

## **About you**

**I am giving my contribution as**

Other

**If "Other", please specify**

The President of the Curia of Hungary

**Organisation name**

The Curia of Hungary

**Main areas of work**

Justice system

**Please insert an URL towards your organisation's main online presence or describe your organisation briefly:**

The organisation's official website is as follows: <https://kuria-birosag.hu/>. The Curia of Hungary is the supreme judicial forum of the country, having competence in civil, economic, labour, criminal and administrative cases.

**Country of origin**

Hungary

**First name**

András Zs.

**Surname**

Varga

**Email address of the organisation (this information will not be published)**

international@birosag.hu

**Publication of your contribution and privacy settings**

Public – Your personal details (name, organisation name, transparency register number, country of origin will be published with your contribution.

## **Justice system - Hungary**

### **Independence**

#### **Appointment and selection of judges and prosecutors**

Please note that the observations made by the former President of the Curia of Hungary for the 2020 Rule of Law Report are still valid, subject to some updates indicated hereunder.

Since the Constitutional Court (CC) has been given the competence to assess and review the constitutionality of judicial decisions, CC judges have been compelled to better familiarise themselves with the ordinary courts' adjudication. In practice it means that the CC acts in the same manner than ordinary appellate courts, even if its operation is based on a different substantive law, i.e. the Fundamental Law. The above change of competence resulted in the cessation of the conflict of interest situation between the status of a judge and that of a CC judge, hence, a CC judge is now entitled to apply – via the President of the CC – to the President of the Republic for an appointment as an ordinary judge, the CC judge's service time counts in full as an ordinary judge's service time.

In addition to the traditional method of calls for applications, a new way of becoming a judge has thus been created, which does not infringe the requirements of objectivity and professionalism for the following reasons:

- As an essential requirement stemming from the Fundamental Law of Hungary, CC judges may not be members of a political party or engage in any political activity, hence, this requirement applies to them already before their appointment as an ordinary judge. No such requirement is to be applied to other persons gaining judgeship status by way of a call for applications, as a result, there is a better set of guarantees in case of CC judges.
- Candidate judges are appointed by the President of the Republic, irrespective of whether they have participated in a call for applications procedure or they have worked as CC judges, however, the latter have stronger legitimacy, since they had been previously elected to become a member of the CC by a constitutional majority of the Hungarian Parliament.
- The persons eligible to become a member of the CC have to be theoretical lawyers of outstanding knowledge (university professor or doctor of the Hungarian Academy of Sciences) or have at least twenty years of professional work experience in the field of law. This entails that there can be no doubt about the professional competence and knowledge of candidate judges with a CC judge background. Moreover, the service time spent as a member of the CC provides an opportunity to gain deep professional experience in respect of the administration of justice.

### **Irremovability of judges, including transfers, dismissal and retirement regime of judges, court presidents and prosecutors**

Please note that the observations made by the former President of the Curia of Hungary for the 2020 Rule of Law Report are still valid. In essence, the irremovability, transfer, dismissal and retirement regime of judges and court presidents have not changed.

### **Promotion of judges and prosecutors**

Please note that the observations made by the former President of the Curia of Hungary for the 2020 Rule of Law Report are still valid. In essence, court executive positions continue to have to be filled by way of a call for applications.

### **Allocation of cases in courts**

Please note that the observations made by the former President of the Curia of Hungary for the 2020 Rule of Law Report are still valid, subject to some updates indicated hereunder.

The Curia's new President continued the consultations about the modification of the Curia's case allocation order with the Curia's judicial bodies, departments and with the elected Judicial Council. As a result, the case allocation order has become more restrictive. It seeks to allocate the cases received in a predetermined order: the court executive entitled to allocate cases may exercise this power only under exceptional circumstances and in cases defined by law.

The uniformity complaint panel is set up on the basis of a predetermined, automated selection process, without any decision taken by the President of the Curia. Uniformity complaints may be dealt with only by the heads of panels who are put, by virtue of the case allocation rules, in an order in each department concerned. The order is based on the principle of seniority (on the length of their service as a head of panel). The members of the panel are assigned by the chairman thereof from among the heads of panels included in a fixed list. Their assignment depends on the nature of the uniformity complaint, the department concerned by the complaint provides four members and the remaining two departments give two members. The assignment are alternately made, on an equal basis and one by one, from the top and the bottom of the fixed lists. If this case allocation rule does not provide for the possibility of the involvement of a judge having expertise to adjudicate in the field of law that is affected by the complaint in the work of the uniformity complaint panel, then a judge having such expertise and being next on the list has to be appointed.

