



HUNGARIAN
HELSINKI
COMMITTEE

Deficiencies of the Law-Making Process in Hungary

Mapping paper

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Executive summary

This mapping paper examines systemic deficiencies in Hungary's law-making process, drawing on findings from European Commission Rule of Law Reports, Venice Commission opinions, civil society monitoring and academic expertise. The analysis reveals an increasingly opaque, unpredictable, and executive-dominated legislative environment, in which opportunities for public and parliamentary oversight are limited. These trends undermine legal certainty and erode the rule of law.

Public consultation on draft laws

The Hungarian law requires ministries to consult the public on draft laws, but this is marred by regulatory shortcomings and a deeply flawed practice. The amendments introduced to meet EU Recovery and Resilience Plan milestones in 2022 left core weaknesses intact, such as broad exemptions, very short deadlines, weak enforcement, and no deterring consequences for violations. When consultations occur, they are frequently tokenistic with minimal reasoning provided for the bills, inadequate impact assessments, and the rejection of most submissions without real explanation. There are serious concerns as to the efficiency of the oversight carried out by the Government Control Office. Consultation is often circumvented by introducing bills forming part of government policy to the Parliament via governing majority MPs or parliamentary committees.

Parliamentary law-making

Since 2010, the Parliament has largely become an instrument for the executive, characterised by legislative hyperinflation, rapid adoption of extensive bills, and avoidance of debate. The Legislative Committee regularly introduces substantial last-minute amendments, bypassing consultation and detailed scrutiny. Fast-track procedures, though not numerically excessive, have been also deployed for introducing controversial measures within days. Opposition MPs face structural barriers to placing items on the agenda, and operate under a disciplinary regime used to silence dissent through disproportionate fines.

Perpetuated states of exception

Hungary has been under a continuous "state of danger" since March 2020, first with a reference to the COVID-19 pandemic and later to the war in Ukraine. This regime grants the Government sweeping decree-making powers to override Acts of Parliament and restrict rights with minimal oversight. Emergency decrees issued by the Government often address matters not related to the cause of the state of danger, and are sometimes end up being incorporated into ordinary laws. A 2022 constitutional amendment concentrated powers by the Government across all special legal order regimes. In parallel, the statutory "state of crisis due to mass migration" is maintained without meeting legal conditions.

Implications & recommendations

The combined effect of these practices is the hollowing out of democratic law-making in Hungary. Public participation is nominal, parliamentary deliberation is curtailed, and the separation of powers is eroded. Frequent, rapid, and poorly reasoned legal changes weaken legal certainty, hinder business planning, and undermine investor confidence. International obligations and standards, including those set by the EU, OSCE/ODIHR and the Venice Commission are systematically disregarded. Based on the findings, the mapping paper recommends the strengthening of public consultation rules, restoring parliamentary checks and oversight, limiting emergency powers, and engaging international expertise to design a transparent, open, inclusive and democratic legislative process.

1. Introduction

As highlighted by the European Commission’s 2025 Rule of Law Report “[t]he law-making process remains a serious source of concern” regarding Hungary.¹ Deficiencies include the continued lack of meaningful public consultation on draft laws, the shortcomings of the legislative process in the Parliament, and the Government’s excessive emergency powers. As pointed out by the 2024 European Semester’s Country Specific Recommendation, “social dialogue remains weak and fragmented”² in general in the country, and as raised also by the 2024 Rule of Law Report, “[t]here is little room for CSOs and human rights defenders to engage effectively with public institutions on issues of significant societal impact”.³ Overall, since 2010, when the current governing party first acquired a two-thirds parliamentary supermajority, the law-making process has become less transparent, less open, less inclusive, and less democratic. This system produces “legislative basket cases”: laws that exhibit significant quality deficiencies across public policy, legal-constitutional, procedural, and stability dimensions.⁴ The unpredictable legal framework undermines legal certainty as one of the cornerstones of the rule of law, results in the violation of human rights, and, according to the 2025 EU Justice Scoreboard, undermines companies’ confidence in the effectiveness of investment protection.⁵ Finally, the deficiencies of the law-making process go against the requirements set out by various international standards and recommendations as well, such as those by OSCE/ODIHR⁶ and the Council of Europe’s Venice Commission.⁷

The aim of this mapping paper is not a detailed description of the rules, but rather to pinpoint problematic provisions and practices, mapping areas in need of further research in the process. The paper takes a procedural perspective, focusing on the process leading up to the adoption of laws, and does not undertake to analyse the various concerning patterns when it comes to their content, such as tailor-made legislation⁸ or the overriding of judicial or Constitutional Court case-law, to name a few. It does not aim to provide a historical overview of the last 15 years – instead, it focuses on the current state of play and brings concrete examples demonstrating the problems predominantly from the

¹ European Commission, *2025 Rule of Law Report – Country Chapter on the rule of law situation in Hungary*, https://commission.europa.eu/document/download/524bd8d4-33ba-4802-891f-d8959831ed5a_en?filename=2025%20Rule%20of%20Law%20Report%20-%20Country%20Chapter%20Hungary.pdf, p. 23.

² https://commission.europa.eu/document/download/43f58987-1e61-45a2-9262-c57d00d3c1ca_en?filename=com_2024_617_1_en.pdf, para. 29.

³ European Commission, *2024 Rule of Law Report – Country Chapter on the rule of law situation in Hungary*, https://commission.europa.eu/document/download/e90ed74c-7ae1-4bfb-8b6e-829008bd2cc6_en?filename=40_1_58071_coun_chap_hungary_en.pdf, p. 39.

⁴ Rebeka Kiss – Miklós Sebők, *The (worst) laws of the land: the concept of legislative basket cases, legislative backsliding and public administration in Central-Eastern Europe*, *Policy Studies*, 2025, pp. 1-27, <https://www.tandfonline.com/doi/full/10.1080/01442872.2025.2501741>.

⁵ European Commission, *The 2025 EU Justice Scoreboard*, https://commission.europa.eu/document/download/51b21eff-a4b0-4e73-b461-06bd23b43d4e_en?filename=2025%20EU%20Justice%20Scoreboard_template.pdf, Figure 55 (p. 47.)

⁶ Cf.: OSCE/ODIHR, *Guidelines on Democratic Lawmaking for Better Laws*, 2023, https://www.osce.org/files/f/documents/a/3/558321_3.pdf. See also: OSCE/ODIHR, *ODIHR Brief: Guiding Principles of Democratic Lawmaking and Better Laws*, 2023, <https://www.osce.org/files/f/documents/c/a/552682.pdf>.

⁷ Cf.: European Commission for Democracy through Law (Venice Commission), *Compilation of Venice Commission opinions and reports concerning the Law making procedures and the quality of the law*, CDL-PI(2021)003, 19-20 March 2021, [https://www.venice.coe.int/webforms/documents/?pdf=CDL-PI\(2021\)003-e#page4](https://www.venice.coe.int/webforms/documents/?pdf=CDL-PI(2021)003-e#page4); *Rule Of Law Checklist*, 11-12 March 2016, CDL-AD(2016)007, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2016\)007-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2016)007-e); *Compilation of Venice Commission opinions and reports on states of emergency*, CDL-PI(2020)003, 16 April 2020, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI\(2020\)003-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI(2020)003-e); *Report – Respect for Democracy, Human Rights and the Rule of Law During States of Emergency: Reflections*, 19 June 2020, CDL-AD(2020)014, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2020\)014-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2020)014-e).

⁸ See e.g.: Rebeka Kiss – Miklós Sebők, *The concept of tailor-made laws and legislative backsliding in Central–Eastern Europe*, *Comparative European Politics*, 2025, pp. 353–409, <https://doi.org/10.1057/s41295-024-00403-6>.

current parliamentary cycle in the areas of public consultation on draft laws, the process of parliamentary law-making, and the working of special legal order regimes.

2. Public consultation on draft laws

Public consultation on draft laws prepared by ministries has been prescribed by Act CXXXI of 2010 on Public Participation in Preparing of Laws (hereafter: Act on Public Participation) since 2010, however, in the years preceding 2022, it has virtually ceased to exist.⁹ The “rules on the obligatory public consultation of draft legal acts and their impact assessments have been systematically disregarded”:¹⁰ the provision that draft laws prepared by ministers/ministries should be subject to public consultation as a main rule has been consistently ignored; and the requirement that a summary of the comments received and the reasons for their rejection shall be published has not been respected even when a consultation took place. This issue was detected by EU institutions as well. This resulted in an amendment of the Act on Public Participation in October 2022,¹¹ with a view to accessing EU funds, and a series of related milestones included in Hungary’s Recovery and Resilience Plan (RRP).¹² However, regulatory shortcomings, the circumvention of rules, and a flawed practice when public consultation happens mean that the efficiency of public consultations remains a serious source of concern. These cannot be counterbalanced in any way by the use of the so-called “national consultations”, since these rather serve as propaganda tools than tools to facilitate meaningful public debate: they are multi-choice questionnaires mailed to citizens, containing manipulative questions and choices, and the responses are counted in a methodologically neither sound nor controlled manner.¹³

2.1. Regulatory shortcomings

Despite the amendment of the Act on Public Participation in 2022, the legal framework for public consultations remains unsatisfactory: even though the amendment formally complied with the relevant elements of the respective RRP milestone,¹⁴ it has not brought a real solution to a range of issues surrounding public consultation. In particular, the following regulatory flaws undermine the capacity of the amendments to ensure effective public consultation:¹⁵

⁹ For more details, see: *Submission by Amnesty International Hungary, the Eötvös Károly Institute, and the Hungarian Helsinki Committee for the third cycle of the Universal Periodic Review of Hungary*, 25 March 2021, https://helsinki.hu/wp-content/uploads/2021/03/AIHU_EKINT_HHC_UPR2021_Hungary_RoL_web.pdf, pp. 13-15; *Statement of the Hungarian Helsinki Committee made during the OSCE SHDM II 2021 on Democratic Law-Making: Ensuring Participation*, 26 April 2021, https://helsinki.hu/en/wp-content/uploads/sites/2/2021/04/OSCE-SHDM-II-2021_HungarianHelsinkiCommittee.pdf.

¹⁰ *Council Recommendation of 12 July 2022 on the 2022 National Reform Programme of Hungary and delivering a Council opinion on the 2022 Convergence Programme of Hungary*, para. (28)

¹¹ Act XXX of 2020 on the Amendments of Act CXXX of 2010 on Law-making and on Act CXXXI of 2010 on Public Participation in Preparing Laws in the Interest of Reaching an Agreement with the European Commission

¹² Milestones 234, 235 and 236 and Targets 237, 238, 239 and 240. See: Annex to the Council Implementing Decision on the approval of the assessment of the recovery and resilience plan for Hungary, I. COMPONENT 9: GOVERNANCE AND PUBLIC ADMINISTRATION. Available at: <https://data.consilium.europa.eu/doc/document/ST-15447-2022-ADD-1/en/pdf>.

¹³ See e.g.: Agnes Batory – Sara Svensson, *The use and abuse of participatory governance by populist governments*, *Policy & Politics*, 2019, 47(2), pp. 227-244.

