

CURIA 2021





Curia

Yearbook

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FOREWORD

Dear Reader,



The motto of 2021 is ‘The year of the uniformity of jurisprudence’. One of the fundamental duties of the Curia, as set out also in the Fundamental Law of Hungary, is to ensure uniformity in the application of law by the courts. To achieve that aim, Hungarian law offers a sophisticated set of tools, the elements of which are: the acknowledgment of the binding force of individual decisions; the uniformity decisions; the uniformity complaint as a new institution introduced in 2020; furthermore, the department opinions.

As a former judge of the Court of Justice of the European Union, sitting on the bench for more than 17 years, now let me share my thoughts about the uniformity of jurisprudence from a perspective that is somewhat wider than the framework established by Hungarian law.

Hungarian judges shall apply not only the autonomous national law enacted by the Hungarian legislator but, either in the framework of or in addition to national law, the law of the European Union as well. Treaties and regulations are directly applicable, while in case of directives, if their content has been transposed properly, i.e. correctly, they shall apply indirectly; however, in case of improper transposition, judges shall apply the provisions of the directive also directly. Hungarian judges will become thereby judges of EU law. And this means that in their judgments, Hungarian judges will necessarily interpret EU law as well. In case of lower courts, there is no procedural restriction to do so. Nevertheless, the Curia of Hungary is a court against the decisions of which no further judicial remedy is admissible; therefore, under Article 267 of the Treaty on the Functioning of the European Union, if any issue of interpretation of EU law is raised, the Curia is obliged to request the preliminary ruling of the

Court of Justice of the European Union. The only exceptions to this obligation are cases where the issue of interpretation is irrelevant (which means that the answer to be given will have no effect on the decision to be delivered by the national court); cases where the Court of Justice of the European Union has already expressed its opinion in an issue that is essentially the same; finally, cases where the provision of EU law constitutes an ‘acte clair’, i.e. it is so clear that no reasonable doubt exists as to its interpretation (Judgment of 6 October 1982 in Case No. 283/81 ‘CILFIT’). Accordingly, the Hungarian set of tools serving the purpose of the uniformity of jurisprudence could not function in many cases without the contribution of the Court of Justice of the European Union.

Rulings of the Court of Justice of the European Union adopted in preliminary ruling procedures shall be binding on all Hungarian courts, including the Curia. And that is the case, not only for the court that referred the question to the Court of Justice of the European Union, but for any court in any Member State, hearing a case the factual elements of which are identical with the essential elements of the set of facts assessed earlier by the Court of Justice of the European Union. This identity of facts, i.e. the transferability might be, of course, subject to consideration and deliberation. In any case, it can be established that EU law is enforced through a sort of system of precedents in the practice of the Court of Justice of the European Union.

In cases where the Court of Justice of the European Union interprets EU law, there is no doubt as to the primacy of its decision over decisions delivered by national courts. The Treaty on European Union has been agreed and ratified by all Member States, and Article 19 thereof provides for that the Court of Justice of the European Union ensures the respect of the law in the interpretation and application of the Treaties. All pieces of EU legislation are enacted on the basis and in the application of the Treaties. At the same time, the question whether the set of facts being examined by the Court of Justice of the European Union falls within the scope of EU law can be relevant and legitimate. The European Union has only powers conferred upon it by the Member States. The powers of the Union are laid down by Articles 2, 3, 4, 5 and 6 of the Treaty on the Functioning of the European Union. These Articles provide for three fundamental categories: exclusive competence of the Union; shared competence between the Union and the Member States; coordinating, supporting, complementing competence of the Union. The competences of the Member States are not laid down in the Treaty; however, the conclusion can be drawn that all areas falling within coordinating, supporting, complementing competences of the Union are substantially responsibilities of the Member States, and that is the case for areas that are not mentioned in the Treaty. This latter conclusion is, however, subject to the reservation that the list of shared competences is incomplete, i.e. not exhaustive. Accordingly, Member States may, using the proper legislative procedure, expand the scope of already existing rules, or adopt legal acts in new areas.

In my opinion, the competences should be defined and delimited in a more precise manner, and a more detailed regulation would be preferable. Many unnecessary conflicts could be avoided if we had precise knowledge of whether the assessment of a particular situation falls within the competence of the

Union or of the Member States. The present regulation, designating extremely wide areas, does not provide us with appropriate guidelines as to the delimitation. For instance, it is unclear whether the four fundamental freedoms of the Union should be enforced mandatorily in case of exercising a recognized competence of the Member States. To give an example: are the freedom of services, as well as the exemption from discrimination by nationality enforced in the fields of culture and education?

A new regulation should be established primarily by amending the fundamental treaties. This is, however, a distant and vague perspective. So, in my opinion the national courts, in particular the supreme courts of the Member States, as well as the Court of Justice of the European Union could be expected to clarify the above issues. A proper means to that end could be the preliminary ruling procedure. And the Curia of Hungary could play an active role in that area. The Court of Justice of the European Union does not criticize, but rather appreciates cases where the referring national court, in addition to the question referred, presents its own position which the Court of Justice of the European Union can approve, modify, or refute. Thus, in case of an appropriate set of facts, the Curia is not prevented from presenting its own position which can be in favour of the exclusive application of national law, as the case may be.

Besides formal procedures governed by the law, the professional, academic dialogue between the judges of the Curia and the judges of the Court of Justice of the European Union is, of course, also very useful and desirable.

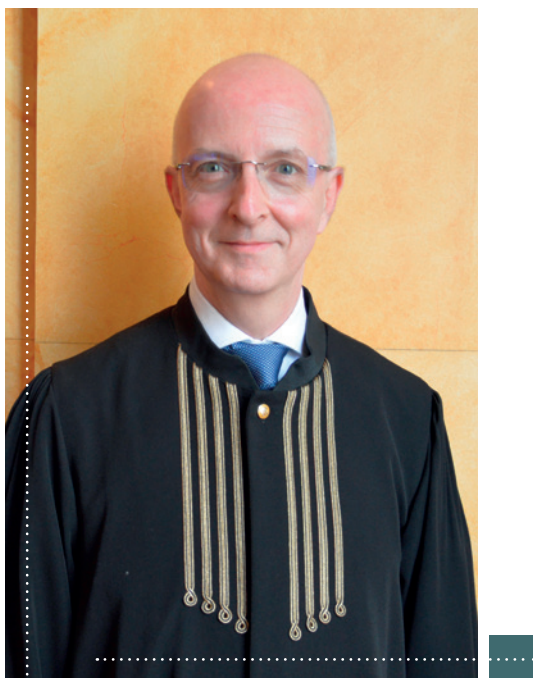
The uniformity of jurisprudence, i.e. the uniform, coherent application of the law is one of the fundamental merits of an effective legal system – without that, the rule of law may become doubtful. Even though it is my conviction that the set of tools serving the purpose of ensuring the uniformity of jurisprudence functions properly, I would still recommend that the Curia should carry out this specific task by focusing more on the European dimension.

Dr. Endre Juhász
former judge of
the Court of Justice of the European Union



■ THE YEAR OF THE UNIFORMITY OF JURISPRUDENCE

Dear Reader,



Based on our constitutional traditions, and as provided for expressly by the Fundamental Law of Hungary, ensuring the uniformity of jurisprudence is a key duty of the Curia. A duty which the Curia cannot transfer, share or distribute among others. This is the case also for the responsibility attributed to that task. In addition, all decisions of the Curia delivered in individual cases shall carry that responsibility. Amendments of law adopted by the Parliament introduced a limited system of precedents, as well as the uniformity complaint procedure. A uniform jurisprudence being in accordance with the Fundamental Law of Hungary should not be guaranteed by means of court management but through judicial channels and by judicial means, primarily in form of review proceedings and uniformity complaint procedures conducted with the participation of the parties who assume the risks of the judgments to be delivered. In the limited system of precedents, the binding effect on lower courts and judicial panels of the Curia is attributed exclusively to the earlier published decisions of the Curia, i.e. to the interpretation of law contained therein. Decisions by lower courts which deviate, in an issue of law, from an earlier published decision of the Curia may be challenged by any of the parties in a review proceeding before the Curia, while in cases where a subsequent decision of the Curia deviates from an earlier published decision, the parties may resort to the uniformity complaint procedure before the Curia.

