data – on their respective websites except if the petitioner has previously objected to such disclosure in his/her police complaint.

(2) By sending their respective decisions, the national police chief of Hungary, the director general of the organ in charge of internal crime prevention and criminal investigation, the director general of the counter-terrorism unit, the director general of the Hungarian immigration office, and the officer of the entity taking a measure shall inform the Commissioner for Fundamental Rights in those matters in which the Commissioner for Fundamental Rights has made a report, or made recommendations for the issuing, amendment, or repeal of an instruction.

Chapter III/C^[86]

Proceedings under “Ebktv.”^[87]

Section 39/M^[88] (1) In the course of performing his/her tasks specified in “Ebktv.”, the Commissioner for Fundamental Rights shall proceed within the framework of an administrative authority proceeding.

(2) If, on the basis of the petition, both the proceeding under this Act and the proceeding under “Ebktv.” may be instituted, the proceeding in line with the statement made by the petitioner shall be initiated. If, on the basis of the petitioner’s statement, the petitioner requests the initiation of the proceeding under “Ebktv.”, the petition shall be deemed as an application made under “Ebktv.”.

(3) If the petitioner does not make a statement, or requests the initiation of both proceedings, the Commissioner for Fundamental Rights, with the exception specified in Subsection (4), shall initiate the proceeding under “Ebktv.”, and he/she shall notify the petitioner thereof within 10 days, and the petition shall be deemed as an application made under “Ebktv.”.

(4) If, in a case related to the enforcement of the rights of nationalities living in Hungary, the petitioner does not make a statement, or requests the initiation of both proceedings, the Commissioner for Fundamental Rights shall decide upon the proposal of his/her Deputy Commissioner for Fundamental Rights responsible for the protection of the rights of nationalities living in Hungary as to whether the initiation of the proceeding under this Act or that under “Ebktv.” shall be deemed justified.

(5) The Commissioner for Fundamental Rights shall not examine the administrative decisions made in proceedings specified in Subsection (1) under this Act.

(6) The proceedings conducted under this Act shall not preclude that, after their conclusion, the Commissioner for Fundamental Rights, upon request or ex officio, launch a proceeding in the same case under the provisions of “Ebktv.”.

(7) The performance of the tasks of the Commissioner for Fundamental Rights specified in “Ebktv.” shall be carried out by a separate organisational unit of the Office designated for this purpose.

(8) The separate organisational unit of the Office specified in Subsection (7) shall cooperate with the Deputy Commissioner for Fundamental Rights responsible for the protection of the rights of nationalities living in Hungary in cases related to the enforcement of the rights of nationalities living in Hungary, and with the head of the separate organisational unit of the Office specified in Section 41(3a) in cases related to police measures and the omission thereof, and the use of coercive instruments and police complaints.

(9) In the course of performing his/her tasks specified in “Ebktv.”, the Commissioner for Fundamental Rights may proceed in person or by way of the members of his/her staff authorised by him/her to proceed.

Chapter IV

The annual report of the Commissioner for Fundamental Rights

Section 40 (1) The Commissioner for Fundamental Rights shall submit his/her annual report to Parliament until 31 March of the calendar year following the reporting year.

(2) In his/her annual report the Commissioner for Fundamental Rights shall

a)^[89] give information on his/her fundamental rights protection activities, presenting in separate chapters his/her activities under the stipulations of Subsections (2) and (3) of Section 1, Subsection (6) of Section 2, and Chapter III/B, respectively, and his/her activities conducted in connection with inquiring into public interest disclosures,

b) give information on the reception and outcomes of his/her initiatives and recommendations, and

c) evaluate the situation of fundamental rights on the basis of statistics compiled on the infringements related to fundamental rights.

(3) Parliament shall debate the report during the year of its submission.

(4) The report of the Commissioner for Fundamental Rights shall be published on the website of the Office after Parliament has passed a resolution on it.

Chapter V

The Office of the Commissioner for Fundamental Rights

Section 41 (1) The administration and preparation related to the tasks of the Commissioner for Fundamental Rights shall be performed by the Office.

(2)^[90]^[91] The Office shall be directed and managed by the Commissioner for Fundamental Rights. As to the public servants and employees employed by the Office, the provisions of Act CVII of 2019 on Organs with a Special Status and the Status of their Employees (hereinafter referred to as “Küt.”) shall be duly applied.

(2a)^[92] Subsection (2) of Section 5 of “Küt.” is not applicable to the posts of the Office.

(3) The organisational and operational rules of the Office shall be established by way of a normative instruction by the Commissioner for Fundamental Rights.

