

Decision 3066/2022. (II. 25.) AB
on the annulment of a judicial decision

In the subject-matter of a constitutional complaint, the panel of the Constitutional Court has adopted the following

decision:

The Constitutional Court establishes that the ruling No. 9.Pk.IV.50.193/2020/13 of the Budapest Districts IV and XV Court and the ruling No. 49.Pkf.636.669/2020/3 of the Budapest-Capital Regional Court are contrary to the Fundamental Law and, therefore, annuls them.

Reasoning

I

[1] 1 In his constitutional complaint filed pursuant to section 27 of the Act CLI of 2011 on the Constitutional Court (hereinafter: ACC), the petitioner requested a declaration that the second instance ruling No.49.Pkf.636.669/2020/3 of the Budapest-Capital Regional Court is contrary to the Fundamental Law, and its the annulment with effect to the first instance decision, on the grounds of the violation of Articles VI (1) and XXVIII (1) of the Fundamental Law.

[2] 2 According to the court documents provided, the substance of the case on which the constitutional complaint is based is as follows.

[3] The Central District Court of Pest, in its judgement No.16.P.103.914/2008/36, ruled that "the continuous contact between the father (the petitioner in the present case) and his child born in 2006 is regulated in such a way that the father is entitled to have contact with the child every even-numbered week from 10:00 a.m. on Saturday to 6:00 p.m. on Sunday, with the child being taken away and staying overnight. In addition, he is entitled to contact from 15:30 to 18:00 on Tuesday of every odd-numbered week. According to the judgement, the missed contact during the odd-numbered week cannot be replaced. The judgement also stipulates that the father is entitled to four weeks of exceptional contact after the child has left school, the exact duration and possible distribution of which is to be agreed by the parties by 31 May each year. In

the absence of agreement between the parties, the father shall be entitled to contact in the first two weeks of July from 10:00 a.m. on the starting day to 6:00 p.m. on the closing day and the first two weeks of August from 10:00 a.m. on the starting day to 6:00 p.m. on the closing day.” (See: ruling of the No. 49.Pkf.636.669/2020/3 of the Budapest-Capital Regional Court, Reasoning [1]) Nevertheless, the parent living with the child – the mother of the child – failed to provide the father with continuous (weekend) contact on 25-26 July 2020 and periodic (summer) contact from 1-14 August 2020, on the grounds of the epidemic situation.

[4] The Budapest IV and XV District Court, acting on the application of the father, found in its first instance ruling No.19.Pk.IV.50.193/2020/13 that the defendant had culpably breached the contact ruling pursuant to section 22/B (4) (c) of the Act CXVIII of 2017 on the Rules Applicable to Civil Non-Contentious Proceedings and Certain Non-Contentious Proceedings in Court (hereinafter: ANCP). The court ordered the enforcement of missed continuous contact and its replacement, but rejected the application for the enforcement and replacement of the periodic contact (Ruling No. 19.Pk.IV.IV.50.193/2020/13 of the Budapest IV and XV District Court).

[5] In its ruling of second instance No.49.Pkf.636.669/2020/3, the Budapest-Capital Regional Court held, contrary to the court of first instance, that the application for the enforcement of the contact based on section 22/C (2) (a) of the ANCP was well-founded also with regard to the periodic contact, and therefore the court called upon the defendant to comply with the contact rules in the future. However, as regards the replacement itself, i.e. the application based on section 22/C (2) (b) of the ANCP, the court of second instance held that the court of first instance was correct in its decision to reject the application for the replacement with respect to the periodic contact missed in the first two weeks of August 2020 because “firstly, the judgement on which enforcement is based does not provide for the possibility of replacing contact in this respect and, secondly, as the court of first instance correctly stated that once the summer holiday period has elapsed, the summer contact cannot be replaced, as it could only be done on account of the continuous contact” (See: ruling of the No. 49.Pkf.636.669/2020/3 of the Budapest-Capital Regional Court, Reasoning [25] to [26])

[6] 3 In his constitutional complaint, the petitioner claimed that the court decision violated Article VI (1) of the Fundamental Law (the right of parent and child to have contact), and in this context he also referred to Article 8 (1) of the European Convention on Human Rights (hereinafter: ECHR). He also considers that the decision is contrary to Article XXVIII (1) of the Fundamental Law (right to a fair trial) and, in this context, to Article R (2).