¹⁴ Milestone 235 – Entry into force of amendments to the relevant legislative acts to enhance the use of public consultations and impact assessments in the law-making process

¹⁵ See also: press release of 10 Hungarian CSOs of 27 July 2022 at <https://helsinki.hu/en/the-governments-bill-on-public-consultation-does-not-offer-real-solutions/>; Hungarian Helsinki Committee – K-Monitor – Transparency International Hungary, *Half-Hearted Promises, Disappointing Delivery. An Assessment of the Hungarian Government’s New Measures to Protect the EU Budget and Related Recommendations*, 7 October 2022, <https://helsinki.hu/en/wp-content/uploads/sites/2/2022/10/Assessment-of-measures-to-protect-EU-budget.pdf>, pp. 4-5.

- Public consultation remains obligatory only in the case of draft laws (bills, governmental decrees and ministerial decrees, with the exception of emergency government decrees) prepared by ministries.¹⁶ As also pointed by the 2025 Rule of Law Report, this means that “public consultation requirements do not apply with certain important legislative drafts introduced directly by individual members of Parliament or parliamentary committees”.¹⁷
- Under the amended rules, the Government now “bears a responsibility” to ensure that annually, 90% of draft laws fall into the category where public consultation is mandatory.¹⁸ However, the wide range of exemptions when draft laws do not have to or cannot be subject to public consultation was left almost entirely intact.¹⁹ As a result, the Government may comply with the new rule without consulting on bills that are truly significant socially.
- The amended rules set out that at least eight days are provided for commenting.²⁰ This is an improvement compared to the previous wording (setting out that “adequate time” should be provided), but in the case of voluminous bills, it is highly questionable whether eight days is sufficient.
- The Government Control Office (GCO) can now impose fines on ministries for violating the rules on public consultation.²¹ However, this cannot have real deterrent effect because fines will ultimately end up in the same state budget from which ministries are allocated funds. Secondly, the GCO is subordinated to the Government, it has no functional independence, a factor that questions whether it can appropriately fulfil this role. Furthermore, the GCO played a key role in the 2014 crackdown on the CSOs that distributed the EEA/Norway grants, showing that it is ready to spearhead a government action with shaky legal grounds and illustrating clear political bias.²²
- There are no further consequences foreseen if a law is adopted in breach of public consultation rules, so such laws can become/remain part of the legal system.
- Other forms of public participation in law-making have not been strengthened in any way.

To sum it up: the regulatory framework allows for a wide discretion that makes it relatively easy to circumvent the obligation of public consultation, and allows for a flawed practice, where non-compliance formal compliance remains without real consequences.

¹⁶ Act on Public Participation, Section 1(1)

¹⁷ European Commission, *2025 Rule of Law Report – Country Chapter on the rule of law situation in Hungary*, https://commission.europa.eu/document/download/524bd8d4-33ba-4802-891f-d8959831ed5a_en?filename=2025%20Rule%20of%20Law%20Report%20-%20Country%20Chapter%20Hungary.pdf, pp. 23-24.

¹⁸ Act on Public Participation, Section 5/A(3)

¹⁹ According to Section 5(3) of the Act on Public Participation, it is not obligatory to submit for public consultation draft laws on the following topics: a) payment obligations, b) state subsidies, c) the state budget and its implementation, d) subsidies provided from European Union or international sources, e) the promulgation of international treaties, f) the establishment of organisations and institutions, and (as of 19 August 2025) g) the list of first names pursuant to Section 44(3) and Section 46(3) of Act I of 2010 on the Civil Registration Procedure. Pursuant to Section 5(4) of the Act on Public Participation, draft laws and concepts shall not be submitted for public consultation if such consultation would jeopardize Hungary’s particularly important interests in the areas of national defence, national security, finance, foreign affairs, nature conservation, environmental protection, or heritage protection. The only exception that was abolished by the 2022 amendment was included in Section 5(5) of the Act on Public Participation, which set out that it is not obligatory to submit a draft law for public consultation if there is an overriding public interest in its urgent adoption.

²⁰ Act on Public Participation, Section 10(2)-(3)

²¹ Act on Public Participation, Section 6/A(2)

²² See e.g.: EU Observer, *Hungary raids Norway-backed NGOs*, 10 September 2014, <https://euobserver.com/eu-political/125537>; or news items on the official website of the GCO related to this issue, e.g.: <https://kehi.kormany.hu/http-mno-hu-celpont-musor-norveg-minta-1232085>.

2.2. Flawed practice

In addition to the regulatory shortcomings, experience shows that the impact of the amended rules is limited, and the practice of public consultation remains deeply flawed. Crucially, it still occurs that significant laws are not published for public consultation, even though they fall under the scope of the Act on Public Participation, i.e. they were prepared by ministries and submitted to the Parliament by the Government. This happened e.g. in the case of the 12th and the 13th Amendment to the Fundamental Law (Hungary's constitution) in 2023 and 2024, respectively. Further laws not submitted for public consultation included in 2022 all drafts laws the Government submitted to the Parliament in order to comply with the commitments it made under the conditionality mechanism and the above amendment of the Act on Public Participation itself. In 2023, significant laws which were not published for public consultation included the law that severely curtailed the Hungarian Medical Chamber's powers after it protested against regulatory steps affecting the medical profession,²³ the law²⁴ which was supposed to transpose the EU's Whistleblower Directive,²⁵ and a bill related to asset declarations.²⁶

The so-called "general" public consultation happens by the ministries publishing the draft laws on a dedicated government website, where they also provide a deadline for commenting. The main problems with the practice of this can be summarised as follows:

- Ministries almost never provide a longer consultation period than the statutory minimum, irrespective of the length and complexity of the draft law: according to data gathered by the anti-corruption watchdog K-Monitor, between 1 October 2022 and 4 October 2024, out of the 1,730 draft laws published, the consultation period was longer than eight days in only six instances.²⁷
- The way in which draft laws are published only formally meets the legal requirements, e.g. the titles and summaries of the published legislative packages rarely indicate clearly the subject matter of the proposals.
- It is a recurring practice that draft laws are published for consultation with a one-sentence reasoning (explanatory memorandum): this occurred e.g. in the case of laws authorising the Government to extend the state of danger in 2023 and 2024,²⁸ and an omnibus law that extended the asylum system that the Court of Justice of the European Union (CJEU) had found

²³ Act I of 2023 on Amending Act XCVII of 2006 on Professional Chambers in the Health Sector and Act CLIV of 1997 on Health Care. For more information, see e.g.: <https://telex.hu/english/2023/02/28/a-battle-of-wills-hungarian-doctors-vs-the-government>; <https://telex.hu/english/2023/03/03/the-bill-on-medical-chamber-could-threaten-eu-funds-for-hungary>; *Response of the Hungarian Helsinki Committee to Service Request no. 14. – FRANET contributions to the Fundamental Rights Report 2024 / Threats to democratic values*, 29 September 2023, https://helsinki.hu/en/wp-content/uploads/sites/2/2023/10/HHC-reply_FRANET-service-request-no-14_20230928.pdf, p. 14. (Section 2.4.).

²⁴ Act XXV of 2023 on Complaints, Notifications of Public Interest and Rules on the Notification of Abuse

²⁵ Directive (EU) 2019/1937 on the protection of persons who report breaches of Union law. For a CSO assessment of the bill, see e.g.: K-Monitor, *New Whistleblower Protection Bill in Hungary: Failed*, 19 May 2023, https://k.blog.hu/2023/05/19/whistleblower_protection_bill_in_hungary_the_hungarian_government_to_comply_with_the_eu_directive_bu.

²⁶ Bill T/3131. Available in Hungarian at: <https://tinyurl.com/3mca9yzu>. The content of Bill T/3131. was later entirely replaced by the Judicial Reform (see the details below), and was adopted as Act X of 2023 on the Amendment of Certain Laws on Justice related to the Hungarian Recovery and Resilience Plan.

²⁷ K-Monitor, *Public Consultation – There Would Be a Need for It*, 29 November 2024, https://k.blog.hu/2024/11/29/public_consultation_-_there_would_be_a_need_for_it

²⁸ See the relevant documents here: <https://kormany.hu/dokumentumtar/2022-evi-xlii-torveny-modositasarol-szolo-torvenytervezet-1>, <https://kormany.hu/dokumentumtar/2022-evi-xlii-torveny-modositasarol>, <https://kormany.hu/dokumentumtar/tarsadalmi-egyveztetes-veszelyhelyezet-hosszabbitas>. The one-sentence reasonings are available here: <https://cdn.kormany.hu/uploads/document/6/69/690/6903852ff11dc0a4a59fdb61023cf565c94bc2f.pdf>, <https://cdn.kormany.hu/uploads/document/5/5f/5f2/5f2a2ebc12e1c2dec86f6f3d691eb96f3de9135a.pdf>, <https://cdn.kormany.hu/uploads/document/9/98/98f/98f1488603cff904d7ff32562aae21e711959491.pdf>.

to be in violation of EU law,²⁹ while a draft law amending the rules on public interest asset management foundations was published for consultation with a two-sentence reasoning in October 2024.³⁰ A related development worth mentioning is that, as of 1 July 2024, the respective rules do not explicitly require that the explanatory memorandums include information on the compliance of the proposed rules with obligations arising from EU law.³¹

- The quality of the impact assessments of the draft laws and the summaries published about them in the course of the public consultation is often inadequate. The new methodology for impact assessments, which should have been adopted by the end of 2023 under an RRP milestone,³² has not been adopted yet according to publicly available information.³³

The majority of opinions submitted are rejected by the Government: according to K-Monitor's data, between 1 October 2022 and 4 October 2024, at least 88% of the opinions were rejected, and without any real reasoning, e.g. by stating that *"the draft law implements the decision of the Government"* or that the opinion *"is contrary to the opinion of the legislator"*.³⁴ When it comes to assessing the opinions received, telling irregularities happen as well: e.g. in 2023, a bill on third-country nationals was submitted to the Parliament 10 minutes after it was published for public consultation and the deadline for commenting was still pending.³⁵

The elements of RRP Milestone 235 (which would have been due by the end of 2022) foreseeing the development of the capacity of the Office of the Parliament to help Members of Parliament (MPs) and parliamentary committees to prepare impact assessments and conduct stakeholder consultations for the bills proposed by them and their possibility to request such assistance have not been achieved either. There is no public information that would indicate that any legislative or budgetary steps have been taken in this regard, and according to the response of the Office of the Parliament of September 2024 to the Hungarian Helsinki Committee's freedom of information request, "nobody has asked the Office of the Parliament for help in preparing an impact assessment or conducting a consultation".³⁶ (The Office did not reply to the questions as to the existence of the regulatory, operational and budgetary preconditions to do so.)

²⁹ See the relevant documents here: <https://kormany.hu/dokumentumtar/a-kozbiztonsag-mege-es-a-migr-ell-kuzdelem-erdekeben-szukseges-torvenyek-mod>. The one-sentence reasoning is available here: <https://cdn.kormany.hu/uploads/document/b/b0/b06/b06ffc72454de3204c322ca5e05b0ab1bde29ae8.pdf>.

³⁰ See the relevant documents here: <https://kormany.hu/dokumentumtar/a-kozfeladat-ellato-kozerdeku-vagyonkezele-alapitvanyokrol-szolo-torveny>. The two-sentence reasoning is available here: <https://cdn.kormany.hu/uploads/document/c/c9/c9d/c9d5d758dd9b7947db016bd5fb9df2d91aeb4b7e.pdf>.

³¹ See Section 18 of Act CXXX of 2010 on Law-Making, as amended by Act XVI of 2024.