(3a)^[93]^[94] Inquiries into petitions relating to police measures and the omission thereof, and the use of coercive instruments and police complaints shall be ~~performed by an independent organisational unit~~ **a separate organisational unit** of the Office.

(4)^[95] The Office shall have a separate chapter in the central budget and the powers of the head of organ directing the chapter shall be exercised by the Commissioner for Fundamental Rights.

(5)^[96] The Commissioner for Fundamental Rights may, in the organisational and operational rules, transfer the right to issue an official copy to the Deputies and, in case of documents not containing any measures, to the Secretary General or a public servant of the Office employed in an executive post.

Section 42 (1) Employer’s rights over the Secretary General shall be exercised by the Commissioner for Fundamental Rights.

(1a)^[97] The Secretary General shall perform – with the direction of the Commissioner for Fundamental Rights – the tasks specified in the organisational and operational rules of the Office.

(2)^[98]^[99] The Secretary General shall be entitled to a salary identical to the upper limit of the Pay Scale applicable to permanent state secretaries under “Kit.” and allowances identical to those of a permanent state secretary, as well as to twenty working days of supplementary executive leave in every calendar year.

(2a)^[100]^[101] The Secretary General shall be aided in his/her work by a Deputy Secretary General. The Deputy Secretary General shall be entitled to a salary identical to the upper limit of the Pay

Scale applicable to deputy secretaries of state under “Kit.” and allowances identical to those of a deputy secretary of state, as well as to fifteen working days of supplementary executive leave in every calendar year.

(2b)^{[102][103]} Employer’s rights over the head of ~~the independent organisational unit~~ **separate organisational unit** under Point a) of Subsection (3) of Section 41 shall be exercised by the Commissioner for Fundamental Rights.

(2c)^{[104][105]} The head of the ~~independent organisational unit~~ **separate organisational unit** under Point a) of Subsection (3) of Section 41 shall be entitled to a salary due to a deputy secretary of state according to the Pay Scale in Point I of Annex 1 of “Kit.”, the amount of which shall be established by the entity exercising employer’s rights. In addition, he/she shall be entitled to allowances identical to those of a deputy secretary of state, as well as to fifteen working days of supplementary executive leave in every calendar year.

(2d)^{[106][107]} During his/her activity, the head of the ~~independent organisational unit~~ **separate organisational unit** under Point a) of Subsection (3) of Section 41 shall bear the title of “Director of Police Complaints”.

(2e)^[108] The Commissioner for Fundamental Rights shall exercise employer’s rights over the head of the separate organisational unit under Subsection (7) of Section 39/M.

(2f)^[109] The head of the separate organisational unit under Subsection (7) of Section 39/M shall be entitled to a salary identical to the upper limit of the Pay Scale applicable to permanent state secretaries of state under “Kit.” and allowances identical to those of a permanent state secretary, as well as to twenty working days of supplementary executive leave in every calendar year

(2g)^[110] During his/her activity, the head of the separate organisational unit under Subsection (7) of Section 39/M shall bear the title of “General Director for Equal Treatment”.

(2h)^[111] The head of the separate organisational unit under Subsection (7) of Section 39/M shall be aided in his/her work by a Deputy General Director. The Deputy General Director shall be entitled to a salary identical to the upper limit of the Pay Scale applicable to deputy secretaries of state under “Kit.” and allowances identical to those of a deputy secretary of state, as well as to fifteen working days of supplementary executive leave per calendar year.

(3)^{[112][113]} ~~Civil servants employed by the Office shall be appointed and dismissed by the Commissioner for Fundamental Rights; in other respects, the employer’s rights over these public servants shall be exercised by the Secretary General.~~ **The Commissioner for Fundamental Rights shall exercise employer’s rights – with the exception of the right of appointment and the right of dismissal specified in Subsections (3a)–(3c) – over public servants employed by the Office.**

(3a)^[114] Public servants employed under Subsection (4) shall be appointed and dismissed by the deputy of the Commissioner for Fundamental Rights; in other respects the employer’s rights over these public servants shall be exercised by the Secretary General.

(3b)^[115] Civil servants employed under Subsection (4) shall be appointed and dismissed by the Deputy Commissioner for Fundamental Rights; in other respects the employer’s rights over these public servants shall be exercised by the Secretary General. Public servants employed at the separate organisational unit under Subsection (3a) of Section 41 shall be appointed and dismissed by the head of the separate organisational unit under Subsection (3a) of Section 41, with the consent of the Commissioner for Fundamental Rights.

