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Decision 56/1995 (IX.15.) AB

IN THE NAME OF THE REPUBLIC OF HUNGARY

On the basis of petitions aimed at the subsequent examination and rejection of the unconstitutionality of the legal rule, the Constitutional Court, with concurring reasoning by Dr. Imre Vörös, Judge of the Constitutional Court, has adopted the following

Decision:

The Constitutional Court holds that Section 81 of Act XLVIII of 1995, on certain amendments to the Act on Economic Stabilization (hereinafter AES), to amend Act II of 1975 on Social Insurance (hereinafter the "Act") and Section 39 Paragraphs 1 and 3 of Act LV of 1995 (hereinafter: ALCa) to amend the Act XXII of 1992 on the Labor Code (hereinafter: ALC) are unconstitutional, and therefore annuls them as of the date of the publication of this decision.

The Constitutional Court rejects the petitions seeking the unconstitutionality and annulment of the provisions of Section 80 Paragraphs 1-3 and Section 92 Paragraph 1 points a and b of AES. The Constitutional Court also rejects the petitions seeking the unconstitutionality and annulment of the provisions of Section 1 Paragraph 2 of Government Decree 71/1995 (VI. 17) to amend the Government Decree of 107/1992 (VI. 26) on health-care services that are subject to the payment of a fee and the method of payment, and the text: "for 100 HUF per transportation case fee" of Section 1 Paragraph 2 of the Government Decree of 69/1995 (VI. 17) amending the Ministerial Decree of 89/1990 (V. 1) provisioning the execution of the Act.

The Constitutional Court publishes this Decision in the Hungarian Official Gazette.

Reasoning

I.

1. Based on Section 81 of AES, Section 19 of the Act is amended with a new Paragraph 3. Consequently, Paragraphs 3 and 4 are renamed as Paragraphs 4 and 5. According to the amending provisions and contrary to the wording of Paragraph 1, those who, based on the provisions of another law, are not entitled to sick leave, are entitled to sick-allowance after the 25th day of proven loss of earning capacity at the earliest. Section 19 Paragraph 1 of the Act provides that a person is entitled to sick-allowance for the period of loss of earning capacity. The Act mentions several exceptions to this main rule. Amongst these, Section 19 Paragraph 2 states that contrary to the wording of Paragraph 1, if, according to the provisions of a different law the insured is entitled to sick leave, then they are entitled to sick-allowance from the day following the last day of the sick leave.

Section 137 Paragraph 1 of ALC lists provisions regarding sick leave. According to these, an employee is entitled to 10 workdays of sick leave. During this

period,– based on the wording of Paragraph 3 – their employer is obliged to pay 75% of their average salary.

The relevant regulations of the ALC were amended by Section 39 of ALCa. The section states that an employee is entitled to 25 work days as sick leave per year. For the first five days of this period they are not entitled to remuneration. For the rest of the period the employer is obliged to pay 75% of basic salary as absence remuneration. For those days when the employee is not entitled to any remuneration and if so requested by him or her, the employer is obliged to give sick leave in lieu of the annual holidays of the employee.

In its decision, 455/B/1995/III, the Constitutional Court held that the regulations of the relevant provisions of AES and ALCa and the provisions containing the transitional regulations that give effect to the provisions of AES became unconstitutional It annulled them, stating that the annulled provisions cannot come into force on July 1, 1995 and September 1, 1995. Additionally, the Constitutional Court indicated that it will decide on the substantive part of the regulations challenged in the petitions later. With the decision, the Constitutional Court annulled the following: Section 159 Paragraph 2 of AES in the part that enters Section 81 of the law into force; the regulation of Section 93 Paragraph 1 relevant to Section 19 Paragraph 3 of the Act and Section 93 Paragraph 2. Furthermore, the Constitutional Court annulled Section 52 Paragraphs 1 and 2 of ALCa in the part that enters Section 39 into force and as a consequence Section 52 Paragraphs 5, 6 and 7 as a whole were annulled.

2. Section 80 Paragraphs 1-3 of AES and Section 92 Paragraph 1 points a and b contain amending regulations relevant to the regulations in Section 16/A of the Act. Section 80 Paragraph 1 restricts free orthodontic intervention and function restoring interventions to those under 18 or those who have reached the pension age. Paragraph 2 restricts these interventions to those serving in line infantry as well as those on prescription exemption, and to cases defined in the Government Decree. The provisions of Paragraph 3 only ensure free convalescent hospital care if it falls under the category of medical rehabilitation. The law overrules the provisions ensuring free use of periodontology and operative dentistry, while Section 92 Paragraph 1 points a and b overrule provisions ensuring free use of various convalescent hospital care, medicinal bath care, teeth regulation and prosthetics services.