The previous case allocation order (in 2019-2020) had been based on three-member adjudicating panels, but in some cases it had also allowed either for the functioning of joint panels that had been created via the merger of two three-member panels or for the establishment of larger panels with more than three judges. In February 2021, the above case allocation rules were modified and significantly restricted by the new President of the Curia. The new rules provide, in all cases, for the concrete composition of the adjudicating panels (panels "A" and "B") within the joint (or larger) panels. They specify that an automated case allocation process is to be applied to allocate a case to the panel "A" or to the panel "B". They lay down the method of and conditions for the replacement of judges and judicial panels.

As of 1 January 2021 as a result of an amendment to the Courts Act, the Curia's municipality panel has to have five adjudicating members. The panel currently includes more than five judges, therefor the Curia's case allocation order specifies and predetermines the composition of the adjudicating version of the Curia's municipality panel for each case to be dealt with.

**Independence (including composition and nomination of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)**

Please note that the observations made by the former President of the Curia of Hungary for the 2020 Rule of Law Report are still valid, subject to some updates indicated hereunder.

In the year 2020, the restrictive measures imposed due to the COVID-19 pandemic did not prevent the President of the Curia and the National Judicial Council (NJC) from keeping in contact with each other. The meetings were held in the form of Skype-conferences.

The following section was drafted by the Curia's Head of Cabinet.

On 9 October 2020, the NJC held a hearing with Dr. András Zs. Varga who had been nominated to become the Curia's new President. The NJC did not support the nomination with thirteen

votes against, one in favour and without any abstentions. The reasoning part of the NJC's opinion mainly criticized the relevant legislative background, while in respect of the nominee the Council voiced its displeasure for having no practical experience in the administration of justice, the hearing of litigious cases and the administration of the courts. On the other hand, the Council acknowledged Dr. András Zs. Varga as one of the most eminent legal academics and his experience related to the broader justice system, gained as a CC judge and a Deputy Prosecutor General, as well as his personal qualities and competence. The one vote in favour was cast by the then President of the Curia.

At a NJC meeting held on 13 January 2021, the Curia's newly elected President pointed out in respect of his earlier hearing as a nominee that by virtue of the Courts Act, the NJC should have ordered to have a closed meeting by way of the delivery of a formal decision, however, the NJC had failed to do so. It had also failed to indicate the reasons for the ordering of the closed meeting. The Courts Act exhaustively lists the reasons to hold a closed meeting, nevertheless, there was no justification for such meeting either for the protection of classified information or business secrets, or for the protection of any other secret defined in a specific legal act, or for the purpose of protecting the personal rights of the person heard at the meeting. According to section 15 of the Organisational and Operational Rules of the NJC, the holding of a closed meeting with the aim of the protection of personal rights may be requested only by the person concerned. The Curia's new President also indicated that, as a Deputy Prosecutor General for a period of six years, he had attended the meetings of the National Council of Justice – a judicial body that had been responsible for the central administration of the courts between 1997 and 2012 – and had therefore been able to gain a lot of experience in respect of the management of the courts, since he had been invited to replace and represent the Prosecutor General, a full member of the National Council of Justice with voting rights, at the meetings thereof. In addition, he stressed that he respects the opinion of the NJC.

### **Accountability of judges and prosecutors, including disciplinary regime and ethical rules**

Please note that the observations made by the former President of the Curia of Hungary for the 2020 Rule of Law Report are still valid, subject to some updates indicated hereunder.

Since 1 January 2020, no significant changes have taken place with respect to the functioning of the service courts in Hungary.

In order to combat the Coronavirus pandemic, the service courts have acted in compliance with the provisions of Government Decree no. 74/2020 (of 31 March 2020) on certain procedural measures to be applied in times of the state of danger and with the instructions issued by the President of the National Office for the Judiciary. The epidemiological situation has not impeded the proceedings of the service courts and has not led to any significant delays in respect of the adjudication of pending cases.