(3c)^[116] The contents of Subsection (3) shall be applicable to employees employed by the Office; the contents of Subsection (3a) shall be applicable to employees employed under Subsection (4); the contents of Subsection (3b) shall be applicable to employees employed at the independent organisational unit under Subsection (3a) of Section 41 on the understanding that ‘appointment’ shall designate the conclusion of the contract of employment and ‘dismissal’ shall designate the termination of employment. Public servants employed at the separate organisational unit

under Subsection (7) of Section 39/M shall be appointed and dismissed by the head of the separate organisational unit under Subsection (7) of Section 39/M, with the consent of the Commissioner for Fundamental Rights.

(3d)^[117] The Office shall endeavour to give due representation to women, ethnic, minority and disadvantaged groups within the staff of the Office. The contents of Subsection (3) shall be applicable to employees employed by the Office; the contents of Subsection (3a) shall be applicable to employees employed under Subsection (4); the contents of Subsection (3b) shall be applicable to employees employed at the separate organisational unit under Subsection (3a) of Section 41; the contents of Subsection (3c) shall be applicable to employees employed at the separate organisational unit under Subsection (7) of Section 39/M on the understanding that “appointment” shall designate the conclusion of the contract of employment, and “dismissal” shall designate the termination of employment.

(3e)^[118] In the event that the Deputy Commissioner, the head of the separate organisational unit under Subsection (3a) of Section 41, or the head of the separate organisational unit under Subsection (7) of Section 39/M is prevented from attending to his/her duties, or if the relevant position or post is vacant, the right of appointment and the right of dismissal under Subsections (3a)–(3c), as well employer’s rights under Subsection (3d), shall be exercised by the Commissioner for Fundamental Rights.

(3f)^[119] The Office shall endeavour to give due representation to women, ethnic, minority and disadvantaged groups within the staff of the Office.

(4)^[120] The authorised number of posts of public servants and employees placed under the direction of the Deputy Commissioners for Fundamental Rights shall be determined in the organisational and operational rules.

Chapter VI

Final provisions

13. Authorising provisions

Section 43 (1)^[121] The Minister responsible for national defence shall be authorised to determine in a decree the rules governing the entry, stay and exit of the Commissioner for Fundamental Rights into, in and from the zones serving the operation of the Hungarian Defence Forces and of the military national security services.

(2) The Minister responsible for directing the law-enforcement organ shall be authorised to determine in a decree the rules governing the entry, stay and exit of the Commissioner for Fundamental Rights into, in and from the zones serving the operation of the law-enforcement organ.^[122]

(3)^[123] The Minister supervising the National Tax and Customs Administration shall be authorised to determine in a decree the rules governing the entry, stay and exit of the Commissioner for Fundamental Rights into, in and from the zones serving the operation of the organs of the National Tax and Customs Administration performing customs authority tasks, the Directorate General of Criminal Affairs of the National Tax and Customs Administration and its lower and middle-level organs.

14. Provision on entry into force

Section 44 The present Act shall enter into force on 1 January 2012.

15. Transitional provisions

Section 45 (1) The Commissioner for Fundamental Rights shall be the legal successor of the Parliamentary Commissioner for Civil Rights, the Parliamentary Commissioner for National and Ethnic Minority Rights and the Parliamentary Commissioner for Future Generations.

(2) The present Act shall not affect the mandate of the Parliamentary Commissioner for Civil Rights who is in office at its entry into force, with the proviso that

- a) the designation of his/her office shall be Commissioner for Fundamental Rights,
- b) the provisions contained in Section 8, Section 9, and Sections 11 to 16 shall be applicable to his/her mandate, and
- c) after the expiry of his/her mandate, he/she may be elected once Commissioner for Fundamental Rights.

(3) As of the entry into force of the present Act, the Parliamentary Commissioner for National and Ethnic Minority Rights in office shall become Deputy Commissioner for Fundamental Rights responsible for the protection of the rights of nationalities living in Hungary; the Parliamentary Commissioner for Future Generations in office shall become Deputy Commissioner for Fundamental Rights responsible for the protection of the interests of future generations; the provisions of the present Act relating to the Deputy Commissioners for Fundamental Rights shall be applicable to their mandate, with the proviso that

- a) their mandate may terminate pursuant to Points b) to g) of Subsection (1) of Section 17, or upon termination of the mandate of the Commissioner for Fundamental Rights, and
- b) after the expiry of their mandate, they may be elected once Deputy Commissioner for Fundamental Rights.

(4) The Office shall be the legal successor of the Office of the Parliamentary Commissioner.

(5)^[124]

(6)^[125]

Section 45/A^[126] Section 34/A of the present Act, established by Act CCXI of 2012 on the amendment of certain justice-related acts, shall also be applicable in handling cases still running on 1 January 2013.