3. Section 80 Paragraph 4 of AES enters a new regulation into force replacing Section 16/A Paragraph 3 point b of the Act. Accordingly the terms of patient transport within ambulance services are regulated in a separate law, Government Decree of 69/1995 (VI. 17.).This law amends the Council of Ministers Decree of 89/1990 (V. 1.) which provides for the execution of the Act (hereinafter: Exec. Act). Section 1 Paragraph 2 of the Act ensures patient transport “for the co-payment of a fee of 100 HUF per transportation.” Section 1 Paragraph 2 of the Government Decree of 71/1995 (VI. 27) (hereinafter: Exec) on amending the Government Decree of 107/1992 (VI. 26) on health services which can be utilized by co-payments only and on the method of payments require co-payment of patient transport referring to the quoted regulations of the Exec. Act.

4. The Constitutional Court received several petitions aimed at the retrospective establishment of and annulment of the unconstitutionality of Section 81 of AES and Section 39 of ALCa. According to the standpoints explained in the petitions the legal provisions questioned are unconstitutional for several reasons. According to Section 81 of AES those insured that are not entitled to sick leave based on the quoted regulations of ALCa are left unprovided for the first 25 days of the period of loss of earning capacity. And those who are entitled to sick leave receive no allowance for the first five days of sick-leave, while in the following 20 days the employer is obliged to provide allowance, that is they are entitled to social security allowance after the 25th day.

The petitioners claim that reducing sick allowances without any remuneration conflicts with Articles 9-13 of the Constitution. They also claim that the law does not provide for any remuneration for the first 5 days of illness or for 25 days in the absence of sick leave, this is in conflict with Article 70/E of the Constitution. The petitions also mention that the amendments which are challenged conflict with Article 54 Paragraph 1 of the Constitution as they infringe upon the constitutional and fundamental right to life and human dignity.

One of the petitions alleges that the challenged amendments are particularly discriminatory in the case of entrepreneurs who have a special legal status and also disagree with several constitutional provisions. For example, entrepreneurs are not entitled to sick-leave, thus they are not entitled to sick allowance or any other allowances for the first 25 days of their period of loss of earning capacity, meanwhile their obligation to pay social security tax remains for this period. This regulation is an unacceptable discrimination in direction of other employees and employers, and thus also conflicts with Article 70/A Paragraph 1 of the Constitution.

5. According to another petition Section 80 Paragraphs 1-3 and Section 92 Paragraph 1 points a and be of AES, infringe upon Article 70/D Paragraphs 1 and 2 of the Constitution and are, therefore, unconstitutional. The petition explains that the Constitution provides for the highest attainable level of physical health and its limitation cannot be justified by financial difficulties in the social security programme. The “highest attainable level” does not refer to the acceptance of inevitable financial restrictions but to the actual advancement of medical science.

Thus if it were possible for the legislator to exclude certain illnesses from financing from the financial balance of health insurance, it would result in a complete legal insecurity. Otherwise the provisions challenged also revoke acquired rights, as the concerned are paying high social security tax considering that the insurer, or the State as an underlying guarantor liable, would ensure the costs of restoring their deteriorated health. Thus these rights cannot be posteriorly revoked from them without a fundamental infringement of the rule of law.

The provisions questioned also conflict with Article 70/A of the Constitution as they include discrimination that cannot be constitutionally justified. Namely the determination of the scope of those that will be entitled to allowance is arbitrary, and does not agree with the constitutional requirements of positive discrimination.

In view of this the subsequent establishment and annulment of the unconstitutionality of the provisions challenged are legitimate.

6. According to the petition challenging Section 1 Paragraph 2 of Exec. Act and Section 1 Paragraph 2 of Exec the authorization set in Section 80 Paragraph 4 of AES refers to determining the conditions of the free service and not to restricting a constitutional fundamental right, which cannot be regulated on the level of a decree anyway. Free patient transport on medical prescription is based on the rule of Article 70/D of the Constitution and on the provisions of Section 39 of Act II of 1972 on Health Care, so setting out the obligatory co-payment for people in need of ambulance transport in a decree is unconstitutional. Hence the petitioners requested establishment and annulment of the unconstitutionality of the provisions questioned.

