Decision 3193/2020 (VI. 11.) AB

On the dismissal of constitutional complaints

In the matter of a constitutional complaint, with the concurring reasonings by dr. Béla Pokol and dr. László Salamon, Justices of the Constitutional Court, the Constitutional Court, sitting as the Full Court, has rendered the following

decision:

1. The Constitutional Court hereby dismisses the petitions seeking a finding of unconstitutionality by conflict with the Fundamental Law and annulment of Section 9 (5), Section 9/C (1), Section 9/D (5), Section 9/F (1) to (2), Section 9/G (1), (3), (5) and (7), Section 21 and Section 22 of Act CCVI of 2011 on the Right to Freedom of Conscience and Religion and the Legal Status of Churches, Denominations and Religious Communities.

2. The Constitutional Court hereby rejects the petitions seeking a finding of unconstitutionality by conflict with the Fundamental Law and annulment of Section 10. §-a, Section 12, the wording "with Section 7/A (2)" in Section 13/A (1) (b), the wording "with Section 7/A (2)" in Section 14 (1) (c), Section 19/A, Section 23/A (2) and Section 33/A of Act CCVI of 2011 on the Right to Freedom of Conscience and Religion and the Legal Status of Churches, Denominations and Religious Communities.

Reasoning

I

[1] The petitioners, represented by counsel (Dr. Levente Baltay of *Harsányi & Baltay Attorneys at Law*), brought a constitutional complaint before the Constitutional Court.

[2] 1. In their constitutional complaint, based on Section 26 (2) of Act CLI of 2011 on the Constitutional Court (hereinafter referred to as the "Constitutional Court Act"), the petitioners filed a complaint against several provisions of Act CCVI of 2011 on the Right to Freedom of Conscience and Religion and the Legal Status of Churches, Denominations and Religious Communities (hereinafter referred to as the "Act on Churches"), as amended by Act CXXXII of 2018, in force since 15 April 2019, as set out hereunder.

[3] The petitioners objected to Section 9/F (2) and Section 9/G (5) of the Act on Churches on the grounds that only registered churches and established churches are entitled to the State supplement on the donated part of the income tax paid by individuals (1% donation), while other religious communities are not. In their view, this constitutes discrimination contrary to

Article XV (2) of the Fundamental Law; the State would not be able to discriminate between religious communities with legal personality.

[4] The petitioners considered that Section 9 (2), Section 9/C (1), Section 9/D (5) and Section 9/F (1) of the Act on Churches were contrary to the Fundamental Law because they allow the State to support the exercise of faith of religious communities. It was submitted in the constitutional complaint that it followed from the combined interpretation of Article VII and Article XV of the Fundamental Law that the State could only contribute to the social role of religious communities by providing financial means, but that it was not constitutionally allowed to support the exercise of faith.

[5] What is more, State support or subsidies for the exercise of faith by churches is not transparent; the State may arbitrarily decide which churches to support and to what extent. This calls into question the impartiality of State support and the neutrality of the State.

[6] The petitioners considered the fact that the possibility of religious education in schools is not open to all religious communities with legal personality to be contrary to the Fundamental Law. In view of this, they requested the annulment of several passages of Section 19/A of the Act on Churches.

[7] On several points, the petitioners considered the regulation on established churches to be contrary to Article VII of the Fundamental Law. They claimed injurious the that, although the established church is the most favourable category, there was no objective and reasonable system of criteria for determining which religious communities could or should be included in this category, in other words, recognised as established churches. They also objected to the possibility of concluding an open-ended subsidy with established churches.

[8] In this context, it was objected that the decision on established churches is taken by the National Assembly and is therefore the result of a political decision. They considered this to be a violation of Article XXIV and Article XXVIII of the Fundamental Law and requested the annulment of Section 9/G (1), (3) and (7) of the Act on Churches.

[9] The petition for a constitutional complaint contested Section 10 and Section 12 of the Act on Churches. In essence, the petitioners considered the creation of different categories of churches to be unconstitutional; the fact that the legislation creates several groups within religious communities and that the Act on Churches attaches different legal effects to each category. As alleged by the petitioners in their petition, this was contrary to Article VII and in particular, Article VIII (2) of the Fundamental Law.

[10] The petitioners contested Section 21 and Section 22 of the Act on Churches as well. Section 21 of the Act on Churches aligns certain elements of the legal relationship of church legal persons with those of public sector employees, while Section 22 allows ecclesiastical legal persons to be in service as prison, hospital and camp chaplains.

[11] The petitioners consider that the freedom of peaceful propagation of religion is infringed by the fact that missionary activity in these areas is not guaranteed to all religious communities. In this regard, Article VII and Article XV of the Fundamental Law have been infringed.

[12] Ultimately, the petitioners also consider that the grouping is unconstitutional in that only the ecclesiastical legal person is entitled to engage in economic activity in order to achieve its objectives (as a secondary purpose). The petitioners therefore submit that Section 23/A (2) of the Act on Churches violates Article VII, Article VIII (2) and Article XV of the Fundamental Law.

[13] The petitioners sought the annulment of certain wording in Section 13/A (1) (b) and Section 14 (1) (c) of the Act on Churches on the ground that, for the purposes of the rule of reference, it is for the court to decide whether a community is engaged in religious activity. This violates the principle of the separation of church and State, since the court must ultimately decide what can be considered transcendent, which creates a situation contrary to Article VII of the Fundamental Law.

[14] Finally, the petitioners requested the annulment of Section 33/A of the Act on Churches on the grounds that the amendment to the Act on Churches did not restore the legal status of churches, contrary to the decisions of the Constitutional Court and the judgements of the European Court of Human Rights (hereinafter referred to as the "ECtHR").

[15] 2. The State Secretary responsible for church and nationality relations of the Prime Minister's Office submitted an *amicus curiae* opinion to the Constitutional Court, the arguments of which were also taken into account by the Constitutional Court in its decision.

II

[16] 1. The provisions of the Fundamental Law invoked the petition are as follows:

"Article VII (1) Everyone shall have the right to freedom of thought, conscience and religion. This right shall include the freedom to choose or change one's religion or other belief, and the freedom of everyone to manifest, abstain from manifesting, practice or teach his or her religion or other belief through religious acts, rites or otherwise, either individually or jointly with others, either in public or in private life.

(2) People sharing the same principles of faith may, for the practice of their religion, establish religious communities operating in the organisational form specified in a cardinal Act.

(3) The State and religious communities shall operate separately. Religious communities shall be autonomous.