Section 45/B^[127] If the Commissioner for Fundamental Rights had not taken on the electronic administration of affairs under Section 108, Subsection (2) of Act CCXXII of 2015 on the General Rules for Electronic Administration and Trust Services by 1 January 2018, it is Subsection (2) of Section 39, and Subsection (4) of Section 27 of this Act, effective until 31 December 2016, that shall be applicable, with regard to electronic communication, until 31 December 2017.

Section 45/C^[128] The Independent Police Complaints Board shall cease to exist on 27 February 2020, and its tasks and competences shall be taken over by the Commissioner for Fundamental Rights.

Section 45/D^[129] (1) **The Equal Treatment Authority, by way of merging into the Office of the Commissioner for Fundamental Rights, shall cease to exist as of 1 January 2021, and its general legal successor shall be the Commissioner for Fundamental Rights. In the case of public servants and employees of the Equal Treatment Authority, the provisions of “Küt.” on legal succession in the person of employer shall be applied.**

(2) **The Commissioner for Fundamental Rights shall be entitled to process the data processed by the Equal Treatment Authority.**

(3) **In the case of administrative cases falling under the scope of “Ebktv.”, the proceedings that are pending on 1 January 2021 shall be suspended until 31 January 2021.**

(4) **The administrative court actions brought against the decisions made under “Ebktv.” that are pending on 1 January 2021 shall be suspended until 31 January 2021.**

16. Compliance with the requirement of the Fundamental Law on cardinality

Section 46^[130] Subsection (3) of Section 2 of this Act shall qualify as cardinal pursuant to Point g) of Paragraph (2) of Article 24 of the Fundamental Law.

16/A.^[131] **Compliance with EU law**

Section 46/A^[132] This Act serves the purpose of compliance with the following legal acts of the European Union:

a) Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC,

b) Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin,

c) Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services, and

d) Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation.

17. Amending provisions

Section 47^[133]

Section 48 (1)–(3)^[134]

(4)^[135]

(5)–(16)^[136]

18. Repealing provisions

Sections 49–50^[137]

^[2] SHALL ENTER INTO FORCE WITH THE TEXT SPECIFIED IN SECTION 6(1) OF ACT CXLIII OF 2011.

^[3] SHALL ENTER INTO FORCE WITH THE TEXT SPECIFIED IN SECTION 6(2) OF ACT CXLIII OF 2011.

^[4] AMENDED BY: SECTION 1 OF ACT CLXXXVI OF 2012, SECTION 22(6) OF ACT LXXXIII OF 2013, AND SECTION 146(A) OF ACT CIX OF 2019

^[5] AMENDED BY: SECTION 1 OF ACT CLXXXVI OF 2012, SECTION 22(6) OF ACT LXXXIII OF 2013, SECTION 146(A) OF ACT CIX OF 2019, AND SECTION 14(A) OF ACT CXXVII OF 2020.

^[6] ESTABLISHED BY: SECTION 1 OF ACT CCXXIII OF 2013. EFFECTIVE: AS OF 19 DECEMBER 2013.

^[7] ESTABLISHED BY: SECTION 2 OF ACT CCXXIII OF 2013. EFFECTIVE: AS OF 19 DECEMBER 2013.

^[8] ENACTED BY: SECTION 8 OF ACT CXLIII OF 2011. EFFECTIVE: AS OF 1 JANUARY 2015.

^[9] ENACTED BY: SECTION 139 OF ACT CIX OF 2019. EFFECTIVE: AS OF 1 JANUARY 2020.

^[10] ENACTED BY: SECTION 9 OF ACT CXXVII OF 2020. EFFECTIVE AS OF: 1 JANUARY 2021.

