



THE PRESIDENT OF THE CURIA OF HUNGARY

Budapest, 10th of January 2024
Ref. no.: 2023.El.XIV.D.43.

To the attention of Mr. Gábor Magyar
Representation of the European Commission in Hungary

Budapest

Re: Targeted consultation for the 2024 Rule of Law Report

Dear Sir,

In the framework of the targeted consultation in preparation of the European Commission's 2024 Rule of Law Report, let me highlight the positive findings of the 2023 Rule of Law Report in respect of the Curia of Hungary and point out the following elements that can be considered as new developments since the adoption of the last Report in July 2023.

1. The following amendments to the Curia's case allocation order – which is based on a transparent, automatic, algorithm-based, computerised allocation of cases –, entered into force on 16 July 2023 and publicly available on the Curia's website, deserve attention:

- The adoption of the case allocation order by the President of the Curia is now subject to the agreement of the Criminal, Civil and Administrative Chambers and the Judicial Council (page 1, introductory paragraph).
- Point II.4.1 of the case allocation order makes it clear that where the Curia's judicial panel is composed of three members, it shall, as a general rule, consist of the two heads of panel and the judge-rapporteur. The latter shall be chosen from among the non-head-of-panel members of the panel assigned to the case in the alphabetical order of their names (page 2, paragraph 4).
- Point II.4.2 of the case allocation order clarifies that in the case of a judicial panel of more than five members and in the case of a judicial panel of three members, the replacement of the panel members shall be ensured primarily within the panel, in such a way that in the event of the absence of a panel member adjudicating the case, the head of panel shall be replaced by the other head of panel, or, if there are more than two heads of panel, by the next head of panel in the alphabetical list, and the judge shall be replaced by the judge who is the next judge in the alphabetical list from among the judges of the panel (page 2, last paragraph).
- Point III.4 (page 4) of the case allocation order for the Criminal Chamber, point V.3 (page 9) for the Civil Chamber and point VI.3 (page 18) for the Administrative Chamber stipulate

that the head of chamber shall decide on any deviation from the case allocation order in the exceptional cases specified therein.

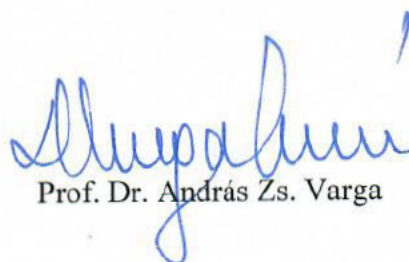
- Points IV.2 and IV.3 of the case allocation order designate the senior head of panel as an additional person authorised to allocate cases in the Criminal Chamber, other than the head of chamber, who may act in the event of the head of chamber being prevented from doing so (page 5).

All the aforementioned changes further contribute to ensure that the allocation of cases is automatic and free from external interference.

2. It is also worth mentioning that starting from the forty-fifth week of 2023, the case allocation log files publicly accessible on the Curia's website have been including the time of the case allocation act in addition to the day thereof, with hour and minute precision, thus making the allocation of cases in the Curia precisely verifiable for everyone, in a unique manner in Europe.

3. With regard to the findings of the 2023 Rule of Law Report concerning the possibility of the Curia's review of court orders initiating preliminary ruling proceedings, it should also be noted that in Hungarian criminal proceedings, neither before nor after the amendment of the Code of Criminal Procedure as of 1 June 2023, the Curia had the possibility to block a preliminary ruling procedure. Pursuant to sections 490 and 667 of the Code of Criminal Procedure, as amended with effect from 1 June 2023, the Curia is no longer able to review lower instance court orders on such matters, which has the impact of removing the deterrent effect referred to by the European Court of Justice in the C-564/19 preliminary ruling procedure.

In the hope that you will find the above answers useful for the completion of the targeted consultation questionnaire, I avail myself of the opportunity to express to you the assurances of my highest consideration and esteem.



Prof. Dr. András Zs. Varga