Besides the above proceedings involving the parties, as provided for by the law, ‘the Curia shall adopt uniformity decisions which shall be binding on the courts.’ Amongst others, a judicial panel of the Curia hearing a given case may also file a motion for preliminary ruling: by that means, the Curia ensures the uniformity and, if necessary, the further development of its case law on its own initiative, i.e. without ‘awaiting’ any uniformity complaint filed by the parties. Namely, the judicial panels of the Curia may deviate from any earlier published decision only by means of filing a motion for preliminary ruling, whether the deviation is necessitated by the panel’s own consideration, or by any mandatory interpretation by the Constitutional Court of Hungary or the Court of Justice of the European Union.

Through its case law, the Uniformity Complaint Panel of the Curia has developed the essential content of the concept of uniformity of jurisprudence. On one hand, ‘the absence of uniformity of jurisprudence is caused by the unjustified deviation from an earlier decision. Thus, the uniformity of jurisprudence as a requirement can never be associated with abstract cases, but only with particular disputes and interpretations of law; it might emerge only in the context of particular judicial decisions which have been designated.’ On the other hand, ‘the uniformity of jurisprudence is a question of substantial law in most cases because it must be ensured that similar cases will be determined by the courts with the same content. So, the standard included in the uniformity of jurisprudence is that in cases raising the same issue of law (identity of cases), the interpretation of law shall be the same as well. If the cases in question are not identical because the circumstances behind each judicial decision are different, the concept of uniformity of jurisprudence will be meaningless both in the legal and in the broader sense.’

The uniformity complaint is admissible against a certain decision delivered by the Curia; a special legal remedy which assists in ensuring the uniformity of jurisprudence on the parties’ initiative and with a legal effect on the parties, which deals with the question of uniformity not in general, on an abstract level, but in a specific, individual case. Nevertheless, it is not aimed at remedying the impairment of a right or lawful interest subject to the dispute, but it serves the purpose of resolving the deviation from a published decision, i.e. of ensuring the uniformity of jurisprudence. The reason behind its introduction was the expectation and settled practice of the Venice Commission, according to which the uniformity of jurisprudence must be ensured on the initiative of and with a legal effect on the parties participating in the dispute, by means of legal remedy procedures where the parties, who bear the consequences of the decision, may also present their positions. After the introduction, in its opinion published in 2021, the Venice Commission evaluated the uniformity complaint positively, as well as the limited system of precedents, with special regard to the fact that the procedure may be launched by the parties, and it is conducted with their participation. Experience so far shows that the recently introduced amendments support the Curia in complying with constitutional requirements; the highest judicial body can fulfil the duty of ensuring the uniformity of jurisprudence more effectively with the new tools. The number of decisions published in uniformity and uniformity complaint matters —

which exceed several times the numbers in the previous years—, as well as the content of those decisions proves that enhancing our efforts was necessary. 2021 was truly the year of the uniformity of jurisprudence.

The Curia has never been just one of the many public law actors. It has never been an institution that is an end in itself; and it still isn't. On 8 April 2021, a solemn Full Bench of the Curia remembered the 160th anniversary of the re-institution of the Curia. One and a half centuries ago, the re-institution of the highest judicial forum implied the restoration of all achievements of our historical constitution, the revival of national law in action, and it has been a milestone on the way leading to the Austro-Hungarian compromise in 1867. The duty the judges of the Curia must fulfil now is not less than what it was one and a half centuries ago. In cooperation with the Constitutional Court and other public law actors, we must defend the independence and the constitutional identity of Hungary. And we must take on the onerous legacy of the past 160 years. However, a more onerous one is represented by the 300 years passed since 1723, the year when the Curia was settled in the capital of Hungary and was founded as a constantly functioning supreme court. But the legacy constituted by the almost 800 years counted from issuing the Golden Bull, or the 'Hungarian Magna Carta' of 1222, restricting the king's executive power through the judiciary, determining thereby the position of the courts among the separated branches of power, is even more onerous. This legacy is carried on by the Curia of today, which is neither an abstract institution, nor a building or an organisation of court management, but the community of the judges of the Curia, hearing and determining cases in our days. Past and present; tasks related to legal remedy and the uniformity of jurisprudence; harmonizing the requirements set by national, international, as well as by EU law; all this is possible only if right measure and balance are preserved. In 2021, I completed all my tasks by following the principle that it is the Curia which has a president, and not vice versa. That principle gave me the right measure, and it was right in this spirit that I was striving for a balance between the Curia and the public law actors of Hungary, the international tribunals and, of course, the body of judges and all other legal professions.

Prof. Dr. András Zs. Varga
President of the Curia



1856



■ THE CURIA'S PROMINENT ROLE IN MAINTAINING THE CONSTITUTIONAL SYSTEM

In the year 2021, the Chambers of the Curia had to decide important cases again, attracting widespread public attention. The main tasks of 2021 were determined both by experiences gained from the application of new provisions of procedural codes and rules of criminal proceedings, as well as by feedbacks given on the basis of the set routine. At the same time, questions of legislation regarding the administrative organisation and the Curia itself were brought into sharper focus, strengthening the Curia's efforts to achieve a stronger role in the judicial system.

The Chambers of the Curia

The Civil Chamber of the Curia

In 2021, the Civil Chamber had to face several challenges, such as applying the extraordinary provisions enacted due to the COVID-19 pandemic, managing the situation resulting from the pandemic, the changes concerning the means of ensuring the uniformity of jurisprudence, or handling the problems related to the foreign currency consumer loan contracts. Interpreting provisions of the Code of Civil Proceedings, developing the case-law related to the Civil Code, disputes concerning the Land Transactions Act, the frequency of certain cases concerning the designation of the competent court, as well as ensuring the adjudication of cases in a timely manner posed further challenges to the Chamber.

The situation caused by the COVID-19 pandemic represented several challenges for the Civil Chamber of the Curia also in year 2021. The normal way of delivering justice became more complicated during the returning waves of pandemic, while the compliance with health precautions, as well as the substitution of colleagues who were infected or placed in quarantine required flexibility and significant organisational efforts. During the pandemic, the importance of electronic procedures that do not require personal presence increased from time to time, and not only when contacting the clients: the various bodies within the Curia were also forced to deliberate by means of information technology devices, without the necessity of appearing in person. The solutions developed in 2020 provided support for the effective functioning of the Civil Chamber in this year as well, so the timely adjudication of cases within the Chamber did not worsen during the pandemic.

The amendments of Act CLXI of 2011 on the Organisation and Management of Courts (hereinafter: Bszi.), effective as of 1 April 2020, abolished the institutions of rulings in principle and decisions in principle, introduced the uniformity complaint procedure, as well as it abolished the possibility that consultative bodies not regulated

by law could publish their opinions. By this latter amendment, such consultative bodies will no longer play any role in ensuring the uniformity of jurisprudence but will function as inner forums of discussion. The decisive role in ensuring the uniformity of jurisprudence was assigned to the judicial panels of the Curia, the decisions of which shall be published in the Register of Court Decisions and shall be binding on lower courts —except if the deviation is properly justified—, furthermore they shall serve as guidelines both in review proceedings and in uniformity complaint procedure. Consequently, the number of uniformity procedures initiated and finished in 2021 was significantly higher than in 2020, and the judicial panels of the Curia were playing the main role in launching those procedures after detecting divergences in the earlier case law, in order to settle the issues of interpretation with binding force.

From the viewpoint of the Uniformity Complaint Panel of the Curia, which has been functioning on the basis of legal provisions modified with effect from 1 January 2021, the year 2021 was the first full year of ongoing uniformity complaint procedures.

The Uniformity Complaint Panel of the Curia has clarified several procedural questions related to the new means of ensuring the uniformity of jurisprudence: the Civil Chamber of the Curia could learn much from its decisions. At the end of the year, the Panel delivered its first decision on the merits (in case Jpe.I.60.015/2021/15), where it determined a question falling within the competence of the Civil Chamber, finding that the judgment of the Curia Gfv.VII.30.315/2020/5 deviates, in an issue of law, from judgment Pfv.I.20.185/2018/7, published in the Register of Court Decisions; nevertheless, that deviation was justified, thus the Curia upheld judgment Gfv.VII.30.315/2020/5 and ruled that an interpretation of law contrary thereto, included in any decision by the Curia, shall not be invoked any more with binding force.