- [11] ESTABLISHED BY: SECTION 3(1) OF ACT CCXXIII OF 2013. EFFECTIVE: AS OF 19 DECEMBER 2013.
- [12] ESTABLISHED BY: SECTION 3(1) OF ACT CCXXIII OF 2013. EFFECTIVE: AS OF 19 DECEMBER 2013.
- [13] ENACTED BY: SECTION 3(2) OF ACT CCXXIII OF 2013. EFFECTIVE: AS OF 19 DECEMBER 2013.
- [14] ENACTED BY: SECTION 3(2) OF ACT CCXXIII OF 2013. EFFECTIVE: AS OF 19 DECEMBER 2013.
- [15] ENACTED BY: SECTION 3(2) OF ACT CCXXIII OF 2013. EFFECTIVE: AS OF 19 DECEMBER 2013.
- [16] ESTABLISHED BY: SECTION 4(1) OF ACT CCXXIII OF 2013. EFFECTIVE: AS OF 19 DECEMBER 2013.
- [17] ESTABLISHED BY: SECTION 4(1) OF ACT CCXXIII OF 2013. EFFECTIVE: AS OF 19 DECEMBER 2013.
- [18] ENACTED BY: SECTION 4(2) OF ACT CCXXIII OF 2013. EFFECTIVE: AS OF 19 DECEMBER 2013.
- [19] ENACTED BY: SECTION 4(2) OF ACT CCXXIII OF 2013. EFFECTIVE: AS OF 19 DECEMBER 2013.
- [20] ENACTED BY: SECTION 4(2) OF ACT CCXXIII OF 2013. EFFECTIVE: AS OF 19 DECEMBER 2013.
- [21] ENACTED BY: SECTION 5 OF ACT CCXXIII OF 2013. EFFECTIVE: AS OF 19 DECEMBER 2013.
- [22] SHALL ENTER INTO FORCE WITH THE TEXT SPECIFIED IN SECTION 410(1) OF ACT CCI OF 2011. AMENDED BY: SECTION 158(28) OF ACT XXXVI OF 2012.
- [23] SHALL ENTER INTO FORCE WITH THE TEXT SPECIFIED IN SECTION 410(1) OF ACT CCI OF 2011. AMENDED BY: SECTION 158(28) OF ACT XXXVI OF 2012, SECTION 35 OF ACT CLII OF 2020.
- [24] ENACTED BY: SECTION 6 OF ACT CCXXIII OF 2013. EFFECTIVE: AS OF 19 DECEMBER 2013.
- [25] ESTABLISHED BY: SECTION 78 OF ACT CI OF 2014. EFFECTIVE: AS OF 1 JANUARY 2015.
- [26] ESTABLISHED BY: SECTION 140(1) OF ACT CIX OF 2019. EFFECTIVE: AS OF 1 JANUARY 2020.
- [27] ENACTED BY: SECTION 140(1) OF ACT CIX OF 2019. EFFECTIVE: AS OF 1 JANUARY 2020.
- [28] ESTABLISHED BY: SECTION 140(2) OF ACT CIX OF 2019. EFFECTIVE: AS OF 1 JANUARY 2020.
- [29] ESTABLISHED BY: SECTION 140(2) OF ACT CIX OF 2019. EFFECTIVE: AS OF 1 JANUARY 2020. AMENDED BY: SECTION 62(A) OF ACT XIX OF 2020.
- [30] ENACTED BY: SECTION 140(2) OF ACT CIX OF 2019. EFFECTIVE: AS OF 1 JANUARY 2020.
- [31] REPEALED BY: SECTION 23 OF ACT LXXXI OF 2019. INOPERATIVE: AS OF 1 JANUARY 2020.
- [32] AMENDED BY: SECTION 365(A) OF ACT L OF 2017.
- [33] ESTABLISHED BY: SECTION 10(2) OF ACT CXXXI OF 2013. EFFECTIVE: AS OF 1 AUGUST 2013.
- [34] AMENDED BY: SECTION 365(B) OF ACT L OF 2017.
- [35] AMENDED BY: SECTION 365(C) OF ACT L OF 2017.
- [36] SHALL ENTER INTO FORCE WITH THE TEXT AMENDED BY SECTION 7(A) OF ACT CXLIII OF 2011.
- [37] ESTABLISHED BY: SECTION 34 OF ACT CV OF 2019. EFFECTIVE: AS OF 1 JANUARY 2020.
- [38] AMENDED BY: SECTION 290(B) OF ACT CXC VII OF 2017.
- [39] AMENDED BY: SECTION 290(C) AND SECTION 291(A) OF ACT CXC VII OF 2017.
- [40] AMENDED BY: SECTION 290(B) OF ACT CXC VII OF 2017.
- [41] ESTABLISHED BY: SECTION 166 OF ACT LXVIII OF 2016. EFFECTIVE: AS OF 1 JULY 2017.