(4) The State and religious communities may cooperate to achieve community objectives. At the request of a religious community, the National Assembly shall decide on such cooperation. The religious communities participating in such cooperation shall operate as established churches. The State shall provide specific privileges to established churches with regard to their participation in the fulfilment of tasks that serve to achieve community objectives.

(5) The common rules relating to religious communities, as well as the conditions of cooperation, the established churches and the detailed rules relating to established churches, shall be laid down in a cardinal Act.

“Article VIII (2) Everyone shall have the right to establish and join organisations.

“Article XV (1) Everyone shall be equal before the law. Every human being shall have legal capacity.

(2) Hungary shall guarantee fundamental rights to everyone without discrimination and in particular without discrimination on the grounds of race, colour, sex, disability, language, religion, political or other opinion, national or social origin, property, birth or any other status.”

“Article XXIV (1) Everyone shall have the right to have his or her affairs handled impartially, fairly and within a reasonable time by the authorities. Authorities shall be obliged to state the reasons for their decisions, as provided for by an Act.”

Everyone shall have the right to compensation for any damage unlawfully caused to him or her by the authorities in the performance of their duties, as provided for by an Act.

“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.”

[17] 2. The provisions of the Act on Churches challenged by the petitioner read as follows:

“Section 9 (1)The State and religious communities with legal personality may cooperate in promoting the common good. The State may enter into agreements with religious communities with legal personality for the purpose of preserving historical and cultural values, providing education, higher education, health, charitable, social, family, child and youth protection, cultural or sporting activities, or other activities with a public mission, in order to fulfil their historical and social role, social acceptance, involvement, organisation, experience in the public activities they have traditionally carried out and the existence of the conditions necessary for the performance of those activities, taking into account the specificities of the public mission activities concerned by the cooperation.

(2) The State may, upon request, conclude a comprehensive cooperation agreement (hereinafter referred to as the “comprehensive agreement”), which may also cover the subsidisation of religious activities, for an indefinite period of time, with religious communities with legal personality which are able and willing to perform public mission activities of major importance within the meaning of Subsection (1) on a long-term basis, on the basis of their organisation, social support, historical and social role and experience in performing such activities.”

“Section 9/C (1) The State may conclude with a religious association an agreement for a limited period of up to five years for the performance of certain public activities or for the support of religious activities. The agreement may be extended, in each case up to the same extent as the original term.”

“Section 9/D (5) The State may conclude with a listed church an agreement for a fixed term of up to ten years for the performance of a public mission activity or for the promotion of religious activity. The agreement may be extended, in each case up to the same extent as the original

term. On the basis of the agreement, the listed church may receive tax or other benefits under a separate Act."

"Section 9/F (1) The State may conclude with a registered church an agreement for a fixed term of up to 15 years for the performance of a public mission activity or for the promotion of religious activity. The agreement may be extended, in each case up to the same extent as the original term. On the basis of the agreement, the registered church may receive tax or other benefits under a separate Act.

(2) The registered church shall be entitled to the part of the personal income tax paid by individuals which is offered and determined in accordance with a separate Act and to the State supplement thereto, or to the benefit in lieu thereof."

"Section 9/G (1) An established church shall be a registered church with which the State has concluded a comprehensive agreement on cooperation for community objectives. In concluding or amending the comprehensive agreement, the Minister responsible for coordinating relations with churches (hereinafter referred to as the "Minister") shall act on behalf of the State.

(2) An application for the conclusion of a comprehensive agreement may be submitted to the Minister by a registered church or by an established church which does not have such an agreement. If a comprehensive agreement has been concluded with an established church at the time of the entry into force of the Amendment Act [Act CXXXII of 2018], it is not required to be promulgated in an Act as provided for in Subsection (3). If the comprehensive agreement is not concluded, the status of the established church shall not be affected.

(3) A comprehensive agreement under Subsection (1) or an amendment thereto shall be promulgated in an Act. The Government shall submit to the National Assembly the draft Act initiating the promulgation of and the amendment to the Annex within 30 days of the entry into force of the comprehensive agreement. A registered church shall be deemed to exist as an established church as of the date of the promulgation of the comprehensive agreement in the Act and the amendment to the Annex. The rights and obligations arising under the comprehensive agreement shall, however, vest in and be binding upon the registered church from the date of entry into force of the comprehensive agreement.

(4) An established church shall be entitled to tax or other equivalent benefits and budgetary support with regard to cooperation for the achievement of community objectives. The detailed rules relating to such support shall be laid down in an Act.

(5) The established church shall be entitled to the part of the personal income tax paid by individuals which is offered and determined in accordance with a separate Act and to the State supplement thereto, or to the benefit in lieu thereof.

(6) Established churches shall have the same rights and obligations as set forth in this Act.

(7) The established churches shall be listed in the Annex to this Act."

"Section 10 An established church, a registered church and a listed church, as well as their internal ecclesiastical legal entities, shall be an ecclesiastical legal entity."

"Section 12 A church person shall be a natural person, as defined in the internal rules of an established church, a registered church or a listed church, who is in the service of a legal ecclesiastical person and who is performing ecclesiastical service in a specific ecclesiastical service relationship, employment or other legal relationship."

"Section 13/A (1) On the basis of an application for registration as a religious association, the court shall consider only whether

[...]

(b) the activity which the organisation intends to pursue is not in conflict with Section 7/A (2) to (4) and that this can be ascertained from the statutes."

"Section 14 (1) The court shall, upon application, register a religious community with legal personality (for the purposes of this Section hereinafter referred to as the applicant) as a registered church or a listed church if

[...]

(c) the applicant makes a statement to the effect that its activity is not in conflict with Section 7/A (2) to (4) and that this can be ascertained from the statutes."

"Section 19/A (1) An ecclesiastical legal person may organise religious education in educational institutions run by the State, a local government or a national minority self-government and in higher education institutions run by the State or a national minority self-government, in the manner provided by law.

(2) The material resources for religious education and the time at which it is provided, which does not conflict with other school activities, shall be provided by the educational institution or the institution of higher education, as specified by an Act, and the person who is to assist in religious education shall be provided by the ecclesiastical legal person.

(3) The costs of religious education, including the costs of religious education organised in addition to those provided for in Subsection (1), shall be provided by the State on the basis of an agreement with the established church, the registered church or the listed church."