The admission of review before the Curia was introduced as a new legal institution by Act CXXX of 2016 on the Code of Civil Proceedings (hereinafter: Pp.), effective as of 1 January 2018. To provide uniform application of the new code, which is predictable also for the parties, the Civil Chamber of the Curia had adopted its Chamber Opinion 2/2017. (XI. 13.) PK before the code entered into force. Based on the experiences gained since the abovementioned date, in July 2021 the Civil Chamber considered that the Chamber Opinion had become out-of-date, so it adopted Chamber Opinion 1/2021. (VII.17.) PK on the admission procedure. Due to the amendments enacted after the adoption of the earlier Chamber Opinion, the admission procedure has become strongly related to the uniformity complaint procedure, which has further highlighted the ‘uniformity-related’ purpose of the admission of review proceedings.

In year 2021, dealing with cases related to foreign currency loan contracts and interpreting the respective provisions of law still represented an additional task for the Civil Chamber —regarding both the adjudication of individual cases and the ensuring of the uniformity of jurisprudence—, even though the number of such cases has decreased, and the Curia has clarified several questions related to this issue. To give a typical example, the uniformity panel in charge of civil law, commercial law and labour law issues delivered eight uniformity decisions in 2021, amongst which five decisions dealt with issues of law raised in the abovementioned proceedings and non-contentious procedures, just like the decision Jpe.I.60.015/2021/15 delivered by the Uniformity Complaint Panel, and further two uniformity procedures which were finished in 2022.

Even if many questions of law were answered in the summary report approved in 2020, prepared by the jurisprudence-analysing working group which was created in 2018 to analyse the case-law of disputes related to the Land Transactions Act, and even if that summary report contributes significantly to the uniform application of law, several new questions were raised in the everyday practice in 2021. The importance of this group of cases is demonstrated by the fact that in 2021, two uniformity decisions concerning issues falling within the responsibilities of the Civil Chamber—uniformity decisions 1/2021 KPJE and 7/2021 PJE— dealt with this group of cases. As a decision answering also a question related to the appointment of the competent court, uniformity decision 7/2021 caused an increasing number of designation-related cases.

In 2021, the Curia decided the majority of civil cases already by applying the provisions of the new Civil Code, effective as of 1 March 2014, and there is an increasing number of fields of law where the experiences gained and the practical problems arisen reached a level at which it is possible, but also necessary, to analyse the jurisprudence and render it uniform. To give an example: in 2021, three of the seven jurisprudence-analysing working groups, functioning within the Civil Chamber, were focusing on subjects related to the practical application of the new Code. The efforts devoted to the uniform and coherent interpretation of the Civil Code were supported again by the ‘New Civil Code Consultative Body’.

The adjudication of labour law matters was integrated into the Civil Chamber of the Curia and functions as a division within the Chamber, ensuring the uniformity of jurisprudence in the field of labour law. That is especially important in light of



the organisational changes concerning labour law judges, such as the abolishment of separate administrative and labour courts, the creation of labour law chambers at the regional courts of appeal). The Labour Law Division of the Civil Chamber of the Curia participates, through its representative, at the meetings of the labour law chambers of each regional court of appeal, which also contributes to the uniformity of jurisprudence in labour law. The COVID-19 pandemic brought about changes in many fields, which is reflected in the altered forms of employment, too. That change was studied in part by the jurisprudence-analysing working group assigned with the task of examining atypical forms of employment. The working group conducted the examination and prepared its summary report in 2021.

The Criminal Chamber of the Curia

In 2021, the Criminal Chamber of the Curia fulfilled the tasks of providing guidance for criminal justice and ensuring the uniformity of jurisprudence, as set out in the Fundamental Law of Hungary, under aggravated circumstances due to the pandemic. Relying on the provisions of law that simplified the court proceedings with regard to the pandemic situation, the Criminal Chamber managed to fulfil its duties without any decrease in the number of finished cases or any decline in providing guidance for the judicial practice.

Regarding the latter activity, the primary focus was given to solving the problems related to the application and interpretation of Act XC of 2017 on the new Code of Criminal Proceedings (hereinafter also referred to as Be.), effective as of 2018.

It must be noted, however, that the Criminal Chamber has to fulfil its tasks related to the adjudication of individual cases and to the ensuring of the uniformity of jurisprudence under a legal framework constantly undergoing significant changes. Accordingly, the Chamber delivered opinions, throughout almost the whole year, on draft laws sent by the Ministry of Justice and other legislative agencies.

The main task of last year was the interpretation and the implementation of an act of parliament which entered into force on 1 January 2021, and which significantly amended the Criminal Code, the Code of Criminal Proceedings and the act governing the enforcement of sentences.

Among the amendments concerning substantive criminal law, the most important one was the abolishment of the traditional criminal offense of fencing stolen property and its incorporation into the offense of money laundering. That amendment has provided the Chamber with further tasks of interpretation.

As to the provisions of procedural law, rules governing special proceedings have been significantly amended, such as the newly introduced grounds for dismissal of the proceedings in case of private prosecution and substitute private prosecution. In case of remedy proceedings, rules governing the extent of review in second instance proceedings have been amended.

Besides the above, a relatively high number of technical amendments to the Criminal Code (Btk.) and the Code of Criminal Proceedings (Be.) had to be taken into account.

Regarding the amendment of the act governing the enforcement of sentences (hereinafter: Bv. tv.), it must be highlighted that when drafting the amending provisions, the legislator considered the findings included in the summary report prepared by the jurisprudence analysing working group of the Curia in the middle of the year 2021.

Regarding the adjudication of individual cases by the Curia in general, it can be established that the provisions, introduced by the amendments with a view to simplify and accelerate court procedures, caused a decrease in cases pending at lower courts; however, they did not have the same effect in the Criminal Chamber of the Curia. The number of pending cases decreased to such a small extent that did not bring any significant change to the Curia's caseload.

As far as the pandemic situation is concerned, it must be underlined that, despite the difficulties the judiciary had to face on the national level, it did not cause any decrease in the number of cases finished by the Curia.

In 2021, a case of special importance was finished by the Curia, that was the case of the so-called 'butcher of Darnózséli'. As a result of the third instance proceedings, the Curia gave a new, prevailing interpretation of evaluating the so-called indirect evidence. The Curia also provided interpretation to premeditation as one of the aggravating circumstances of homicide.

In 2021, two uniformity decisions were adopted which concerned the Criminal Chamber's activity: one uniformity decision on interpreting violations of procedural rules in the review proceedings before the Curia, and another one on examining the culpable conduct when interpreting the concept of own fault as set out in Bv. tv. In addition, the Criminal Chamber adopted four chamber opinions.

During the year, the Criminal Chamber approved the summary report of the jurisprudence analysing working group which was dealing with the conditions for indemnity and release on parole in the practice of penitentiary judges. Besides that, further two jurisprudence analysis remained open: one focusing on the practice of preparatory hearings, another devoted to the case law in human trafficking.

Meetings of the heads of judicial panels played an essential role in ensuring the uniform interpretation of law. Such meetings were held once a week in the first half of the year, then once a month in the second half of the year. Those meetings enabled that the individual panels of the Curia would reach and present, if possible, the same conclusion. No uniformity procedure was launched because of reaching different conclusions or the intent to do so.

One of the greatest losses caused by the pandemic is that the national meetings of the heads of chambers were cancelled in 2021 again. Consequently, participating at the chamber meetings of the high courts and the regional courts of appeal was the only chance the Criminal Chamber of the Curia had so as to get involved in discussing certain problematic issues of interpretation, raised either on regional, or on national level.

Besides the pandemic, the high number of judges who retired in 2020 and 2021 also caused difficulties in the Chamber's work, as a result of which two criminal panels had to be completed with judges seconded from lower courts.

To sum up, despite all difficulties, it can be established that in 2021, the Criminal Chamber of the Curia was functioning properly and smoothly, and there was a proper ratio of finished cases.