II.

The Constitutional Court regarded the petitions relative to the provision on sick-allowance and sick leave of AES and ALCa well founded.

1.The Constitutional Court acquired the figures relative to the situation of loss of earning capacity of the ensured from the Ministry of Welfare, the Hungarian Central Statistical Office and the National Health Insurance Fund. Based on these statements, figures of sick-allowance statistics it can be stated that the average period of loss of earning capacity first exceeded 25 days in 1990. While in 1980 the average number of days on sick-allowance per employee on sick leave was 18.1, this figure increased to 25.3 by 1990, and was 25.1 in 1991. In 1992 the average period of sick leave cases increased to 32 days, in the period passed since then the number of cases of sick-allowance per ensured has stagnated and the average period of cases have only increased to a very little extent - from 32 to 33 days. So basically since 1992 the increase of sick-allowance expenses of the health insurance is due to the increase of average income, the effect of which has been compensated by the proportional increase of social security tax, furthermore by the decrease of the rate of sick-allowance from March 1, 1993 (65% and 75%) and a second - a more impressive - decrease (65%, 70% and 75%) introduced on January 1, 1994.

2. Judging upon the petitions the Constitutional Court examined to what extent the so-called “right to sick-allowance” for the period of loss of earning capacity was constitutionally protected. The due sick-allowance service for sick employees is one element of health insurance with social security, which functions decisively as a “bought right” within the mixed – insurance and solidarity – system of social security (11/1991 (III. 29.) Constitutional Court Decision, Decisions of the Constitutional Court 35 - 1991), that is there is a presence of dominating insurance elements in it. Section 17 of the Act binds the “right to sick-allowance” to the insurance terms, i.e. granting the sick-allowance is vis-á-vis the personal financial contribution of the entitled. Namely, according to the law only those are entitled to sick-allowance who lost their earning capacity during the existence of the insurance terms or shortly after that, in the latter case if the insurance existed for at least 180 days without any interruption. Thus sick-allowance is a service in return for the social security tax, “the withdrawal or unfavorable alteration of its

legal ground“ of which “can be judged according to the criteria of the infringement of the fundamental right.” [Constitutional Court Decision 43/1995 (VI. 30.) Decisions of the Constitutional Court 255 - June-July, 1995]

3. According to the practice of the Constitutional Court the fundamental right to protection of property is that fundamental constitutional provision which covers social security services and reversions [Constitutional Court Decision 64/1993 (XII. 22.) Decisions of the Constitutional Court 380 - 1993] as the fundamental right to protection of property also applies to guaranteeing other property rights, i.e. “Section 9 Paragraph 1 of the Constitution also guarantees the right to other property within the realm of the protection of property”.[Constitutional Court Decision 17/1992 (III. 30.) Decisions of the Constitutional Court 108 - 1992]. Consequently the protection of property covers property rights taking over the role of property and public law based licenses – e.g. social security claims, hence the Constitutional Court judged the constitutionality of the reduction or termination of social security services according to the criteria of the protection of property [Constitutional Court Decision 43/ and 45/1995 (VI. 30.) Decisions of the Constitutional Court 255, 265 – June-July, 1995] in its previous decisions on economic stabilization. Accordingly the Constitutional Court had to examine within the realm of substantially narrowing and considerable confinement “the right to sick-allowance” with the provisions challenged whether the legislator’s reference to “public interest” is justified and if the restriction of property without any remuneration can be considered proportional.

The Constitutional Court pointed out in its Decision quoted (Decisions of the Constitutional Court 260 – June-July, 1995) that maintaining the operability of the social security system - as a constitutional goal defined in Article 70/E Paragraph 2 of the Constitution – can constitutionally justify such solutions where the legislator shares the increased costs of social security between the insured, the employer obliged to paying social security tax and the bodies of social security. Such a legal regulation is not inevitably unconstitutional. Since the exact correspondence of paying social security tax and social security services – due to the mixed system of social security - is not a constitutional postulate. As in social security both the security element, i.e. the “bought right” and the principle of solidarity also prevail, the constitutionality of social security cannot be judged per se based on the quantitative relation between the paid social security tax and the remuneration. While leaving the remunerations untouched, social security services and reversions cannot be altered considerably and disproportionately without the infringement of the proprietary position protected by the Constitution.

