



During **the ex ante and ex post review of conformity with the Fundamental Law of legal provisions**, the Constitutional Court performs an abstract norm control. On the petition of the person who initiated the proposal of the normative decision, of the Government, or of the President of the Parliament, the Parliament may request the Constitutional Court to carry out a preliminary review of the conformity of the decision with the Fundamental Law. The President of the Republic may also initiate a preliminary review of conformity of the Act with the Fundamental Law. The posterior norm control can be initiated by the Government, by one-quarter of the Members of Parliament, by the Commissioner of Fundamental Rights, by the President of the Curia or by the Prosecutor General.

If a judge, in the course of the adjudication of a concrete case in progress, is bound to apply a legal regulation that he or she perceives to be contrary to the Fundamental Law, **the judge submits a petition to the Constitutional Court**. If the Constitutional Court declares in this case that the concerned legal regulation or provision is contrary to the Fundamental Law, the Court annuls it and may exclude the application of the concerned regulation in the concrete case or in general.

Further tasks of the Constitutional Court are the review of decisions in connection with the **elections**, the **national referendum** and the **acknowledgement as a church of an organisation**.

Beside the competences mentioned above, the Act on the Constitutional Court declares **further competences** to the Constitutional Court as well.



THE CONSTITUTIONAL COURT
OF HUNGARY



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The Constitutional Court is the **principal organ for the protection of the Fundamental Law**.

The tasks of the Constitutional Court are to protect the democratic State governed by the rule of law, the constitutional order and the rights guaranteed in the Fundamental Law; to safeguard the inner coherence of the legal system; and to enforce the principle of the division of powers.

The Constitutional Court consists of fifteen judges. The President and the Members of the Constitutional Court are elected by the Parliament with qualified majority for a term of twelve years. Hungarian citizens shall be eligible to become Member of the Constitutional Court if they are, inter alia, theoretical lawyers of outstanding knowledge (for example university professors) or have at least twenty years of professional work experience in the field of law (for example as lawyer or as judge).

The Constitutional Court **commenced its operation with five judges on 1 January 1990**. The first judges were elected by the Parliament in November 1989. After June 1990, the Constitutional Court consisted of ten judges and between 1994 and 2011 the number of the judges was eleven. Since June 2011 the Constitutional Court has fifteen members.

Between 1990 and 2011, according to the previous Act on the Constitutional Court, anyone was entitled to initiate posterior (abstract) constitutional review of legal provisions and the main decisions of the Constitutional Court were made in the context of this competence. During this period, the Constitutional Court did not have competence for constitutional review of judicial decisions (based on constitutional complaints). The constitutional complaint could be only initiated when an unconstitutional legal provision was applied in the concrete judicial case of the petitioner.

The Fundamental Law of Hungary and **the Act on the Constitutional Court** – both **entered into force on 1 January 2012** – changed not only the competence of the Court, but also the rules concerning the petitioners and a partially new organizational structure was formed after this; namely the Constitutional Court makes its decisions in plenary sessions, in five member panels and as single judge.



The most important competences of the Constitutional Court are the constitutional complaint, the ex ante and ex post review of conformity with the Fundamental Law of legal provisions and the judicial initiative for norm control in concrete case.

Constitutional complaints may be submitted mainly when a fundamental right of the petitioner guaranteed by the Fundamental Law is violated by a judicial decision. In this case, the

petition shall be submitted after the final decision of the acting court, by the effected petitioner.

However, a constitutional complaint may be exceptionally submitted when the fundamental right of the petitioner is violated directly, as a result of a legal regulation, without judicial decision. After the Constitutional Court – based on the constitutional complaint – declares the unconstitutionality of the judicial decision or the challenged legal regulation, the Court annuls it.