³² Milestone 236 – Start of application of a new methodology for the preparation of impact assessments of legislative proposals

³³ The legal representative of the Cabinet Office of the Prime Minister shared with the Hungarian Helsinki Committee at a trial hearing on 31 October 2024, held after the Hungarian Helsinki Committee challenged the Cabinet Office's refusal to comply with its related freedom of information request, that the new methodology had not been adopted yet. (See the Hungarian Helsinki Committee's request of 26 August 2024 and the Cabinet Office's response of 10 September 2024 here: https://kimitud.hu/request/hatasvizsgalati_modszertan?nocache=incoming-36139#incoming-36139.) Subsequently, the new methodology was put to public consultation (for the second time) on 20 December 2024 (<https://kormany.hu/dokumentumtar/az-arop-1-1-10-a-jogszabaly-elokeszitesi-folyamat-racionalizalasa-projekt>), and there is no information publicly available that would indicate its adoption since then.

³⁴ K-Monitor, *Public Consultation – There Would Be a Need for It*, 29 November 2024, https://k.blog.hu/2024/11/29/public_consultation_-_there_would_be_a_need_for_it.

³⁵ The public consultation site showing the date of publication is available here: <https://kormany.hu/dokumentumtar/a-harmadik-orzagbeli-allampolgarok-beutazasara-es-tartozkodasara-von-alt-szab>, the site showing the date of submission to the Parliament is available here: <https://tinyurl.com/5c2r8zej>.

³⁶ The HHC's freedom of information request of 26 August 2024 and the response of the Office of the Parliament of 9 September 2024 is available here: https://kimitud.hu/request/torvenyjavaslatokkal_kapcsolatos#incoming-36121.

According to the respective reports published by the Government Control Office pertaining to the last three months of 2022,³⁷ to 2023,³⁸ and to 2024,³⁹ legislative targets were formally achieved, i.e. at least 90% of all government decrees, ministerial decrees and bills submitted by the Government to the Parliament were subject to public consultation. However, the reports do not contain detailed information on why certain draft laws were not put to public consultation (i.e. which statutory exemptions they supposedly fell under), and on whether and how the GCO reviews the ministries' claims in this regard. When the Hungarian Helsinki Committee (HHC) submitted a freedom of information request to the GCO in relation to the issue, including the GCO's methodology and the type of information ministries should submit to the GCO, the GCO refused to comply or failed to provide meaningful responses.⁴⁰ The HHC challenged this decision, and the courts ruled for the HHC. In the course of the court procedure, it turned out for example that in their reports to the GCO, ministries indicate the legal basis of not putting a draft law to public consultation only by pointing to the respective exemption category in the law, but they do not provide a detailed explanation. The documents shared with the HHC after the court ruling pertaining to 2023 showed that ministries actually provide the legal basis for omitting public consultation only by indicating that in their view the draft law fell under one of the categories of exemptions which do not have to or shall not have to be published for consultation, but do not pinpoint the exact basis enumerated in the respective provisions of the Act on Public Participation (e.g. "state subsidies" or "national security", etc.). (There were only two exceptions to this, but the ministries did not provide detailed justifications in those cases either.) Also, there were two cases when the ministries submitted that no statutory exemptions applied, and they issued the two decrees on the basis of an instruction from the leadership, due to urgency. Interestingly, the respective ministry admitted that the law that severely curtailed the powers of the Hungarian Medical Chamber after the Chamber protested against regulatory steps affecting the medical profession (see below) did not fall under any of the exemptions, and submitted that public consultation over it was omitted "on the basis of the Government's decision", which is not a statutory ground. Accordingly, the information acquired in this regard calls into question how effective the GCO's oversight of the ministries' practice is.

2.3. Circumventing the obligation of consultation

In an attempt to circumvent the obligation of public consultation, the Government has returned to its earlier practice of introducing laws to the Parliament that are clearly part of government policy via governing majority MPs (e.g. Act LXXXVIII of 2023 on the Protection of National Sovereignty⁴¹) or via parliamentary committees (e.g. the 14th Amendment to the Fundamental Law⁴²). This phenomenon was particularly characteristic of the 2010–2014 parliamentary term, when "the number of private members' bills skyrocketed."⁴³ 31 percent of the adopted acts originated from MPs belonging to the

³⁷ Available at: <https://cdn.kormany.hu/uploads/document/1/1b/1b8/1b89f211f360f193009ad1f7d9d9299a858d2c07.pdf>.

³⁸ Available at: <https://cdn.kormany.hu/uploads/document/0/0c/0cb/0cb223be52ca99cda3194c9b012343cc6f4518c5.pdf>.

³⁹ Available at: <https://cdn.kormany.hu/uploads/document/9/94/944/9442347cdec31682e90370e9eddc9ce29f63bcd1.pdf>.

⁴⁰ The Hungarian Helsinki Committee's freedom of information request of 14 August 2024 is available here: https://kimitud.hu/request/tarsadalmi_egyeztetes. The GCO's response of 21 September 2024 is available here: https://helsinki.hu/wp-content/uploads/2024/11/KEHI-valasz_tarsadalmi-egyeztetes_20240921.pdf.

⁴¹ See the Parliament's website: <https://tinyurl.com/2ubk24ud>.

⁴² See the Parliament's website: <https://tinyurl.com/5xwvfarp>.

⁴³ According to the statistics available on the Parliament's website (<https://www.parlament.hu/en/web/house-of-the-national-assembly/bills-submitted-and-adopted-broken-down-by-submitter>), in the 2010–2014 parliamentary term, governing party MPs submitted 356 bills to the Parliament (out of which 270 was allowed to general debate and 266 were adopted), while the Government submitted 597 bills (out of which 573 was allowed to general debate and 570 were adopted). As a comparison, in the 2006–2010 parliamentary term, governing majority MPs submitted 127 bills, whereas the Government submitted 519 bills. In the 2014–2018 parliamentary term, governing majority MPs submitted 169 bills,

parliamentary majority, and their legislative proposals achieved a very high 74 percent success rate. [...] The subject of bills introduced by majority MPs touched upon legally complicated and politically controversial policy matters, areas where the government is normally required to take action. Moreover, members of the cabinet in their capacity as parliamentary representatives and other prominent members of the governing Fidesz-KDNP groups submitted the vast majority of successful private members' bills which were in general completely unrelated to their political portfolio. It was obvious from the beginning that these complex bills were aimed at the implementation of the government's political program. It was an open secret that they were drafted by experts of the cabinet, of the political party or by law-firms."⁴⁴ The importance of the reemergence of this practice is also shown by the fact that it has been raised by the European Commission in their recommendations for Country Specific Recommendations in the framework of the 2025 European Semester as well.⁴⁵

Another avenue used to circumvent the obligation of public consultation is the Legislative Committee of the Parliament (*Törvényalkotási Bizottság*), a super committee the composition of which reflects that of the Parliament and which can introduce even very substantial amendments to any bill directly prior to the plenary vote – for examples of the use of this avenue, see Chapter 3.2. below. This method can be utilized to circumvent other types of consultation obligations as well, as shown by the process of introducing significant changes to laws on the judiciary in December 2024. In this case, the amendments affecting the judiciary were introduced by the Legislative Committee to a completely unrelated bill concerning the state budget.⁴⁶ This meant that the National Judicial Council (NJC), the Hungarian judiciary's self-governing body did not have the possibility to comment on the new provisions either, even though Act CLXI of 2011 on the Organisation and Administration of Courts explicitly prescribes that the NJC shall comment on draft legislation affecting the judicial system – a requirement that was introduced by an extensive judicial reform in 2023 with a view to access EU funds.⁴⁷ The NJC considered this legislative process "to be a complete and deliberate abrogation of the legislative consultative powers of the NJC".⁴⁸

Notably, the process of adopting the Fundamental Law, Hungary's new constitution suffered from severe shortcoming as well in terms of the participation of the public: it was adopted in 2011 in a speedy constitution-making process, leaving no chance for any kind of in-depth debate, failing to provide for any substantial professional or public discussion, and without the support of any other political force.⁴⁹ The process was criticised by the Venice Commission as well for the "absence of sincere consultation", and it "noted with regret that the consensus among political forces and within society generally required for the legitimacy of a constitution was absent".⁵⁰ Public participation was not

whereas the Government submitted 591 bills. In the 2018–2022 parliamentary term, governing majority MPs submitted only 54 bills, whereas the Government's record remained steady – it submitted 536 bills.

⁴⁴ Viktor Zoltán Kazai, *The Instrumentalization of Parliamentary Legislation and its Possible Remedies: Lessons from Hungary*, *Jus Politicum*, n° 23, <https://www.iuspoliticum.com/articles/The-Instrumentalization-of-Parliamentary-Legislation-and-its-Possible-Remedies-Lessons-from-Hungary>. Original footnotes omitted from the quote.

⁴⁵ "The public and stakeholders are not consulted on important draft laws, as they are often tabled in parliament by individual members instead of the government, thus not requiring a public consultation." See: https://commission.europa.eu/document/download/60e352ef-04a5-45ba-8793-717029584168_en?filename=COM_2025_217_1_EN_ACT_part1_v3.pdf, para. (29).

⁴⁶ See the amendment introduced by the Legislative Committee to Bill T/10012 on the Foundations for Hungary's 2025 Central Budget here: <https://www.parlament.hu/irom42/10012/10012-0007.pdf>.

⁴⁷ Act CLXI of 2011 on the Organisation and Administration of Courts, Section 103(1)(b)

⁴⁸ Public statement of the National Judicial Council, 19 December 2024, <https://obt-jud.hu/hu/birosagi-szervezetrendszer-reformjaval-kapcsolatos-jogalkotasi-folyamatrol>.

⁴⁹ See e.g.: Eötvös Károly Institute – Hungarian Civil Liberties Union – Hungarian Helsinki Committee, *Comments on the Process of Framing the New Constitution of Hungary*, 10 March 2011, https://helsinki.hu/wp-content/uploads/Comments_on_the_Process_of_Framing_the_New_Constitution_of_Hungary_EKI_HCLU_HHC.pdf.

⁵⁰ European Commission for Democracy through Law (Venice Commission), *Opinion on the Fourth Amendment*

ensured regarding the Fundamental Law's amendments either. For example, as already mentioned above, the 12th and 13th Amendments, proposed by the Government and adopted in 2023 and 2024, respectively, have not been submitted for public consultation in violation of the respective rules. Moreover, out of the 15 amendments, seven did not even fall under the obligation of public consultation due to who submitted them: the 14th Amendment (2024) was proposed by the Parliament's Justice Committee; the 2nd (2012), 4th (2013), 6th (2016), 11th (2022) and 15th (2025) Amendments were all proposed by governing party MPs, while the 8th Amendment (2019), was proposed by opposition party MPs.