[7] In his reasoning, he pointed out that pursuant to section 4:182 (2) of the Act V of 2013 on the Civil Code (hereinafter: Civil Code) and section 22/C (2) (b) of the ANCP,

all contact missed for reasons beyond the control of the right holder must be replaced, not only the missed continuous contact. No legislation contains a provision to the contrary, i.e. excluding the replacement of periodic contact. According to the applicant, the court's view that it is impossible to replace lost contact is also erroneous: it is true that the primary requirement is that the missed contact must be made up for during the summer school holidays, but if that is impossible, it must be made up for on weekends not covered by continuous contact, in view of the best interests of the child.

[8] Thus, the petitioner considers, on the one hand, that it is a *contra legem* application of the law and thus violates Article XXVIII (1) of the Fundamental Law to state that the custodial parent is not obliged to provide replacement for the summer periodic contact missed for no culpable reason and refused by the defendant, since there is no provision to this effect under the law, and indeed the obligation to make up for it is implied from the legislation in force. On the other hand, in the context of Article VI (1) of the Fundamental Law, the petitioner submits that "if the court finds that the custodial parent is at fault and then orders the maintenance of contact in view of that and calls upon the custodial parent to behave in accordance with the law in the future, but at the same time does not order the substance of the matter – the replacement of the two full weeks of refused contact – it essentially deprives me of my fundamental right to contact".

II

[9] 1 The affected provisions of the Fundamental Law:

"Article VI (1) Everyone shall have the right to have his or her private and family life, home, communications and good reputation respected. [...]"

"Article XXVIII (1) Everyone shall have the right to have any indictment brought against him or her, or his or her rights and obligations in any court action, adjudicated within a reasonable time in a fair and public trial by an independent and impartial court established by an Act."

[10] 2 The relevant provision of the Civil Code:

"Section 4:182 (2) Any contact missed due to reasons not attributable to the beneficiary shall be made up at the earliest convenient date, but not later than six months."

[11] 3 The relevant provisions of the ANCP:

"Section 22/C (2) If the court finds that the defendant has violated the provisions of the decision on maintenance of contact, it shall order enforcement. In the order of enforcement, the court shall require the requested party to

- (a) comply with the maintenance of contact due after receipt of the order at the time and in the manner specified in the decision on contact,
- (b) provide for the replacement of any contact missed reasons not attributable to the beneficiary of contact at the earliest convenient date, but not later than six months, and shall indicate the final date for replacement; or
- (c) if there was another obstacle to contact not attributable to the beneficiary of contact, ensure uninterrupted contact with the child after the obstacle has ceased to exist.”

III

[12] According to section 56 (2) of the ACC, after examining the conditions of admissibility, the following could be established in the present case.

[13] The contested ruling of the court of second instance was received by the petitioner on 17 February 2021, the constitutional complaint was received by the court of first instance on 24 February 2021, which was thus filed within the sixty-day period specified in section 30 (1) of the ACC. The petitioner has the right to lodge a constitutional complaint as a petitioner, has participated in the proceedings as an applicant, he is therefore considered to be concerned and has exhausted his potential remedies. The application was filed in accordance with the requirements of submitting an explicit request as listed in section 52 (1b) of the ACC, noting however that the petitioner has cited Article 8 (1) ECHR and Article R (2) of the Fundamental Law only in support of his application, and therefore these references cannot be regarded as an independent element of the petition. In any event, the Constitutional Court would not have jurisdiction to examine whether judicial decisions are contrary to international conventions on the basis of Article 24 of the Fundamental Law and the ACC. In fact, Article R (2) of the Fundamental Law does not contain any right guaranteed by the Fundamental Law, therefore a constitutional complaint cannot be based on it in principle pursuant to section 27 (1)(a) of the ACC.

[14] In its Decision 3067/2021 (II.24.) AB (hereinafter: “CCDec”.) the Constitutional Court carried out a fundamental rights analysis of the right of parents and children to maintain contact. The central question of the present constitutional complaint is whether the interpretation of the law by the courts which excludes the possibility of making up for missed periodic summer contact (in school holidays, holidays) and thereby reduces the number of personal meetings between parent and child is compatible with Article VI (1) of the Fundamental Law and, in this context, with Article XVI (1) and (2) of the Fundamental Law. On this basis, the Constitutional Court found that the case raises doubts concerning a violation of the Fundamental Law influencing

the merits of the judicial decision (section 29 of the ACC), and therefore, at its meeting of 9 November 2021, the Constitutional Court admitted the constitutional complaint.