The Administrative Chamber of the Curia

The era of changes

For more than a decade, the position of the Hungarian administrative judiciary has been subject to a professional debate which concerns mostly the structure and the organisation of this branch of the judiciary. The Administrative Chamber of the Curia, as the highest organisation within the administrative judiciary, is no exception to that debate. During the last 10 to 15 years, no other branch of the judiciary had to undergo as profound changes as the administrative judiciary was subject to. At the same time, however, it is remarkable that, despite all the organisational changes and other uncertainties, the Hungarian administrative judiciary, under the professional guidance of the Curia, has been delivering an outstanding performance for a longer time, also at the European level.

The earlier planned organisational model based on special jurisdiction, enacted by the seventh amendment of the Fundamental Law of Hungary, had been abolished already in year 2019, under the eighth amendment of the Fundamental Law of Hungary; however, the new provisions enacted at the end of 2019 introduced a new, two-level system of administrative courts, with effect from 1 April 2020. In essence, all responsibilities related to legal remedies were allocated to the Curia in the new system, including the appellate jurisdiction which already represented a serious caseload. By using all means at its disposal, in 2020 the Curia created all the necessary conditions for the adjudication of appeal cases which practically caused an enormous increase in the number of incoming cases, despite the pandemic situation. In 2020, only a part of the changes necessary for the transition to the two-level system of administrative judiciary was carried out; establishing the final structure, stabilising the staff number, and preparing the rules of case assignment in accordance with the new system were tasks to be completed in year 2021. The leadership of the Curia determined the duties related to the appellate jurisdiction in administrative matters as of 2021 by considering the new panel structure, consisting of five judges, as well as the aim of establishing broader fields of judicial expertise. Accordingly, in 2021 the transition to panels of five judges was carried out, and the adjudication of matters related to public service was introduced as a separate field, without prejudice to the earlier established fields of expertise.

Nevertheless, it was obvious during the year 2021 that the trends of caseload which were already characteristic of 2020 —namely, the dramatic increase of incoming cases resulting from taking over the appellate jurisdiction— would continue and would even heighten. The increase of incoming cases, as well as the short time limit for the adjudication turned the judicial activities within the Administrative Chamber for the most part into an ‘operative adjudication’. That is quite unheard of in case of supreme judicial bodies, and the other two chambers of the Curia are not characterized at all by such feature. Another experience gained from the incoming cases in the administrative branch in year 2021 was that a remarkable part of those cases involved simple legal disputes of minor claim value, where the intervention by the Curia cannot be justified by professional reasons.

Recognizing all of this, in the autumn of 2021 the Curia submitted a proposal for the amendment of the appeal stages, which practically meant the restoration of the earlier, three-level system of administrative judiciary. The reasons presented by the Curia were accepted by the legislator, too; therefore, under provisions of Act CXXXIV of 2021 on the amendment of certain pieces of criminal legislation and law related thereto, effective as of 1 March 2022, the fulfilment of the tasks related to the appellate jurisdiction was modified through the establishment of the Administrative Chamber of the Budapest Capital Regional Court of Appeal. The abovementioned Act introduced a procedural rule as well, which can bravely be called historical, namely that the Curia shall hear administrative cases in panels of five judges. That rule is especially remarkable in light of the fact that at first and second instances, administrative cases are heard by panels consisting of three judges, so a panel of five judges in the proceedings before the Curia will represent a higher professional level.

Although shadowed by the difficulties arising from the pandemic situation, the changes brought by the year 2021 will hopefully contribute to the creation of an organisational system characterized by stability, from which we can reasonably expect that the professional debates concerning the organisation of the administrative judiciary will be resolved and the Curia's professional role will be further strengthened.





■ THE CURIA'S TASKS AND POWERS

*„Persons seeking justice should have trust that their cases will be decided by the judge only on the grounds of objectivity, by virtue of the laws, according to his conscience, and no other influence shall be at work. Independence is not an equivalent to the lack of accountability: the independent judge should not feel himself exempt from accountability. That has never come into question; Hungarian judges have never considered themselves unaccountable. Accountability to one's own conscience is not less significant than accountability to the law.”**

(István Oswald)

Under Article 25 of the Fundamental Law of Hungary, the supreme organ in the ordinary court system shall be the Curia; the Curia shall ensure the uniform application of law by the ordinary courts and shall make Uniformity Decisions which shall be binding on ordinary courts.

Under Section 24 (1) of Act CLXI of 2011 on the Organisation and Management of Courts, the Curia shall:

- a) determine, in cases specified by the law, legal remedies submitted against the decisions of high courts and regional courts of appeal,*
- b) determine petitions for review,*
- c) adopt a Uniformity Decision binding on all courts,*
- d) determine uniformity complaints,*
- e) analyse jurisprudence in cases closed by a final decision (or a decision that became final), in the course of which it shall explore and examine the courts' jurisprudence,*
- f) determine whether a local government decree conflicts with other laws and determines on the annulment of a conflicting decree,*
- g) determines on whether a local government has failed its statutory legislative obligation,*
- h) proceeds in cases falling within its competence.*

The Curia's abovementioned tasks and powers are governed by the following laws (non-exhaustive list):

- Act CXXX of 2016 on the Code of Civil Procedure
- Act XC of 2017 on the Code of Criminal Procedure
- Act I of 2017 on the Code of Administrative Litigation
- Act CLXI of 2011 on the Organisation and Administration of Courts
- Act CLXII of 2011 on the Legal Status and Remuneration of Judges
- Act XXXVI of 2013 on the Election Procedure
- Act CCXXXVIII of 2013 on the Initiating of Referenda or European Citizens' Initiative, and on the Referendum Procedure.

* 'We are judges' – Tribute to the 150th anniversary of the publication of Act IV of 1869 on the exercise of judicial power, edited by Zsuzsanna Peres and Mária Bagossyné Körtvélyesi, Budapest, National Office for the Judiciary, 2019.

Within the Curia adjudicative, local government, uniformity and uniformity complaint panels, criminal, civil and administrative chambers, and jurisprudence-analysing working groups operate. Within the chambers, specialised divisions can be set up.

Remedial powers

In 2021, the Curia also served as a court of second instance, having appellate jurisdiction in administrative matters, according to provisions of Act CXXXVII of 2019 on the amendment of certain acts in relation to the single instance administrative procedures of district offices (hereinafter: *Efjtv.*). In cases heard and decided at first instance by high courts having an Administrative Chamber (instead of the earlier administrative and labour courts), the Curia proceeded as court of second instance. Thus, in administrative matters and in cases related to public service, the second instance jurisdiction of high courts and regional courts of appeal was abolished, and the Curia became the general court of second instance with nationwide jurisdiction. Furthermore, the Curia continued to operate as a review court if, in the given case, the conditions for review as specified under the Act on the Administrative Court Procedure were fulfilled.

The allocation of all remedial powers of the administrative judiciary to the Curia resulted in a disproportionate increase of the Curia's caseload, while the number of judges actually at the Curia did not change. By the autumn of 2021, the Curia faced the highest workload throughout the country, and the number of cases was expected to reach the level at which it had been before the establishment of the regional courts of appeal, while those courts were established right with the aim of relieving the caseload of the supreme judicial forum. At the same time, the administrative matters brought before the Curia through an appeal did not differ from appealed cases in other areas of law, i.e. the Curia mostly had to rule on the lawfulness of court orders of procedural nature, which diverted away valuable professional resources from resolving uniformity issues which have consequences for the wider society.

To stop, or at least to slow down the above trend, which has become critical, the legislator adopted Act CXXXIV of 2021 on the amendment of certain acts in relation to criminal law and other related acts, in which the legislator provided for that the level of regional courts of appeal should be involved in the second instance adjudication of administrative cases. As a result of the amendment, effective as of 1 March 2022, the levels of judicial forums hearing administrative cases have changed, without prejudice to the conditions for legal remedy and its respective rules. High courts having an Administrative Chamber will be general courts of first instance in administrative matters. The Curia has original jurisdiction in exceptional cases set out by law. Regional courts of appeal having an Administrative Chamber will be general courts of second instance. Thus, the abovementioned Act has provided for that it falls within the responsibilities of regional courts of appeal to hear cases at the ordinary appeal stage, and it has also provided for exclusive geographical jurisdiction, which means that the Act has reinstated the second instance (appellate) jurisdiction of Budapest Capital Regional Court of Appeal in administrative matters. The Budapest Capital Regional Court of Appeal will receive the cases to be heard at second instance in a so-called bottom-up system, considering the fact that most appealed cases must be decided within a set time limit according to the Code of Administrative Court Proceedings (*Kp.*). This means that the ongoing cases will not be transferred by the Curia, so the

Budapest Capital Regional Court of Appeal will release the supreme judicial forum on a step-by-step basis. And in cases adjudicated by the Budapest Capital Regional Court of Appeal at second instance, the review proceedings before the Curia will be available accordingly.