3. Parliamentary law-making

After the current governing majority came into power in 2010, the legislative process in the Parliament has undergone a "radical instrumentalization". This means that the Government "only used the [P]arliament for implementing its political program in the form of statutory law, extremely rapidly and without any compromise. Although governments usually dominate the legislative procedure in parliamentary systems, and Hungary is not an exception, it is remarkable how parliamentary law-making has completely lost its value. It has become nothing more than an instrument in the hands of the cabinet",⁵¹ "a rubber stamp without any real policymaking role".⁵² This has been supported by transforming the operation of the Parliament via adopting Act XXXVI of 2012 on the Parliament⁵³ and new Standing Orders in 2014.⁵⁴

The above manifested itself, among others, in "legislative hyperinflation",⁵⁵ particularly in the 2010–2014 term, which brought about major changes in the system of checks and balances. This was accompanied by "a decline in the quality of legal acts", shown by the fact that in this term "approximately one-third of the approved bills were modified shortly after approval, that is during the same legislative period. This trend [could] be attributed predominantly to the speed of the legislative process and avoidance of public or expert consultations."⁵⁶ Frequent changes in the legislation in Hungary remain a concern to this day, so much so that according to the 2025 EU Justice Scoreboard, the main reasons among companies for their lack of confidence in the effectiveness of investment protection are the frequent changes in legislation or concerns about quality of the law-making process

to the Fundamental Law of Hungary, CDL-AD(2013)012, 14-15 June 2013,

[https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2013\)012-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2013)012-e), para. 135, referring to: European Commission for Democracy through Law (Venice Commission), *Opinion on Three Legal Questions Arising in the Process of Drafting the New Constitution of Hungary*, CDL-AD(2011)001-e, 25-26 March 2011, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2011\)001-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2011)001-e), paras. 16-19.

⁵¹ Viktor Zoltán Kazai, The Instrumentalization of Parliamentary Legislation and its Possible Remedies: Lessons from Hungary, *Jus Politicum*, n° 23, <https://www.iuspoliticum.com/articles/The-Instrumentalization-of-Parliamentary-Legislation-and-its-Possible-Remedies-Lessons-from-Hungary>

⁵² Zoltán Szente, How Populism Destroys Political Representation – (Anti-)Parliamentary Reforms in Hungary after 2010, *Saggi – DPCE online*, 2019/2, <https://www.dpceonline.it/index.php/dpceonline/article/view/748>, p. 1618.

⁵³ Available in English at: <https://njt.hu/jogszabaly/en/2012-36-00-00>.

⁵⁴ Parliamentary Resolution 10/2014. (II. 24.) OGY on Certain Provisions of the Standing Orders. The Standing Orders is available here in English: <https://njt.hu/jogszabaly/en/2014-10-30-41>.

⁵⁵ Viktor Zoltán Kazai, The Instrumentalization of Parliamentary Legislation and its Possible Remedies: Lessons from Hungary, *Jus Politicum*, n° 23, <https://www.iuspoliticum.com/articles/The-Instrumentalization-of-Parliamentary-Legislation-and-its-Possible-Remedies-Lessons-from-Hungary>

⁵⁶ Gabriella Ilonszki – Adrienn Vajda, How Far Can Populist Governments Go? The Impact of the Populist Government on the Hungarian Parliament, *Parliamentary Affairs*, Volume 74, Issue 4, October 2021, <https://doi.org/10.1093/pa/gsab007>, p. 777.

(32%).⁵⁷ The 2025 Rule of Law Report warned in this regard that “frequent changes of key laws continue to weaken legal certainty and negatively affect the business environment”, and cited as an example that in 2024, the Parliament “and – through emergency measures – the Government, amended 37 times Hungary’s central budget for 2024”.⁵⁸

The pace of law-making can be staggering in other aspects as well: bills, often lengthy omnibus proposals, can be adopted within a very short timeframe, even within days. The governing majority regularly amends bills substantially in the very last phase of the legislative process via the Legislative Committee, after the detailed parliamentary debate has already taken place. This is exacerbated by the frequent use of omnibus bills, which contain several diverse, unrelated provisions that often amend a series of laws in various policy areas.⁵⁹

Discussions in parliamentary committees are regularly obstructed by the governing majority, and the committee tasked with deciding whether motions by MPs reach the agenda and so whether they are debated on by the Parliament serves as pre-filtering entity that can thwart any item to even reach debate. This hinders the opportunities of opposition politicians to meaningfully engage with the parliamentary process, while the alternative means of raising the public’s awareness to problematic issues and voice their disagreement are met with harsh sanctions by the Speaker of the Parliament. All of this seriously undermines the transparency and the democratic nature of the parliamentary process.

3.1. The pace of parliamentary law-making

The “legislative hyperinflation” referred to above could be detected primarily in the 2010–2014 parliamentary term, which coincides with the beginning of the current governing majority’s now over a decade-long efforts to undermine the system of checks and balances, democracy and human rights in Hungary. As shown by the table below, that term was by far the most proliferate since the democratic transition when it comes to adopted Acts of Parliament.

Table 1 – Number of Acts of Parliament and other decisions adopted by the Parliament⁶⁰

Term	Number of Acts of Parliament adopted			Number of resolutions (including personnel decisions)	Number of political declarations, guidelines, principled positions	Total
	new	amendment	total			
1990–1994	219	213	432	354	10	796
1994–1998	264	235	499	455	3	957
1998–2002	273	187	460	394	2	856
2002–2006	262	311	573	488	4	1065
2006–2010	263	326	589	421	5	1015
2010–2014	321	538	859	419	4	1282
2014–2018	222	508	730	173	0	903
2018–2022	237	360	597	176	7	780
2022–2026	125	173	298	119	4	421*

⁵⁷ European Commission, *The 2025 EU Justice Scoreboard*, https://commission.europa.eu/document/download/51b21eff-a4b0-4e73-b461-06bd23b43d4e_en?filename=2025%20EU%20Justice%20Scoreboard_template.pdf, Figure 55 (p. 47.)

⁵⁸ European Commission, *2025 Rule of Law Report – Country Chapter on the rule of law situation in Hungary*, https://commission.europa.eu/document/download/524bd8d4-33ba-4802-891f-d8959831ed5a_en?filename=2025%20Rule%20of%20Law%20Report%20-%20Country%20Chapter%20Hungary.pdf, p. 24.

⁵⁹ See e.g.: Gabriella Ilonszki – Adrienn Vajda, *How Far Can Populist Governments Go? The Impact of the Populist Government on the Hungarian Parliament*, *Parliamentary Affairs*, Volume 74, Issue 4, October 2021, <https://doi.org/10.1093/pa/gsab007>, p. 777-778.

⁶⁰ Source: <https://www.parlament.hu/en/web/house-of-the-national-assembly/legislation-activity-of-the-parliament>.

* As of 27 January 2025.

Notably, since its adoption in 2011, the Fundamental Law of Hungary has been amended 15 times. Analysing the extensive amendments' substance in detail exceeds the limits of this paper, but the number of amendments signals fundamental problems in itself. In short, the governing majority takes an instrumental attitude towards the Fundamental Law, treating it as a political tool of the Government. The Venice Commission warned about this approach already in 2013, regarding the 4th Amendment to the Fundamental Law, stressing that the Fundamental Law "should not be seen as a political instrument" and concluding that the 4th Amendment "is the result of an instrumental view of the Constitution as a political means of the governmental majority and is a sign of the abolition of the essential difference between constitution-making and ordinary politics".⁶¹

The pace of law-making can be staggering as well when it comes to the timeframes in which Acts of Parliament are adopted, and statistical data shows that the timeframes in which bills are adopted has decreased significantly after 2020.⁶² Bills can be adopted fairly quickly even in the framework of the "ordinary" legislative: for example, the infamous "Propaganda Law" censoring LGBTQI+ content for minors (currently before the CJEU due to an infringement procedure launched by the European Commission) was submitted to the Parliament by governing party MPs on 25 May 2021 and was adopted already on 15 June 2021.

An even more rapid decision-making is made possible by three special fast-track procedures established by the Parliament's Standing Orders:

- Discussion with urgency (*sürgős tárgyalás*):⁶³ This procedure can be ordered by a two-thirds majority of the MPs present, upon the motion of the submitter of the bill, however, not more than six times in any six-month period. It allows for the adoption of a bill within six days.
- Exceptional procedure (*kivételes eljárás*):⁶⁴ The Parliament shall decide on ordering an exceptional procedure with a majority of the votes of all the MPs upon the motion of the submitter of the bill. This procedure may be ordered up to four times every six months, and there are certain topics regarding which no exceptional procedure may be conducted. Bills debated in an exceptional procedure can be adopted even the day after their submission.
- Derogation from the provisions of the Standing Orders (*a határozati házszabályi rendelkezésektől való eltérés*):⁶⁵ This procedure may be ordered by the vote of at least four-fifths of the MPs present, upon the proposal of the House Committee. No derogation may be ordered with respect to the adoption or amendment of the Fundamental Law, international treaties, and the Parliament's Standing Orders. Since no minimum time limits are set out, a derogation from the provisions of the Standing Orders can mean that the bill is adopted the same day as it is submitted.

When compared to the overall number of decisions adopted per parliamentary cycle, statistical data shows that the use of the discussion with urgency procedure was much lower in the 2014–2018 and

⁶¹ European Commission for Democracy through Law (Venice Commission), *Opinion on the Fourth Amendment to the Fundamental Law of Hungary*, CDL-AD(2013)012, 14-15 June 2013, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2013\)012-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2013)012-e), paras. 146-147.

⁶² For a visualisation in this regard, based on a database prepared by a statistician, see: <https://telex.hu/belfold/2023/03/14/torvenyhozas-orszagguyeles-benyujtas-kihirdetes-parlament-torvenyek-sved-finn-nato>. For a visualisation of laws adopted and promulgated within 100 days, based on the same database, see: <https://telex.hu/belfold/2025/03/20/pride-tiltas-gyulekezesi-torveny-orszagguyeles-egy-nap-legyorsabban-elfogadott>.

⁶³ Parliamentary Resolution 10/2014. (II. 24.) OGY on Certain Provisions of the Standing Orders, Article 60

⁶⁴ Parliamentary Resolution 10/2014. (II. 24.) OGY on Certain Provisions of the Standing Orders, Articles 61-64

⁶⁵ Parliamentary Resolution 10/2014. (II. 24.) OGY on Certain Provisions of the Standing Orders, Article 65

2018–2022 parliamentary cycles than in the previous ones, while the use of exceptional procedures was never really common in the first place. (The Parliament’s Office did not publish such aggregated numbers per parliamentary term regarding instances when the Parliament decided to derogate from the provisions of the Standing Orders.)

Table 2 – Fast-track procedures conducted by the Parliament⁶⁶

Term	Discussion with urgency	Exceptional procedure ⁶⁷	Total number of Acts of Parliament and resolution
1990–1994	46 (5.8%)	55 (6.9%)	786
1994–1998	28 (2.9%)	40 (4.1%)	954
1998–2002	48 (5.6%)	3 (0.3%)	854
2002–2006	164 (15.4%)	1 (0.09%)	1061
2006–2010	152 (15%)	0	1010
2010–2014	134 (10.4%)	26 (2%)	1278
2014–2018	7 (0.7%)	31 (3.4%)	903
2018–2022	10 (1.2%)	17 (2.1%)	773

As far as the ongoing parliamentary cycle is concerned, from among the 154 Acts of Parliament and resolutions promulgated in 2023, only two were adopted in a discussion with urgency procedure (1.2%), four Acts of Parliament were adopted in an exceptional procedure (2.5%), and one parliamentary resolution was adopted via derogation from the provisions of the Standing Orders. From among the 121 Acts of Parliament and resolutions promulgated in 2024, one was adopted in a discussion with urgency procedure (0.8%), four were adopted in an exceptional procedure (3.3%), and one Act of Parliament was adopted via derogation from the provisions of the Standing Orders (0.8%).