IV

[15] The petition is well-founded.

[16] 1 The Constitutional Court recalls that in its case-law, the right of the separated parent and the child to maintain contact is a right elevated to the rank of a fundamental right in the Fundamental Law as part of the protection of privacy (Article VI (1) of the Fundamental Law), as well as the right of the child to care (Article XVI (1) of the Fundamental Law) and the right of the parent to provide upbringing (Article XVI (2) of the Fundamental Law) (CCDec, Reasoning [25])

[17] 1.1 As a basis for this, in addition to stating that the scope of protection of Article VI (1) of the Fundamental Law extends to the contact between the child and the parent (CCDec, Reasoning [19]), the Constitutional Court pointed out that "the parent-child relationship as the basis of the family relationship is expressly protected by Article L (1) of the Fundamental Law, and Article VI (1) of the Fundamental Law guarantees, in addition to the right to maintain contact, the right to respect for private and family life. A child's relationship with his or her separated parent is naturally different from that with the parent living in the same household, since the separated parent is involved in the care of the child on a periodic basis and does not make day-to-day parenting decisions. However, just as the parent-child relationship is not limited to the parent living in the same household as the child – the status of parent does not cease to exist when the parents cease to live together – so »family life« does not necessarily mean only the day-to-day care of the child. In constitutional law terms, the relationship between the child and the separated parent also falls within the concept of family life and is protected, depending on the specific circumstances, as long as the separated parent – in the specific way in which their situation requires – performs the functions of a parent [...]" (CCDec, Reasoning [21])

[18] The Constitutional Court also emphasized that according to Article XVI (1) of the Fundamental Law, the child shall have the right to the protection and care necessary for his or her proper physical, intellectual and moral development. [...] Family is an enduring emotional and economic community of life based on mutual care {Decision 13/2020 (VI. 22.) AB, Reasoning [58]}, however, having undisturbed contact not only with the parent living together with the child but also with the parent living apart – who is not directly or only intermittently involved in the child's actual day-to-day care – is of fundamental importance for family care and protection. The fact that the parents have ceased to live together does not alter the fact that the child's healthy

development depends on the joint presence and support of the parents, so that the child can rely on and have the support of both parents – the custodial and the separated – and receive the protection and care they need for their development (unless this is not in the child's best interests for some reason).” (CCDec, Reasoning [22])

[19] Finally, the Constitutional Court also pointed out that “Article XVI (2) provides that parents shall have the right to choose the upbringing to be given to their children. [...] Upbringing[...] is the participation in the child's life, which, in addition to participation in the decision of the child in matters of importance to their life [...] may be ensured primarily by regular and continuous contact.” (CCDec, Reasoning [23])

[20] 1.2 Contact ensures that the separated parent and the child can be regularly and continuously involved in each other's lives, so that the separation of the parents does not result in the child being completely separated from one of the parents, and that the distance from one parent causes as little emotional disruption as possible for the child. All types of contact, whether continuous (e.g. weekends) or periodic (e.g. school holidays), have the same objective, namely to allow the child and the separated parent to spend undisturbed time together. This allows parents to monitor their child's development directly and to play an active role in the upbringing and care of their child through regular joint activities. The child can also be close to the separated parent and receive the direct protection and care necessary for his or her development. Quality time spent together and shared experiences have an important community-building effect on family members, and this has a decisive psychological and emotional impact on the parent-child relationship.

[21] The CCDec pointed out the special importance of regular direct, personal contact, according to which “all forms of contact play a role in the parent-child relationship, and they may even complement each other in certain cases. Nevertheless, the immediacy of contact, regular meetings and undisturbed personal communication – in other words, being together – are a particularly important part of the parent-child relationship. It is typically the most intensive and traditionally has the greatest role in the child's personality development, and the possibility of personal contact is particularly important for younger children in developing and maintaining attachment and preventing alienation.” (CCDec, Reasoning [28]) In this spirit, section 4:180 (1) of the Act V of 2013 on the Civil Code (hereinafter: Civil Code) also defines the content of the right of contact as including personal contact with the child, the removal of the child from his or her place of residence or stay for a fixed period of time on a regular basis, long periods of time with the child, especially during school holidays and holidays lasting several days, and includes maintaining contact without meeting in person.