Act CXVII of 2019 introduced a new legal remedy: the uniformity complaint, which is a special legal remedy procedure available against certain decisions of the Curia by alleging deviation in questions of law from the Curia's former published decisions.

Decisions of the Uniformity Complaint Panel establishing the deviation in an issue of law shall have the effect of a uniformity decisions, and they *shall be published in Hungarian Gazette*, in accordance with the provisions governing the publication of uniformity decisions.

With effect from 1 January 2021, provisions of Bszi. [*Act on the Organisation and Management of Courts*] governing the uniformity complaint procedure have been amended. The amendment clarifies the rules of uniformity complaint procedure from several aspects, for instance by providing for that the uniformity complaint panel shall decide on the merits of the complaint in form of a decision, while it shall decide in form of an order in all other questions. Pursuant to the amended provision of Bszi., a uniformity complaint is admissible against any decision of the Curia that, according to the relevant procedural laws, may not be challenged any more by an appeal, a petition (or motion) for review —except for orders related to the conduct of proceedings—, if the deviation in an issue of law from the Curia's decision, delivered after 1 January 2021 and published in the Register of Court Decisions, has already been referred to in the petition for review, but the Curia has not remedied in its decision the violation of law caused by that deviation. A uniformity complaint is also admissible in cases where a judicial panel of the Curia has deviated from an earlier published decision of the Curia without initiating a uniformity procedure, and no such deviation has occurred in the decisions of the lower courts, at the earlier stages of the proceedings. The Act provides further clarifications, such as that a uniformity complaint is admissible under reference to deviation, in an issue of law, from any decision delivered by the Curia after 1 January 2012 and published in the Register of Court Decisions; that a uniformity complaint may be lodged only against decisions delivered by the Curia on 1 July 2020 and thereafter. It must be noted that this latter date means the date when the decision of the Curia (and not the decision of any lower court) is adopted; thus, a uniformity complaint is admissible —independently from the procedural laws to be applied in the given case— in all cases where the lower court has delivered its decision after 1 April 2020 (and the Curia has delivered its respective decision after 1 July 2020).

As it was highlighted by the Venice Commission in its opinion No. CDL-AD(2021)036, the uniformity complaint as a means of legal remedy fulfils the requirements set forth by the Commission, with special regard to the fact that this procedure is initiated by and conducted with the participation of the parties.

For more details on the uniformity complaint, as well as on the activities of the Uniformity Complaint Panel of the Curia in year 2021, please see the chapter titled 'The Curia's jurisprudence-uniforming activities.'

Powers ensuring the uniform application of law

After 1 April 2020, in the new system of tools ensuring the uniform application of law, all decisions of the Curia finishing an individual case shall be, after their publication, binding on the Curia's panels hearing future cases. If any panel of the Curia, in any future case, intends to deviate from the interpretation of law included in the published decision, it shall initiate a uniformity procedure and stay the proceedings until a uniformity decision is adopted.

The binding power of earlier, published decisions is enhanced the introduction of the uniformity complaint: if a judicial panel hearing a new case has deviated, in a question of law, from the published decision without initiating a uniformity procedure, while neither of the lower courts handling the case have deviated, in the given issue of law, from that decision, a uniformity complaint may be filed against the decision delivered by the Curia's judicial panel. Accordingly, the uniformity complaint has a legal remedy function, as well as a function related to ensuring the uniform application of law.

In its opinion No. CDL-Ad (2021)036, concerning the uniformity procedure, the Venice Commission emphasized that the institution of uniformity complaint fulfilled the previously set requirements; however, the Commission recommended that the traditional (abstract) uniformity procedure, which has been part of the Hungarian legal system since 1998, should be abolished, as well as that the Uniformity Complaint Panel should deliver its decisions with the participation of a higher number of judges. Considering the above recommendations, the legislator adopted Act CXXXIV of 2021 the provisions of which have integrated the 'traditional' uniformity procedure into the uniformity complaint procedure, following the model of the preliminary ruling procedure before the Court of Justice of the European Union. This means that instead of the earlier motion initiating a uniformity procedure, a so-called motion for preliminary ruling may be filed in cases

- where the adoption of a uniformity decision, the amendment or quashing of an earlier adopted uniformity decision is necessary for ensuring the uniformity of jurisprudence,
- where a judicial panel of the Curia intends to deviate, in an issue of law, from any decision of the Curia published in the Register of Court Decisions.