Thus, the numbers suggest that fast-track procedures are not particularly overused. However, it is very much worth looking at the substance of the laws which were adopted in such procedures and the circumstances surrounding them. Examples from the current parliamentary term include the following:

- In 2022, the governing majority adopted in an exceptional procedure a law that severely tightened the eligibility for a popular simplified tax regime, which sparked widespread protests. The respective bill was submitted on 11 July and was already adopted on 12 July 2022.⁶⁸
- The only Act of Parliament adopted in 2023 in a discussion with urgency procedure was Bill T/3131. on asset declarations, the content of which was entirely replaced by the judicial reform package adopted to access EU funds through an amendment submitted by the Legislative Committee, in breach of the Parliament’s Standing Orders.⁶⁹

⁶⁶ Source: Office of the Parliament, *Parlamenti jog – Az országgyűlés működése, feladat- és hatáskörei, kapcsolódó intézmények [Parliamentary Law – The Functioning of the Parliament, its Tasks and Powers, Related institutions]*, 2022, <https://www.parlament.hu/documents/10181/56582/Parlamenti+jog/Obf1e7bb-2654-5631-1068-481392d61552>, Annexes 33 and 34 (pp. 484-485). The calculation of percentages was added by the authors. Data cover not only Acts of Parliament, but other decisions taken by the Parliament as well.

⁶⁷ The numbers in this column include the so-called “exceptional, urgent procedure”, which was an available option between 1 January 2012 and 6 May 2014 under the previous Standing Orders.

⁶⁸ Act XIII of 2022 on the Lump-Sum Tax for Small Taxpayers. See e.g.: <https://insighthungary.444.hu/2022/07/14/new-tax-law-sparks-protests-in-budapest>.

⁶⁹ Bill T/3131. was adopted as Act X of 2023 on the Amendment of Certain Laws on Justice related to the Hungarian Recovery and Resilience Plan. For details, see: Erika Farkas – András Kádár, Restoring the Rule of Law by Breaching it: Hungary’s Judicial Reform and the Principle of Legality, *Verfassungsblog*, 10 July 2023, <https://verfassungsblog.de/restoring-the-rule-of-law-by-breaching-it/>. See also the letter of Amnesty International Hungary, the Eötvös Károly Institute and the Hungarian Helsinki Committee to members of the European Commission: <https://helsinki.hu/en/parliamentary-process-of-the-bill-on-judicial-super-milestones-breaches-lawmaking-rules/>.

- One of the Acts of Parliament adopted in an exceptional procedure in 2013 was the law that severely curtailed the powers of the Hungarian Medical Chamber after the Chamber protested against regulatory steps affecting the medical profession. The respective bill was submitted to the Parliament without public consultation on 27 February 2023, was adopted the next day, and entered into force on 1 March 2023.⁷⁰
- The only Act of Parliament that was adopted in a discussion with urgency procedure in 2024 was a law that concerned public interest asset management foundations. This was supposed to ensure compliance with conditions of accessing EU funds under the conditionality mechanism, but the European Commission found that it had not been sufficient to address risks of conflicts of interests in the boards of the foundations.⁷¹
- The only Act of Parliament that was adopted in 2024 via derogation from the provisions of the Standing Orders was a law amending the Criminal Code, which tightened statute of limitations rules as an instant reaction to developments in a high-profile individual case.⁷²
- In 2025, the bill that was aimed to ban Budapest Pride and similar events by amending the law on the freedom of assembly was adopted in an exceptional procedure, and was forced through the Parliament in little over 24 hours: it was proposed on 17 March 2025, was adopted on 18 March 2025 and was promulgated on the same day.⁷³

These examples show that the governing majority does not shy away from making use of the fast-track procedures when adopting laws that are of high significance, controversial, or trigger protest. This approach undermines the possibilities of both the public and opposition politicians to assess such bills and step up against them when necessary.

3.2. Last-minute amendments

The governing majority regularly amends bills substantially in the very last phase of the legislative process, thereby avoiding the “regular” parliamentary debate of the proposals. Without providing a

⁷⁰ Act I of 2023 on Amending Act XCVII of 2006 on Professional Chambers in the Health Sector and Act CLIV of 1997 on Health Care. See the dates on the Parliament’s website here: <https://tinyurl.com/3tpbnjp5>. For more information, see e.g.: <https://telex.hu/english/2023/02/28/a-battle-of-wills-hungarian-doctors-vs-the-government>; <https://telex.hu/english/2023/03/03/the-bill-on-medical-chamber-could-threaten-eu-funds-for-hungary>; *Response of the Hungarian Helsinki Committee to Service Request no. 14. – FRANET contributions to the Fundamental Rights Report 2024 / Threats to democratic values*, 29 September 2023, https://helsinki.hu/en/wp-content/uploads/sites/2/2023/10/HHC-reply_FRANET-service-request-no-14_20230928.pdf, p. 14. (Section 2.4.).

⁷¹ Act LXXX of 2024 on Amending Act IX of 2021 on Public Interest Asset Management Foundations. See the respective press release of the European Commission of 16 December 2024 here: https://ec.europa.eu/commission/presscorner/detail/en/ip_24_6465. For more details, see: Amnesty International Hungary – Hungarian Civil Liberties Union – Hungarian Helsinki Committee – K-Monitor – Transparency International Hungary, *Assessment of compliance by Hungary with conditions to access European Union funds*, November 2024, https://helsinki.hu/en/wp-content/uploads/sites/2/2024/12/HU_EU_funds_assessment_Q3_2024.pdf, pp. 13-15. and pp. 45-48.

⁷² Act LXVIII of 2024 on Amending Act C of 2012 on the Criminal Code. See e.g.: <https://24.hu/belfold/2024/12/17/till-gyilkossag-btk-modositas/>.

⁷³ Act III of 2025 on Amending Act LV of 2018 on the Right of Assembly in Relation to the Protection of Children and on the Amendment of Related Acts. For more details, see: Amnesty International Hungary – Háttér Society – Hungarian Civil Liberties Union – Hungarian Helsinki Committee, *Legislating Fear: Banning Pride is the latest assault on fundamental rights in Hungary*, 21 March 2025, https://helsinki.hu/en/wp-content/uploads/sites/2/2025/03/AIHU_Hatter_HCLU_HHC_Pride_03202025.pdf.

detailed description of the parliamentary legislative process here, the main phases of the process can be summarized as follows in a simplified manner:⁷⁴

- Bills can be submitted to the Parliament by the President of the Republic, the Government, parliamentary committees and individual MPs.⁷⁵ Bills submitted by the first three entities get on the agenda of the Parliament automatically, while bills submitted by MPs get on the agenda if a standing committee designated for this role by the Speaker of the Parliament supports it.⁷⁶ However, as a main rule, the composition of standing committees reflects that of the Parliament.⁷⁷ If the designated committee does not support the MP's motion, they may turn to the Legislative Committee under certain conditions.
- If a bill gets on the agenda, it is firstly discussed at the so-called general debate at a plenary sitting of the Parliament, which is aimed at discussing the necessity and regulatory principles of the bill as a whole or its parts.⁷⁸ MPs can propose amendments following the general debate.
- This is followed by the so-called detailed debate, which happens in the standing committee designated for this role by the Speaker of the Parliament and co-operating committees. Committees vote on the already proposed amendments and may formulate additional ones.⁷⁹
- After these steps, all bills are discussed by the Legislative Committee. This is also a standing committee, the composition of which reflects that of the Parliament. The Legislative Committee votes on the amendments adopted in the committee that conducted the detailed debate, may formulate its own additional amendments, and combines these into a summary of proposed amendments.⁸⁰
- Lastly, the bill returns to the Parliament's plenary sitting for a final debate and a final vote.

As shown already by this simplified summary, the Legislative Committee's role under the Parliament's current Standing Orders is crucial in the process: in certain cases, it can have a final say on whether bills submitted by MPs get on the agenda or not, and has the unique possibility to introduce amendments to any bill directly prior to the plenary vote, i.e. after the detailed parliamentary debate has already taken place. As referred to above, proposing amendments when the parliamentary process is well underway circumvents the obligation of public consultation and deprives (typically the opposition) MPs to communicate their views in the course of the general or the detailed debate on the envisaged provisions.

Moreover, these amendments can be very substantial, since the Standing Orders allow for so-called overreaching amendments as well, in certain cases without any consequence for the procedure to be followed. As put by a detailed study on parliamentary law published by the Office of the Parliament: "In general terms, an overreaching amendment proposes to amend a part of the law to be amended that was not affected by the original proposal ('internal overreach'), or proposes to amend a law that the original bill did not intend to re-regulate at all ('external overreach'). In the terminology used by the Standing Orders, only the latter qualifies as an overreaching amendment, and while in the latter case the duration of the procedure may be significantly extended, in the case of 'internal overreach' –

⁷⁴ A block diagram, explaining the process in English, is available here:

<https://www.parlament.hu/documents/125505/126210/The+legislative+process+%28block+diagram%29/695a4da8-0dca-4675-aeee-64cc33fefd99>.

⁷⁵ Fundamental Law of Hungary, Article 6(1)

⁷⁶ Parliamentary Resolution 10/2014. (II. 24.) OGY on Certain Provisions of the Standing Orders, Sections 31(2) and 58

⁷⁷ Act XXXVI of 2012 on the Parliament, Section 17(1)

⁷⁸ Parliamentary Resolution 10/2014. (II. 24.) OGY on Certain Provisions of the Standing Orders, Section 34

⁷⁹ Parliamentary Resolution 10/2014. (II. 24.) OGY on Certain Provisions of the Standing Orders, Sections 43-45

⁸⁰ Parliamentary Resolution 10/2014. (II. 24.) OGY on Certain Provisions of the Standing Orders, Section 46

provided that the debating committee or the Legislative Committee deems it to be lawful and necessary – its submission has no negative legal consequences for the procedure.”⁸¹ Thus, both amendments constituting an “internal” and an “external” overreach are allowed under certain circumstances, namely if they are “clearly necessary” due to their connection with the content of one of the “regular” amendments, or for the enforcement of the generally framed requirements that bills shall comply with the substantive and formal requirements arising from the Fundamental Law, fit into the legal system, comply with the obligations arising from international law and European Union law, and comply with the professional requirements of law-making.⁸² In the 2014–2018 parliamentary term, only three “external” overreaching amendments were introduced by various committees, and four such amendments were proposed in the 2018–2022 parliamentary term (up until 10 March 2022).⁸³ In turn, in 2024, the Legislative Committee alone proposed eight overreaching amendments, seven of which were adopted by the Parliament.⁸⁴

As far as concrete examples for amendments introduced by the Legislative Committee are concerned, alarmingly many can be cited that affected the judicial system. For example, the Legislative Committee’s excessive rights were utilised twice in relation to the judicial reform adopted in 2023 to access EU funds. Firstly, in May 2023, the Legislative Committee introduced the final judicial package as an “ordinary” amendment to a bill on asset declarations: it completely emptied out the respective bill and replaced it with the judicial reform, thereby violating the Parliament’s Standing Order in the process.⁸⁵ Secondly, in December 2023, an “ordinary” amendment by the Legislative Committee to an unrelated bill changed the rules on preliminary references to the CJEU, as part of the judicial reform required to access EU funds.⁸⁶ Thirdly, the Legislative Committee was utilised to introduce significant changes to the laws on the judiciary in December 2024 via an “ordinary” amendment⁸⁷ – in this case, the Minister of Justice practically admitted that this was necessary due to the “urgency” of the legislation, even though there was no urgency at all.⁸⁸ Further examples for significant amendments being introduced by the Legislative Committee include “ordinary” amendments from December 2023 that restricted the right of access to information,⁸⁹ a problematic provision also in 2023 that amended election rules and excluded by-elections in the period between the elections and 1 April of the preceding year via an

⁸¹ Office of the Parliament, *Parlamenti jog – Az országgyűlés működése, feladat- és hatáskörei, kapcsolódó intézmények* [Parliamentary Law – The Functioning of the Parliament, its Tasks and Powers, Related institutions], 2022, <https://www.parlament.hu/documents/10181/56582/Parlamenti+jog/Obf1e7bb-2654-5631-1068-481392d61552>, p. 291.