The in camera meetings of service court judges have been held via Skype, while the hearings of the service courts' adjudicating panels have taken place in the presence of the panel members and the parties to the proceedings, in compliance with the safety measures in force.

The training of service court judges has also been guaranteed, partly by the use of e-learning materials, partly through the organisation of webinars.

### **Remuneration/bonuses for judges and prosecutors**

Please note that the observations made by the former President of the Curia of Hungary for the 2020 Rule of Law Report are still valid, subject to some updates indicated hereunder.

The salaries of CC judges and ordinary judges have been harmonized, the common legal background is Act no. CLXI of 2011 on the Legal Status and Remuneration of Judges (hereinafter referred to as the Judgeship Act). Consequently, a CC judge is now entitled to receive 130 percent of the monthly salary of a Curia head of panel judge having the highest salary grade, the President of the CC receives 120 percent of the salary of the President of the Curia.

### **Significant developments capable of affecting the perception that the general public has of the independence of the judiciary**

The answer is presented by the Curia's Head of Cabinet.

Because the ECHR has qualified the constitutional complaint – where the CC has a competence to review and annul judicial decisions - as an effective legal remedy (*Szalontay v. Hungary*, *Geréb v. Hungary* and *Takács v. Hungary*), the legislator enacted a new legislation to acknowledge it as a remedy procedure.

The Judgeship Act and the Constitutional Court Act enable ordinary judges who had been elected to become a CC judge to maintain their ordinary judgeship status – the latter being interrupted during the judge's service time at the CC – and to return to the judiciary after the termination of their mandate as a CC judge. CC judges became entitled to request from the President of the Republic their appointment as an ordinary judge. The former version of the Judgeship Act had also made it possible for former CC judges to be appointed as an ordinary judge, the current legal framework provides a simpler process for taking direct advantage of the expertise of CC judges by way of enabling them to return to or join the ordinary court system. In calculating the period of a judge's service relationship, including of the President of the Curia, the experience gained while serving as a judge or senior advisor in an international judicial organization, a CC judge or a senior advisor in the Office of the CC has to be taken into consideration as well. The President of the Republic decided to nominate a CC judge and the Hungarian member of the Venice Commission (Prof. Dr. Varga) for the position of President of the Curia. He was elected to become the Curia's new President as of 2 January 2021.

The appointment of a CC judge as an ordinary judge is conditional upon compliance with a set of requirements related to both a judge's status (including the passing of a professional aptitude test) and a CC judge's status [Hungarian citizenship, no criminal record, right to stand as a candidate in parliamentary elections, law degree, reached 45 years of age, be theoretical lawyers of outstanding knowledge (university professor or doctor of the Hungarian Academy of Sciences) or have at least twenty years of professional work experience in the field of law]. With regard to this, there is no need for a call for applications procedure.

The CC is a forum of legal remedy, and the constitutional complaint procedure is considered as a remedy procedure. This follows not only from the provisions of the Constitution, but also from the principle according to which a judge's decision may be reviewed only by a judicial forum. The ECJ has also continuously recalled that the constitutional courts of the EU Member States are entitled and invited to make a reference for a preliminary ruling if deemed necessary. There is no doubt that the constitutional courts are, indeed, included in the judicial branch of power [see, e.g., the opinions of the Venice Commission: CDL-AD(2010)004, CDL-AD(2010)039rev, CDL-PI(2015)002 and CDLAD(2016)007].

## Quality of justice

### Accessibility of courts (e.g. court fees, legal aid, language)

Please note that the observations made by the former President of the Curia for the 2020 Rule of Law Report are still valid, subject to some updates indicated hereunder.

#### Mandatory legal representation

The Novella of the Code of Civil Procedure (2020) “relaxed” the rules of mandatory legal representation. Individuals’ access to court is facilitated by the change that in case of mandatory legal representation the statement of claims is no longer rejected without the possibility of supplementation, supplementation is ordered.

As of 1 April 2020, labour litigation shifted from district court competence to county-level court competence and the rule that in cases started before high courts legal representation is mandatory was changed, as in labour lawsuits this provision cannot be applied. This change has also had an impact on review proceedings in that the party submitting a counterclaim is not obliged to be legally represented in either civil or administrative matters.

