

Bill no.: **T/10747.**

Act ... of 2020
on Terminating the State of Danger

In order to draw conclusions pertaining to public law from the epidemiological situation that was successfully stabilized, due to the quick and effective emergency measures taken by the Government for the prevention of the human epidemic caused by the COVID-19 infection and for the elimination of its consequences, based on the authorization of the Parliament in accordance with Act XII of 2020 on the Containment of the Coronavirus, taking into consideration that the provisional status, necessity and proportionality of the emergency measures are continuously monitored by the Parliament, recognizing the cooperation, sacrifice and discipline of the Hungarian people, which are always the guarantors of a successful epidemiological containment, the Parliament shall adopt the following Act of Parliament:

Article 1

The Parliament calls on the Government to terminate the state of danger (hereinafter: state of danger) under Government Decree 40/2020. (III. 11.) on Declaring the State of Danger, in accordance with Article 54(3) of the Fundamental Law.

Article 2

Act XII of 2020 on the Containment of the Coronavirus is repealed.

Article 3

(1) This Act of Parliament shall enter into force on the day following its promulgation, with the exception specified in paragraph (2).

(2) Article 2 and Article 4 shall enter into force upon the termination of the state of danger.

(3) The calendar day for the entry into force of Article 2 and Article 4 shall be established by the Prime Minister's individual resolution published without delay in the official gazette Magyar Közlöny, once it becomes known.

Article 4

In accordance with Articles XXIX(3), 2(1), 24(9), 31(3), 35(1), 54(4) of the Fundamental Law, Article 2 of the present Act of Parliament qualifies as cardinal.

General justification

The COVID-19 epidemic presented an unprecedented challenge for our country and all countries of the world. The traditional means and solutions proved inadequate during the health and economic defence measures against the epidemic. All states have taken emergency measures in accordance with their constitutional traditions and the epidemiological situation, in order to effectively manage the crisis.

The Government of Hungary, in accordance with Article 53(1) of the Fundamental Law, has declared a state of danger on 11 March 2020, in the form of Government Decree 40/2020. (III. 11.) to prevent the human epidemic endangering life and property and causing mass disease outbreaks, eliminate its consequences, and to protect the health and lives of Hungarian citizens. In accordance with the Fundamental Law, legislative power of the Government during the state of danger shall remain in effect for fifteen days, unless extended by the Government, at the authorization of the Parliament. The Parliament has provided this essential authorization by adopting Act XII of 2020 on the Containment of the Coronavirus (hereinafter: the Act), and at the same time, reinforced the measures previously taken. The Act made it possible for the Government of Hungary to adopt and retain in force the additional decrees that contained the emergency ordinances, if the Parliament were not in session for any reason falling within the 2020 human epidemic causing mass disease outbreaks due to the COVID-19 infection. However, the Act has also authorized the Parliament to revoke the authorization provided to the Government at any time.

Because of the authorization granted by the Act, the Government of Hungary has taken quick and effective measures. By the sacrifice and discipline of the Hungarian people, we have thus far managed to prevent the epidemic from growing to tragic proportions within our country, as it had demonstrably done so elsewhere. In these perilous times, the joint action, the national unity and the dedicated work of those employed in healthcare and law enforcement, as well as all others concerned, has created the most widely encompassing national unity possible, which is always the guarantor of a successful epidemiological containment.

In similar situations, every state has the right to take emergency measures to protect its citizens. The emergency measures must be temporary, necessary and proportional, and their regular review must be ensured. The Parliament has practiced its powers of supervision over the emergency measures adopted in Hungary continuously and without interruption. The measures taken by the Government fully complied with the principles stated above and are not considered exceptional, even when examined on an international level. The monitoring of the constitutional and lawful operation of the public authorities was ensured throughout.

From the very beginning, there had been an unprecedented coordinated political campaign and a generation of hysteria against the measures taken by Hungary during the state of danger, within and outside the borders of our country. Although these baseless attacks thankfully did not influence the effectiveness of the epidemiological containment, all those who called the emergency measures into question and attempted to undermine the legitimacy of the governmental decisions in the most difficult period of the struggle, bear a historic responsibility.

The purpose of the Bill, considering the stabilization of the epidemiological situation, is to establish the foundations of the termination of the special legal order, the state of danger, as well as to repeal the Act.

This justification shall be published in the Directory of Justifications, in accordance with Article 18(3) of Act CXXX of 2010 on Law-Making, and Article 20 of Decree 5/2019. (III. 13.) IM of the Minister of Justice on the publication of the official gazette Magyar Közlöny as well as its designation during the promulgation of laws and the publication of public law regulatory instruments.

Detailed justification

Article 1

The Parliament, taking into account the aspects covered in the general justification, calls upon the Government to terminate the state of danger, in accordance with Article 54(3) of the Fundamental Law.

Article 2

Statutory provision laying down the expiry of the Act.

Article 3

The entry into force of the call to terminate the state of danger shall be the day following the promulgation of the law.

The repeal of the Act corresponds to the termination of the state of danger. In accordance with constitutional requirements, the state of danger shall be terminated by the Government, in accordance with Article 53(1) and Article 54(3) of the Fundamental Law.

Article 4

The Parliament had admitted the law as a cardinal law, in accordance with Articles XXIX(3), 2(1), 24(9), 31(3), 35(1) and 54(4) of the Fundamental Law. In accordance with the above, the deregulation of the Act shall take place as a cardinal law, the provisions concerned contain the clause relating thereto.