

Act CXXX of 2010
on law-making

The National Assembly,
for the purpose of implementing Article T) of the Fundamental Law,
in the interest of achieving a high level of compliance with the requirements of the rule of law in law-making,
in order to promote the development of sound law-making serving the regulatory aims set by the legislator effectively, and
with a view to making the conditions of access to the law comply with the opportunities afforded by the 21st century,
adopts the following Act:

CHAPTER I

GENERAL PROVISIONS

Section 1 (1) The scope of this Act shall cover

- a)* laws, and
- b)* normative decisions and normative instructions (hereinafter jointly “public law regulatory instruments”)

(2) The provisions of this Act shall apply

- a)* to the laws promulgating international treaties subject to the derogations set out in the Act on the procedure concerning international treaties,
- b)* to the laws that may be adopted during a special legal order subject to the derogations set out in the Act on the measures to be introduced during a special legal order:

(3) The provisions of Chapter IV shall also apply to the preparation of the Fundamental Law and any amendment to it.

(4) With the exception of section 2 (5) *c)* and *d)*, sections 3 to 6, section 13 (1), subtitle 4, sections 17/A to 20, section 26 (1) and section 28/B (4), the provisions of this Act concerning laws shall also apply accordingly to public law regulatory instruments.

CHAPTER II

FUNDAMENTAL REQUIREMENTS FOR LAW-MAKING

Section 2 (1) Laws shall have a regulatory content that ensures unequivocal interpretation by their addressees.

(2) Laws may not establish obligations, make obligations more onerous, withdraw or restrict right, or declare any conduct to be illegal with respect to the period prior to their entry into force.

(3) The date of entry into force of laws shall be determined in a way that allows sufficient time to prepare for their application.

(4) When making laws, it shall be ensured that laws

- a)* comply with the requirements of form and content arising from the Fundamental Law,
- b)* fit into the unity of the legal system,
- c)* comply with obligations arising from international law and the law of the European Union, and
- d)* comply with the professional requirements of law-making.

(5) When making laws, it shall be ensured that laws do not unjustifiably contain provisions that

- a)* are not necessarily required for achieving the regulatory objective,
- b)* lack normative content,
- c)* may be adopted, on the basis of authorisation, in the form of other laws that may not conflict with the laws concerned pursuant to the Fundamental Law, or
- d)* may be adopted in the form of public law regulatory instruments.

Section 3 Identical or similar living conditions shall be regulated in an identical or similar way and, if possible, within the same law at each regulatory level. Regulations may not have unjustified parallelisms or multiple levels. Laws may not repeat provisions of the Fundamental Law or other laws that, pursuant to the Fundamental Law, may not be contradicted by them.

Section 4 If a matter is to be regulated by Act, the fundamental legal institutions and the essential guarantees related to achieving the regulatory objective shall be set out in an Act.

Section 5 (1) An authorisation granting the power to make laws shall specify those authorised, the subject and the framework of the authorisation.

(2) No authorisation shall grant power

- a)* to lay down the fundamental rules governing the core legal institutions, rights and obligations falling within the scope of the regulation,
- b)* to implement the whole law, and
- c)* to regulate matters not regulated in the law granting the authorisation.

(3) Without prejudice to section 4, authorisations may grant power to adopt the rules on exemptions from obligations and on preferences to obligations.

(4) Authorisations granting the power to issue a decree to a member of the Government shall specify the holder of the authorisation by function. If the legislative power provided to the member of the Government in the authorisation is not autonomous, the authorisation shall also specify who holds the right to agree.

(5) With regard to associations, if the holder of such authorisation is the representative body of a local government then the representative body of the local government specified in the association agreement; failing that, the local government according to the seat of the association shall have the power to adopt the local government decree, provided that the functions and powers set forth in the association agreement also cover the regulation of the subject matter of the authorisation. Adopting local government decrees shall require the consent of the representative bodies of the local governments participating in the association.

(6) With regard to associated representative bodies, if the holder of such authorisation is the representative body of the local government then the local government according to the seat of the association shall have the power to adopt the local government decree in accordance with the related decision of the associated representative body, unless the representative bodies of each settlement pass autonomous decisions on the regulation of the matter concerned pursuant to the Act on local governments.

(7) The holder of an authorisation may not grant further power to regulate.

(8) The holder of an authorisation shall be obliged to legislate unless otherwise provided in the law granting the authorisation.

CHAPTER III

SCOPE AND AMENDMENT OF LAWS

1. Territorial and personal scope of laws

Section 6 (1) The territorial scope of laws shall cover the territory of Hungary, while the territorial scope of local government decrees shall cover the administrative area of local governments. The territorial scope of local government decrees shall cover the administrative area of local governments participating in an association in the case specified in section 5 (5), and the administrative area of the local governments of settlements participating in the associated representative body in the case specified in section 5 (6).