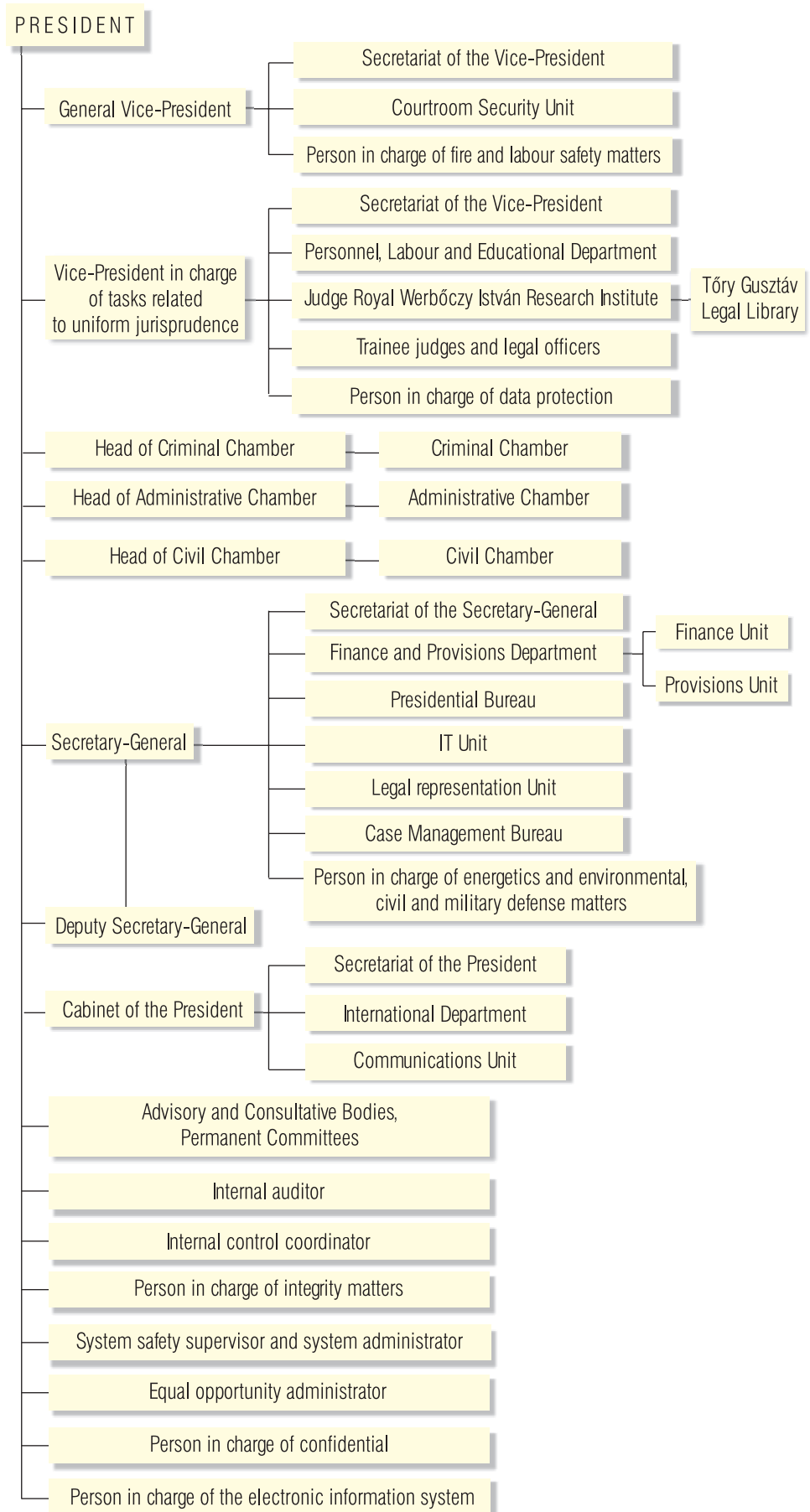


It is a significant change that motions for preliminary ruling shall not be decided any more by the uniformity panels, consisting of seven judges and organized in line with the judicial branches within the Curia; instead, the Uniformity Complaint Panel, consisting of nine judges and headed by the President or the Vice-President of the Curia, shall determine the above motions. The Uniformity Complaint Panel may decide either to hear the case in extended composition, i.e. together with all judges of the chamber concerned, or to refer the case to the Full Bench of the Curia. When determining a motion for preliminary ruling, provisions governing the adjudication of uniformity complaints shall apply, save as otherwise provided for by the abovementioned Act.

In the new system, uniformity decisions and chamber opinions will keep their roles, in addition to decisions resolving individual cases. The limited binding authority of precedents (attached only to decisions delivered by the Curia) is not unknown in the Hungarian legal system; however, its actual effectiveness may not be ensured by administrative and informal means; instead, it may be enforced exclusively by judicial means: in review proceedings and uniformity complaint procedures, both conducted with the participation of the parties who bear the risk of the judgment to be delivered.



The Curia's administrative organisation





■ JUDGES AND STAFF OF THE CURIA IN 2021

*„A person who is devoted to his profession will not be discouraged by the enormity of the task; instead, it will give him enthusiasm and make him exert ultimate efforts. As for me, I will also find strength in the enthusiastic love of my profession as a judge, as well as in my unshakeable trust and belief in the progress of the Hungarian judiciary.”**

(Andor Juhász)

■ Judges of the Curia

Dr. András Zs. Varga	president
Dr. Katalin Böszörményiné Kovács	vice-president
Dr. András Patyi	vice-president
Dr. Ákos Székely	vice-president
Dr. Judit Gyarmathy	secretary general
Dr. Zsolt Csák	head of chamber
Dr. Tibor Kalas	head of chamber
Dr. Zoltán Márki	head of chamber
Dr. Árpád Orosz	head of chamber
Dr. Péter Hajnal	deputy head of chamber
Dr. Kálmán Sperka	deputy head of chamber
Dr. Rita Tánczos	deputy head of chamber
Dr. Zsolt Péter Balogh	head of panel
Dr. Judit dr. Baloginé Faiszt	head of panel
Dr. Géza Bartal	head of panel
Dr. Levente Bartkó	head of panel
Dr. Péter Darák	head of panel
Dr. Attila Zoltán Döme	head of panel
Dr. Attila László Farkas	head of panel
Dr. Katalin Éva Farkas	head of panel
Dr. Ildikó Katalin Fekete	head of panel
Dr. István Feleky	head of panel
Dr. Edit Hajdu	head of panel
Dr. Mária Aranka Harter	head of panel
Dr. András György Kovács	head of panel
Dr. Zsuzsanna Anna Kovács	head of panel
Dr. Krisztina Kurucz	head of panel

* ‘We are judges’ – Tribute to the 150th anniversary of the publication of Act IV of 1869 on the exercise of judicial power, edited by Zsuzsanna Peres and Mrs. Bagossyné Mária Körtvélyesi, Budapest, National Office for the Judiciary, 2019.

Dr. Zoltán Lomnici	head of panel
Dr. Katalin Magyarfalvi	head of panel
Dr. Gizella Márton	head of panel
Mrs. Molnár Ferenc dr.	head of panel
Dr. Erzsébet dr. Mudráné Láng	head of panel
Dr. Péter Puskás	head of panel
Dr. Judit Salamonné Piltz	head of panel
Dr. Katalin dr. Simonné Gombos	head of panel
Dr. Gábor Somogyi	head of panel
Dr. Marianna Stark	head of panel
Dr. Ildikó Suba	head of panel
Dr. Klára Szabó	head of panel
Dr. Kincső Tóth	head of panel
Dr. Ursula Vezekényi	head of panel
Dr. János Zanathy	head of panel
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Dr. Nóra Bérces	judge
Dr. Judit dr. Bernáthné Kádár	judge
Dr. Fruzsina Bögös	judge
Dr. József Cséffán	judge
Dr. Attila Cseh	judge
Dr. Ágnes dr. Csentericsné Ágh Biró	judge
Dr. Judit Anna Csesznok	judge
Dr. Andrea Csőke	judge
Dr. Zsuzsanna Demeter	judge
Dr. Péter Demjén	judge
Dr. Viola Dobó	judge
Dr. Alexa Domonyai	judge
Dr. Marianna Dzsula	judge
Dr. Antónia Farkas	judge
Dr. Ildikó Zsuzsanna Figula	judge
Dr. Mónika Gáspár	judge
Dr. Ágnes Zsuzsanna Gimesi	judge
Dr. Ildikó Gyurán	judge
Dr. Barnabás Hajas	judge
Dr. Attila Harangozó	judge
Dr. Csilla Andrea Heinemann	judge
Dr. Szabolcs János Hornyák	judge
Dr. Tamás Horváth	judge
Dr. Éva Huszárné Oláh	judge
Dr. Marianna Csilla dr. Idzigné Novák	judge
Dr. Árpád Lajos Kiss	judge
Dr. Gábor Kiss	judge
Dr. Ortilia Kocsis	judge

Dr. Zsuzsanna dr. Kövesné Kósa	judge
Dr. Anna Madarász	judge
Dr. Szilvia Magosi	judge
Dr. Zsuzsanna dr. Mészárosné Szabó	judge
Dr. Attila Zsolt Mocsár	judge
Dr. Ildikó Nyíróné Kiss	judge
Dr. András Mihály Osztovits	judge
Dr. Mátyás Parlagi	judge
Dr. Árpád Pataki	judge
Dr. Edina Rák-Fekete	judge
Dr. Gábor Remes	judge
Dr. Anett Ságiné Márkus	judge
Dr. Péter Schmidt	judge
Dr. Mária Sebe	judge
Dr. Márta Anna Stefancsik	judge
Dr. Tamás Sándor Sugár	judge
Dr. Judit Szilas	judge
Dr. Krisztina Szolnokiné Csernay	judge
Dr. Ágnes Ilona Tibold	judge
Dr. Edit Mária Varga	judge
Dr. Eszter Varga	judge
Dr. Eszter Ágnes Varga	judge
Dr. Beáta Vitál-Eigner	judge
Dr. Péter Zumbók	judge

■ Judges attached to the Curia

Dr. Márta Ábrahám	judge attached to the Curia
Dr. Zsuzsanna Rebeka Czipa	judge attached to the Curia
Dr. Károly Élő	judge attached to the Curia
Dr. Pál Fehér-Polgár	judge attached to the Curia
Dr. Péter Kun	judge attached to the Curia, head of unit
Dr. Viktória Erzsébet Rozgonyi	judge attached to the Curia

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Dr. Ágnes Cogoiné Boros

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Dr. Márton Metzing

Dr. Judit Mészárosné Szabó

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Dr. Beatrix Ócsai

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Dr. Éva Szomszéd



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Tibor Géza Magyar
Vivien Ágnes Magyar
Ágnes Maizlné Juhász
Petra Melinda Makány
Ferenc Marton
Zsuzsanna Marton

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Gabriella Répási
Erika Rigó

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Gyula Zsolnai
Mrs. Gyula Zsolnai
Henrietta Éva Zsolnai
Ferenc Zsótér

■ Colleagues awarded with honours

- **The National Judicial Council has awarded the Golden Class of the Andor Juhász Prize to:**
Dr. Judit dr. Baloginé Faiszt, head of panel of the Curia,
Dr. Péter Darák, head of panel and counsellor of the Curia,
Dr. Eldoróda Krecsik, retired judge of the Curia,
Dr. Ursula Vezekényi, head of panel and counsellor of the Curia.
- **The National Judicial Council has awarded the Bronze Class of the Andor Juhász Prize to:**
Dr. Ágnes dr. Csentericsné Ágh Biró, judge and counsellor of the Curia.
- **The National Judicial Council has awarded the title of high counsellor to:**
Mónika Hegedűs, court administrator of the Curia,
Zsuzsanna Marton, court administrator of the Curia.
- **The National Judicial Council has awarded, on the occasion of her 45-year long service in the judiciary, the Certificate of Judicial Service to**
Dr. Mária Sebe, judge of the Curia.