⁸² Parliamentary Resolution 10/2014. (II. 24.) OGY on Certain Provisions of the Standing Orders, Sections 42 and 44(1)

⁸³ Office of the Parliament, *Parlamenti jog – Az országgyűlés működése, feladat- és hatáskörei, kapcsolódó intézmények* [Parliamentary Law – The Functioning of the Parliament, its Tasks and Powers, Related institutions], 2022, <https://www.parlament.hu/documents/10181/56582/Parlamenti+jog/Obf1e7bb-2654-5631-1068-481392d61552>, p. 293.

⁸⁴ Information received from the Parliament, cited by the 2025 Rule of Law Report (p. 24., footnote 177).

⁸⁵ For details, see: Erika Farkas – András Kádár, Restoring the Rule of Law by Breaching it: Hungary’s Judicial Reform and the Principle of Legality. *Verfassungsblog*, 10 July 2023, <https://verfassungsblog.de/restoring-the-rule-of-law-by-breaching-it/>. See also the letter of Amnesty International Hungary, the Eötvös Károly Institute and the Hungarian Helsinki Committee to members of the European Commission: https://helsinki.hu/en/wp-content/uploads/sites/2/2023/05/joint_letter_EC_judicial_reform_20230502.pdf.

⁸⁶ For more information, see: Amnesty International Hungary – Hungarian Helsinki Committee, *Last-minute, makeshift solutions cannot resolve long-standing rule of law concerns*, 8 December 2023, <https://helsinki.hu/en/wp-content/uploads/sites/2/2023/12/Makeshift-solutions-cannot-resolve-RoL-concerns.pdf>.

⁸⁷ See the amendment introduced by the Legislative Committee to Bill T/10012 on the Foundations for Hungary’s 2025 Central Budget: <https://www.parlament.hu/irom42/10012/10012-0007.pdf>.

⁸⁸ See the respective statements of the Minister of Justice at the meeting of the National Judicial Council of 15 January 2025 in the minutes of the meeting: https://obt-jud.hu/sites/default/files/u1e5ek/Jegyzokonyv_2025.01.15.pdf, pp. 40-41.

⁸⁹ See e.g.: K-Monitor, *A bíróságok döntéseit felülírva szűkíti az átláthatóságot a kormány*, 18 January 2024, https://k.blog.hu/2024/01/18/a_birosagok_donteseit_felulirva_szukiti_az_atlathatosagot_a_kormany. The amendments were introduced to a bill which was then promulgated as Act CI of 2023 on the on the System for the Utilization of National Data Assets and on Individual Services.

“ordinary” amendment,⁹⁰ and an overreaching amendment regarding on-call care and a unified hospital admission system, both of which triggered serious resistance among healthcare professionals, as emphasized by the Hungarian Medical Chamber’s letter to the President to the Republic, asking him not to sign the bill.⁹¹

Another issue that undermines transparency and the ability of the public to understand the rationale of laws was raised by the President of the Republic when he exercised, on one of the rare occasions, his right to decline signing a bill into law that elevates the content of a series of emergency government decrees to statutory level, and sent it back to the Parliament for reconsideration. In his letter to the Speaker of the Parliament,⁹² the President of the Republic stated that the provisions of the Standing Order on re-drafting the reasoning (the explanatory memorandum) of bills had been violated by the government as the submitter of the bill, given that the reasoning re-drafted for publication after the bill was amended during the parliamentary process was, in many instances, completely different from the original reasoning of the bill and its amendments when submitted – typically regarding those provisions that were the most controversial and, in some cases, objected to by the Deputy Ombudsperson responsible for protecting the interests of future generations and by civil society organisations. This was relevant also because according to the Fundamental Law, in the course of ascertaining the purpose of a law, “consideration shall be given primarily to the preamble of that law and the reasoning of the proposal for, or for amending, the law”.⁹³ The President of the Republic noted that violations of the Standing Order regarding the re-drafting of reasonings “are not unprecedented in recent legislative practice”, but in this case, “their severity and extent [were] particularly egregious”.

3.3. Challenges faced by opposition MPs

Opposition MPs have been facing significant challenges in their parliamentary work since 2010: their ability to influence law-making and decisions has been reduced, while at the same time they are threatened by excessive sanctions.

The role and possibilities of opposition MPs have been undermined in a variety of ways, one of them being the gatekeeper role of standing committees (which mirror the composition of the Parliament) in allowing items put forth by MPs to get on the Parliament’s agenda as explained in Chapter 3.2. above. Statistical data in Table 3 show that even though opposition MPs increased the numbers of their legislative proposals, after 2010, the proportion of their bills reaching even just the stage of the general debate sharply declined. This means that bills proposed by opposition MPs are very often not even put on the agenda of the Parliament. In addition, “a high share of interpellations fails to enter the parliamentary agenda” as well.⁹⁴

⁹⁰ Act XXIV of 2023 on Amending the Election Procedure Rules in Relation to Electronic Administration, Article 66, Points 2-3. For more information on the content of the amendment, see: *Response of the Hungarian Helsinki Committee to Service Request no. 14. – FRANET contributions to the Fundamental Rights Report 2024 / Threats to democratic values*, 29 September 2023, https://helsinki.hu/en/wp-content/uploads/sites/2/2023/10/HHC-reply_FRANET-service-request-no-14_20230928.pdf, pp. 17-18. (Section 2.5.).

⁹¹ The letter of the Hungarian Medical Chamber is available here: <https://mok.hu/hirek/mokhirek/nyilt-level-sulyok-tamas-koztarsasagi-elnoknek>.

⁹² Available at: <https://www.parlament.hu/irom42/11681/11681-0013.pdf>.

⁹³ Fundamental Law of Hungary, Article 28

⁹⁴ Gabriella Ilonszki – Adrienn Vajda, How Far Can Populist Governments Go? The Impact of the Populist Government on the Hungarian Parliament, *Parliamentary Affairs*, Volume 74, Issue 4, October 2021, <https://doi.org/10.1093/pa/gsab007>, p. 777.

Table 3 – The fate of bills proposed by opposition MPs⁹⁵

Term	1990–1994 (Antall & Boros government)		1994–1998 (Horn government)		1998–2002 (Orbán government)		2002–2006 (Medgyessy & Gyurcsány government)		2006–2010 (Gyurcsány & Bajnai government)		2010–2014 (Orbán government)		2014–2018 (Orbán government)		2018–2022 (Orbán government)	
Total number of bills by opposition MPs	163		178		211		236		236		545		602		398	
the general debate started			32	18%	28	13.3%	69	29.2%	21	8.9%	7	1.28%	1	0.2%	4	1.01%
the bill was adopted	18	11%	7	3.9%	2	0.9%	8	3.4%	15	6.4%	3	0.55%	1	0.2%	4	1.01%

Furthermore, as explained in Chapter 2.3., governing party MPs can have the advantage of informal government support with regard to drafting the bills they submit. At the same time, RRP Milestone 235 (which would have been due by the end of 2022) foreseeing the development of the capacity of the Office of the Parliament to help MPs and parliamentary committees to prepare impact assessments and conduct stakeholder consultations for the bills proposed by them and their possibility to request such assistance have not been achieved either. This creates a serious resource imbalance between MPs of the governing and opposition parties.

Possibilities of opposition MPs to meaningfully engage with the legislative process are also undermined by the practice of substantively amending bills in the very last phase of the legislative process by the Legislative Committee, as detailed in Chapter 3.2. The Parliament’s current Standing Orders dispensed with the so-called second reading of the bills in the plenary, re-directing the detailed debate to the committees, and depriving the Parliament (and, with that, opposition MPs) of the opportunity to debate on the details of the bills in plenary. This “gravely restrained” the public nature of the parliamentary process as well, since committee meetings as a main rule are not open to the public.⁹⁶

Changes undermining the rights of opposition MPs encompassed the work in the committees as well. For example, Act XXXVI of 2012 on the Parliament, adopted in 2012, stipulates that investigation (inquiry) committees “can be established with a simple majority of MPs [...]. Prior to the reform, an investigation committee could be established if just one-fifth of MPs voted in favour. After the reform, parliamentary opposition was therefore no longer capable of setting up investigation committees. This option is open exclusively to the governing majority.”⁹⁷ Furthermore, the Standing Orders “have extensively regulated the subjects on which a committee of inquiry can be set up [...]. The consequences of these changes are clearly visible [...]: no committees of inquiry were set up in the last two terms.”⁹⁸ Another example is the transformation of the composition of the parliamentary committee nominating Constitutional Court justices. Before 2011, Constitutional Court justices were

⁹⁵ Source: <https://www.parliament.hu/en/web/house-of-the-national-assembly/bills-submitted-and-adopted-broken-down-by-submitter>.

⁹⁶ Zoltán Szente, How Populism Destroys Political Representation – (Anti-)Parliamentary Reforms in Hungary after 2010, *Saggi – DPCE online*, 2019/2, <https://www.dpceonline.it/index.php/dpceonline/article/view/748>, pp. 1613-1614.

⁹⁷ Gabriella Ilonszki – Adrienn Vajda, How Far Can Populist Governments Go? The Impact of the Populist Government on the Hungarian Parliament, *Parliamentary Affairs*, Volume 74, Issue 4, October 2021, <https://doi.org/10.1093/pa/gsab007>, p. 775.

⁹⁸ Fanni Tanács–Mandák, The Hungarian governments in the decade of crises (2015–2024), *Frontiers in Political Science*, Volume 7 – 2025, 17 February 2025, <https://doi.org/10.3389/fpos.2025.1541887>

nominated by a nominating committee consisting of one member of each political party represented in the Parliament. Accordingly, all parliamentary groups (parties) had one vote, irrespective of the size of the parliamentary group. As of 2011, the rules were changed in a way that the composition of the committee mirrors that of the Parliament.⁹⁹ As a result, the governing majority may nominate and elect judges of the Constitutional Court on its own, without the support of any opposition party.