(2) The personal scope of laws shall cover

a) natural persons, legal persons and organisations without legal personality in the territory of Hungary, and Hungarian citizens outside the territory of Hungary;

b) natural persons, legal persons and organisations without legal personality in the administrative area of the local government with regard to local government decrees; natural persons, legal persons and organisations without legal personality in the administrative area of local governments participating in the association in the case specified in section 5 (5), and local governments of settlements participating in the associated representative body in the case specified in section 5 (6).

(3) The territorial and personal scope of laws shall be defined explicitly in the law in the cases set out in sections 5 (5) and (6), and if it covers a territory or a group of persons other than those specified in paragraphs (1) and (2).

2. Temporal scope, amendment and repeal of laws

Section 7 (1) Laws shall specify their date of entry into force, which can be any day following their promulgation.

(2) If the regulatory objective cannot be achieved otherwise, the date of the entry into force of a law may also coincide with the date of its promulgation; in such cases a specific hour shall be determined as the time of entry into force and it may not precede the time of promulgation.

(3) If the calendar day of the entry into force is impossible to determine, entry into force may also be linked to the date of a specific future condition being fulfilled.

(4) If the regulatory objective cannot be achieved otherwise, an Act may provide that its entry into force is to be determined in a separate Act.

(5) Different dates may be determined for the entry into force of certain provisions of a law, with the proviso that those dates must be later than that of the entry into force of the law.

(6) Implementing laws may be promulgated simultaneously with or after the promulgation of the law containing the authorisation, but prior to the entry into force of the authorising provision. An implementing law or implementing provision of law shall be put into force simultaneously with the provision of the authorising law for the implementation of which it is designed, except when the authorising provision does not require the implementing law to be issued.

(7) With the exception of paragraph (2), laws and provisions of laws shall enter into force at the beginning of the day of their entry into force.

Section 8 (1) To amend a provision of law in force, the organ or person with legislative power shall adopt a law with a provision that specifically identifies the provision it intends to amend and provides for its amendment.

(2) The following may not be amended or, without repealing the whole law, repealed:

- a)* the designation of laws,
- b)* the introductory part of decrees, with the exception of local government decrees,
- c)* provisions on the entry into force of provisions of laws already in force, and
- d)* by a law, the wording of international treaties promulgated in laws, and the wording of reservations, objections and declarations attached to international treaties, with the exception of differences between the authentic and the promulgated wording and translation errors.

Section 9 (1) Laws and provisions of laws which are not in force may not be amended or repealed.

(2) If the regulatory objective cannot be achieved otherwise, the organ or person with legislative power may provide in a law that a provision of law that has been promulgated but has not yet entered into force shall enter into force with a wording that differs from the promulgated wording, or that a law or provision of law that has been promulgated but has not yet entered into force shall not enter into force.

(3) The date of the entry into force of a provision of law providing, according to paragraph (2), for a change to the content, or for the non-entry into force, of a law or a provision of law that has been promulgated but has not yet entered into force shall be set for the date when the law or provision of law that has been promulgated but has not yet entered into force would have entered into force.

Section 10 (1) A law or provision of law in force shall become ineffective

a) once repealed by a provision of law that specifically identifies the law or provision to be repealed and provides for its repeal,

b) once amended by a provision of law that specifically identifies the provision to be amended and provides for its replacement,

c) pursuant to section 12 (2), section 12/A (2) and section 12/B, or

d) once annulled by the Constitutional Court or by a court.

(2) In accordance with paragraph (1) *a)* and with the exceptions specified in paragraph (3), a law or provision of law in force may be repealed by the organ or person that has the power to adopt the law or provision which is to be repealed.

(3) The following may be repealed

a) in an Act:

aa) government decrees or provisions of government decrees,

ab) decrees of the members of the Government or provisions of decrees of the members of the Government, except for the decree of the Prime Minister designating the Deputy Prime Minister, and

ac) decrees of the heads of independent regulatory organs or provisions of decrees of the heads of independent regulatory organs, except for their decrees designating a deputy with the right to substitute for the head in issuing decrees;

b) in a government decree: decrees of the members of the Government or provisions of decrees of the members of the Government, except for the decree of the Prime Minister designating the Deputy Prime Minister, if

ba) the authorisation granted in an Act for adopting those decrees became ineffective and no new authorising provision was adopted for the regulation of the matter,

bb) the authorisation granted in a government decree for adopting those decrees became ineffective and no new authorising provision was adopted for the regulation of the matter, or

bc) the new authorising provision adopted for the regulation of the matter grants power to issue a government decree.