Based on their performance in year 2021, the President of the Curia

- has conferred **the Judge of the Year Award to:**
Dr. Géza Bartal, head of panel of the Curia.
- has conferred **the Clerk of the Year Award to:**
Csilla Rácz, head of unit of the Curia,
László Czibulka, deputy head of unit of the Curia,
Roxána Kis, team leader at the Curia.





PERSONS AND CONFESSIONS

*'My understanding of the judicial profession was that it is nothing but seeking justice under the most immaculate conditions, possibly without any influence and without distinguishing between persons.'** (László Barcsay)

Dr. Géza Bartal

head of panel at the Civil Chamber of the Curia



During my entire career as a judge, I have always strived to handle the cases, which were assigned to me, in accordance with the text of the judicial oath. I have always endeavoured to leave no room for doubt in the parties' mind that the judicial panel, which I was a member of, would determine their case in fair proceedings, without bias and conscientiously.

To achieve that aim, one must obtain a complete knowledge of the facts of the case, and one must be aware of the applicable laws, the prevailing case law and the different views appearing in the legal literature.

For me, exercising the judicial profession means constant learning and self-tuition, because it is only the result of this approach that I can represent my position, i.e. the court decision with credibility and due convincing authority.

During my secondary school education, my interest in humanities became apparent, and so the idea of applying to law school came up. After passing

* *'We are judges' – Tribute to the 150th anniversary of the publication of Act IV of 1869 on the exercise of judicial power, edited by Zsuzsanna Peres and Mária Bagossyné Körtvélyesi, Budapest, National Office for the Judiciary, 2019.*

my A-levels, I concluded a training contract with the Ministry of Justice, so after graduating from the Faculty of Law of Janus Pannonius University of Pécs, there was a clear path to the District Court of Zalaegerszeg where I started my judicial career as a trainee judge in 1983. After passing the legal professional exam, I was appointed to court secretary, and on 1 April 1986, I took office as a judge. Following a four-year period of hearing cases at the first instance, during which I was sitting in almost all kinds of civil proceedings, I was appointed to high court judge, and later I was promoted to head of panel at the Zala County High Court.

Following a successful application, from 1 July 1998 I continued my judicial career at the Supreme Court of Hungary, in the judicial panel headed by dr. Ferenc Fehér, assigned mainly with the adjudication of disputes arising from supply and work contracts and the defective performance of such contracts, as well as with other cases related to law of obligations. At that time, the Supreme Court had also second instance (appellate) jurisdiction, besides the review proceedings. If a petition for review was filed against a judgment delivered by the Supreme Court as court of second instance, a panel of five supreme court judges determined that petition for review. It was a challenging and exciting professional experience to participate in the review of judgments delivered by highly regarded colleagues.

During the period of more than twenty years which I spent at the supreme judicial forum, the political, the economic and social background changed a lot. And it was interesting to follow up all the amendments of law answering to those changes and their effects on the society, which effects were traceable also through the changing character of the disputes referred to the courts. All these posed challenges, again and again, to the entire body of Hungarian judges. As judges of the Curia, we are both participants and actors in those events, which is a great responsibility but also an inspiring professional duty for jurists.

After the retirement of head of panel dr. Ferenc Fehér in 2012, the then President of the Curia assigned me to fulfil the head of panel's tasks temporarily, and as of 1 December 2013, I was appointed to head of panel. I am proud of the fact that in the judicial panel headed by myself, I could work together with excellent judges acting as rapporteurs, such as dr. Attila Farkas and dr. Katalin dr. Simonné Gombos, who have by now proven their outstanding skills as heads of panel of the Curia.

Due to my colleagues' trust, in 2010 I became member of the Council of Judges of the Supreme Court (and later of the Curia). Since 2012, I have been serving as the president of the Council of Judges. It is an honourable task and a great responsibility to participate in the adjudication of applications filed for vacant seats at the Curia. I am glad that during the application procedures conducted in the last more than ten years, I could participate in the selection of most judges serving at present at the Curia.

Forming an active part in the training and further education of jurists is strongly related to my profession as a judge, which requires me to follow both the amendments of law and the legal literature, and not only in my narrower area of expertise.

I taught the subject called ‘Basic legal knowledge’ in the Zalaegerszeg Institute of the then College of Finance and Accountancy. I taught in the training programs launched by the Centre of Further Legal Education of Eötvös Loránd University. I am a lecturer at the legal professional exam preparation classes organized by the Deák Ferenc Institute of Pázmány Péter Catholic University. I act regularly as a head of final examination committee at Károli Gáspár University of the Reformed Church. I am a member of the Legal Professional Examination Board, and I gave lectures several times at the training programs organized by the Hungarian Academy of Justice. I contributed to the preparation of several teaching materials designed for judges. I published various scientific articles and I was co-author of several professional books in the field of law, as well as both the Commentary on the new Civil Code and the Commentary on the new Code of Civil Proceedings.

Since the beginning of my service as a judge, I have been a member of the Hungarian Lawyers Alliance (later Hungarian Lawyers Association). In 2018, I was elected as the vice-president of the Hungarian Lawyers Association, and since then I have been filling that position. The main task of the Hungarian Lawyers Association is to organize conferences and further education programs both for law students and practising jurists. I form an active part in organizing and carrying out such events, and many times I was a lecturer at these conferences.

My career evolved as a result of both conscious decisions and favourable circumstances. I feel lucky especially because from the very beginning of my career, I could serve together with colleagues who set a good example, inspired, and supported me. Without the help and sacrifice of my former and present colleagues, I could not have achieved the results I am proud of.

I express my gratitude to all of them!



Dr. Levente Bartkó

head of panel at the Criminal Chamber of the Curia



'Doing good and doing it well! That is where the big secret lies.' Written by the famous Hungarian author, Kazinczy. What a simple yet magnificent thought!

In fact, it is a task that tests one to the very core. Delivering law and justice is so, especially as a criminal judge, if I could say that, but it is the same for any other judge. A sacrifice. And I am striving for that in my profession.

As a student of the Földes Ferenc Secondary Grammar School in Miskolc, I got a foundation that was decisive for my adult life; a foundation to build on.

I was into humanities, yet I opted for law school. At that time, I did not have any aim, I chose a path to which two beloved subjects: literature and history offered the chance. Here I would like to quote from the Hungarian poet Sándor Weöres:

*'I am seeking for my purpose,
My purpose will find me then.'*

I graduated from the Faculty of Law of the then Heavy Industry Technical University of Miskolc. During my legal studies, I was more interested in civil law than in criminal law, and I had no vision of my future as a judge. After the graduation, I started to work as a trainee lawyer in Miskolc. I went a lot to courtroom hearings (as it was the usual fate of trainee lawyers), and that changed me. I was interested already in criminal law – but as a judge. My purpose and me finally found each other!

After passing the professional legal exam, I started to work at the District Court of Miskolc, and in 1993 I was appointed and took office – as a criminal judge, of course.

This profession requires humbleness. It is a must for someone who delivers justice. After having been appointed as a judge, I became a judge. I had interest in no other tasks but ‘only’ being a judge. I was guided by that duty: cases to be decided and the fates of human beings were waiting for me, and I did not set any closer aim on the long term.

Earlier, I was asked many times why I had changed, or did I wish I hadn’t, but I always answered: no. And my heart remained a humanist’s heart, but that did not hinder me; instead, it helped me. That is my conviction.