In the above circumstances, with official avenues diminished, opposition MPs have gradually started to use alternative means of expressing their views, also with the aim of raising public attention, ranging from displaying billboards and banners and using megaphones and whistles to trying to hand over a sack of potatoes to the Prime Minister. These actions have met with grave sanctions by the Speaker of the Parliament, who was granted stronger disciplinary powers by Act XXXVI of 2012 on the Parliament. Under the current rules, the Speaker of the Parliament may reprimand and warn MPs, withdraw their right to speak, exclude or ban them from the sitting, or reduce their honorarium (i.e. apply a *de facto* fine).¹⁰⁰ The current Speaker has heavily applied these sanctions and has imposed hefty sums on opposition MPs. Data shows that “in the 2014–2018 and 2018–2022 parliamentary terms, 22 and 50 disciplinary procedures (respectively) were initiated, all of them against opposition MPs, and in all cases the plenary maintained the reduction of the MPs’ salary. What is more, although the sanctions were relatively moderate between 2014 and 2018 (ranging between c. 260 EUR and 1,135 EUR), the amounts have drastically increased in the 2018–2022 parliamentary term (ranging between c. 1,100 EUR and 25,600 EUR). In addition, several opposition MPs were repeatedly sanctioned.”¹⁰¹ Reportedly, in March 2025, after opposition MPs protested against the adoption of the law aimed at banning Budapest Pride by deploying smoke candles, they received the harshest sanctions to date: they were not only fined by extremely high sums of between c. 24,000 and 60,000 EUR, but they were also banned from the Parliament for several sittings.¹⁰²

Several opposition MPs turned to the European Court of Human Rights over the sanctions imposed by the Speaker of the Parliament on them in 2013, 2015 and 2019. This resulted in a series of judgments delivered by the European Court of Human Rights establishing the violation of the applicant parliamentarians’ freedom of expression, due to the lack of adequate procedural safeguards concerning the disciplinary measures imposed. The implementation of these judgments, the *Karácsony and Others v. Hungary* group of cases, is still pending.¹⁰³ Although certain legislative changes were introduced, despite these “formal changes in the law, the disciplinary system still does not guarantee any effective procedural safeguards because it was designed in a way to make sure that the ruling party alliance can always apply disciplinary sanctions against the opposition MPs successfully”.¹⁰⁴ Accordingly, parliamentary disciplinary proceedings can be and still are systematically used to

⁹⁹ In 2011, Act CLI of 2011 on the Constitutional Court was adopted with its Section 7(1) setting out the following: “Members of the Constitutional Court shall be proposed by a nominations committee consisting of at least nine and at the most 15 MPs, nominated by the parliamentary groups of parties represented in the Parliament. At least one member of each parliamentary group shall be a member of the committee.” In 2022, this provision was further amended, now setting out that Constitutional Court justices are nominated by the Parliament’s standing committee covering constitutional affairs.

¹⁰⁰ Act XXXVI of 2012 on the Parliament, Title 18. – Maintaining the order of discussion and the disciplinary power at the sittings of the Parliament

¹⁰¹ Dániel Karsai – Viktor Kazai, *Decorum without Democracy in the Hungarian Parliament: The Grand Chamber’s Potential Intervention in Ikotity and Others v Hungary*, *Strasbourg Observers*, 2 February 2024, <https://strasbourgobservers.com/2024/02/02/decorum-without-democracy-in-the-hungarian-parliament-the-grand-chambers-potential-intervention-in-ikotity-and-others-v-hungary/>

¹⁰² See e.g.: <https://www.szabadeuropa.hu/a/parlament-buntetes-kover-laszlo-hadhazi-akos/33399077.html>.

¹⁰³ See the HUDOC-EXEC website: <https://hudoc.exec.coe.int/?i=004-10967>.

¹⁰⁴ Dániel Karsai – Viktor Kazai, *Decorum without Democracy in the Hungarian Parliament: The Grand Chamber’s Potential Intervention in Ikotity and Others v Hungary*, *Strasbourg Observers*, 2 February 2024, <https://strasbourgobservers.com/2024/02/02/decorum-without-democracy-in-the-hungarian-parliament-the-grand-chambers-potential-intervention-in-ikotity-and-others-v-hungary/>

significantly restrict the freedom of expression of opposition MPs in an arbitrary, discriminatory manner.¹⁰⁵

4. Perpetuated states of exception

4.1. Excessive regulatory powers under the state of danger

Since 2020, Hungary's Government has been enjoying excessive emergency regulatory powers under the "state of danger" (*veszélyhelyzet*) and has been using its mandate to issue emergency government decrees extensively and in an abusive manner, with the respective legal framework and practice being in stark contrast with the requirements set out by the Venice Commission.¹⁰⁶ This undermines legal certainty, results in human rights violations, and, as also highlighted by the European Commission's 2025 Rule of Law Report, affects the operation of businesses in the single market,¹⁰⁷ having a negative impact on business environment and investment protection. The European Commission also raised in its recommendations for the Country Specific Recommendations in the framework of the 2025 European Semester¹⁰⁸ that "[t]he longstanding emergency regime limits public consultation and makes it possible to introduce sudden, often major, policy shifts potentially disrupting normal business operations", and recommended to the Hungarian government to "[i]mprove the regulatory framework [...] by [...] reducing the use of emergency measures to what is strictly necessary", among others.

The Government first acquired excessive emergency powers with a view to the pandemic in the spring of 2020, when it declared the state of danger, a special legal order regime included in the Fundamental Law. The Government has been maintaining a "rule by decree" system ever since, with only a few months of intermission, since 1 November 2022 using the war in Ukraine as a pretext for keeping its excessive regulatory powers.¹⁰⁹ The constitutional and statutory framework governing special legal order regimes was amended as of November 2022 via the 9th Amendment to the Fundamental Law and accompanying laws, and these amendments cemented the very problematic practices developed during the pandemic in relation to the state of danger.¹¹⁰ Under the current rules, the Government may declare a state of danger for 30 days, and after that it will need a two-thirds authorisation from the Parliament to extend it, which can be given for a maximum of six months per occasion. This authorisation has been given repeatedly by the governing majority (in most cases, without adequate

¹⁰⁵ See e.g. the communication submitted to the Committee of Ministers of the Council of Europe concerning the *Karácsony and Others v. Hungary* group of cases by the Hungarian Civil Liberties Union and the Hungarian Helsinki Committee in 2021: https://helsinki.hu/en/wp-content/uploads/sites/2/2021/11/HCLU_HHC_Karacsony_v_Hungary_Rule_9_communication_12112021.pdf.

¹⁰⁶ Cf.: European Commission for Democracy Through Law (Venice Commission), *Report – Respect for Democracy, Human Rights and the Rule of Law During States of Emergency: Reflections*, CDL-AD(2020)014, 19 June 2020, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2020\)014-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2020)014-e).

¹⁰⁷ European Commission, *2025 Rule of Law Report – Country Chapter on the rule of law situation in Hungary*, https://commission.europa.eu/document/download/524bd8d4-33ba-4802-891f-d8959831ed5a_en?filename=2025%20Rule%20of%20Law%20Report%20-%20Country%20Chapter%20Hungary.pdf, p. 23.

¹⁰⁸ Available at: https://commission.europa.eu/document/download/60e352ef-04a5-45ba-8793-717029584168_en?filename=COM_2025_217_1_EN_ACT_part1_v3.pdf.

¹⁰⁹ Government Decree 424/2022. (X. 28.) on Declaring a State of Danger Due to the Armed Conflict and Humanitarian Disaster in the Territory of Ukraine, and in Order to Eliminate and Manage the Consequences of these in Hungary and on Certain State of Danger Rules

¹¹⁰ A detailed analysis of the changes, covering also the special order regimes beyond the state of danger, is available here: Gábor Mészáros: *Exceptional Governmental Measures without Constitutional Restraints*, https://helsinki.hu/en/wp-content/uploads/sites/2/2023/01/Meszoros_special_legal_order_02112022.pdf. A summary paper is available here: Hungarian Helsinki Committee, *Hungary: Perpetuated States of Exception Undermine Legal Certainty and Human Rights*, 2 April 2024, https://helsinki.hu/en/wp-content/uploads/sites/2/2024/04/HHC_Hungary_states_of_exception_20240402.pdf.

reasoning, as already mentioned above). Once the state of danger is in place, the Government can override basically any Act of Parliament in emergency government decrees due to the excessive, *carte blanche* mandate it was granted by law in terms of the scope and subject matter of these decrees, also to suspend or restrict most fundamental rights beyond the extent permissible under ordinary circumstances. There is no automatic and regular parliamentary oversight over individual emergency decrees, and the effective constitutional review of emergency decrees is not ensured.¹¹¹ Under the 15th Amendment to the Fundamental Law, further amendments concerning the state of danger will enter into force on 1 January 2026, introducing a new rule according to which the Government will need an additional two-thirds authorisation from the Parliament to override Acts of Parliament in a state of danger. Under statutory rules this authorisation can be given for six months per occasion, in a general manner, i.e. regarding to all potential regulatory areas (subject matters) listed in the respective law, or regarding certain regulatory areas. Accordingly, the problem remains that these regulatory areas are worded in an overly broad manner.

The Government has been using its mandate to issue emergency decrees extensively: since March 2020, it has adopted over a thousand emergency decrees, amounting to a significant proportions of all government decrees issued annually, although in 2024 this somewhat decreased.

Table 4 – Proportion of emergency government decrees¹¹²

Year	Number of emergency government decrees	Number of all government decrees	Percentage of emergency government decrees
2020	257	732	35.1%
2021	286	832	34.4%
2022	267	637	41.9%
2023	203	688	29.5%
2024	96	494	19.4%

Moreover, the Government is regularly adopting emergency decrees for purposes not related to the cause of the state of danger (previously the pandemic, presently the war), but, in turn, which often violate fundamental rights and/or address the Government’s current political needs. Selected examples for this from the past three years include the following, showing the variety of areas covered:¹¹³

- Government Decree 5/2022. (I. 12.) lifted tax secrecy in order to enable the tax authority to send information letters to beneficiaries of a new, unusually generous tax refund just before the elections. On this basis, a letter signed by the Prime Minister was sent out a week before the launch of the election campaign¹¹⁴ – an example of the “pervasive overlap of government information and ruling party messaging” during elections, criticized by OSCE/ODIHR.¹¹⁵
- Government Decree 33/2022. (II. 4.) overruled a judicial decision and vested the Government’s pandemic taskforce with full discretion to regulate relations between the media and healthcare

¹¹¹ For a comprehensive overview, see: Hungarian Helsinki Committee, *Government gains excessive powers from forever renewable state of danger*, 24 February 2023, https://helsinki.hu/en/wp-content/uploads/sites/2/2023/02/HHC_Hungary_state_of_danger_24022023.pdf.

¹¹² Source: <https://www.wolterskluwer.com/hu-hu/news/2022-jogalkotasi-statisztika> and the authors’ own calculations.

¹¹³ For further examples from 2022, see: Hungarian Helsinki Committee, *Government gains excessive powers from forever renewable state of danger*, 24 February 2023, https://helsinki.hu/en/wp-content/uploads/sites/2/2023/02/HHC_Hungary_state_of_danger_24022023.pdf, pp. 6-7. For further examples from 2023, see: *Contributions of Hungarian CSOs to the European Commission’s Rule of Law Report*, January 2024, https://helsinki.hu/en/wp-content/uploads/sites/2/2024/01/HUN_CS0_contribution_EC_RoL_Report_2024.pdf, pp. 73-76.

¹¹⁴ For more details, see: Hungarian Helsinki Committee, *Baseline Information Note – National Elections of Hungary 2022*, 18 February 2022, https://helsinki.hu/en/wp-content/uploads/sites/2/2022/02/HU_electionmonitor_baseline.pdf, p. 6.

¹¹⁵ OSCE Office of Democratic Institutions and Human Rights, *Hungary – Parliamentary Elections and Referendum – 3 April 2022. ODIHR Election Observation Mission. Final Report*, 29 July 2022, <https://www.osce.org/files/f/documents/2/6/523568.pdf>, pp. 20-21. and footnote 87.

institutions during the pandemic.¹¹⁶ On this basis, for instance, hospital directors were banned from talking to independent media during the pandemic.