(4) The Government may, by means of a decree, repeal government decrees or provisions of government decrees that it is no longer authorised to amend or repeal due to the authorisation having become ineffective.

(5) Members of the Government may, by means of decrees, repeal ministerial decrees, prime ministerial decrees or provisions of ministerial decrees or prime ministerial decrees falling within their functions that were adopted without authorisation or that they are no longer authorised to amend or repeal due to the authorisation becoming ineffective.

(6) When determining the date of repeal, either the calendar day of it shall be specified or the repeal shall be linked to the date of a specific future condition being fulfilled. If the regulatory objective cannot be achieved otherwise, a specific hour can be determined as the time of repeal.

(7) If the day of repeal is determined, the law or provision of law shall be repealed as from the beginning of that day, unless otherwise provided by law.

(8) Laws or provisions of laws annulled by the Constitutional Court shall become ineffective at the beginning of the specific day, unless the Constitutional Court provides otherwise in its decision. Laws or provisions of laws annulled by a court shall become ineffective at the beginning of the relevant day.

Section 11 If a law or provision of law enters into force or is repealed upon the fulfilment of a specific future condition, a decision confirming the fulfilment of the condition, specifying its calendar day, shall be published, except where entry into force of the law is linked to the entry into force of another law. Laws shall specify the minister responsible for having the decision published in the official gazette *Magyar Közlöny* by identifying the relevant functions. With respect to local government decrees, the local government clerk shall publish the decision pursuant to the regulations on the promulgation of local government decrees.

Section 12 (1) Amending and repealing provisions shall become implemented upon their entry into force; should such amending or repealing provisions link the amendment or repeal to a certain date or a future condition, they shall become implemented on the relevant date or upon the fulfilment of the future condition, respectively.

(2) Provisions of law that became implemented pursuant to paragraph (1) shall become ineffective on the day following the date of becoming implemented.

(3) Paragraphs (1) and (2) shall also apply to amending and repealing provisions not suitable for producing legal effects with the derogation that the day following the date when these provisions would have become implemented were they suitable to produce legal effects shall be deemed the date of repeal.

Section 12/A (1) A provision of law providing, according to section 9 (2), for a change to the content, or for the non-entry into force, of a law or provision of law that has been promulgated but has not yet entered into force shall become implemented

a) in case of a provision of law providing for entry into force with a wording that is different from the promulgated wording, on the date of entry into force of the law or provision of law affected by the change,

b) in case of a provision of law providing for not entering into force, on the date of entry into force specified in the provision on entry into force of the law or provision of law affected by the change.

(2) Provisions of law that became implemented pursuant to paragraph (1) shall become ineffective on the day following the date of becoming implemented.

(3) Paragraphs (1) and (2) shall also apply to provisions of law not suitable for producing legal effects that provide, according to section 9 (2), for a change to the content, or for the non-entry into force, of a law or provision of law that has been promulgated but has not yet entered into force with the derogation that the day following the date when these provisions

would have become implemented were they suitable to produce legal effects shall be deemed the date of repeal.

Section 12/B Laws that contained provisions that became ineffective under section 12 (2) and (3) or section 12/A (2) and (3), and after such provisions becoming ineffective, only contain

- a)* their designation,
- b)* a preamble or an introductory part,
- c)* provisions on entry into force, with the exception of provisions governing the entry into force of other laws,
- d)* provisions concerning the cardinality of an Act or provision of an Act,
- e)* provisions concerning European Union requirements, or
- f)* designations of subdivisions lacking normative contents

shall become ineffective on the day after the last provision that became ineffective pursuant to section 12 (2) and (3) or section 12/A (2) and (3) became ineffective.

Section 13 (1) With the exception of when a new authorising provision with the same content has been adopted concurrently for the subject matter to be regulated, in the event of repealing an authorising provision, the repealing law shall provide for the repeal of the implementing law or the repeal of the provision of the implementing law that is aimed at implementing the authorisation.

(2) If all the provisions of a law have been implemented, the repeal of the law shall be arranged.

Section 14 (1) The repeal of an amending law or an amending provision of law, or such a law or provision of law becoming ineffective pursuant to section 12 (2) or section 12/B shall not affect the force of the amended provisions.

(2) The repeal of a law or provision of law, or a law or provision of law becoming ineffective pursuant to section 12 (2) or section 12/B shall not result in the re-entry into force of laws or provisions of laws that were previously repealed.

(3) Paragraphs (1) and (2) shall apply accordingly to laws or provisions of law that provide, according to section 9 (2), for a change to the content, or for the non-entry into force, of a law or provision of law that has been promulgated but has not yet entered into force, when they are being repealed after becoming implemented or they are becoming ineffective pursuant to section 12/A (2) or 12/B.