A change introduced by the Novella has reduced legal representatives' administrative burden, since litigation costs in civil and administrative lawsuits can already be charged not only in itemised lists of costs.

Changes of the rules governing duties: procedures with subject-matter exemption from duties/advancement of duties by the State.

As of 1 April 2020, successful uniformity complaint proceedings in criminal cases have been exempt from duties.

As of 1 January 2021, the scope of cases specified in section 62 of the Duties Act (when parties, including interveners and interested parties, are entitled, due to the subject matter of the case, to advancement of duties by the State) has been extended to cover claims for grievance award for violations caused in the life, physical integrity or health of a person where the life, physical integrity or health of the person was also endangered; and claims for paying grievance award in connection therewith.

On 1 January 2021, section 39, subsection (3) of the Duties Act having prescribed duty payment obligation in accordance with title IV of the Annex for copies of documents prepared by the court or, in criminal cases, by the prosecutor’s office or the investigating authority, was repealed.

Uniformity complaint procedure can be considered as a special legal remedy, therefore in uniformity complaint proceedings the Code of Civil Procedure provisions governing legal aid, unpaid duties and advancement of duties by the State are applicable under the provisions of the Courts Act.

Section 7 of the Novella amended section 112 of the Code of Civil Procedure, under which in verifying the parties' identities the court may not request the verification of identifying or other data to which it has access under the Act on the Right to Informational Self-Determination (e.g.

company statement, title deed, data of the register of non-governmental organizations).

### **Resources of the judiciary (human/financial/material)**

Please note that the observations made by the former President of the Curia of Hungary for the 2020 Rule of Law Report are still valid, subject to some updates indicated hereunder.

The Financial and Provisions Department of the Curia of Hungary has witnessed the following significant changes in the year 2020.

As a result of an increase in the number of tasks attributed to the Curia of Hungary, the authorised number of the court's personnel rose by 42 posts to reach a total of 371 staff members in 2020.

In order to combat the Coronavirus pandemic, the Curia of Hungary established a crisis management unit. The measures imposed by the aforementioned unit have been fully implemented. The anti-pandemic tools acquired by the Curia of Hungary included, among others, the followings: disinfection points, facemasks, protective gloves, ozone disinfection apparatuses and plexiglass protective panels in the courtrooms. The Curia of Hungary spent approximately 16 million HUF on such tools.

### **Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, including resilience of justice systems in COVID-19 pandemic)**

The Courts Act was amended to provide that the principles or the short content of the decisions published by the Curia, as well as the applied legal provisions must also be indicated in the Collection of Court Decisions (CCD), in order to facilitate its application. The scope of the decisions to be published has been extended (decisions in uniformity complaint proceedings and proceedings instituted in the interest of legality and quashing decisions). This obligation related to the short contents applies to decisions adopted after 1 January 2021. In case of decisions adopted between 1 January 2012 and 31 December 2020 and published in the CCD, the obligation is to be met within a transitional period lasting until 31 December 2023.

The National Office for the Judiciary (NOJ) has launched its e-file service allowing access to the files of pending cases in 24 hours a day in civil, economic, labour and administrative lawsuits instituted after 1 January 2020.

A state of danger was declared as of 11 March 2020 and it was terminated on 18 June 2020. Upon the proposal from the President of the Curia, the President of the NOJ and the Prosecutor General, an extraordinary court vacation was ordered by Government Decree no. 45/2020 (of 14 March 2020), which lasted until 31 March 2020. Government Decree no. 74/2020 (of 31 March 2020) on Certain Procedural Measures Applicable during the Period of State of Danger (Procedural Measures Decree) introduced special rules for the duration of the state of danger in respect – among others - of court proceedings. The President of the NOJ ordered to set up the State of Danger Civil, Economic and Labour Cabinet and the Criminal and Administrative Cabinet to draft proposals and opinions for the administrative measures to be taken. Taking a position on the related professional issues was the Curia's entitlement, therefore professional, procedural issues were submitted by the State of Danger Cabinets to the Civil or Administrative Department of the Curia. The Civil Department adopted Opinions on 30 April that the court should refrain from holding a hearing during the state of danger, the courts can uniformly apply