[22] 2 The State has an active duty to protect fundamental rights, and according to the consistent case-law of the Constitutional Court, the first sentence of Article 28 of the Fundamental Law imposes an obligation on the courts – as public authorities exercising public power through the exercise of a judicial function – to enforce fundamental rights in relations between private parties, thus making the adjudicative activity of the courts constitutionally binding {see for example the Decision 3145/2018. (V. 7.) AB, Reasoning [66]}.

[23] In the case under examination, a two-week periodic – summer holiday – direct and personal contact was missed, and although the court expressly found an infringement in this respect, it saw no possibility in principle to order a replacement.

[24] On this basis, the Constitutional Court finds that the court's decision, which excluded the possibility of replacing the contact in principle, restricted the petitioner's right to maintain the contact guaranteed by Article VI (1) and Article XVI (2) of the Fundamental Law.

[25] 3 The Constitutional Court then examined the conformity of the restriction with the Fundamental Law.

[26] 3.1 The Fundamental Law imposes an obligation on the courts to recognise the constitutional law aspect and the relevance of the fundamental rights of the cases to be decided, to identify the content of the fundamental rights concerned, and to interpret and apply the laws in concrete legal disputes in view of this. Through the institution of the constitutional complaint, the Constitutional Court examines the conformity of the interpretation of the law contained in the judicial decision with the Fundamental Law, i.e. whether the court has taken into account the fundamental rights aspects of the case before it, which is relevant to fundamental rights, and whether it has enforced the constitutional content of the rights guaranteed by the Fundamental Law in the application of the law {see for example the Decision 3/2015. (II. 2.) AB, Reasoning [18]}.

[27] In the case of competing fundamental rights positions, i.e. when – as in the present case – the fundamental rights conflict arises in the relationship between the legal entities, in that the fundamental right of one private person is threatened by the exercise of the fundamental right of another private person, the case-law of the Constitutional Court requires that the courts should play a mediating, balancing role. This means that no essential content of any fundamental right may be restricted, and that, on the other hand, efforts must be made to strike a fair balance between competing fundamental rights in accordance with the principle of proportionality. Thus, in the event that the courts are called upon to rule on a dispute in which a conflict of fundamental rights arises in the relationship between the parties, in that the exercise of a fundamental right by one individual is threatened by the exercise of a fundamental

right by another individual, they must reach their decision by identifying the scope of protection of the fundamental rights concerned and by weighing up (“with fair balancing and equitable rebalancing”) the fundamental rights concerned. In doing so, it is of primary importance for the courts that the essential content of the fundamental rights concerned cannot be emptied out and that the obligation to protect fundamental rights under Article I (1) of the Fundamental Law must be ensured {see for example the Decision 3145/2018. (V. 7.) AB, Reasoning [66] to [70]; CCDec [31]}.

[28] 3.2 In contact matters, the right of the separated parent to maintain contact derived from the protection of privacy [Article VI (1) of the Fundamental Law] and the right to upbringing [Article XVI (2) of the Fundamental Law] is in principle opposed to the rights guaranteed by the Fundamental Law of the parent living with the child. In the case of a parent who is separated, account must be taken of the lack of personal contact with the child to which they are legally entitled on the basis of the decision on contact, whereas the fundamental rights of a parent who lives with the child are affected in that it is possible to make up for the missed contact on account of the time which, as a general rule, he or she would otherwise be able to spend with the child. This is closely interwoven with the right of the child to privacy [Article VI (1) of the Fundamental Law] and to the protection and care necessary for their proper physical, mental and moral development [Article XVI (1) of the Fundamental Law]. This includes the right of the child to maintain personal contact and direct contact with both parents, and the right to have the best interests of the child taken into account as a primary consideration in maintaining and replacing the contact.

[29] In the complex assessment based on fundamental rights considerations, the following aspects should be taken into account as a matter of principle, but not necessarily exclusively.

[30] 3.2.1. In such cases – in the absence of special circumstances – it is necessary to start from the primary assumption that an undisturbed (personal) relationship with the separated parent is not only in the interest and need of the separated parent, but also serves the interests and the protection of the fundamental rights of the child. A fundamental characteristic of contact during school holidays, compared with other types of contact, such as weekend contact, is its length and intensity. In this period – compared with the rest of the year – children are not busy with their studies (at least not to the same extent as during school hours) and have a less restricted daily schedule, which means that there is more scope for relaxation, for organising leisure activities to strengthen contact with parents, for sharing experiences and for longer trips abroad, possibly for family or holiday purposes (rest, relaxation). Longer, more sustained periods of time together are a break from the daily routine and can be a special bonding factor in the parent-child relationship.

