

Act CIX of 2020 on the containment of the second wave of the coronavirus pandemic

The National Assembly, bearing in mind especially that due to the second wave of the coronavirus pandemic, the National Assembly might be unable to hold sittings; conscious that in times fraught with danger, responsible decisions need to be taken, and even if the measures already taken and potentially to be taken appear to be unaccustomed and strange restrictions, compliance with them as well as joining forces and discipline may be the most essential reserves of Hungarians; acknowledging joint action, national coming-together, and the committed work of those working in healthcare and law enforcement, and everyone else involved; for the purpose of granting authorisation to the Government to extend the applicability of its decrees adopted during the period of state of danger, adopts the following Act:

Section 1 This Act lays down specific rules in connection with the state of danger declared, on the basis of Article 53 (1) of the Fundamental Law, by the Government in Government Decree 478/2020 (3 November) on the declaration of state of danger (hereinafter “Decree”) for the elimination of the consequences of the SARS-CoV-2 coronavirus pandemic causing massive disease outbreaks endangering life and property, and for the protection of the health and lives of Hungarian citizens (hereinafter “state of danger”).

Section 2 (1) On the basis of Article 53 (3) of the Fundamental Law, the National Assembly authorises the Government to extend the applicability of the government decrees under Article 53 (1) and (2) of the Fundamental Law adopted during the period of the state of danger until this Act is repealed.

(2) The National Assembly may withdraw the authorisation under paragraph (1) before this Act is repealed.

(3) The National Assembly confirms the government decrees referred to in paragraph (1) that have been adopted after the entry into force of the Decree, but before the entry into force of this Act.

Section 3 The Government shall regularly provide information on the measures taken to eliminate the consequences of the SARS-CoV-2 coronavirus pandemic until the measures are in effect at the sittings of the National Assembly or, in the absence thereof, to the Speaker of the National Assembly and the leaders of the parliamentary groups.

Section 4 (1) The National Assembly shall maintain the extraordinary measures introduced by Government Decree 483/2020 (5 November) laying down transitional provisions relating to by-elections during the period of state of danger (hereinafter “Decree2”) in accordance with the provisions of paragraphs (2) to (8).

(2) If dissolution of the representative body of a local government or national minority self-government is declared, the decision to this effect shall become effective on the day following the end of the period of state of danger.

(3) No by-elections may be called until the day following the end of the period of state of danger; the elections already called shall not be held. The distributed recommendation sheets shall be returned within fifteen days of the entry into force of the Act to the election offices, where they shall be destroyed. The elections not called or not held shall be called within fifteen days following the end of the period of state of danger.

(4) For an election not held in accordance with Decree2, if on the day before the entry into force of Decree2, the time limit for notification of candidates and lists is already expired and the registration of every notified candidate and list is already performed or refused with final and binding effect in accordance with sections 132 and 133 of Act XXXVI of 2013 on electoral procedure, the election called but not held in accordance with Decree2 shall be considered to be a deferred election, with the proviso that the registration shall apply also to the election to be called following the end of the period of state of danger, and further nomination of candidates and lists shall not be allowed. In such a case, the election not held may be called to be held on the 45th day following the end of the period of state of danger at the latest.

(5) No national and local referendums may be initiated until the day following the end of the period of state of danger; the national and local referendums already called shall not be held.

(6) Notwithstanding section 2 (3) of Decree2, for a signature collection aimed at initiating local referendum already in progress at the entry into force of Decree2, the time limit for collecting signatures shall be suspended from the entry into force of Decree2 to the day following the end of the period of state of danger.

(7) In the case of a signature collection referred to in paragraph (6), the organiser shall hand over to the local election office the signature sheets not destroyed that contain the signatures collected until the entry into force of Decree2 within not more than three days following the entry into force of this Act. Signatures on a sheet not handed over within this time limit shall be invalid. On the day following the end of the period of state of danger, the head of the local election office shall affix a new certification clause to the template of the signature sheet, and shall hand it over to the organiser. The duration of suspension shall not be calculated into the time limit specified in section 47 (1) of Act CCXXXVIII of 2013 on initiating referendums, the European citizens' initiative and the referendum procedure (hereinafter the "Nsztv.").

(8) With the exception of the time limit for a signature collection aimed at initiating local referendum, all time limits specified in Chapters II and III. of the Nsztv. shall be interrupted. The time limits shall start to run again from the day following the end of the period of state of danger. The national and local referendums not called or not held shall be called within fifteen days of the end of the period of state of danger.

Section 5 This Act shall enter into force on the day following its promulgation and shall be repealed on the 90th day following its promulgation.

Section 6 Provisions of this Act qualify as cardinal as follows:

- a) section 4 (2) on the basis of Article XXIX (3) and Article 31 (3) of the Fundamental Law,
- b) section 4 (3) to (4) on the basis of Article XXIX (3), Article 2 (1) and Article 35 (1) of the Fundamental Law.