3. Regulatory transition

Section 15 (1) Unless otherwise provided by law, the provisions of laws shall apply

- a)* to facts and legal relationships established, and
- b)* to procedural acts commenced
after their entry into force.

(2) Unless otherwise provided by law, the provisions of laws shall, even after they become ineffective, apply

- a)* to facts and legal relationships established, and
- b)* to procedural acts commenced
while they were in force.

CHAPTER IV

PREPARATION OF LAWS

4. Ensuring the professional content of laws and their alignment with the legal system

Section 15/A Those preparing a law shall be responsible for evaluating the expected consequences of an omission to legislate, and, observing the fundamental requirements of law-making, for proposing the adoption of a law only if it is necessarily required for achieving the regulatory objective.

Section 16 (1) Those preparing a law shall be responsible for developing the professional content of the law, while observing the requirements in section 2(4).

(2) The Government shall ensure, through the minister responsible for justice that the requirements in section 2(4) are complied with in the course of the governmental preparation of laws. In order to enforce those requirements, the member of the Government responsible for preparing the law

a) shall submit the drafts of Acts and government decrees, in agreement with the minister responsible for justice, to the Government,

b) shall issue his decrees after seeking the opinion of the minister responsible for justice.

(3) If the minister responsible for justice disagrees with a draft decree of a member of the Government on constitutional grounds or under European Union law, the dispute shall be resolved by the Government on the basis of a joint proposal by the member of the Government responsible for preparing the law and the minister responsible for justice.

(4) For the requirements in section 2(4) to be implemented, the heads of independent regulatory organs shall issue their decrees after seeking the opinion of the minister responsible for justice.

Section 16/A (1) The professional content and the scope of a law, and the extent of abstraction of a provision of law shall be established reasonably, in line with the nature of the sphere of life subject to the regulation, and in accordance with the provisions of this Act.

(2) Without prejudice to the regulatory objective, the professional content of a law shall be established, if possible, in a manner resulting in simpler, faster and less costly procedures for the addressees of the law, reducing the number of legal obligations and administrative burdens, and diminishing the over-regulation of the legal system.

(3) If a law introduces

a) a new administrative obligation,

b) a new payment obligation, or

c) a new obligation increasing the expenses of the addressees of the law in any other way,

its professional content shall be established, if possible, in a manner that provides for the removal or proportionate reduction of an already existing obligation of similar nature.

5. Preliminary impact assessment

Section 17 (1) Those preparing a law shall assess the expected consequences of regulation by carrying out a preliminary impact assessment to the level of detail required by the assumed impact of the law. The results of preliminary impact assessments related to legislative proposals to be submitted by the Government or to government decrees shall be provided to the Government, while those related to local government decrees shall be provided to the representative body of the local government. Decrees of members of the Government may provide that, in cases determined therein, a preliminary impact assessment shall be carried out by those preparing the public law regulatory instrument.

- (2) When carrying out an impact assessment, the following shall be examined:
- a) all the impacts of the draft law that are deemed significant, especially
 - aa) its social, economic and budgetary impacts,
 - ab) its environmental and health consequences,
 - ac) its impacts concerning administrative burdens, and
 - b) the necessity of adopting the law and the expected consequences of the omission to legislate, and
 - c) the personal, organisational, material and financial conditions necessary for the law to be applied.

Section 17/A Those preparing a law shall be responsible for evaluating the results of the preliminary impact assessment, and, observing the fundamental requirements of law-making, for proposing the adoption of a law only if it is necessarily required for achieving the regulatory objective.

6. Obligation to give reasons

Section 18 (1) Those preparing a law shall attach a statement of reasons to the draft law to describe the social, economic, professional reasons and aims underpinning the need to regulate, as well as to present the expected effects of legal regulation and their position on disclosing the statement of reasons.

(2) The statement of reasons of the draft law shall include information on compliance of the proposed regulation with the obligations arising from the law of the European Union and on the consultation obligation under section 20.

(3) The statement of reasons attached to the draft law shall be made accessible to the public as required by law.

(4) The statement of reasons attached to the draft law shall not be binding.

(5) When interpreting a law, any part of the statement of reasons attached to the draft law contradicting the wording of the law shall be disregarded.

7. Consultation on draft laws

Section 19 (1) If an Act explicitly grants the right to a state or local government organisation or another organisation to provide an opinion on draft laws concerning its legal status or its functions, those preparing such laws shall ensure that the organ concerned can exercise this right.

(2) Those preparing laws shall, in accordance with the Act on social participation in the preparation of laws, ensure that draft laws and the statements of reasons attached to draft laws are available and views may be expressed on them.

(3) The Rules of Procedure of the Government may lay down further provisions on eliciting opinions on draft laws prepared in the course of governmental preparation of laws.

