

## OPAL Country Reports

# The Hungarian Parliament and EU Affairs

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# OPAL Country Report on the Hungarian Parliament<sup>1</sup>

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<b>I. General Position of Parliament in the Constitutional Balance of the Member State: Constitutional and institutional factors</b>	
This section looks at the role of Parliament in the political system, to help us understand the relative power position of the legislature.	
1.1	What is the type of government in the political system of your member state? (i.e. parliamentary or semi-presidential)
	Parliamentary system
1.2	Is it a uni- or bicameral Parliament? If bicameral, is one house dominant or are both equally strong? Please briefly explain.
	Uni-cameral parliament
1.3	Is the state federal, decentralized or unitary? If applicable, is it a form of asymmetrical federalism?
	Unitary system
1.4	Briefly describe the electoral system, if applicable, for each chamber.
	<p>It is a mixed member electoral system. The 386 Members of Parliament are elected in three tiers: 176 mandates come from 176 Single Member Districts two rounds vote, and the other mandates come either from the 20 regional closed lists from the closed compensation national list.</p> <p>The SMD election is successful if a candidate gets more than 50% of the votes, while in the second round, a relative majority suffices among the top three candidates of the first round. The second tier involves votes for a party list in the 20 regions. Only a party with at least two SMD candidates in a region can establish a regional list. List mandates are counted by the Hagenbach-Bischoff formula. Regions are of different size – district magnitude varies from 4 to 28, but 28 is exceptional: it is the list of the capital city, Budapest, which homes 1/5<sup>th</sup> of the country's population. On average, the district magnitude is 6.5 when the Budapest region is excluded. The maximum number of overall list mandates is determined by law (at 152).</p> <p>When the quota for a list seat is not met, fragment votes as well as remaining regional mandates are reallocated among parties whose remainders are at least above two-thirds of the initial quota. These unallocated seats appear in the third tier, in the national compensation list. Parties are entitled to set up a national compensation list only if they could establish at least 7 regional lists (that is in at least 1/3<sup>rd</sup> of the regions). Parties would receive mandates from the national list according to the d'Hondt formula. The minimum number of these mandates was set at 58, again by law, but this number has always been higher because of the fragment votes.</p>

<sup>1</sup> This country report provides some basic data that has been collected in the context of the research for a chapter to be published in C. Heffler, C. Neuhold, O. Rozenberg, J. Smith & W. Wessels (Eds.). (forthcoming in 2014). *The Palgrave Handbook of National Parliaments and the European Union*. London: Palgrave, Macmillan.

	It should be noted that from the next election (prospectively, spring 2014) a new electoral system will be used.
1.5	What (f)actors can prevent the parliament agreeing on EU legislation and/or treaty reform? (e.g. a constitutional court, or public referenda on questions of EU integration)
	Both the old (1989) and the new constitution (2012) stipulate that the sovereignty to decide on international treaties that affect the sovereignty of the Hungarian state is transferred to Parliament, which decides on this with a 2/3 <sup>rd</sup> majority vote under the supervision of the government (old constitution, par. 2/A; new constitution (Alaptörvény, Basic Law ) article E, par. 2 and par. 4). That is, in principle it is the parliament that is the highest authority in this respect.

## 2. General Position of Parliament in the Constitutional Balance of the Member State: Political Factors

This section is about the basic political factors which might influence parliament's strength in relation to the government.

2.1	What is the type of government after the most recent elections e.g. single party, minority, coalition, oversized coalition government?		
	An oversized coalition was formed after the 2010 elections. It consists of two parties, the senior partner is Fidesz (Alliance of Young Democrats) and the junior partner is KDNP (Christian Democratic People's Party). This is not simply an oversized coalition but a supermajority coalition, which refers to the fact that the coalition has more than 2/3 <sup>rd</sup> majority and as such can legislate upon those special policy areas that constitutionally require 2/3 <sup>rd</sup> majority support.		
2.2	When were the most recent general elections and what were the results? Could you please give a short list of the parliamentary groups, their no. of seats in parliament and ideological position?		
	Latest election:	April 11 and April 25, 2010 (two rounds)	
	Name of the party	No. and percentage of seats in parliament	Ideological position (e.g. Communist, left liberal, socialist, liberal, right liberal, conservative, christian democrat, extreme right, ethnic minority or regionalist party)
	Fidesz (Alliance of Young Democrats )-	227(58.7%)	Conservative
	KDNP (Christian Democratic People's Party)	36(9.3)	Christian democrat
	MSzP (Hungarian Socialist Party)	59 (15.3)	Socialist
	Jobbik (For the Right Hungary)	47 (12.2)	Extreme right
	LMP (Politics Could be	16(4.2)	Green, liberal