Skype for Business for procedural acts which can be carried out without personal participation and an opinion of the rules for the issue of a preventive restraint order on account of violence between relatives. The Administrative Department adopted an opinion on 23 April 2020 on the calculation of time limits applicable to administrative lawsuits during the state of danger. Due to the termination on 17 June of the state of danger, an act was adopted, which, in cases falling within the scope of the Code of Civil Procedure and the Act on Administrative Court Procedure, allows to hold a hearing via electronic communications network. As of 12 December 2020, the Plenary Sessions of the Curia can only be held via electronic means of communications or other means capable of transmitting electronic images and sound.

**Use of assessment tools and standards (e.g. ICT systems for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)**

Please note that the observations made by the former President of the Curia of Hungary for the 2020 Rule of Law Report are still valid.

**Geographical distribution and number of courts/jurisdictions (“judicial map”) and their specialization**

Act no. CXXVII of 2019 introduced a new, two-tier system of administrative adjudication as of 1 April 2020. In early 2020, the Curia started to prepare for the carrying out of the novel tasks based on the modified legal background. In the new administrative justice system, all court remedies are to be examined by the Curia, which required a staff increase and a structural change within the Administrative Department. Under the previous legal regime, appeals in administrative court cases had been dealt with by the Metropolitan Court of Budapest. The entry into force of the new system as of 1 April 2020 entailed, in principle, a transfer of competence to the Curia. The Curia’s Administrative Department proceeded with the necessary restructuring and established a set of new adjudicating panels for the performance of additional tasks. By the end of March 2020, the changes in the structural framework – in particular, the increase of the number of judicial employees and the provision of an appropriate technical background – had been completely implemented. As a result of this intense preparation and despite the outbreak of the pandemic, the Curia could start to perform its new tasks without great problems. The Curia has been able to deal with all the appeals submitted thereto within the short time limit prescribed by the law, and it could ensure the smooth operation of the Hungarian system of administrative adjudication.

The legal provisions on the new structure of the administrative justice system had a direct impact on the Curia’s Administrative Department itself as well. The previous Administrative and Labour Department of the Curia has split into a Labour Law Section – which has then been attached to the Civil Department – and an Administrative Department as of 1 April 2020.

The functioning of the Curia’s Administrative Department and that of the entire justice system in Hungary have been significantly influenced by the Coronavirus pandemic as of March 2020. The Administrative Department interpreted the new procedural rules by issuing Departmental Opinion no. 1/2020 KK that had no binding effect on the judges concerned. The departmental opinion primarily served as a means for the uniform interpretation of the procedural deadlines to be applied in the extraordinary situation and, in connection therewith, for maintaining the functionality of the administrative justice system.

The increasing number of cases submitted to the Curia’s Administrative Department in 2020



perfectly justified the need for the above restructuring. Despite the Coronavirus pandemic, the 2020 caseload statistics are particularly positive, in addition, the Department was able to fully perform its case-law harmonising duties by issuing a number of uniformity decisions and departmental opinions.

The Department will, thus, be able to maintain and further strengthen the outstanding results of the Hungarian system of administrative adjudication, as shown by the EU Justice Scoreboard.

## **Efficiency of the justice system**

### **Length of proceedings**

Please note that the observations made by the former President of the Curia of Hungary for the 2020 Rule of Law Report are still valid, subject to some updates indicated hereunder.

#### **“Short time limit” cases**

On 9 July 2020, Act no. LXX of 2020 on Expedited Lawsuit for Payment of Compensation for Damage Caused by a Criminal Offense, or for a Violation of a Right related to Personality entered into force. In expedited lawsuits the courts act with urgency, the general time limit for taking an action being maximum eight working days. If the court needs to hold a hearing, it shall be held primarily via an electronic communications network or other means capable of transmitting electronic images and sound. In appeal and review proceedings the parties may not request the holding of a hearing.

As of 1 January 2021 criminal courts forward, if the further conditions are met, the civil claims and the decision on the merits to the court having competence and jurisdiction under section 3 of Act no. LXX of 2020 on Expedited Lawsuit for Payment of Compensation for Damage Caused by a Criminal Offense, or for a Violation of a Right Related to Personality, after the decision has become final, following the verification of the private party’s place of residence or stay [section 560, subsection (3), point (b) of Act no. XC of 2017 on Criminal Procedure].