The legal intervention challenged is ostentatiously disproportionate because considering the totality of sick-ensured it entails with the withdrawal of more than three fourths of the “right to sick-allowance” for the period of loss of earning capacity. According to the indicators of average situation of loss of earning capacity the average period of sick-allowance cases - considering the figures from previous years and the totality of the entitled – is 32 or respectively 33 days. The legal regulations challenged devolve the expenses of 25 day loss of earning capacity to the ensured, and respectively to the employer obliged to pay social security tax, which means that the sickness branch of social security – while

maintaining the internationally also prominently high social security tax – "withdraws" from the most classical field of social security – from the cover sphere for loss of earning capacity due to sickness – and with that practically "empties" the service bought by social security tax for the period of sickness. Consequently the proprietary- expectant position of the ensured considerably declines, i.e. the fundamental protection of property is infringed.

The Constitutional Court points out that the social security system, historically developed from the second half of the last century, were mainly connected to services to employees losing their earning capacities due to sickness, and that contemporary social security systems also to include that in the first place. The certain restrictions of these solutions of devolving the obligations of paying sick-allowance to the employer for different periods of time is also known and applied technique in the social security designs of European countries [Constitutional Court Decision 45/1991 (IX. 10.) Decisions of the Constitutional Court 209 - 1991], but these techniques do not to affect the main function of social security; the "right to sick-allowance" is substantively and basically covered within the settings of social security.

Contrary to these techniques, the changes applied in the challenged legal provisions – by its order of magnitude – are qualified from the point of the ensured as a deprivation of right – such a deprivation of the "right to sick-allowance" which constitutes the substantive element of social security – which unacceptably degrades their constitutionally guaranteed social security – proprietary – positions.

75% "reduction" of the coverage of service entitlement for the period of loss of earning capacity due to sickness or other reasons, such a decrease of social security services qualify as a constitutionally disproportionate restriction of property. The operability and sustainability of the social security system, and the increasing difficulties of the underlying guarantee of the State are indisputably "public interest" that substantiates the constitutional limitation of property. The method and degree – 75% exception of the guarantee for the so-called classical "right to sick-allowance" from social security – of the alteration regulated in the legal provisions concerned already violate the protection of property, declared as constitutional fundamental protection in Article 13 of the Constitution, hence is unconstitutional.

In this context the Constitutional Court also points out that in the last 3 years the legislator has altered the system of sick-allowance on several occasions to the disadvantage of the entitled (the ensured and the employers paying social security tax) and limited the entitlement to sick-allowance regarding public interest. Introducing the system of 10-day sick-allowance in 1992 and altering the degree of sick-allowance from March 1, 1993 and January 1, 1994 were both the limitation of the "right to sick-allowance" without any remuneration.

These restrictions, however, have not affected the entirety and essence of the insurance legal ties; and with these interventions the sick-allowance system of social security has not fallen below the minimum standard of service. The legal provisions challenged, however, deprive the "right to sick-leave", one of the

fundamental legal ties of social security – without decreasing the offset – of its original goal in point of both the employee's retention and the payment obligation for the services for the period of loss of earning capacity devolved to the employer.

Taking all these into consideration the provisions challenged are unconstitutional by right of the quoted rules on the protection of property of the Constitution.

4. Previously the Constitutional Court pointed out with principled significance in several Decisions that "the respect of acquired rights inheres to the rule of law" declared in Article 2 of the Constitution. [Constitutional Court Decision 62/1993 (XI. 29.) Decisions of the Constitutional Court 364-367 - 1993]. In 1991 it already pointed out in correlation with social security legal ties, that it was a fundamental principle resulting from insurance legal ties that "according to which the insurance fund is obliged to provide proportional social security services for the period covered by social security tax." [Constitutional Court Decision 11/1991 (III. 29.) Decisions of the Constitutional Court 35 - 1991], the violation of which deprives the entitled from their acquired rights.

Legal security – which, according to the Constitutional Court, is the most significant notional element and the principle of the protection of acquired rights – has particular significance from the point of the stability of social service systems [Decisions of the Constitutional Court 254 – June-July, 1995]. Although the protection of acquired rights is not of absolute force, a rule without exception, the exceptions can only be considered on occasion. Whether the terms of exceptional intervention exist, the Constitutional Court, as the final forum, has to decide [Constitutional Court Decision 32/1991 (VI. 6.) Decisions of the Constitutional Court 146 and 154 - 1991]. According to this latter Decision the proportional risk taking in long-term legal ties allows State interventions into legal ties based on clausula rebus sic stantibus, but even the intervention has a constitutional limit.