"Section 21 In the case of an ecclesiastical legal person performing a public mission, the content of the employment relationship of persons employed in connection with such a mission shall be the same as that of a public sector employee as regards remuneration, working hours and rest periods, with the exception that a deviation in favour of the employee shall be permitted. Such employees shall be covered by the central wage policy measures applicable to employees of State or local government institutions under the same conditions."

"Section 22 An ecclesiastical legal person may carry out camp chaplaincy, prison and hospital chaplaincy or other ministry in the order prescribed by law."

"Section 23/A (2) An ecclesiastical legal person shall be entitled, in order to achieve its purposes, to engage in activities which do not constitute economic activities and, in addition to its primary activities, to engage in economic activities beyond the limits specified in Section 20 (5)."

"Section 33/A (1) A religious community founded as a church under Act IV of 1990, registered as a church under Act IV of 1990, as an association engaged in religious activity as a basic purpose under this Act, and continuously operating as an organisation engaged in religious activity and listed as an organisation engaged in religious activity at the time of the entry into force of the Amendment Act shall be deemed to be a religious association from the entry into force of the Amendment Act.

(2) A religious community formed as a church under Act IV of 1990 to which Section 34(1), (2) and (4) of that Act, in force from 1 January 2012 to 31 August 2012, applied shall be a religious association as of the date of entry into force of the Amendment Act, and which community has initiated other proceedings for redress

(a) within the meaning of Section 33 (3) (b) or (c) of this Act in force on 1 September 2013,

(b) in accordance with Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms, signed in Rome on 4 November 1950, promulgated by Act XXXI of 1993, or

(c) within the statutory time limits laid down by a separate law in connection with their claim to church status.

(3) A religious community listed following the entry into force of this Act as an association engaged in religious activities as its core objective and as an organisation engaged in religious activities at the time of the entry into force of the Amendment Act shall be deemed to be a religious association from the entry into force of the Amendment Act."

III

[18] 1. The petitioner has justified the constitutional complaint on the basis of Section 26 (2) of the Constitutional Court Act, pursuant to which, in derogation from Section 26 (1) of the Constitutional Act, the proceedings of the Constitutional Court may be initiated exceptionally even if the procedure is based on Section 24 (2) of the Fundamental Law if the violation of rights has occurred directly, without a judicial decision, as a result of the application or the entry into force of a provision of a statute that is contrary to the Fundamental Law, and there is no legal remedy procedure to remedy the violation of rights, or the petitioner has already exhausted his legal remedies.

[19] Pursuant to Section 56 (1) of the Constitutional Court Act, the Constitutional Court shall decide on the admission of the constitutional complaint in a panel as specified in its Rules of Procedure. Concurrently, Section 31 (6) of the Rules of Procedure allows the Justice-Rapporteur delivering the opinion of the Court to submit a draft containing the decision on the merits of the complaint to the panel instead of a decision on the admission of the complaint.

[20] Pursuant to Section 30 of the Constitutional Court Act, a constitutional complaint submitted pursuant to Section 26 (2) of the Constitutional Court Act must be submitted within

180 days from the entry into force of the legislation. The Act on Churches entered into force on 15 April 2019, and the petitioner filed the constitutional complaint with the Constitutional Court on 14 October 2019, within the statutory time limit.

[21] 2. Subsequently, during the assessment of the content of the constitutional complaints, the panel considered concernment pursuant to Section 26 (2) of the Constitutional Court Act and the exhaustion of legal remedies as well as the existence of the conditions under Sections 29 to 31 of the same Act. In the course of its assessment, the Constitutional Court considered it appropriate to recall the following authoritative findings in this context. "»The primary purpose of the legal institution of a constitutional complaint under both Article 24 (2) (c) and Article 24 (2) (d) of the Fundamental Law [...] is an individual and subjective legal protection: remedying an actual infringement caused by a legal act contrary to the Fundamental Law or a judicial decision in conflict with the Fundamental Law. [...] "The admissibility of the complaint is conditional upon concernment, namely, the fact that the piece of legislation which the complainant considers to be contrary to the Fundamental Law establishes a provision which directly and actually affects the person and his specific legal relationship and, as a result, the complainant's fundamental rights are violated« {Decision 33/2012 (VII. 17.) AB, Reasoning [61] and [62] as well as [66], in a similar vein, Order 3367/2012 (XII. 15.) AB, Reasoning [13] and [15]}.

Thus, »[i]n the case of an exceptional complaint, since it is directed directly against the norm, the assessment of concernment is of particular importance, since a personal, direct and actual violation of the complainant's fundamental right distinguishes an exceptional complaint from an earlier version of ex-post norm control that could be initiated by anyone. [Section 20 (2) of Act XXXII of 1989 on the Constitutional Court (former Constitutional Court Act)]" {Order 3105/2012 (VII. 26.) AB, Reasoning [3]}. In relation to an exceptional constitutional complaint and in line with the settled case law of the Constitutional Court, »[c]oncernment shall [...] be personal, direct and current« {see Decision 3110/2013 (VI. 4.) AB, Reasoning [27], and in a similar fashion, see Order 3120/2015 (VII. 2.) AB, Reasoning [55]}.

No concernment of the petitioner can be established if the impugned legal provision has not been applied to the petitioner or its entry into force has not directly concerned him, that is, his legal prejudice has not occurred or is not current {Order 3170/2015 (VII. 24.) AB, Reasoning [11]} Should the implementation of a rule of law require an implementing act with constitutive effect, the petitioner must first challenge the act of State power directly implementing the infringement, followed by the possibility of direct assessment of the norm. »The requirement of current concernment indicates that the concernment must exist at the time the constitutional complaint is lodged« {first in Decision 3110/2013 (VI. 4.) AB, Reasoning [27] to [31], last reaffirmed in Order 3123/2015 (VII. 9.) AB, Reasoning [12]}." {Decision 33/2017 (XII. 6.) AB, Reasoning [33] to [35]}.

[22] 3. In the light of the above, the Constitutional Court proceeded to determine whether each of the elements of the petition could be considered on its merits.

[23] 3.1 The elements of the petition which contest Section 9 (2), Section 9/C (1), Section 9/D (5), Section 9/F (1) to (2), Section 9/G (1), (3), (5) and (7), Section 21 and Section 22

of the Act on Churches contain a explicit request for the annulment of the impugned legislative provisions, and the petitioners have indicated which provisions of the Fundamental Law they consider to be infringed and for what reason. The elements of the petitions raise constitutional law issues of fundamental importance, where the enactment of the legislation directly affected the rights of the petitioners guaranteed by the Fundamental Law. In view of this, the Constitutional Court has held that there is no impediment to a decision on the merits of these elements of the petition.

