

12th of January, 2023

Domnica MANOLE

President of the Constitutional Court of the Republic of Moldova

XIXth Congress of the Conference of European Constitutional Courts

Honorable President,

I am writing in response to your kind invitation to the contribution to the preparation of the 2023 Rule of Law Report. In light of the methodology of the 2023 Rule of Law Report – targeted stakeholder consultation, I provide the relevant contribution in the following questions, for the other questions there is no relevant information for 2022.

a) to the Section I. B. Quality of Justice – digitalisation (page 12)

The Constitutional Court of Hungary is committed to ensuring its continued operation during the pandemic in 2022. Cases related to the pandemic (even indirectly) will be dealt with out of turn.

The Constitutional Court of Hungary has introduced internal case management and case preparation measures during the pandemic to speed up the processing of cases in 2021. The number of cases disposed of increased by almost 20%. According to statistics, this rate did not worsen in 2022, so the impact of the measures introduced seems to be long-lasting.

b) to the Section IV. Other institutional issues related to checks and balances – regime of constitutional review of laws (page 17)

In Hungary, the Government and the Parliament have declared a state of emergency, which is a type of special legal order. During 2022, the Government and the Parliament (National Assembly of Hungary) declared a state of emergency, first in view of the COVID epidemic and after then in view of the armed conflict in Ukraine, Hungary's neighbour. In this special legal order, the Constitutional Court of Hungary adjudicates cases in this context out of turn. By the autumn of 2022, the cases related to the epidemic emergency were closed.

Cases relating to the state of emergency declared in view of the armed conflict in Ukraine are pending in the extraordinary procedure.

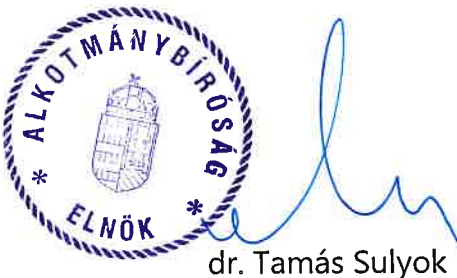
In these cases, the Constitutional Court continues its previous practice and also examines the norms still in force and their survival in the legal system.

Petitioners exercising public authority may also submit a constitutional complaint to the Constitutional Court of Hungary (in a narrower scope than individuals, according to the general conditions under Section 27 (3) of the Act on the Constitutional Court). By 30 September 2022, the Constitutional Court had received nearly 1,000 petitions for constitutional complaints. In comparison, in 2022, 12 decisions in which the petitioners were bodies exercising public authority were issued. All this makes the number of these petitions negligible.

In 2021, the law unification activity of the Curia (Hungarian Supreme Court) changed and it can also act under a new type of competence (uniformity complaint) in its law unification tasks. Constitutional complaints against decisions related to the new type of law unification procedure have been submitted to the Constitutional Court of Hungary and are currently being examined.

I truly hope, dear Honorable President, my answers may be accepted to the preparation of contribution of Congress of European Constitutional Courts.

Sincerely yours,

The image shows the official seal of the President of the Constitutional Court of Hungary. The seal is circular with a double-line border. Inside the border, the words "ALKOTMÁNYBÍROSÁG" are written in a semi-circle at the top, and "ELNÖK" is at the bottom. In the center of the seal is a small illustration of the Hungarian Parliament Building. Two small stars are positioned on either side of the central illustration. Overlaid on the right side of the seal is a blue ink handwritten signature.

dr. Tamás Sulyok

President of the Constitutional Court of Hungary