- [42] AMENDED BY: SECTION 290(C) AND SECTION 291(A) OF ACT CXC VII OF 2017.
- [43] ESTABLISHED BY: SECTION 289(1) OF ACT CXC VII OF 2017. EFFECTIVE: AS OF 1 JULY 2018.
- [44] AMENDED BY: SECTION 290(D) OF ACT CXC VII OF 2017.
- [45] REPEALED BY: SECTION 69(3) OF ACT CXXI OF 2016. INOPERATIVE: AS OF 1 JANUARY 2017.
- [46] ESTABLISHED BY: SECTION 289(2) OF ACT CXC VII OF 2017. EFFECTIVE: AS OF 1 JULY 2018.
- [47] SHALL ENTER INTO FORCE WITH THE TEXT SPECIFIED IN SECTION 408 OF ACT CCI OF 2011.
- [48] AMENDED BY: SECTION 291(B) OF ACT CXC VII OF 2017.
- [49] AMENDED BY: SECTION 365(D) OF ACT L OF 2017.
- [50] ENACTED BY: SECTION 72(1) OF ACT CCXI OF 2012. EFFECTIVE: AS OF 1 JANUARY 2013.
- [51] AMENDED BY: SECTION 50(A) OF ACT CXXVII OF 2019.
- [52] REPEALED BY: SECTION 50(B) OF ACT CXXVII OF 2019. INOPERATIVE: AS OF 1 JANUARY 2020.
- [53] AMENDED BY: SECTION 290(E) OF ACT CXC VII OF 2017.
- [54] ENACTED BY: SECTION 21(1) OF ACT CLXV OF 2013. EFFECTIVE: AS OF 1 JANUARY 2014.
- [55] ENACTED BY: SECTION 21(1) OF ACT CLXV OF 2013. EFFECTIVE: AS OF 1 JANUARY 2014.
- [56] ENACTED BY: SECTION 21(1) OF ACT CLXV OF 2013. EFFECTIVE: AS OF 1 JANUARY 2014.
- [57] ENACTED BY: SECTION 21(1) OF ACT CLXV OF 2013. EFFECTIVE: AS OF 1 JANUARY 2014.
- [58] ENACTED BY: SECTION 21(1) OF ACT CLXV OF 2013. EFFECTIVE: AS OF 1 JANUARY 2014.
- [59] ENACTED BY: SECTION 21(1) OF ACT CLXV OF 2013. EFFECTIVE: AS OF 1 JANUARY 2014. AMENDED BY: SECTION 62(B) OF ACT XIX OF 2020.
- [60] ENACTED BY: SECTION 46 OF ACT CIX OF 2014. EFFECTIVE: AS OF 1 FEBRUARY 2015.
- [61] ENACTED BY: SECTION 46 OF ACT CIX OF 2014. EFFECTIVE: AS OF 1 FEBRUARY 2015.
- [62] AMENDED BY: SECTION 62(B) OF ACT XIX OF 2020.
- [63] AMENDED BY: SECTION 69(2) OF ACT CXXI OF 2016.
- [64] ENACTED BY: SECTION 9 OF ACT CXLIII OF 2011. EFFECTIVE: AS OF 1 JANUARY 2015.
- [65] ENACTED BY: SECTION 9 OF ACT CXLIII OF 2011. EFFECTIVE: AS OF 1 JANUARY 2015.
- [66] ENACTED BY: SECTION 9 OF ACT CXLIII OF 2011. EFFECTIVE: AS OF 1 JANUARY 2015.
- [67] ENACTED BY: SECTION 9 OF ACT CXLIII OF 2011. EFFECTIVE: AS OF 1 JANUARY 2015.
- [68] SHALL BECOME EFFECTIVE WITH THE TEXT AMENDED BY SECTION 9(2) OF ACT CCXXIII OF 2013.
- [69] SHALL NOT ENTER INTO FORCE BY VIRTUE OF SECTION 9(1) OF ACT CCXXIII OF 2013.
- [70] ENACTED BY: SECTION 9 OF ACT CXLIII OF 2011. EFFECTIVE: AS OF 1 JANUARY 2015.
- [71] ENACTED BY: SECTION 9 OF ACT CXLIII OF 2011. EFFECTIVE: AS OF 1 JANUARY 2015.
- [72] SHALL BECOME EFFECTIVE WITH THE TEXT AMENDED BY SECTION 9(3) OF ACT CCXXIII OF 2013.
- [73] ESTABLISHED BY: SECTION 59 OF ACT XIX OF 2020. EFFECTIVE AS OF: 11 APRIL 2020.

[74] SHALL BECOME EFFECTIVE WITH THE TEXT AMENDED BY SECTION 9(4) OF ACT CCXXIII OF 2013.

[75] ESTABLISHED BY: SECTION 59 OF ACT XIX OF 2020. EFFECTIVE AS OF: 11 APRIL 2020.

[76] ENACTED BY: SECTION 9 OF ACT CXLIII OF 2011. EFFECTIVE: AS OF 1 JANUARY 2015.

[77] ENACTED BY: SECTION 141 OF ACT CIX OF 2019. EFFECTIVE: AS OF 27 FEBRUARY 2020.