[24] 3.2 The elements of the petitions challenging Section 10, Section 12 and Section 19/A of the Act on Churches and Section 23/A (2) of the Act on Churches generally contest the fact that divergent legal effects are attached to differing ecclesiastical statuses. They do not contain specific reasons as to why grouping per se, the definition of the concept of a church person, the regulation of religious education in schools and the possibility of carrying on secondary economic activities infringe the rights of the petitioners guaranteed by the Fundamental Law. With regard to these provisions of the Act on Churches the petitioners have not explained why either the rules of the Fundamental Law on freedom of religion or the prohibition of discrimination should lead to a prohibition of categorisation of religious communities or to a different legal effect for each group. In accordance with Section 52 (1b) (b) of the Constitutional Court Act, the petition must state "the reasons for initiating the proceedings and, in case of a constitutional complaint, the substance of the violation of the right guaranteed by the Fundamental Law". Since the petition did not comply with this requirement, the Constitutional Court rejected the petition seeking a finding that Section 10, Section 12, Section 19/A and Section 23/A (2) of the Act on Churches were unconstitutional by non-conformity with the Fundamental Law as well as seeking a finding of annulment of the same, pursuant to Section 30 (2) (h) of the Rules of Procedure.

[25] 3.3 The petitioners saw the unconstitutionality in violation of the Fundamental Law of Section 13/A (1) and Section 14 (1) of the Act on Churches in the fact that the court must verify whether the religious community is engaged in religious activities within the meaning of Section 7/A (2) of the Act on Churches. Within the meaning of this provision, religious activity is "directed towards the supernatural, has systemised beliefs, its doctrines apply to the totality of reality and embraces the whole of human personality by means of specific standards of conduct".

[26] In view of these considerations, the petitioners sought the annulment of the wording "with Section 7/A (2)" both in Section 13/A (1) (b) and Section 14 (1) (c) of the Act on Churches. Section 13/A (1) (b) of the Act on Churches provides that "the activity which the organisation intends to pursue is not in conflict with Section 7/A (2) to (4) and that this can be ascertained from the statutes." And as for Section 14 (1) (c), "the applicant makes a statement to the effect that its activity is not in conflict with Section 7/A (2) to (4) and that this can be ascertained from the statutes."

[27] It can be concluded from this that the rules of reference do not refer in any place only to Section 7/A (2), but also to Subsections (3) and (4), which are not challenged by the petitioners. Thus, even if the petitioner's request were to be annulled in mosaic form, it would not be possible to grant it; the substance of the constitutional complaint is that the Constitutional

Court should change the wording of Subsections "(2) to (4)" to Subsections "(3) to (4)". However, the Constitutional Court has no competence to do so. In view of this, the Constitutional Court rejected the petition in this respect pursuant to Section 30 (2) (h) of the Rules of Procedure.

[28] 3.4 The petitioners sought a finding of Section 33/A of the Act on Churches to be in conflict with the Fundamental Law and its annulment on the grounds that it does not comply with the Constitutional Court's Decision 6/2013 (III. 1.) AB (hereinafter referred to as the "2013 Court Decision") and the judgement of the ECtHR. The constitutional complaint did not, however, indicate which provision of the Fundamental Law was infringed by Section 33/A of the Act on Churches.

[29] Pursuant to Section 52 (1b) (d) of the Constitutional Court Act, a petition can be considered explicit if it specifies the provision of the Fundamental Law that has been violated. Since the petition did not comply with this requirement, the Constitutional Court rejected the petition seeking a finding that Section 33/A of the Act on Churches were unconstitutional by non-conformity with the Fundamental Law as well as seeking a finding of annulment of the same, pursuant to Section 30 (2) (h) of the Rules of Procedure.

IV

[30] The Constitutional Court has already addressed on several occasions issues related to those raised in the current petition before it.

The 2013 Court Decision assessed, on the basis of a constitutional complaint and ex post review petitions, whether the decision of the National Assembly on church status complied with the provisions of the Fundamental Law In its review of the relevant legislation, the Constitutional Court also found that the Act on Churches does not provide for a legal remedy either in the event of a decision of the National Assembly refusing recognition of a church or in the event of a failure to decide on the application, which would allow for a review of the decision on questions of fact and law and the elimination of possible violations of rights.

[32] The decision also addressed in detail the relationship between the State and religious communities. The Decision pointed out that "[a] neutral State cannot follow the church conceptions of different religions. However, the State may be mindful of all the respects in which religious communities and churches in general differ from social organisations, associations and interest groups which may be established under the Fundamental Law (Article VIII), in terms of their history and their social role (Reasoning [134]).

[33] The Constitutional Court made it clear that "[t]he State leaves matters of substance to the self-determination of religions and religious communities, while at the same time, in accordance with freedom of religion, including the right to practise religion collectively, it may lay down objective and reasonable conditions for recognition as a »church« in a specific legal form. Such conditions may include, in particular, minimum size requirements for the initiation

of recognition as a church, and conditions relating to the duration of the religious community's existence (Reasoning [143]). In addition, "the State's decision on the acquisition of church status, that is, on the recognition of a church, cannot be arbitrary, and the procedure on which it is based must comply with the requirements of the right to a fair trial: the matter must be handled impartially, fairly and within a reasonable time, the decision must be duly reasoned [Article XXIV (1) of the Fundamental Law]; and there must be a right of legal redress against the decision [Article XXVIII (7) of the Fundamental Law]. The fairness of the procedure in relation to the decision on the status of a church is also particularly important in order to avoid any doubt that the State has acted in accordance with the principle of ideological neutrality without discriminating against the religious community concerned [Article XV (2) of the Fundamental Law] (Reasoning [147]).

[34] Decision 23/2015 (VII.7.) AB (hereinafter referred to as the "2015 Court Decision") found that the system of criteria for the recognition of churches is in conflict with an international treaty, and called on the National Assembly and the Government to take the necessary measures to resolve the conflict. The 2015 Court Decision took into account the fact that the Judgement of the ECtHR in Magyar Keresztény Mennonita Egyház and Others v. Hungary (70945/11; 23611/12; 26998/12; 41150/12; 41150/12; 41155/12; 41463/12; 41553/12; 54977/12; 56581/12) of 8 April 2014 determined that that the conditions imposed by the Act on Churches for recognition as a church are incompatible with Article 9 and Article 14 of the European Convention on Human Rights and the consequent requirements of neutrality and impartiality.