8. Consultation of the institutions and Member States of the European Union regarding draft laws

Section 20 (1) If, under the provisions of the Treaties on which the European Union is founded or of any legal act of the European Union, draft laws must be sent to certain institutions and the Member States of the European Union or to other States Parties to the Agreement on the European Economic Area for notification or to seek their views in advance (hereinafter jointly “prior notification”), such prior notification shall be performed in accordance with the procedure laid down by the Government in a decree.

(2) If a draft of a law subject to prior notification is submitted to the legislator by a party other than a member of the Government, the submitting party shall initiate the prior

notification procedure with the member of the Government designated in a government decree. The member of the Government designated in a government decree shall inform the member of the Government responsible for the subject matter of the law and the minister responsible for justice that a prior notification procedure has been initiated.

(3) If a legislative proposal submitted by a party other than the Government must be sent for prior notification and no prior notification procedure has been initiated in accordance with paragraph (2), the member of the Government responsible for the subject matter of the law or the minister responsible for justice shall, while simultaneously informing the submitting party and the other member of the Government, initiate the prior notification procedure with the member of the Government designated in a government decree. The member of the Government designated in a government decree shall, without delay, inform the submitting party, the member of the Government responsible for the subject matter of the law and the minister responsible for justice of the results of the prior notification procedure.

(4) If a draft decree of the Governor of the Hungarian National Bank must be sent for prior notification to the European Central Bank, the Governor of the Hungarian National Bank shall arrange it.

(5) If a draft decree of the head of an independent regulatory organ must be sent for prior notification, the head of the independent regulatory organ shall arrange it.

(6) Laws subject to prior notification may be adopted following the completion of the prior notification procedure.

CHAPTER V

CONTINUOUS REVIEW OF THE LEGAL SYSTEM

9. *Ex-post* impact assessment

Section 21 (1) Members of the Government shall continuously monitor how laws falling within their functions take effect, and, as appropriate, based on the criteria set out in section 17 (2), shall carry out *ex-post* impact assessments of such laws, comparing the impacts that were expected when the regulations were made with their actual effects.

(2) The Governor of the Hungarian National Bank and the head of the independent regulatory organ shall ensure that the impact assessment under paragraph (1) is carried out with regard to the decrees they have adopted, and the local government clerk shall ensure it with regard to local government decrees.

10. Review of the content of laws

Section 22 (1) Taking into account the experience gained from the application of law and *ex-post* impact assessment, members of the Government shall ensure that, in the course of making new legal regulations or amendments concerning a certain subject matter, or, failing that, within the framework of laws adopted to the same effect, those provisions of laws falling within their functions that

- a) are obsolete or no longer required,
 - b) do not fit into the unity of the legal system,
 - c) can be simplified without prejudice to their regulatory objective or can be replaced by regulation resulting in faster and less costly procedures for the addressees of the regulation,
 - d) lack normative content, are rendered devoid of content or are otherwise inapplicable, or
 - e) create unjustified parallelisms or multiple levels of regulation
- are repealed or amended appropriately.

(2) The Governor of the Hungarian National Bank and the head of the independent regulatory organ shall ensure that the review under paragraph (1) is carried out with regard to the decrees they have adopted, and the local government clerk shall ensure it with regard to local government decrees.

CHAPTER VI

PUBLIC LAW REGULATORY INSTRUMENTS

Section 23 (1) Normative decisions may be adopted

- a) by the National Assembly,
- b) by the Government or another collegiate organ of central state administration,
- c) by the Constitutional Court,
- d) by the Fiscal Council

to regulate its organisation, operation, activities and action plans.

(2) Normative decisions may be adopted by the representative body of the local government to regulate its own activities and action plans, as well as the activities and action plans and the organisation and operation of organs under its direction.

(3) Normative decisions may be adopted by the representative body of a national minority self-government to regulate its organisation and operation, activities and action plans, as well as those of the organs under its direction.

(4) Normative instructions may be issued

- a) by the President of the Republic,
- b) by the Prime Minister,
- c) by the head of central state administration organs, with the exception of central state administration organs under paragraph (1) b),
- d) by the President of the National Office for the Judiciary,
- e) by the Prosecutor General,
- f) by the Commissioner for Fundamental Rights,
- g) by the Governor of the Hungarian National Bank,
- h) by the President of the State Audit Office,
- i) by the head of the capital or county government office, and
- j) by mayors, the mayor of the capital, the presidents of county assemblies (hereinafter jointly “mayor”) and by local government clerks

to regulate the organisation, operation and activities of organs under their control, direction or supervision.