[78] ENACTED BY: SECTION 141 OF ACT CIX OF 2019. EFFECTIVE: AS OF 27 FEBRUARY 2020.

[79] ENACTED BY: SECTION 141 OF ACT CIX OF 2019. EFFECTIVE: AS OF 27 FEBRUARY 2020.

[80] ENACTED BY: SECTION 141 OF ACT CIX OF 2019. EFFECTIVE: AS OF 27 FEBRUARY 2020.

[81] ENACTED BY: SECTION 141 OF ACT CIX OF 2019. EFFECTIVE: AS OF 27 FEBRUARY 2020.

[82] ENACTED BY: SECTION 141 OF ACT CIX OF 2019. EFFECTIVE: AS OF 27 FEBRUARY 2020.

[83] ENACTED BY: SECTION 141 OF ACT CIX OF 2019. EFFECTIVE: AS OF 27 FEBRUARY 2020.

[84] ENACTED BY: SECTION 141 OF ACT CIX OF 2019. EFFECTIVE: AS OF 27 FEBRUARY 2020.

[85] ENACTED BY: SECTION 141 OF ACT CIX OF 2019. EFFECTIVE: AS OF 27 FEBRUARY 2020.

[86] ENACTED BY: SECTION 10 OF ACT CXXVII OF 2020. EFFECTIVE AS OF: 1 JANUARY 2021.

[87] ENACTED BY: SECTION 10 OF ACT CXXVII OF 2020. EFFECTIVE AS OF: 1 JANUARY 2021.

[88] ENACTED BY: SECTION 10 OF ACT CXXVII OF 2020. EFFECTIVE AS OF: 1 JANUARY 2021.

[89] ESTABLISHED BY: SECTION 142 OF ACT CIX OF 2019. EFFECTIVE: AS OF 27 FEBRUARY 2020.

[90] ESTABLISHED BY: SECTION 108 OF ACT CVII OF 2019. EFFECTIVE: AS OF 1 JANUARY 2020.

[91] ESTABLISHED BY: SECTION 36(1) OF ACT CLXV OF 2020. EFFECTIVE AS OF: 1 JANUARY 2021.

[92] ENACTED BY: SECTION 60 OF ACT XIX OF 2020. EFFECTIVE: AS OF 11 APRIL 2020.

[93] ENACTED BY: SECTION 143 OF ACT CIX OF 2019. EFFECTIVE: AS OF 27 FEBRUARY 2020.

[94] ENACTED BY: SECTION 143 OF ACT CIX OF 2019. AMENDED BY: SECTION 14(B) OF ACT CXXVII OF 2020.

[95] ESTABLISHED BY: SECTION 36(2) OF ACT CLXV OF 2020. EFFECTIVE AS OF: 1 JANUARY 2021.

[96] AMENDED BY: SECTION 62(D) OF ACT XIX OF 2020.

[97] ENACTED BY: SECTION 37 OF ACT CLXV OF 2020. EFFECTIVE: AS OF 1 JANUARY 2021.

[98] ESTABLISHED BY: SECTION 144(1) OF ACT CIX OF 2019. EFFECTIVE: AS OF 27 FEBRUARY 2020.

[99] ESTABLISHED BY: SECTION 61(1) OF ACT XIX OF 2020. EFFECTIVE AS OF: 11 APRIL 2020.

[100] ENACTED BY: SECTION 144(1) OF ACT CIX OF 2019. EFFECTIVE: AS OF 27 FEBRUARY 2020.

[101] ESTABLISHED BY: SECTION 61(1) OF ACT XIX OF 2020. EFFECTIVE AS OF: 11 APRIL 2020.

[102] ENACTED BY: SECTION 144(1) OF ACT CIX OF 2019. EFFECTIVE: AS OF 27 FEBRUARY 2020.

[103] ENACTED BY: SECTION 144(1) OF ACT CIX OF 2019. AMENDED BY: SECTION 14(C) OF ACT CXXVII OF 2020.

[104] ENACTED BY: SECTION 144(1) OF ACT CIX OF 2019. EFFECTIVE: AS OF 27 FEBRUARY 2020.

[105] ESTABLISHED BY: SECTION 61(2) OF ACT XIX OF 2020. AMENDED BY: SECTION 14(C) OF ACT CXXVII OF 2020.

[106] ENACTED BY: SECTION 144(1) OF ACT CIX OF 2019. EFFECTIVE: AS OF 27 FEBRUARY 2020.