[35] Decision 17/2017 (VII. 18.) AB (hereinafter referred to as the "First 2017 Court Decision") found an infringement of the Fundamental Law by omission, because the legislator had failed to ensure that taxpayers could choose from all religious communities as beneficiaries of their declaration of 1% of their personal income tax as churches. The First 2017 Court Decision stated that "no constitutional requirement exists that all religious communities should enjoy *de facto* equal rights, nor that the State should *de facto* cooperate with all established churches to the same extent. Practical differences in the exercise of the right to religious freedom remain within constitutional bounds as long as they do not arise from discriminatory legislation or are not the result of discriminatory practice" (Reasoning [27]). The First 2017 Court Decision reiterates that "[f]reedom of religion and religious tolerance are part of the Hungarian constitutional tradition, in particular equality of rights between religions, meaning equality of rights for citizens of different religions, which has been a historic achievement of our historical constitution since the 19th century" (Reasoning [39]).

[36] Concerning the merits of the case, the Constitutional Court pointed out the following: "The purpose of the support granted on the basis of the donation of a certain part of personal income tax is not to support public tasks assumed by the State in the framework of cooperation between the State and the churches, but to provide support for the religious activities undertaken by religious communities [...]. This regime has been rendered deeply entrenched in Hungary over the past two decades and, in addition to supporting civil society organisations, has become an dominant element of civic participation in relation to religious communities. However, while in the case of the »civic« donation of 1%, the taxpayer can easily find an

organisation worthy of support in place of the one which might be excluded from the scope of beneficiaries, it is not viable for an adherent to a religious community to support another religious community due to the exclusive nature of religious convictions" (Reasoning [41]). In the light of the above, the Constitutional Court concluded that "there is no reason to discriminate by allowing members of established churches, if they pay personal income tax, to donate 1% of their income tax to their church, while members of organisations engaged in religious activities cannot do so" (Reasoning [42]).

[37] Decision 36/2017 (XII. 29.) AB (hereinafter referred to as the "Second 2017 Court Decision") found a violation of the Fundamental Law in the form of an omission due to the fact that the National Assembly had failed to lay down the rules of procedure applicable in the event of failure to meet the time limit for a decision on the recognition of churches. The Second 2017 Court Decision explained that "when the National Assembly takes a favourable decision in the procedure provided for by the Act on Churches and recognises a religious community as an established church, it does so by means of an amendment to the Act, which is a normative act, although it contains a specific decision as regards its content. However, when it refuses to recognise a church, it takes an individual parliamentary decision, deciding on the right of the applicant in an individual case. The protection of fundamental rights is a primary obligation of the State, and therefore the essence of fundamental procedural rights cannot be rendered meaningless, depending on which State body the competence in relation to an individual decision affecting rights or obligations is delegated. The decision-making power contained in Article VII (4) of the Fundamental Law is not a public administrative decision, but a decision of constitutional law and of public power, only it relates to an individual case. As the holder of the power is the National Assembly, the obligation to protect fundamental rights must apply to the procedure of the National Assembly" (Reasoning [58]).

V

[38] The constitutional complaint is unfounded.

[39] 1. Since its promulgation, the provision of Article VII of the Fundamental Law on the legal status of churches has been amended several times. The original wording of the Fundamental Law provided that "[t]he State and religious communities shall operate separately. Churches shall be autonomous. In the interest of community objectives, the State shall cooperate with the churches". The Constitution left all further questions to a cardinal Act.

[40] Following the Fourth Amendment to the Fundamental Law, with effect from 1 April 2013, Article VII of the Fundamental Law was amended to expressly confer on the National Assembly the power to recognise organisations engaged in religious activities as churches by a cardinal Act, and this recognition is also the basis for cooperation in the pursuit of community objectives. The amendment to the Fundamental Law also specified that "a cardinal Act may prescribe as conditions for the recognition of organisations engaged in religious activities as

churches that they have been operating for a longer period of time, have social endorsement and are suitable for cooperation in the pursuit of community objectives".

[41] The current wording of the relevant provisions of the Fundamental Law is the result of the Fifth Amendment to the Fundamental Law. As of 1 October 2013, Article VII (4) of the Fundamental Law was amended to provide that "[t]he State and religious communities may cooperate to achieve community objectives. At the request of a religious community, the National Assembly shall decide on such cooperation. The religious communities participating in such cooperation shall operate as established churches. The State shall provide specific privileges to established churches with regard to their participation in the fulfilment of tasks that serve to achieve community goals."

[42] The Constitutional Court examined the constitutional complaint for a constitutional complaint in the light of the provisions of the Fundamental Law in force; the Court looked at whether the legal rules contested by the petitioners violated the provisions of the Fundamental Law in force at the time of the consideration of the petition.

[43] 2. The Constitutional Court first considered the merits of the petitions challenging certain paragraphs of Section 9/G of the Act on Churches. Section 9/G of the Act on Churches provides a definition for the term 'established church' as follows: "An established church shall be a registered church with which the State has concluded a comprehensive agreement on cooperation for community objectives. In concluding or amending the comprehensive agreement, the Minister responsible for coordinating relations with churches [...] shall act on behalf of the State."

[44] In the regime provided for by the Act on Churches, the established church is the only category which is not decided by a court but by the National Assembly. On the basis of the grammatical interpretation of Section 9/G (1) of the Act on Churches, it is also clear that the established church is a "sub-type" of the registered church; the registered church is deemed to be an established church if the State has concluded an agreement with it in the interest of the community. It can be concluded that there is no difference between established churches and other registered churches in the conduct of religious activities, but only in the cooperation in the interest of the community.

[45] At the same time, the petitioners invoked Article XXIV and Article XXVIII of the Fundamental Law; in their view, the right to a fair trial is violated by the political decision on the status of established churches.

[46] Article VII (4) of the Fundamental Law expressly provides for the possibility of cooperation between the State and religious communities and for the National Assembly to decide on such cooperation. Neither the interpretation of the right to a fair trial nor the interpretation of the content of religious freedom may lead to the supersession of a textual provision of the Fundamental Law; nor may the interpretation of certain fundamental rights conceptually lead to the contradiction of other provisions of the Fundamental Law.

[47] It is the conclusion of the Second 2017 Court Decision that the right to the fair administration of public authority matters as laid down in Article XXIV of the Fundamental Law

must be applied in the procedure for classification as a church, even though the decision is not taken by a public authority but by the National Assembly. As the pointed out, "the obligation to protect fundamental rights must apply to the procedure of the National Assembly" (Reasoning [58]).