(5) In matters specified in Acts, normative instructions may be issued by the head of the administrative organisation

- a) of the National Assembly,
- b) of the President of the Republic,
- c) of the Constitutional Court,
- d) of the Commissioner for Fundamental Rights,
- e) of independent regulatory organs, and
- f) of ministries

that shall be binding upon the personnel of the organ concerned.

Section 24 (1) No public law regulatory instrument shall conflict with any law. Public law regulatory instruments may not repeat the provisions of laws.

(2) The provisions on public law regulatory instruments shall be without prejudice to the right that, on the basis of another law, allow those who may issue such public law regulatory instruments to take specific decisions or to issue specific instructions.

(3) No other legal instruments that may be issued on the basis of an Act to regulate the activities and operation of state organs or statutory professional bodies shall conflict with any law or public law regulatory instrument.

CHAPTER VII

PROMULGATION, PUBLICATION AND THE NATIONAL LEGISLATION DATABASE

11. The official gazette of Hungary

Section 25 (1) The official gazette of Hungary shall be *Magyar Közlöny*. The *Magyar Közlöny* shall be issued by publishing it as an electronic document on the government portal; its text shall be deemed authentic.

(2) The text of laws integrating their amended and repealed provisions (hereinafter “consolidated text”) shall not be published in the *Magyar Közlöny*.

Section 25/A (1) In the course of publishing the *Magyar Közlöny*, the editor-in-chief shall affix to the electronic document his qualified electronic signature and a time stamp issued by a service provider that provides this service as a qualified service provider. The issues of the *Magyar Közlöny* shall show the date of publication, which shall not be earlier than the calendar day shown on the time stamp.

(2) The editor-in-chief of the *Magyar Közlöny* and the person entitled to substitute for the editor-in-chief shall be designated in a normative instruction by the minister responsible for justice.

(3) For the purposes of verifying the electronic signature referred to in paragraph (1), the public keys belonging to the signatures of the editor-in-chief of the *Magyar Közlöny* and the person entitled to substitute for him shall be available on the website of the government portal where the *Magyar Közlöny* is published.

(4) Published issues of the *Magyar Közlöny* shall not be removed from the government portal, and the provisions of the law on electronic archiving shall apply to archiving them.

(5) The editor-in-chief of the *Magyar Közlöny* shall send page-for-page paper copies of the *Magyar Közlöny* to the President of the Republic, the Speaker of the National Assembly, the President of the Constitutional Court, the President of the Curia, the National Széchényi Library and the Library of the National Assembly.

(6) Page-for-page copies of the *Magyar Közlöny* may be distributed both on paper and on digital data-storage media.

(7) Upon request, the organ designated by the Government in a decree shall make page-for-page paper copies of the *Magyar Közlöny* or any part of it against an administrative service fee.

12. Promulgating laws and publishing public law regulatory instruments

Section 26 (1) Laws other than local government decrees shall be promulgated in the *Magyar Közlöny*.

(2) With the exception of the normative instructions of the heads of capital or county government offices, the normative decisions of the representative bodies of local governments or the representative bodies of national minority self-governments, and the normative

instructions of mayors or local government clerks, public law regulatory instruments that do not contain classified information shall be published in the *Magyar Közlöny*.

(3) Decrees of the Government shall be signed by the Prime Minister without delay after the Government has made its decision; with respect to this, the Prime Minister may be substituted by the Deputy Prime Minister who was designated by him for this purpose.

(4) No one may substitute for members of the Government with respect to issuing (signing) decrees.

(5) The minister responsible for justice shall, without delay after receiving them, arrange the promulgation in the *Magyar Közlöny* of Acts signed by the President of the Republic, decrees of the Governor of the Hungarian National Bank, decrees of the heads of independent regulatory organs and decrees signed in accordance with paragraph (3) to (4).

(6) The minister responsible for justice shall, after they are signed by the party entitled to do so and without delay after receiving them, arrange the publication of public law regulatory instruments other than the normative instructions of the heads of capital or county government offices, the normative decisions of the representative bodies of local governments or the representative bodies of national minority self-governments, and the normative instructions of mayors or local government clerks.

(7)

13. Designation of laws in the course of promulgation

Section 27 (1) The designation of an Act in the course of promulgation shall contain the year and number of the promulgation and the name and title of the Act.

(2) With the exception of Acts, the designation of laws in the course of promulgation shall contain the name of the issuer, the number, the date of promulgation and the name and title of the law.

(3)

14. Correction

Section 28 (1) If the text of a law published in the *Magyar Közlöny* differs from the signed version of the text then the signatory of the law, in the case of Acts either the President of the Republic or the Speaker of the National Assembly, shall initiate the correction of the difference (hereinafter “corrigendum”) before the law enters into force, but by no later than the sixth working day after promulgation.

(1a) No counter-signature shall be required for decisions taken within the powers conferred on the President of the Republic by paragraph (1).