#### **Other – please specify**

A new legal remedy, the uniformity complaint can be submitted as of 1 July 2020. In order to prepare for the application of the completely new rules, the President of the Curia ordered the carrying out modelling tasks between March and May 2020. The experiences were summarised by the President of the Curia in a methodological guide. Due to an uncertainty as to the correct interpretation of a legal provision of utmost importance, the President of the Curia motioned the CC to establish the unconstitutionality of the impugned provision. He also formulated a set of legislative proposals to supplement the relevant procedural rules. The majority of these proposals were approved by the legislator. The most important elements of the legislative modification were the followings: it specified the cases where the uniformity complaint had to be rejected, extended the scope of the judicial decisions that may be challenged through a uniformity complaint, remedied the *ratione temporis* unconstitutionality (it laid down that uniformity complaints may be lodged against court decisions delivered only after 1 July 2020), strengthened the parties’ right of disposition in the proceedings (it entitled them to revoke their complaint), made the suspension of the court’s proceedings and the making of a reference for a preliminary ruling to the European Court of Justice possible, and provided an addition of detailed rules to ensure a more precise regulation. The aforementioned act of law allows for the establishment of a uniformity complaint panel with more than nine members (which is the

minimum number of them).

As of 1 April 2020, a panel determining uniformity complaints has also been in operation. The right to justice is an important element of the rule of law, therefore it is especially important whether the procedural rules adequately ensure for the parties the possibility of enforcing their claims in their legal disputes. The Code of Civil Procedure introduced several new procedural rules which caused problems in the application of the law. The Curia and also the legislator perceived these problems and the legislator adopted the Novella of the Code of Civil Procedure, which was preceded by an extensive survey by a working group having comprised judges delegated by the President of the Curia and the President of the NOJ, and representatives of the co-professions (the Prosecution Service, the Bar Association, the Chamber of Notaries). The working group proposed a comprehensive amendment to the Code of Civil Procedure.

The number of uniformity proceedings initiated by the Curia's adjudicating panels has increased, since any deviation from the Curia's previously published case-law now requires the launch of a uniformity decision procedure. This shows that the Curia's adjudicating panels monitor and assess, on a regular basis, the legal viewpoints and reasonings formulated by the published decisions.

## **Other institutional issues related to checks and balances - Hungary**

### **The process for preparing and enacting laws**

#### **Regime for constitutional review of laws**

Please note that the observations made by the former President of the Curia of Hungary for the 2020 Rule of Law Report are still valid, subject to some updates indicated hereunder.

The legal instrument of constitutional complaint created a closer interlinkage of competencies and organisations between the Curia of Hungary and the CC, however, the two institutions have, of course, retained their separate constitutional status and their relationship is regulated by the country's constitutional framework.

During the period between 1 January 2012 and 31 December 2020 (i.e. during a period of nine years), as a result of constitutional complaints submitted against judicial decisions, the CC had annulled only 117 judicial decisions, out of which there had been 47 Curia decisions. The CC respects the Curia's decision-making competencies: questions on constitutionality are to be ultimately answered by the CC, while it is the Curia of Hungary to decide on other legal issues as an ultimate instance forum.

The cooperation between the CC and the Curia of Hungary is well balanced and based on mutual respect. In the event that the CC delivers, on the basis of either a constitutional complaint or any other of its competencies, a decision relating to the proceedings and adjudicating activities of the courts, such decision is widely disseminated to the members of the judiciary through the institutional channels and is then thoroughly examined by them.

As regards the protection of individual rights, it has to be highlighted that, in addition to the possibility of submitting a constitutional complaint to the CC against any court decision, the possibility of lodging a uniformity complaint with the Curia of Hungary also exists as of the middle of the year 2020. Hence, the parties may submit a constitutional complaint in case of

the emergence of an issue of constitutionality, while they are entitled to lodge a uniformity complaint in case of the courts' diverging case-law. The uniformity complaint procedure, to be initiated by the parties to the proceedings, is an efficient means for the courts' uniformed jurisprudence. This has an impact on the Curia's relationship with the CC, and the Curia of Hungary is now able to ensure – via its jurisprudence-unifying tools, in particular by way of its uniformity complaint procedure – that the courts' unconstitutional interpretation of a certain legal rule, as revealed by the CC in some individual cases, becomes avoidable in the future. In the judicial practice, the courts' uniformed case-law also includes the uniform implementation of the relevant constitutional principles and rights.