[48] However, in the context of the application of Article XXIV of the Fundamental Law, the differences between the decision of the legislature (public authority or judge) and the decision of the National Assembly cannot be disregarded. The Decision concerning the application of the law is legally bound: the content of the decision is taken by the bodies implementing the law on the basis of what follows from the relevant legal norms. The form, formality and timeliness of a parliamentary decision are subject to legal rules, but its content is the result of political discretion. The Second 2017 Court Decision made an authoritative finding in its operative part on the time limit for the parliamentary decision, based on the right to a fair hearing by public authorities. The situation under consideration in the present case is different. The position of the petitioners is that the parliamentary (political) decision does not meet the requirement of fairness *ab ovo*, meaning that they sought to draw an inference from Article XXIV of the Fundamental Law as to the outcome of the parliamentary decision. However, such a conclusion cannot be reached from a combined interpretation of Article XXIV and Article VII of the Fundamental Law. In view of this, the Constitutional Court held that Section 9/G of the Act on Churches does not violate Article XXIV of the Fundamental Law.

[49] The right to freedom of religion reasonably entails the free exercise of religion, the free proclamation of religious beliefs and other conduct attributable to conscientious conviction. It does not follow, however, from the fundamental individual right of freedom of religion that any individual or community has a right, which can be derived from the Constitution, to be cooperated with by the State in the pursuit of community objectives. As it was explained in the 2013 Court Decision, "[t]he State has a relatively free margin of appreciation in defining community objectives within the framework of the Fundamental Law; it is not generally obliged to contribute to the attainment of the objectives set by a church or religious community if it does not otherwise assume a State function in relation to the activity" (Reasoning [151]).

[50] In view of the above, Section 9/G(1) of the Act on Churches does not raise a violation of Article VII (1) of the Fundamental Law, either.

[51] It follows naturally from the fact that Article VII (4) of the Fundamental Law entrusts the decision on cooperation to the National Assembly that the decision is political (i.e. based on a choice of values) and that the National Assembly cannot be compelled to conclude the cooperation agreement. On the basis of this provision, the parliamentary majority is free to decide with which religious communities to conclude cooperation agreements, which community objectives to agree to achieve, and the content of such cooperation.

[52] The State may not discriminate between different religious beliefs on the basis of their supernatural content, but, in respect of legal arrangements where cooperation is established between the State and a religious community, it shall take into account the religious community's relationship to secular law and the constitutional set of values.

[53] It cannot be established that Section 9/G of the will have exceeded these limits. It is of no constitutional significance that the proposal for cooperation is prepared by the general body of the executive, the Government (which is, moreover, primarily responsible for the achievement of the community's objectives), nor is it of any significance from what date the rights and obligations contained in the agreement are conferred on the established churches. There is also no difference in principle between the status of established churches being created by an annex to the Act on Churches itself or by a separate Act, since in both cases it is the National Assembly that decides. Based on other provisions of the Fundamental Law, the 2013 Court Decision stated that "it is not in itself contrary to the Fundamental Law for the National Assembly to recognise churches by law, even if this does not result in a closed list" (Reasoning [168]). Although the rules of the Fundamental Law have changed, this requirement is still fulfilled, as the list of recognised churches in the Annex to the Act on Churches is not closed.

Consequently, the Constitutional Court dismissed the petition seeking a finding of unconstitutionality in violation of the Fundamental Law and annulment of Section 9/G (1), (3) and (7) of the Act on Churches.

[55] 3. The petitioners objected to the fact that religious communities may receive subsidies from the State for religious purposes. In their view, first, the grant of subsidies for religious purposes infringes the principle of the separation of the State and religious communities and, second, the absence of objective conditions constitutes a breach of the principle of non-discrimination. The petitioners therefore sought the annulment of Section 9 (2), Section 9/C (1), Section 9/D (5) and Section 9/F (1) of the Act on Churches.

[56] In its assessment of the above, the Constitutional Court took into account that in the present case the petition is a complaint under Section 26 (2) of the Constitutional Court Act, which may be filed if the petitioner has suffered a direct violation of rights as a result of the application or of a provision of a legislative act of its being given effect in a manner contrary to the Fundamental Law, without a judicial decision. This particular competence is distinguished from abstract ex post review of conformity with the Fundamental Law in that it requires a causal link between the challenged statutory provision and the petitioner's violation of rights. Stated in other terms, the petitioner cannot seek review of legislation which does not directly affect his rights and which has not caused him any harm. Since the agreement between the State and another religious community does not (cannot) reasonably affect the rights of the petitioners, this issue cannot be considered in the context of a complaint under Section 26 (2) of the Constitutional Court Act. In the light of the above, the Constitutional Court limited its purview as to whether the petitioners had a right to obtain a subsidy for religious purposes that could be derived from the Fundamental Law and whether this right was restricted by the provisions of the Act on Churches.

[57] From the combined application of Article VII (1) and Article XV (1) to (2) of the Fundamental Law, it follows that the religious freedom of each individual, irrespective of the content of his or her belief, is equal; the religious freedom of each person enjoys the same constitutional protection. "However, as regards the right to the free practice of religion, no distinction may be applied between members of differing religious communities [...]: The

adherents to any religious communities are all entitled to the right of freedom of religion" (the First 2017 Court Decision, Reasoning [40]).

[58] The logical consequence is that the constitutional protection of religious communities is also equal, regardless of the legal status of the religious community, the number of its members or its participation in community activities. The State may not apply different standards for the exercise of religious freedom to different communities.

[59] State subsidies for religious activities, although linked to the exercise of religious freedom, are not a right which follows necessarily from Article VII (1) of the Fundamental Law. No constitutional claim to any subsidy provided for religious activities can be made on the basis of a fundamental individual right to religious freedom. If, in view of the number of members of a religious community and its social presence, the State provides subsidies from the State for religious purposes, this is precisely in order to give effect to Article VII (1) of the Fundamental Law; such a subsidy is a material guarantee of freedom of religion.

[60] Taking into account, first, that the possibility of providing subsidies from the State for religious purposes does not violate Article VII (1) of the Fundamental Law, second, that the claim to subsidies from the State for religious purposes cannot be formed from the Fundamental Law and, third, that the petitioners cannot request its review within the framework of the complaint filed under Section 26 (2) of the Constitutional Court Act, why other religious communities receive such support, the Constitutional Court dismissed the petition seeking a finding of Section 9 (2), Section 9/C (1), Section 9/D (5) and Section 9/F (1) of the Act on Churches being contrary to the Fundamental Law and the annulment of such Sections.