In case of compulsory insurance systems the ensured can expect an increased stability of the system in return for the compulsory payment of social security tax, i.e. restricting the autonomy of action of the individual. This is also served by the State guarantee determined in Section 5 of the Act, according to which the State provides the payment (compliance of services) set in this law, even if the services (expenditures) exceed the income.

With the challenged legal provision such a change eventuated in the entirety of the legal ties of social security – sick-allowance – that it means the "violation over the half" of the rights of the ensured – that is the violation of the prohibition of "laesio enormis", the classical legal principle – and results in the disproportionate alteration of the balance and value proportionality of legal ties. As compulsory social security tax payment, due to the nature of the insurance, result in personal and predetermined demands, due to the "over the half" degree of the intervention, the legal provisions challenged violate the constitutional requirement of value guarantee, hence they are unconstitutional.

5. According to Article 70/E Paragraph 1 of the Constitution the citizens of the Republic of Hungary have the right to social security and, among others, in case of sickness – are entitled to services necessary for their subsistence. Article 70/E Paragraph 2 word this entitlement as a State obligation. According to this the State implements the right to social support through the social security system and the system of social institutions.

As the State guarantees the services of social security regulated in the law, in those cases when the law decreases the expenditures (services) of social security, this underlying State guarantee regarding the decreased services also ceases. Taking into consideration that with the laws challenged this State guarantee decreases excessively – below 50% of the guaranteed sick-allowance services, effectively by 75% - the alteration of the law also violates Article 70/E of the Constitution, as it “reduces” the system, the patient services for the period of loss of earning capacity, without annulling or moderating the obligatory remuneration. Hence the settling challenged is unconstitutional.

III.

The Constitutional Court considers the petitions regarding exclusion of health care services from insurance coverage as well as petitions in relation to obligatory co-payment of patient transport, unfounded.

1. The present system of social security has inherited the rule of law from times before the change of regime. Answering the at that time totalitarian state settings, state legal- and sociopolitical principles and state financing policy, the insurance element of social security, especially the so-called risk-proportionality, the principle of “bought right” was not emphasized. However, even then insurance was the determining element of the mixed system of social security [Constitutional Court Decision 11/1991 (III. 29.) Decisions of the Constitutional Court 35 - 1991]. Thus the system intrinsically covered the fulfillment of health care services, in very diverse outpatient care services such as different hospital, sanatorium, and medical bath etc. treatments, irrespectively whether these services were covered or not whether the entitled “bought” them. The relation of social security tax and health care services was unclear, and still it is today. In spite of this, today social security services – apart from occasional exceptions deserving acknowledgment (Section 13 of the Act) – are still insurances, thus the rest are on the principle of “acquired right” (Section 12 Paragraph 1 and 2 of the Act).

The Constitutional Court, first in 1991 and then in 1993, emphasized [Constitutional Court Decision 26/1993 (IV. 29.) Decisions of the Constitutional Court 198-199 - 1993] that the system is obsolete, dysfunctional and does not meet the principles of the new Constitution and the requirements of market economy. The modern reconstruction of the social security system that would meet the constitutional requirements of market economy, the establishment of its sectors, and the establishment of the right proportion of its private and public

sectors was already in progress at that time but it has not be realized to this date.
In this decision the Constitutional Court also pointed out that unless the adjustment of this system to the new Constitution eventuated, the State could not change the equally existing insurance and social elements of the social security peremptorily. The Constitutional Court worked out the aspects of "peremptory" alteration of the insurance and solidarity elements in a Constitutional Court Decision (Decisions of the Constitutional Court 255 – June-July, 1995)

2. Consequently from the explanations above the system itself is not untouchable, its alteration to a certain extent – disadvantageous to the ensured - can be justified by the nature of the legal ties of social security, the tendency for modernization, the difficulties of the operability of the system, the sustainability and the underlying guarantee of the State. According to the standpoint of the Constitutional Court these aspects of "public interest" make the reduction in health services to a certain degree constitutionally acceptable. The deprivation or limitations to dental care, sanatorium, and medical bath etc. services without any charges, additionally the obligatory co-payment of ambulance services per transportation case – within the entirety of health care services - cannot be considered as disproportionate, hence the alteration does not violate the fundamental right to protection of property. The reduction in services does not conflict with the Constitutional requirements of entitlement to services either, Section 70/E of the Constitution guarantees the extension of health care services to every possible incidence. The degree of reduction compared to the health care services still covered is not extremely disproportionate, it does not violate the prohibition of "laesio normis", i.e. does not lead to an infringement "over the half".