The state of danger declared as a result of the COVID-19 pandemic has had no direct effect on the relationship between the Curia of Hungary and the CC, and their relationship has not been hindered in any way (except for forcing the representatives of the two institutions to contact each other online, e.g. via Skype-calls).

### **COVID-19: provide update on significant developments with regard to emergency regimes in the context of the COVID-19 pandemic**

In order to eliminate the consequences of the Coronavirus pandemic endangering life and property, causing massive disease outbreaks and to protect the life and health of Hungarian citizens within the entire territory of Hungary, the Government declared a state of danger and an extraordinary judicial vacation between 15 March and 29 March 2020, then it declared an epidemiological state of alert. On 4 November 2020, the Government declared, once again, a state of danger. The Curia has not been “totally closed” as a result of the pandemic.

With the aim of ensuring the proper performance of the Curia's administrative and case management tasks during the epidemiological situation and of safeguarding the health of the Curia's judges and employees, the President of the Curia issued an instruction on the anti-pandemic measures to be complied with. The instruction covered the followings:

- a) the establishment of a crisis management unit and the tasks thereof,
- b) the impact of the pandemic on the Curia's functioning and employees,
- c) the anti-pandemic rules to be followed,
- d) the anti-pandemic tools and administrative measures that seek to promote the prevention of the contamination of the Curia's employees,
- e) the method of informing the Curia's employees and clients, and
- f) the well-established nature of the cooperation mechanisms between the Curia and the competent healthcare bodies and associated agencies.

The instruction specifies, among others, the tasks of the Curia's various structural entities, the arrangements of holding meetings and other events, the rules on accessing the Curia's building, the method of working from home and of requesting devices necessary for the carrying out thereof, and the hygiene measures. The Curia also introduced a set of procedural rules on the steps to be taken in case of the confirmed or suspected COVID-19 contamination of the Curia's employees and in case of the Curia employees' close contact with COVID-19 patients. Following the extraordinary judicial vacation and with the aim of ensuring the smooth operation of the justice system, a number of pieces of legislation have been adopted to regulate the use of electronic communications tools in the courts' proceedings and to extend the scope of cases that may be dealt with without holding a hearing. Due, among others, to the aforementioned measures, the Curia decided 7 494 cases in 2019, while it adjudicated 8 001 cases in 2020, which shows that the number of concluded cases has slightly increased even despite the

outbreak of the pandemic.

In 2019 the Curia decided 1 419 cases by way of holding a hearing, while in 2020 the Curia adjudicated 845 cases through hearings. The above decrease in the number of hearings has been compensated by a rise in the number of cases dealt with via in camera panel meetings.

In summary, it can be stated that the epidemiological situation in 2020 had no adverse effect on the Curia's clients in respect of the adjudication of their cases.

## **Accessibility and judicial review of administrative decisions**

### **Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data) and judicial review (incl. scope, suspensive effect)**

Please note that the observations made by the former President of the Curia of Hungary for the 2020 Rule of Law Report are still valid, subject to some updates indicated hereunder.

Section 116, point (b) of Act no. I of 2017 on Administrative Court Procedure was repealed on 1 January 2021. That provision provided that no review was possible if a party failed to avail himself of the right of appeal, and upon the other party's appeal the second instance court upheld the first instance decision. The provision was repealed for the reason that solely the Curia acted as second instance court, but the Curia's decisions were not subject to review, therefore section 116, point (b) of the Act on Administrative Court Procedure was devoid of normative content.

## **The enabling framework for civil society**

### **Measures regarding the framework for civil society organisations (e.g. access to funding, registration rules, measures capable of affecting the public perception of civil society organisations, etc.)**

Please note that the observations made by the former President of the Curia of Hungary for the 2020 Rule of Law Report are still valid.