(2) If a difference as defined in paragraph (1) is established by the minister responsible for justice, it may be corrected before the law enters into force, but no later than by the tenth working day after promulgation.

(3) Corrigenda shall be published in the *Magyar Közlöny*. After their initiation, the minister responsible for justice shall arrange publication without delay.

14/A. Accessibility of certain other legal acts and of statements of reasons

Section 28/A In addition to the provisions set out in section 26 (1), the *Magyar Közlöny* shall contain

a) the decisions and orders of the Constitutional Court, the publication of which in the *Magyar Közlöny* is provided for by an Act or by the Constitutional Court, and the positions of the Plenary Session of the Constitutional Court,

b) the uniformity decisions, as well as the decisions of the Curia, the publication of which in the *Magyar Közlöny* is provided for by the Curia on the basis of authorisation by an Act,

c)

d) the non-normative decisions of the National Assembly, the President of the Republic, the Government, the Prime Minister and the National Election Commission, with the exception of non-normative decisions that contain classified data, and those sent directly to those concerned,

e) the non-normative decisions of members of the Government, the publication of which in an official gazette is provided for by law, and

f) the normative decisions of the National Assembly, the Government and other collegiate organs of central state administration, the Constitutional Court and the Fiscal Council that contain no classified data.

Section 28/B (1) The *Hivatalos Értesítő* that is an annex to the *Magyar Közlöny* shall contain

a) the normative instructions of persons specified in section 23 (4) a) to h) and section 23 (5) containing no classified data,

b) notices, the publication of which in the *Magyar Közlöny* or another official gazette is provided for by law or is initiated by a person authorised by law to do so, and

c) announcements aligning with the official nature of the *Magyar Közlöny*, the publication of which in the *Magyar Közlöny* is therefore approved by the editor-in-chief of the *Magyar Közlöny*.

(2) Paragraph (1) shall not apply to notices to be published in *Közbeszerzési Értesítő*, *Cégközlöny* or in the official gazette of the Hungarian Intellectual Property Office.

(3) With the exception of publications provided for by an Act, a publication fee shall be paid for the publication in the *Magyar Közlöny* of notices and announcements specified in points b) and c) of paragraph (1). For calculating the amount of the publication fee, the regulatory level of the law providing for their publication and the frequency of publication shall be taken into account with regard to the provisions of paragraph (1) b). With regard to the provisions of paragraph (1) c), the amount of the publication fee may not be less than the lowest amount specified in respect of the provisions of paragraph (1) b).

(4) The *Indokolások Tára* that is an annex to the *Magyar Közlöny* shall contain the statements of reasons attached to draft laws within the scope, and in a way, provided for by a decree of the minister responsible for justice.

Section 28/C (1) If issued by a member of the Government, official gazettes not referred to in this Act shall be published on the website designated for this purpose; if they are issued by an independent regulatory organ, an autonomous state administration organ or a main government agency then they shall be published on the website of the relevant organ.

(2) The following may be published in an official gazette under paragraph (1): laws and public law regulatory instruments, and notices

a) published earlier in the *Magyar Közlöny*,

b) the publication of which in the official gazette under paragraph (1) is provided for by law, or

c) that are important for the work of the ministry headed by the relevant minister, of the central state administration organ under the direction or supervision of the relevant minister, or of the relevant independent regulatory organ, autonomous state administration organ or main government agency.

(3) Central state administration organs may issue, in accordance with paragraph (1), more than one official gazette if their sectoral nature requires so.

(4) Page-for-page copies of the official gazette under paragraph (1) that are identical in terms of pagination may be distributed in print if, on 30 June of the year preceding the year in question, the number of subscribers, apart from the budgetary organs of the central government subsector of the general government sector, is higher than the number set forth by law.

(5) The official gazette issued in accordance with paragraph (1) shall not be removed from the website of the issuing organ. In the event of the organ's termination, publication shall be the obligation of its legal successor.

15. National Legislation Database

Section 29 (1) The National Legislation Database shall be an electronic collection of laws published with the content and on a website specified in a decree of the Government as an electronic public service containing consolidated texts and available to anyone free of charge.

(2) The minister responsible for supervising the legality of local governments shall arrange the publication of local government decrees on the website maintained for this purpose.

15/A.

Section 29/A

CHAPTER VIII

FINAL PROVISIONS

16. Authorising provisions

Section 30 (1) The Government shall be authorised to determine in a decree

- a) the rules for the prior notification procedure,
- b) the detailed rules on performing the tasks related to the preparation of laws required to ensure compliance with European Union law, and
- c) the content, and the detailed rules for the operation, of the National Legislation Database,
- d) the organ entitled to make a page-for-page paper copy of the *Magyar Közlöny* as a whole or any part thereof.