The Constitutional Court also points out that contemporary European social security systems do not usually provide full insurance coverage for every field of health care services and for applied solutions of medical, out- and inpatient care etc. services. A rather recognized construction of social security is the coverage of the so-called basic health care services (minimum services), which is connected by an extensive private insurance system to cover the different excess-health care services.

Establishing the scope of health care interventions in different health care services not covered by the social security fund is not a constitutional question but the task of the legislator. The Constitutional Court – due to the lack of constitutional requirements - cannot overrule the decision of the legislator. It can only examine whether the reduction in services with respect to "public interest" violates constitutional rights, violates the constitutional requirements in Part II of the Decision. As the alterations introduced by the challenged legal provisions – independent of their medical judgment – do not mean disproportionate and constitutionally unacceptable abridgement of the entirety of health care services within the social security system, the Constitutional Court does not see any ground to entertain the petitions and hence rejects them.

3. The provisions challenged do not violate the rules set in Article 70/D of the Constitution either. The constitutional requirement of the highest attainable physical and mental health means the constitutional obligation of the State that,

adjusted to the capacity of the national economy and the potentials of the State and the society, it shall create an economic and legal environment that provides the most favorable conditions to a healthy lifestyle and conduct of the citizens. These conditions are specified, amongst others, in Article 70/D Paragraph 2, which makes the establishment of proper health care institutions and organization of medical care a State obligation. However, these provisions do not directly result in the State being obligated to provide citizens with dental care; sanatorium etc., i.e., services within the scope of social security, nor is it obliged to provide social security cover for these services. Article 70/D of the Constitution does not directly result in free patient transportation either.

It is also within the independence of the legislator to decide to which preferred social groups the restriction will not be applied to. As the Constitutional Court pointed out in its Decision 9/1990 (IV. 25.) (Decisions of the Constitutional Court 49 – 1990), the prohibition of the discrimination in a broader sense requires that dignity and positively worded fundamental rights in the Constitution should be considered to be the limits on positive discrimination. The positive discrimination in the challenged legal provisions do not conflict with these principles, hence the Constitutional Court found these petitions unfounded in connection with Article 70/A of the Constitution and rejected them.

IV.

Nevertheless, the Constitutional Court points out that the legislative technique of partial alterations within the obsolete, anachronistic and dysfunctional system of the 20-year-old act on social security – even 5 years after the change in regime – seems already constitutionally solicitous. Particularly, when these modifications introduce repeated abridgements within the entirety of the system, are disadvantageous to the insured and their employers paying social security tax and induce fundamental changes without affecting the even in European respect incomparably high degree of social security tax.

The Constitutional Court points out with the principle that the service system of social security cannot be constitutionally “slimmed” indefinitely, services and reversion connected to them cannot be excessively reduced, leaving the remuneration untouched thus changing the balance of mutual fulfillment disproportionately. These techniques of public authority restrictions applied for years in an otherwise obsolete system induce such legal insecurity that are unforeseeable and unpredictable, hence their repetition might violate the most important element of the rule of law, the requirement of legal security and the principle of value guarantee creating the content of the protection of property furthermore the prohibition of “laesio enormis”. The periodical deprivation of different services, the unforeseeable reduction of social security services – without any remuneration – and stating all these at the service of economic policy goals endanger the constitutional requirement of the stability of the system, violate the principle of protection of legitimate expectations and the constitutional guarantee liability of the State. It is essential element of any insurance, and particularly of social security, that it “offers” foreseeable, predictable services and

guarantee security. Thus the series of repeated legal interventions regarding the stability of social security systems – without particular constitutional reasons – do not pass the test of constitutionality.

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The provision pertaining to the publication of the Decision is based on Section 41 of the Act XXXII of 1989 on the Constitutional Court.

Budapest, September 12, 1995

Dr. László Sólyom
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Judge of the Constitutional Court

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