	Different)		
2-3	How polarized was parliamentary debate over ratification of the Lisbon Treaty? Which parliamentary party groups supported and which opposed ratification?		
	The Hungarian parliament was the first one to ratify the Lisbon Treaty – on December 17, 2007, with 325 yes, 5 no votes and 14 abstentions. It should be noted that the ratification process was pursued under the “extraordinary” clause of the Standing Orders that is the time framework was limited. Actually the process took place within one afternoon session, when the MPs had not yet officially received the text of the Treaty. The KDNP and MDF, two small opposition parties at the time, complained because of the procedure, still there was an almost unanimous support.		

### 3. New Provisions of the Lisbon Treaty on Direct Contact with EU Institutions

The Lisbon Treaty provides national parliaments with new opportunities for direct contact with the EU institutions. This section addresses the incorporation of the new Lisbon provisions into national law and concrete procedures. Questions 3.3 to 3.5 investigate in how far these procedures have been used.

3-1	<p>Have there been any regulations adopted by your member state to incorporate the new powers that are entrusted to the national parliaments by the Treaty of Lisbon? If so, please list the regulations in their appropriate categories:</p> <p>a. Constitutional provisions</p> <p>b. Legal provisions - Statutory provisions</p> <p>c. Parliamentary Standing Orders</p> <p>d. Other (please specify)</p> <p>Is this process complete or ongoing?</p>
	<p>Law LIII/2004 on the Cooperation between the parliament and government in relation to European affairs already included and covered the most fundamental issues, like the scrutiny procedure, subsidiarity, and government information obligations. Some additional clarificatory articles have been placed since then to the Standing Orders but post Lisbon there is no breakthrough.</p>
3-2	<p>What exactly are the rules (i.e. parliamentary bodies involved, procedure, regional parliament’s involvement, cooperation in bicameral systems) for...</p>
3.2 i	<p>The “Political Dialogue“ with the Commission</p>
	<p>Par. 134/G of the Standing Orders claims that the EAC can send an opinion about the EU consultation documents and about EU legal proposals to the European Commission, and should inform the Speaker of the House about this.</p>
3.2 ii	<p>The Early Warning Mechanism (EWM)</p>
	<p>Par. 134/D of the Standing Orders claims that if the EAC decides that a EU legal proposal seems to harm the principle of subsidiarity it is entitled to report about it to the House – actually to the Speaker. The Parliament has 15 days to accept the Early Warning and after that the Speaker should send the Warning to the relevant authorities of the EU.</p>
3-2 iii	<p>The “Passarelle clause”</p>
	<p>Par. 134/F of the Standing Orders claims that if the EAC finds the passarelle initiative unbased, it will submit a report to the speaker and then the plenary meeting will decide within 15 days whether finds the report acceptable. The speaker should send the report to the relevant</p>

	European Union authorities and should inform the national government as well.
3.2 iv	The action of annulment before ECJ on breach with the subsidiarity principle (What quota of MPs is needed to enforce the action of annulment?)
	Par. 134/E of the Standing Orders places the responsibility in this regard on the CEA. If the CEA decides that an accepted legal act harms the subsidiarity principle it will initiate that the government starts an annulment procedure with the ECJ. At the same time the CEA should inform the Speaker of the House as well. The plenary is not involved in the process.
3.2 v	Accession of new member states to the EU
	The Hungarian parliament was active in the discussion about the accession of Croatia and in the Serbian entry.
3.3	How actively does the parliament engage in the political dialogue and “early warning mechanism” with the Commission?
	No example
3.4	Has parliament ever threatened to bring a legislative act to the ECJ because of subsidiarity concerns?
	No
3.5	If applicable to your member state, how does parliament proceed on the ratification of: a. Treaty Establishing the European Stability Mechanism, signed 2 Feb 2012 b. Treaty on Stability, Coordination and Governance in the Economic and Monetary Union, signed 2 March 2012
	On February 13, 2012 the PM informed the Parliament on signing the ESM, followed by a formal debate. The debate continued on February 14. The vote took place on February 20, with 304 yes, 42 no votes and 15 abstentions. Initiatives to modify the ESM were turned down in the EAC.  Although Hungary does not belong to the eurozone, on March 19, 2013 Law XXXII/2013 was enacted by the Parliament with 307 yes, 32 no votes and 13 abstentions on the Fiscal Pact with the aim that the Hungarian government would have an onlooker status in the summits relating to the Pact.