[61] 4. The petitioners also complained that only registered churches and established churches are entitled to the supplement to the 1% personal income tax on the donation of the tax, as a consequence of Section 9/F (2) and Section 9/G (5) of the Act on Churches.

[62] The Constitutional Court points out that the assessment of the constitutionality of the part of the personal income tax paid by individuals which is offered and determined in accordance with a separate Act (the 1% donation) and of the State's supplement to it is different.

[63] The First 2017 Court Decision held that, since believers constitute a homogeneous group, a provision which provides for the donation of 1% of income tax for ecclesiastical purposes only for certain believers is not in conformity with Article XV of the Fundamental Law. The decision expressly pointed out in this respect that "this Decision does not affect the additional support provided for in Section 4 (2) to (4) of Act CXXIV of 1997 on the Financial Conditions for Church Activities in the Exercise of Faith and for Public Purposes, nor other support and benefits granted to established churches" (Reasoning [42]). This is explained by the fact that, unlike the donation (the provision on the 1% of the income tax), the State supplement is an *ex gratia* benefit, which constitutes a subsidy to the religious community. No claim can be made to such benefit under Article VII (1) of the Fundamental Law. "However, the fundamental right to freedom of religion does not imply a right to State support (the 2017 Court Decision, Reasoning [39]). It cannot be considered an arbitrary distinction between religious communities that the Act on Churches grants this only to registered churches.

[64] Consequently, the Constitutional Court dismissed the petition seeking a finding of unconstitutionality in violation of the Fundamental Law and annulment of Section 9/F (2) and Section 9/G (5) of the Act on Churches.

[65] 5. Finally, the Constitutional Court considered the petitions challenging Section 21 and Section 22 of the Act on Churches. Within the meaning of Section 21 of the Act on Churches, "[i]n the case of an ecclesiastical legal person performing a public mission, the content of the employment relationship of persons employed in connection with such a mission shall be the same as that of a public sector employee as regards remuneration, working hours and rest periods, with the exception that a deviation in favour of the employee shall be permitted. Such employees shall be covered by the central wage policy measures applicable to employees of State or local government institutions under the same conditions." Section 22 of the Act on Churches provides that "[a]n ecclesiastical legal person may carry out camp chaplaincy, prison and hospital chaplaincy or other ministry in the order prescribed by law".

As a consequence of Section 10 of the Act on Churches, an established church, a registered church and a listed church as well as their internal ecclesiastical legal persons shall be considered to be ecclesiastical legal persons. The complaint filed by the petitioners objects, first, to the fact that the status of persons employed by other religious communities is not governed by the status of public sector employees and, second, to the fact that not all religious communities have the possibility of providing services as camp chaplains, prison chaplains and hospital chaplains.

[67] As regards freedom of religion and discrimination against religious communities, the Constitutional Court has taken the view that a distinction must be made between equality of religious freedom and the different rights of religious communities. The equality of religious freedom is self-evident: "[N]o distinction may be applied between members of differing religious communities [...]: The adherents to any religious communities are all entitled to the right of freedom of religion" (the First 2017 Court Decision, Reasoning [40]). However, the same Decision stated that "no constitutional requirement exists that all religious communities should enjoy *de facto* equal rights, nor that the State should *de facto* cooperate with all established churches to the same extent" (Reasoning [28]).

[68] The closer an entitlement is to the individual, the less acceptable the distinction made. Constitutionally speaking, a distinction can only be made in respect of the fundamental individual right of religious freedom if there is a strong constitutional interest in doing so, and distinction is the least restrictive means of achieving that end. If, on the other hand, the distinction in question is remote from the individual, then taking differences into account can be justified in other cases. A distinction between religious communities which only indirectly affects individuals is constitutional if it is based on objective considerations and is reasonable. This is in line with the conclusion of Decision 27/2014 (VII. 23.) AB that the State has a wide margin of appreciation in supporting religious communities, but that it is required that "a religious community should not be placed in an unduly disadvantaged position vis-à-vis other religious communities or other organisations in a comparable situation" (Reasoning [48]). In other words, a distinction far removed from individual religious freedom is in breach of the Fundamental Law if it is manifestly arbitrary.

[69] The constitutional aspects of the assessment of the two issues raised in the petition are different. The legal status of employees of a ecclesiastical legal person performing a public mission activity is not directly linked to religious freedom. These employees are not primarily engaged in religious activities, but in performing a public mission, their employer being the church (or a legal person thereof). The distinction according to employer does not in any way affect the ideological neutrality of the State or the separation of church and State. In this case, it follows from Article XV (2) of the Fundamental Law that the legislation should not distinguish between subjects of law belonging to the same regulatory field (homogeneous group) without a constitutionally acceptable reason {see, for instance, Decision 10/2015 (V. 4.) AB, Reasoning [19]} The Constitutional Court has also explained in several of its decisions that, as long as the method of assessment (benchmark) regarding discrimination affecting fundamental constitutional rights is the necessity and proportionality test under Article I (3) of the Fundamental Law, the Constitutional Court will find discrimination contrary to the Fundamental Law if there is no reasonable justification for it on the basis of objective consideration, in other words, if it is arbitrary {*see,* in this respect, Decision 14/2014 (V. 13.) AB, Reasoning [31]-[32]; in summary, Decision 10/2015 (V. 4.) AB, Reasoning [20]; Decision 35/2017 (XII. 20.) AB, Reasoning [43]}.

[70] With regard to the different categories of religious communities, it cannot be established that the grouping is manifestly arbitrary; the conditions for registration are general, they are laid down by law and the decision is a matter for the court. In the light of the real and objective difference between religious communities, the Constitutional Court considers that there is a constitutional justification for treating persons employed by different religious communities differently in terms of labour law. It should also be noted that under the former Constitution, when there was a single church category, the Constitutional Court ruled that the separation of church and State does not imply that the specific characteristics of church and religion must be disregarded by the State in its legislation [cf. Decision 4/1993 (II. 12.) AB].

[71] On the basis of the above, Article XV (2) of the Fundamental Law is not impaired and the Constitutional Court therefore dismissed the petition challenging Section 21 of the Act on Churches.

[72] Contrary to the employment status of employed persons, the ministry as camp chaplain, prison chaplain and hospital chaplain is directly related to Article VII (1) of the Fundamental Law: all can be considered as part of the missionary activity of the religious community.