(2) The minister responsible for justice shall be authorised to determine in a decree the detailed rules for legislative drafting.

(3) The minister responsible for justice shall be authorised to determine in a decree the detailed rules for preliminary and *ex-post* impact assessments.

(4) The minister responsible for justice shall be authorised to determine in a decree the detailed rules for

- a) issuing the *Magyar Közlöny*,
- b) designating the laws for promulgation and the public law regulatory instruments and certain other legal acts for publication, and
- c) publishing statements of reasons attached to draft laws.

(5) The minister responsible for justice shall be authorised to determine in a decree

- a) the number of subscribers as specified in section 28/C (4),
- b) the administrative service fee for making page-for-page paper copies of the whole or a part of the *Magyar Közlöny*, and
- c) the amount of the publication fee payable for the publication of notices and announcements under section 28/B(1) b) and c).

- Section 31** (1) The Government shall be authorised to repeal, in a decree,
- a*) decrees of the members of the Government or provisions of decrees of the members of the Government, if
 - aa*) the authorisation granted in an Act became ineffective and no new authorising provision was adopted for the regulation of the matter,
 - ab*) the authorisation granted in a government decree became ineffective and no new authorising provision was adopted for the regulation of the matter, or
 - ac*) the new authorising provision adopted for the regulation of the matter grants power to issue a government decree,
 - b*) government decrees or provisions of government decrees that it is no longer authorised to amend or repeal due to the authorisation having become ineffective.
- (2) Members of Government shall be authorised to repeal, by means of decrees, those ministerial decrees, prime ministerial decrees or provisions of ministerial decrees or prime ministerial decrees falling within their functions
- a*) that were adopted without authorisation, or
 - b*) that they are no longer authorised to amend or repeal due to the authorisation having become ineffective.

17. Entry into force

- Section 32** (1) With the exceptions specified in paragraph (2), this Act shall enter into force on 1 January 2011.
- (2) Sections 29, 47 and section 48 (2) shall enter into force on 1 January 2012.

18. Transitional provisions

Section 33 (1) Chapters II to IV, Chapter VI and sections 25 to 28 of this Act shall apply to laws promulgated and public law regulatory instruments published after the entry into force of this Act. The provisions of section 12 shall also apply to this Act.

(2) Joint decrees issued prior to the entry into force of this Act may be amended or repealed by the minister granted authorisation pursuant to section 5 (1) and (4), in agreement with the holder of the right to agree.

Section 34 (1) Where a law or other legal instrument of state administration under Act XI of 1987 on law-making employs the expression “other legal instrument of state administration”, it shall also be interpreted as a public law regulatory instrument, unless otherwise provided in that law.

- (2) Every
- a*) decision adopted according to section 46 (1) of the Act XI of 1987 on law-making shall qualify as a normative decision,
 - b*) instruction issued according to section 49 (1) of the Act XI of 1987 on law-making shall qualify as a normative instruction
- under this Act.

(3) This Act shall not affect the effect of statistical releases issued prior to the entry into force of this Act. Where a law refers to a statistical release issued pursuant to Act XI of 1987 on law-making, it shall also be interpreted as a decree of the minister supervising the Hungarian Central Statistical Office issued, in the given matter, on the basis of authorisation granted by section 26 (4) of Act XLVI of 1993 on statistics, unless otherwise implied in that law.

Section 35 Section 12 (3) of this Act as introduced by Act LXXVI of 2012 on the technical deregulation of certain Acts and provisions of Acts to eliminate the over-regulation of the legal system shall apply to laws promulgated and public law regulatory instruments published on or after 1 August 2012.

Section 36 Section 8 (2), section 9 (3), section 12 (3), section 12/A, section 12/B and section 14 of this Act as introduced by Act II of 2019 amending of Act CXXX of 2010 on law-making with regard to the Seventh Amendment of the Fundamental Law of Hungary shall not apply to laws, provisions of laws, public law regulatory instruments and provisions of public law regulatory instruments that entered into force prior to 15 March 2019.

19.

Section 37

Section 38

Section 39

Section 40

Section 41

Section 42

Section 43

Section 44

Section 45

Section 46

Section 47

Section 48 (1)

(2)

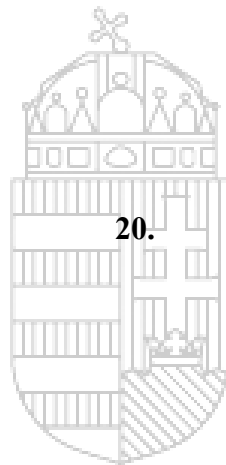
Section 49

Section 50

Section 51

Section 52

Section 53



20.

MINISTRY OF JUSTICE
HUNGARY