[31] The missing of specific, concrete personal contact occasions does not eliminate the parties' legitimate expectations to meet each other. In such situations, where contact has been missed for reasons beyond the control of the beneficiary, and where other statutory conditions are met, the legal institution of replacement "gives the separated parent and the child the opportunity to experience the missed personal contact at another suitable time within a reasonable period of time. Overall, this ensures that the parent and the child can in any event spend a certain amount of time together within a given timeframe. In this way, their personal relationship will not suffer any lasting damage, despite any missed contact, and will remain alive, strengthened and developed in the longer term. On the other hand, the missing of contact or of the replacement of contact, which may be regular, can lead to a reduction in the intensity of the relationship and ultimately to the alienation of the parent and the child." {Decision 30/2021. (XII. 1.) AB, Reasoning [19]}, In addition to the missing of contacts, the child's relationship with one parent may also be adversely affected if the child regularly experiences certain special periods (e.g. holidays, school breaks) exclusively with the other parent on several occasions.

[32] Of course, the replacement of missed contacts may raise practical difficulties, the reason being that replacement necessarily entails a temporary change in the general contact order (for example, the parent who is separated may exceptionally be entitled to the time otherwise granted to the parent who lives with the child). This requires discretion and flexibility on the part of the parties concerned, even, in some cases, waiving the enforcement of their own fundamental rights in order to protect the fundamental rights of the child. However, "the primarily purpose of each contact is to grant the parent and the child some time spent together, and therefore the fact that the contact concerns a calendar date (day or days) which is past and irretrievable is of no fundamental importance in the context of the replacement. Nor can the passing of a particular date be given exclusive significance because it would then constitute an obstacle to the replacement of any continuous and periodic contacts [...]." {Decision 30/2021. (XII. 1.) AB, Reasoning [26]}, In the light of the original purpose of the contact (to enable the separated parent and the child to participate regularly and continuously in each other's lives), the replacement means making up for the time missed together, and therefore the fact that a specific joint programme originally planned for the time of the meeting cannot necessarily be repeated (for example, because the time of a particular jointly planned performance or concert has passed or the school holidays have ended) is no reason for exclusion.

[33] The replacement of the personal meeting between parent and child is not only desirable from the point of view of fundamental rights, but in accordance with this it can be considered the general rule under the relevant legislation: according to section 4:182 (2) of the Civil Code, which is also in line with section 22/C (2) (b) of the ANCP

and section 30 (4) of the Government Decree 149/1997 (IX. 10.) on Guardianship Authorities and Proceedings for Child Protection and Guardianship (hereinafter: CPD), any contact missed for reasons beyond the control of the beneficiary shall be made up at the next appropriate time, but not later than within six months. Formally, only in the case of a failure to maintain contact on a public holiday was such a replacement excluded [see the second sentence of section 30 (5) of the CPD; cf. Decision 30/2021 (XII. 1.) AB]. Regarding other contact periods, such as summer or winter holiday contacts, no such explicit obstacle is provided for in the legislation. This interpretation has been expressly confirmed by the Ministry of Human Resources in two previous cases on the same subject in the context of the replacement of contact, when it took the position that, according to the laws, "periodic contact during school holidays and holiday periods (except for specific holiday days) shall be replaced" [see the Ruling 3202/2021. (V. 19.) AB and the Ministry's position in the proceedings concluded by the Decision 30/2021. (XII. 1.) AB].

[34] 3.2.2. Like the separated parent, of course the parent living with the child has a fundamental claim to be with the child for the entirety of the occasions specified in the enforceable court judgement. This is also in the best interests of the child. This is so despite of the fact that the replacement of the missed contact can only be ordered at the expense of the time spent together by the child and the resident parent, because the replacement can reasonably and necessarily only be achieved in that way, and with the cooperation of the resident parent. For the resident parent and the child, the main negative impact may be if the replacements arrangements accumulate and make it impossible for them to spend, for example, weekends together or, where appropriate, holidays together for a long period.

