

Act CIX of 2020 on Actions Taken to Control the Second Wave of the Coronavirus Pandemic¹

Taking into account the possibility that the sittings of the Parliament may be suspended due to the second wave of the coronavirus pandemic, being aware of the need to make responsible decisions in such times of distress and that the actions taken so far – including those potentially ahead of us – may appear to be unusual and alien restrictions, however, upholding such actions, as well as co-operation and discipline may be the most important resource that the Hungarian people may rely on in the times to come, concerted action, nation-wide co-operation, acknowledging the unrelenting work of health professionals and law enforcement personnel and all other contributors, Parliament has adopted the following Act granting authorisation for extending the effect of Government decrees brought in this state of danger:

Section 1 This Act lays down special rules relevant to the national emergency declared by the Government pursuant to Article 53(1) of the Fundamental Law, intended to prevent and mitigate the consequences of the SARS-CoV-2 coronavirus pandemic provided for in Government Decree 478/2020 (XI. 3.) on the Declaration of State of Danger (hereinafter referred to as “Decree”), endangering the safety of life and property on a massive scale (hereinafter referred to as “state of danger”), for the protection of health and life of Hungarian citizens.

Section 2 (1) Pursuant to Article 53(3) of the Fundamental Law, Parliament grants powers to the Government to extend the term of the government decrees referred to in Article 53(1) and (2) of the Fundamental Law during the state of danger, until the term of this Act expires.

(2) Before the term of this Act expires, Parliament may withdraw the authorisation granted under Subsection (1).

(3) Parliament confirms the government decrees mentioned in Subsection (1), adopted between the time of entry into force of the Decree and the entry into force of this Act.

Section 3 The Government shall provide information on a regular basis in Parliament sittings, or to the Speaker of Parliament and the leaders of Parliament groups in the absence thereof, of the measures introduced in order to control the consequences of the SARS-CoV-2 coronavirus pandemic, until said measures remain in effect.

Section 4 (1) Parliament shall maintain the emergency measures adopted by Government Decree 483/2020 (XI. 5.) on Transitional Provisions Relating to By-elections During the Period of State of Danger (hereinafter referred to as “Decree2”) as laid down in Subsections (2)–(8) hereof.

(2) Where a municipal government or a nationality self-government is declared dissolved, such decision shall take effect on the day following the end of the state of danger.

¹ Adopted by Parliament on 10 November 2020.

(3) Up to the day following the end of the state of danger no by-election may be scheduled, and any by-election already scheduled shall be postponed. The recommendation sheets distributed shall be returned to the election office within fifteen days of the date of entry into force of the Act, where they shall be destroyed. An unscheduled and postponed election shall be rescheduled within fifteen days after the end of the state of danger.

(4) Where an election is cancelled pursuant to Decree2, if the deadline for submitting applications to stand as a candidate and electoral lists has already expired and according to Sections 132 and 133 of Act XXXVI of 2013 on Election Procedures all notified candidates and lists have been registered or their registration was declined by final decision, cancellation of the scheduled election under Decree2 shall be construed as adjourned, with the proviso that the effect of registration shall be extended to the election scheduled after the end of the state of danger, and further nomination of candidates and electoral lists is not allowed. In the case above, the cancelled election shall be rescheduled at the latest for the 45th day after the end of the state of danger.

(5) Up to the day following the end of the state of danger national and local referendum may not be initiated, and any national and local referendum already scheduled shall be cancelled.

(6) By way of derogation from Subsection (3) of Section 2 of Decree2, where the collection of signatures is in progress at the time of entry into force of Decree2 with a view to initiating a local referendum, the deadline for the collection of signatures shall be suspended from the date of entry into force of Decree2 until the end of the state of danger.

(7) In the signature collection process referred to in Subsection (6), the forms containing the signatures collected before the entry into force of Decree2, which have not been destroyed yet, shall be deposited by the organiser with the local election office at the latest within three days following the date of entry into force of this Act. Signatures contained on the collection forms which have not been deposited in time shall not be considered valid. On the day following the end of the state of danger the head of the local election office shall affix a new certification clause on the signature collection form specimen and shall give it to the organiser. The duration of suspension shall not be included in the time limit specified in Subsection (1) of Section 47 of Act CCXXXVIII of 2013 on Referendum Petitions, European Citizens' Initiative, and on the Referendum Process (hereinafter referred to as "Referendums Act").

(8) All deadlines specified in Chapters II and III of the Referendums Act, except for the deadlines for the collection of signatures with a view to initiating a local referendum, shall be interrupted. Said deadlines shall recommence on the day following the end of the state of danger. An unscheduled and postponed national and local referendum shall be rescheduled within fifteen days after the end of the state of danger.

Section 5 This Act shall enter into force on the day following that of its publication, and shall be repealed on the ninetieth day following publication.

Section 6 Of the provisions of this Act:

a) Section 4(2) shall be considered cardinal pursuant to Article XXIX(3) and Article 31(3) of the Fundamental Law,

b) Section 4(3)–(4) shall be considered cardinal pursuant to Article XXIX(3), Article 2(1) and Article 35(1) of the Fundamental Law.