[107] ENACTED BY: SECTION 144(1) OF ACT CIX OF 2019. AMENDED BY: SECTION 14(C) OF ACT CXXVII OF 2020.

[108] ENACTED BY: SECTION 11(1) OF ACT CXXVII OF 2020. EFFECTIVE: AS OF 1 JANUARY 2021.

[109] ENACTED BY SECTION 11(1) OF ACT CXXVII OF 2020. EFFECTIVE: AS OF 1 JANUARY 2021.

[110] ENACTED BY SECTION 11(1) OF ACT CXXVII OF 2020. EFFECTIVE: AS OF 1 JANUARY 2021.

[111] ENACTED BY SECTION 11(1) OF ACT CXXVII OF 2020. EFFECTIVE: AS OF 1 JANUARY 2021.

[112] ESTABLISHED BY: SECTION 144(2) OF ACT CIX OF 2019. EFFECTIVE: AS OF 27 FEBRUARY 2020.

[113] ESTABLISHED BY SECTION 11(2) OF ACT CXXVII OF 2020. EFFECTIVE: AS OF 1 JANUARY 2021.

[114] ESTABLISHED BY SECTION 11(2) OF ACT CXXVII OF 2020. EFFECTIVE: AS OF 1 JANUARY 2021.

[115] ESTABLISHED BY SECTION 11(2) OF ACT CXXVII OF 2020. EFFECTIVE: AS OF 1 JANUARY 2021.

[116] ESTABLISHED BY SECTION 11(2) OF ACT CXXVII OF 2020. EFFECTIVE: AS OF 1 JANUARY 2021.

[117] ESTABLISHED BY SECTION 11(2) OF ACT CXXVII OF 2020. EFFECTIVE: AS OF 1 JANUARY 2021.

[118] ENACTED BY SECTION 11(3) OF ACT CXXVII OF 2020. EFFECTIVE: AS OF 1 JANUARY 2021.

[119] ENACTED BY SECTION 11(3) OF ACT CXXVII OF 2020. EFFECTIVE: AS OF 1 JANUARY 2021.

[120] AMENDED BY: SECTION 62(E) OF ACT XIX OF 2020.

[121] AMENDED BY: SECTION 5(2) OF ACT CLXXI OF 2011.

[122] SEE: BM (MINISTRY OF THE INTERIOR) DECREE NO. 62/2012 (11 DECEMBER), HM (MINISTRY OF DEFENCE) DECREE NO. 18/2018 (15 DECEMBER).

[123] AMENDED BY: SECTION 53(B) OF ACT CXCI OF 2015.

[124] REPEALED BY: ACT CLXV OF 2020. INOPERATIVE: AS OF 1 JANUARY 2021.

[125] REPEALED BY: SECTION 146(B) OF ACT CIX OF 2019. INOPERATIVE: AS OF 27 FEBRUARY 2020.

[126] ENACTED BY: SECTION 72(2) OF ACT CCXI OF 2012. EFFECTIVE: AS OF 1 JANUARY 2013.

[127] ENACTED BY: SECTION 69(1) OF ACT CXXI OF 2016. EFFECTIVE: AS OF 1 JANUARY 2017.

[128] ENACTED BY: SECTION 145 OF ACT CIX OF 2019. EFFECTIVE: AS OF 27 FEBRUARY 2020.

[129] ENACTED BY: SECTION 12 OF ACT CXXVII OF 2020. EFFECTIVE AS OF 1 JANUARY 2021.

[130] ESTABLISHED BY: SECTION 8 OF ACT CCXXIII OF 2013. EFFECTIVE: AS OF 19 DECEMBER 2013.

[131] ENACTED BY: SECTION 13 OF ACT CXXVII OF 2020. EFFECTIVE AS OF: 1 JANUARY 2021.

[132] ENACTED BY: SECTION 13 OF ACT CXXVII OF 2020. EFFECTIVE AS OF: 1 JANUARY 2021.

[133] REPEALED BY: SECTION 12 OF ACT CXXX OF 2010. INOPERATIVE: AS OF 2 JANUARY 2012.

[134] REPEALED BY: SECTION 12 OF ACT CXXX OF 2010. INOPERATIVE: AS OF 2 JANUARY 2012.

[135] SHALL NOT ENTER INTO FORCE BY VIRTUE OF SECTION 410(2) OF ACT CCI OF 2011.

[136] REPEALED BY: SECTION 12 OF ACT CXXX OF 2010. INOPERATIVE: AS OF 2 JANUARY 2012.

[137] REPEALED BY: SECTION 12 OF ACT CXXX OF 2010. INOPERATIVE: AS OF 2 JANUARY 2012.