[35] 3.2.3. The best interests of the child should always be the primary consideration when ordering a substitution. As expressly stated in section 30 (6) of the CPD, "the replacement of the missed contact may not endanger the healthy development of the child" [cf. section 2 (1) of the Act XXXI of 1997 on the Protection of Children and Guardianship Administration, which requires that the best interests of the child be taken into account]. It follows from this that, as a general rule, any missed contact shall be replaced, if the legal statutory conditions for this are complied with, and practical difficulties shall be taken into account when setting the time limit for voluntary compliance [section 22/C (2) (b) of the ANCP], but the existence of such difficulties should not in itself be an obstacle to replacement. The starting point must therefore be that it is in the best interests of the child to maintain contact with the separated parent. On the other hand, if, on the basis of a judicial assessment of the individual circumstances of the case, it can be established that the child would not in fact benefit from a placement for whatever reason – for example, the length or the accumulation of placements would impose a disproportionate burden on the child, or the placement

would jeopardise the child's emotional stability, school attendance, etc. – then the relevant placement shall not be ordered. In fact, in this context, the right of the child to protection and care necessary for their proper physical, intellectual and moral development enjoys priority and overrides the interests of all other parties.

[36] 3.3 According to the contested court decision in the case at hand, the grounds for the refusal of the supplementary declaration were twofold. The first was that “the possibility of replacement is not provided for in the judgement on which enforcement is based” (ruling No. 49.Pkf.636.669/2020/3 of the Budapest-Capital Regional Court Reasons [25]). This wording does not imply any restriction on the replacement, nor does it follow from the parts of the judgement cited by the court (unlike, for example, in the case of the weekday contact due in odd-numbered weeks, where replacement is clearly excluded by the judgement, see the ruling No. 49.Pkf.636.669/2020/3 of the Budapest-Capital Regional Court, Reasoning [1]). The second reason given by the court was that there was no possibility of making up for the summer holidays, as this could “only be done at the expense of the continuous contact”. (The latter turn of phrase presumably implies that in the normal contact regime, which would be restored after the holidays, the time of the resident parent would be affected by the replacement.) This obstacle to making up for the holidays was not supported by the court either by an explicit provision of the law or by arguments.

[37] According to the above, it was not clear from the court's decision exactly why and to what extent the end of the holiday period was an obstacle to the replacement of the contact, if the legal conditions for the replacement were otherwise met.

[38] Therefore, it cannot be verified whether the court had recognised the fundamental rights relevance of the case, identified the fundamental rights of the persons concerned or carried out a complex examination based on the principle of proportionality of competing fundamental rights positions, the requirement of fair weighing and the need to strike a fair balance. None of the possible criteria for assessment set out in point IV/3.2 of the reasoning of the decision (Reasoning [28] et seq.) appears in the substantive reasoning of the ruling rejecting the application for the replacement of contact.

[39] The Constitutional Court emphasises that after weighing the fundamental rights claims, the court – in accordance with section 30 (60) of the CPD – may even come to the conclusion, based on the facts and circumstances of the case, that despite the finding that the resident parent is at fault, the replacement of the missed – relatively long, two weeks’ – contact at once or in parts would not be in the best interests of the child in the specific case, for example, it would endanger the child's healthy development. However, the conclusion, which cannot be traced back to a clear provision of the law, that the replacement of the contact missed during the summer

holidays is excluded in any event after the end of those holidays, jeopardises depriving the applicant (and his child) of his right to contact.

[40] 4 For all these reasons, the Constitutional Court found a violation of Article VI (1) of the Fundamental Law [in conjunction with Article XVI (1) to (2) of the Fundamental Law], and annulled the contested ruling of the court of second instance on the basis of section 43 (1) of the ACC, and the ruling of the court of first instance on the basis of section 43 (4) of the ACC, as set out in the holdings of the decision.

[41] With regard to the annulment of the court rulings, the Constitutional Court – based on its case-law referred to most recently for example in its Decision 3390/2020 (X. 29.) AB – has refrained from examining the element of the petition based on the violation of Article XXVIII (1) of the Fundamental Law.

Budapest, 8 February 2022.

Dr. Egon Dienes-Oehm head of the panel,
Justice of the Constitutional Court

Dr. Egon Dienes-Oehm head of the panel, Justice of the Constitutional Court on behalf of rapporteur Justice *dr. Ildikó Hörcherné dr. Marosi* unable to sign

Dr. Egon Dienes-Oehm head of the panel, Justice of the Constitutional Court on behalf of Justice *dr. László Salamon* unable to sign

Dr. Egon Dienes-Oehm head of the panel, Justice of the Constitutional Court on behalf of Justice *dr. Marcel Szabó* unable to sign

Dr. Egon Dienes-Oehm head of the panel, Justice of the Constitutional Court on behalf of Justice *dr. Péter Szalay* unable to sign