- The Government used emergency decrees as well to curtail the rights of teachers demanding improvements in the public education system.¹¹⁷ In February 2022, Government Decree 36/2022. (II. 11.) restricted teachers' right to strike when it determined the so-called "necessary minimum services" that must be provided during a strike in such a broad manner that made a meaningful and at the same time lawful strike impossible. The decree was preceded by teachers' trade unions announcing plans to strike as of 16 March 2022 and being in negotiation with the respective Ministry about the exact "necessary minimum services". Subsequently, in early 2023, Government Decree 4/2023. (I. 12.) changed the rules of how employees of educational institutions can be dismissed, putting more pressure on teachers who participated in civil disobedience due to the fact that their right to strike had been curbed.
- Government Decree 146/2023. (IV. 27.) opened up the possibility of not holding personal public hearings in administrative authorities' procedures and by local governments.¹¹⁸
- As a reaction to the growing number of foreigners convicted of human smuggling, it was set out in Government Decree 148/2023. (IV. 27.) that such detainees shall be released into "reintegration detention", which in practice meant that they were simply released and had to leave the country on their own accord within 72 hours.¹¹⁹ This prompted the European Commission to launch an infringement procedure.¹²⁰
- Government Decree 432/2023. (IX. 21.) allowed the environmental protection authority to conclude an "environmental protection authority contract" with companies violating environmental rules in which the violator undertakes to cease the violation, without being subjected to consequences otherwise prescribed by law. This "backdoor" was used by the Government to "save" a metallurgical plant.¹²¹
- Government Decree 361/2024. (XI. 28.) indefinitely prolonged the so-called "embassy system" as of 1 January 2025. This system requires for those seeking asylum to first submit a statement of intent at the Hungarian embassy in Belgrade or Kyiv. It was introduced in 2020, under the guise of the state of danger declared due to the pandemic, and has been extended on an annual basis ever since. In 2023, the CJEU found that the embassy system was in breach of EU law.¹²²

¹¹⁶ European Commission, *2022 Rule of Law Report – Country Chapter on the rule of law situation in Hungary*,

https://commission.europa.eu/system/files/2022-07/40_1_193993_coun_chap_hungary_en.pdf, p. 25., footnote 196.

¹¹⁷ For more details, see: Hungarian Helsinki Committee, *Curtailling the rights of teachers in Hungary – How the Government used legal tools to crack down on teachers asking for improvements in the public education system*, 23 March 2023, https://helsinki.hu/en/wp-content/uploads/sites/2/2023/03/HHC_Hungary_teachers_23032023.pdf.

¹¹⁸ For more details, see: K-Monitor, *Hungarian government to hollow out public consultations despite commitments*, 28 April 2023,

https://k.blog.hu/2023/04/28/hungarian_government_to_hollow_out_public_consultations_despite_commitments.

¹¹⁹ For more details, see: <https://helsinki.hu/en/how-to-gamble-with-criminal-law-the-hungarian-government-lets-foreign-smugglers-loose/>.

¹²⁰ See: https://ec.europa.eu/commission/presscorner/detail/en/inf_23_3445.

¹²¹ For further details, see e.g.: <https://444.hu/2023/11/10/gulyas-gergely-jovahagyta-a-dunferr-hasznalhatja-a-kornyezetvedelmi-kiskaput>, <https://telex.hu/belfold/2023/10/10/miniszterelnokseg-kormanyrendelet-kornyezetvedelmi-hatosagi-szerzodes-dunaferr>.

¹²² Judgment of the Court (Fourth Chamber) of 22 June 2023 in Case C-823/21, *European Commission v Hungary*, ECLI:EU:C:2023:504. For more details, see: Amnesty International Hungary – Hungarian Civil Liberties Union – Hungarian Helsinki Committee – K-Monitor – Transparency International Hungary, *Assessment of compliance by Hungary with conditions to access European Union funds*, November 2024, https://helsinki.hu/en/wp-content/uploads/sites/2/2024/12/HU_EU_funds_assessment_Q3_2024.pdf, pp. 48-49.

- Government Decree 267/2024. (IX. 10.) changed the rules of factoring agreements in a way that put the capital city Budapest, which continues to be led by the opposition after the local elections that took place in June 2024, in a very difficult financial situation.¹²³

As another worrying trend, on occasion, provisions of emergency decrees subsequently found their way into Acts of Parliament, cementing measures supposedly designed for an exceptional situation into the ordinary legal system. Elevating emergency government decrees to a statutory level means that the respective rules will be in force and applicable even if the state of danger will be over. Recently, this happened in the case of a rather long list of emergency decree provisions in an explicit manner via Act L of 2025 on Raising Emergency Decrees Promulgated in View of the Armed Conflict in Ukraine to the Level of an Act of Parliament, which was submitted by the Government on 22 April 2025 and was adopted on 11 June 2025. The reasoning attached to the law¹²⁴ states that “events have unfolded that make it likely that Russia and Ukraine will agree to a ceasefire”, implying a potential termination of the state of danger after more than five years. However, in May, the Government extended the state of danger once again with the maximum six months, until 15 November 2025.¹²⁵

4.2. Concentration of powers in all special legal orders regime

The constitutional amendment that transformed the legal framework of the state danger as of 1 November 2022 also changed the constitutional rules of special legal order regimes in general, and brought a concentration of powers in the hands of the Government in all special legal order regimes.

The 9th Amendment to the Fundamental Law replaced the previous six special legal order regimes with three: the state of danger, the “state of war” (*hadiállapot*), and the “state of emergency” (*szükségállapot*). The most important change is that all three new special legal order regimes concentrate power in the hands of the Government without adequate constitutional restraints. This means that in all three regimes, the Government has become exclusively entitled to issue special legal order laws, i.e. it has the exclusive possibility to rule by decree, whereas in the previous system there were regimes in which the primary holder of extraordinary powers was the National Defence Council (where, among other stakeholders, the parliamentary opposition was also represented) or the President of the Republic. These changes prompted the Venice Commission to voice concerns.¹²⁶ According to expert opinion,¹²⁷ the amendments serve one purpose: to provide the Government with exclusive and effectively unlimited powers in any exceptional situation.

4.3. Proliferation of crises

The legal framework allows for the proliferation of different states of crisis, i.e., quasi states of exception that are not regulated in the Fundamental Law but only on a statutory level can be applied parallel to the special legal order regimes included in the Fundamental Law.

¹²³ See e.g.: <https://telex.hu/gazdasag/2024/09/11/kormanyrendelet-onkormanyzati-ceg-faktoralas-tiltas-budapest-50-milliard-bkk>, <https://24.hu/belfold/2024/09/11/felulirta-a-kormany-a-polgari-jog-egyik-alapelvet/>.

¹²⁴ Available at: <https://njt.hu/jogszabaly/2025-50-K0-00>.

¹²⁵ Government Decree 97/2025. (V. 12.) on Amending Government Decree 424/2022. (X. 28.) on Declaring a State of Danger Due to the Armed Conflict and Humanitarian Disaster in the Territory of Ukraine, and in Order to Eliminate and Manage the Consequences of these in Hungary and on Certain State of Danger Rules

¹²⁶ European Commission for Democracy through Law (Venice Commission), *Opinion on the Constitutional Amendments Adopted by the Hungarian Parliament in December 2020*, CDL-AD(2021)029, 2-3 July 2021, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2021\)029-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2021)029-e)

¹²⁷ Gábor Mészáros, *Exceptional Governmental Measures without Constitutional Restraints*, https://helsinki.hu/en/wp-content/uploads/sites/2/2023/01/Meszáros_special_legal_order_02112022.pdf.

A striking example for this is the “state of crisis due to mass migration” (*tömeges bevándorlás okozta válsághelyzet*), which was introduced into the Hungarian law in 2015, and which can be declared and extended by the Government every six months without any meaningful control. The Government declared a state of crisis due to mass migration for the whole of Hungary in March 2016, and has repeatedly extended it ever since, often in periods when its statutory conditions were not even in place. It was extended again in August 2025, again without the statutory conditions being met, until 7 March 2026.¹²⁸ During the state of crisis due to mass migration, special rules apply to third-country nationals irregularly entering and/or staying in Hungary and to those seeking asylum, and certain provisions of the Asylum Act are suspended. Such derogations include that push-backs (i.e. collective expulsions) are legalised from the entire territory of Hungary¹²⁹ – a practice which the CJEU found to be in violation of EU law in Case C-808/18.

5. Conclusions & recommendations

Hungary’s law-making process is increasingly closed, unpredictable, and dominated by the executive. The evidence presented in this mapping paper demonstrates that the law-making process is characterised by systemic deficiencies that undermine transparency, inclusiveness, and democratic legitimacy.

Public consultation on draft laws remains largely ineffective despite recent legislative amendments, as broad exemptions, short deadlines, and the lack of consequences for non-compliance allow the Government to bypass meaningful engagement. The circumvention of consultation obligations through the use of governing party MPs or parliamentary committees further erodes opportunities for public input. This leaves citizens, civil society, and professional stakeholders with little real influence over laws that affect them.

Inside Parliament, procedural tools are routinely used to push through controversial bills without meaningful debate. Fast-track procedures, last-minute committee amendments, and agenda control by the governing majority prevent scrutiny and sideline opposition voices. Sanctions against dissenting MPs are applied in a manner that chills political expression.

The extensive and prolonged use of the state of danger has normalised the Government’s emergency powers. Emergency decrees have often addressed matters unrelated to the stated cause of the state of danger and, in some cases, been entrenched into ordinary legislation. The concentration of powers across all special legal orders and the proliferation of statutory “states of crisis” further weakens checks and balances and predictability.

Overall, these practices not only contravene international standards, such as those set by the OSCE/ODIHR and the Venice Commission, but also undermine legal certainty, violate human rights, and damage the business environment. Restoring the integrity of the law-making process will require comprehensive reforms to ensure transparency, respect for procedural safeguards, and adherence to democratic norms in both ordinary and exceptional law-making.

¹²⁸ Government Decree 68/2025. (VIII. 13.) on Amending Government Decree 41/2016. (III. 9.) on the Declaration of the State of Crisis due to Mass Migration Throughout the Territory of Hungary and on the Rules Related to the Declaration, Existence and Termination of the State of Crisis

¹²⁹ Act LXXXIX of 2007 on State Borders, Article 5(1b)

Based on our findings, we put forth the following recommendations to the Hungarian government:

- Fully comply with the milestones and measures set in Hungary’s Recovery and Resilience Plan pertaining to law-making.
- Observe the requirements set out in OSCE/ODIHR’s “Guidelines on Democratic Lawmaking for Better Laws”.
- Appropriately implement and adhere to existing domestic legislation providing for public participation and consultation in the legislative process.
- Introduce legislation to ensure that laws adopted in breach of the rules on public consultation cannot become/remain part of the legal system.
- Make use of the expert knowledge of ODIHR to devise a strategy to enhance impartial, open, and inclusive public consultation and dialogue.
- Ease restrictions on the right of MPs to propose legislation and close loopholes on public scrutiny and debate in parliamentary procedures.
- Revise the legislative framework of the state of danger in line with international standards, in particular standards set by the Venice Commission, and curtail the Government’s excessive emergency regulatory powers.
- Show self-restraint in the use of the extremely wide-ranging authorization it received during the state of danger, and refrain from issuing emergency decrees that are not related to the war in Ukraine.
- Terminate the state of crisis due to mass migration and revise the respective legal framework in line with international standards and the relevant judgment of the CJEU.