[73] It follows from Article VII (1) of the Fundamental Law that freedom of religion shall include the freedom to choose or change one's religion or other belief, and the freedom of everyone to manifest, abstain from manifesting, practice or teach his or her religion or other belief through religious acts, rites or otherwise, either individually or jointly with others, either in public or in private life. This passage of Article VII of the Fundamental Law defines the fundamental individual right of freedom of religion; except in very special cases, no one shall be denied the right to share his or her philosophical beliefs with others.

[74] Taught philosophical beliefs are also a right pertaining to religious communities (indeed, most religious communities consider this to be their primary duty), but where the teaching of

religion takes place through some form of State institutionalisation, more stringent limits becomes permissible. Religious freedom operates at its fullest when it is a fundamental right of protection, that is, when it does not require State interference. As was pointed out in the 2013 Court Decision, "[i]n the case of the individual and collective exercise of the right to freedom of religion, the State is, as in the case of classical freedoms in general, above all obliged to adopt a negative attitude, to abstain, that is, not to restrict the rights of individuals" (Reasoning [125]). The exercise of an element of religious freedom by the State, in a manner laid down by law, also falls within the scope of protection of the Fundamental Law, but more stringent rules may be laid down for its exercise and the manner in which it is exercised, subject to compliance with Article VII and Article XV of the Fundamental Law.

[75] The rules and conditions of the ministry of chaplains in camps, prisons and hospitals are laid down by law. Certain elements of the service of camp chaplains are provided for in Act CCV of 2012 on the Status of the Defence Forces (hereinafter referred to as the "Defence Forces Act"), and the details are regulated by Government Decree 231/2019 (X. 4.) Korm on the Implementation of Act CCVI of 2011 on the Right to Freedom of Conscience and Religion and the Legal Status of Churches, Denominations and Religious Communities (hereinafter referred to as the "Implementing Act on Churches"). The Implementing Act on Churches defines the status, duties and responsibilities of the camp chaplain. It follows from Section 31 (5) of the Defence Forces Act that the camp chaplain is in a service relationship with the Defence Forces.

[76] The service of the camp chaplain was addressed in Decision 970/B/1994 AB under the former Constitution. The Decision held that it was not a violation of religious freedom that only historic Churches, as they were then coined as terms of art, could operate a camp chaplaincy.

[77] In the present case, the Constitutional Court also considered the following to be relevant: 1) the camp chaplaincy is not the only way of practising religion in the Defence Forces, 2) it requires active State activity, since it integrates the chaplains into the organisation of the Defence Forces, and 3) the social involvement and the number of members are criteria which do not constitute an arbitrary determination of which communities may operate a camp chaplaincy.

[78] In the light of the above, it can be concluded that neither Article VII (1) nor Article XV of the Fundamental Law is infringed by a restriction which does not allow all religious communities to provide camp chaplaincy services, but makes a distinction according to the size and social role of the religious community.

[79] As far as the hospital chaplaincy is concerned, it should be pointed out that Section 39 of the Implementing Act on Churches allows all religious communities with legal personality to provide hospital chaplaincy services. Similarly, Act CCXL of 2013 on the Imposition of Punishments, Measures, some Coercive Measures and Confinement for Infraction provides for the possibility for religious communities with legal personality to have contact with prisoners without any restrictions, as detailed in the Decree 8/2017 (VI. 13.) IM of the Minister of Justice on Prison Chaplaincy and Prison Missionary Activities. The decree makes a distinction between prison chaplaincy and prison mission service: The former is only possible for ecclesiastical legal persons, while the latter can be carried out by all religious communities It can be stated that

the free dissemination of philosophical beliefs is open to all religious communities, including in prisons. The distinction between the content of the prison chaplaincy and the prison missionary service is a matter of cooperation between the State and the religious community, in which the social involvement and the needs of the persons concerned are not arbitrarily taken into account.

[80] In view of this, the Constitutional Court dismissed the petitions seeking the annulment of Section 21 and Section 22 of the Act on Churches.

Budapest, 19 May 2020

Dr. Tamás Sulyok, sgd., Chief Justice of the Constitutional Court

Dr. Tamás Sulyok, sgd., Chief Justice of the Constitutional Court, on behalf of dr. Ágnes Czine, Justice of the Constitutional Court, prevented from signing

Dr. Tamás Sulyok, sgd., Chief Justice of the Constitutional Court, on behalf of dr. Egon Dienes-Oehm, Justice of the Constitutional Court, prevented from signing

Dr. Tamás Sulyok, sgd., Chief Justice of the Constitutional Court, on behalf of dr. Attila Horváth, Justice of the Constitutional Court, prevented from signing

Dr. Tamás Sulyok, sgd., Chief Justice of the Constitutional Court, on behalf of dr. Tünde Handó, Justice of the Constitutional Court, prevented from signing

Dr. Tamás Sulyok, sgd., Chief , Justice of the Constitutional Court, on behalf of dr. Imre Juhász, Justice of the Constitutional Court, prevented from signing

Dr. Tamás Sulyok, sgd., Chief Justice of the Constitutional Court, on behalf of dr. Ildikó Hörcher-Marosi, Justice of the Constitutional Court, prevented from signing

Dr. Tamás Sulyok, sgd., Chief Justice of the Constitutional Court, on behalf of dr. László Salamon, Justice of the Constitutional Court, prevented from signing

Dr. Tamás Sulyok, sgd., Chief Justice of the Constitutional Court, on behalf of dr. Miklós Juhász, Justice of the Constitutional Court, prevented from signing

Dr. Tamás Sulyok, sgd., Chief Justice of the Constitutional Court, on behalf of dr. Balázs Schanda, Justice of the Constitutional Court, prevented from signing

Dr. Tamás Sulyok, sgd., Chief Justice of the Constitutional Court, on behalf of dr. Marcel Szabó, Justice of the Constitutional Court, prevented from signing

Dr. Tamás Sulyok, sgd., Chief Justice of the Constitutional Court, on behalf of dr. Péter Szalay, Justice of the Constitutional Court, prevented from signing

Dr. Tamás Sulyok, sgd., Chief Justice of the Constitutional Court, on behalf of dr. Béla Pokol, Justice of the Constitutional Court, prevented from signing

Dr. Tamás Sulyok, sgd., Chief Justice of the Constitutional Court, on behalf of dr. András Varga Zs, Justice of the Constitutional Court, prevented from signing

Dr. Tamás Sulyok, sgd., Chief Justice of the Constitutional Court, on behalf of dr. Mária Szívós, Justice of the Constitutional Court, prevented from signing