In 1994, I was transferred at my own request to Buda Environs District Court. I heard almost all types of cases and spent ten years altogether in the town.

I faced another decision in 2003 when the opportunities to apply for the high court, either in the first instance or the second instance division, were offered at the same time. I opted for sitting in first instance cases, due to which I could hear several outstandingly difficult, large cases involving complicated issues of law. One of them emerged, which is still considered as one of the greatest organized crime cases in Hungary.

It was primarily due to that case that on 23 October 2010, I was awarded the Officer’s Cross of the Order of Merit of the Republic of Hungary.

I remember, I was hearing that case for two years (168 hearing days) in the beautiful great assembly hall of the Curia, as no other courtroom was large enough. It was not an easy period, but after all, I established a foothold in the building of the Curia as a head of panel of a high court, which sounds pretty good in hindsight.

Namely, in the autumn of 2010, I applied successfully for a vacant seat at the Budapest Capital Regional Court of Appeal, which had its seat at that time here, in Markó street. The panel hearing cases at second instance was a real ‘workshop’ in the intellectual sense, where we could think together, exchange and confront our views, inspired each other, and reached a common position. I could learn what hearing cases in panels means when the panel consists of three professional judges.

In 2017, I was appointed to the Criminal Chamber of the Curia, to criminal panel B.III. An honourable task and service!

Earlier, singing was an important part of my life. How is that relevant?

A German poet wrote: *‘Let him, whom a song is given, sing.’* (Memories from the grammar school, maybe I read it first in a work written by the Hungarian author Jókai.)

The Criminal Chamber does not have a high number of judges. It is like a madrigal choir where the choir’s consonance is very important. Let’s transfer now this analogy to the world of law, to the constitutional obligation of ensuring the uniformity of jurisprudence.

In the recent years, there was a change of generations within the Criminal Chamber of the Curia. In 2021, first I was assigned temporarily with the head of panel's tasks, then I was appointed to head of panel in criminal panel B.III, in which my fellow head of panel and me started together, as judges-rapporteurs, and now we are serving on together, as heads of panel.

I reached the top of my career step by step, going through all stages of the judicial career and spending the appropriate amount of time at each stage. After serving at the district court level for ten years, I became a high court judge, then judge at a regional court of appeal, spending seven years at each level. Sometimes, just like everyone of us, I was going beyond the limit of my strength but always focused on the case to be decided. To echo the words of our famous playwright Madách: I kept fighting and kept trusting.

We are not alone when carrying the heavy but noble burden of delivering justice: there were and still there are good colleagues, judges with whom we can share that burden and can rely on each other. Going through difficult times in the recent years, we do need this burden-sharing.

I would like to conclude only by stating the fact: being a criminal judge has been my profession since February 1993, that is, for 29 years, and my devotion has not changed. And I certainly would have not achieved all this without the support of what was given to me: a loving family which always gives me strength and belief, and which makes me perseverant.



Dr. Éva Huszárné Oláh

judge at the Administrative Chamber of the Curia



In no way did I want to become a jurist! Law seemed so dry and boring! It was during my legal studies that I recognized: the legal profession can be an intellectually sparkling and challenging job. After the graduation from law school, my career choice was determined by the fact that I wanted to become neither lawyers, nor state attorney, and I was afraid of the judicial profession. It demands the skills of problem identification, decision-making and argumentation, it turns one into a teacher and a psychologist at the same time – all these were attractive for me, but the responsibility...! The responsibility for wealth, reputation and freedom of other people, the constantly high expectations from the society frightened me. The requirements I set for myself are still the same, it is only the fright which has calmed down by now.

As I thought I was a humanist, becoming a jurist was a result of talking to an old typist who, seeing my dilemma, posed the final question: if someone has such a weird, cunning way of thinking, why she does not apply to law school? During the years spent at the Faculty of Law of Eötvös University, civil law was my favourite subject, due to my professor, dr. Lajos Vékás played a significant role. The lectures of professor dr. János Németh convinced me that procedural law is impenetrable, but later I recognized that I have the utmost respect for that area of law, even though I will not love it.

Although I finished law school with ‘summa cum laude’ grade, I had no courage to become a judge, but I was attracted by the courtroom, so in 1985 I started to work for the social security service, as a legal counsel specialized in litigation. I was in direct work contact with reputed judges, such as dr. Ödön Tóth and dr. Blanka Tallián at the second instance, dr. Katalin Patassyné Dualszky at the first instance. Their example gave me the impression that the judicial profession, which I respected and feared so much, may be practised

by preserving humanism, openness, and sense of humour. So, I made up my mind to send my application to the Capital City High Court, to become a judge hearing civil cases at the Central District Court of Pest. Of course, it did not happen so.

At that time, the number of administrative proceedings was emerging, so in April 1994 I was assigned to the group P.I. at the Central District Court of Pest. During a part of the period spent in the position of court secretary, I was working together with dr. Péter Hajnal who is now my head of panel – who would have thought at that time that we were laying the foundations of our future cooperation? As of 1 January 1995, I was appointed as a judge, assigned with financial law disputes – which I liked very much. Due to the changes of the rules governing jurisdiction in administrative matters, I became high court judge at the Budapest-Capital High Court, then, following a successful application procedure, I was appointed to the Administrative Chamber of the Budapest Capital Regional Court of Appeal. Even though I was rarely the judge-rapporteur in cases heard by dr. Ilona Matheidesz as head of panel, yet I am convinced that she was the one who taught me the effective skills of judgment writing.

By the time of the reforms concerning the organisation of the judiciary in 2012, I felt prepared and was also willing to undertake the service of justice at the highest level. As of 2012, I heard cases at the Curia as a seconded judge, then, following a successful application procedure, I was appointed as a judge of the Curia as of September 2012, with an assignment to panel Kfv.I within the Administrative Chamber, hearing financial law cases under the guidance of two heads of panels, one of whom is still dr. Péter Hajnal.

At the Budapest-Capital Regional Court of Appeal, I already mastered the skills of deciding cases in panel, so the teamwork did not pose any problem. At the Curia, I got into an intellectually stimulating atmosphere: I was invited to teach, to write publications, and to participate in the vivid activities of jurisprudence-analysing working groups. I feel especially lucky and thankful that I can teach at the Financial Law Department at the Faculty of Law of Eötvös Loránd University: monitoring the constantly changing provisions of tax law in a comprehensive manner (instead of focusing only on one area), answering to the students' questions and expectations both helped me stay always prepared and forecast problems to be expected in everyday court practice.

The basic feature that makes the difference between actions related to financial law and other cases is that it is insufficient to have knowledge about financial law as one area within administrative law; instead, one always needs some additional knowledge, such as inheritance law, just to give an absurd example. During my university years, administrative law and financial law were the two 'bogeymen' for students. By now, I have learned and understood that the old saying, according to which 'only two things in life are certain: death and taxes', determines everything.

I feel gifted. I became a jurist due to a sentence spoken in the right time, later I meet the standards I set for myself, and I could hear from law students, as well as from trainee lawyers, starting their career in my courtroom and becoming successful lawyers, that they learned a lot from me. The online community knows me only through my judgments, and they rarely tear them in pieces. I am proud of the fact that several amendments in the field of tax law were triggered, partly or fully, either by my own opinion or on the grounds of my arguments expressed parallelly to others. I was a judge-rapporteur in the uniformity procedure resulting in uniformity decision 1/2013 KMJE on tax secret, and I hear that its arguments are still useful, even in the present legal system characterized by the new Code of Civil Proceedings and Code of Administrative Court Procedure, as well as by the GDPR. Not too far away from retirement, quoting the famous poet Mihály Vörösmarty, I would say *'Thank you, life, for thy blessings / this has been great joy, yea, the Work of Men!'*



Roxána Kis

team leader at the Curia



It is by looking back thoroughly to the past that I can realize how much the persons I got to know in the past few years impressed me, as well as my imagination of the law and the world in general. It would be difficult to list all the values they represented, such as professional capacity, humbleness, loyalty, being exigent when working, justice and perseverance – and sometimes the exact way of carrying out ‘service of process by public notification’ which, at first sight, is not a simple question at all. In my job I try to follow these values and, within reasonable limits, try to do everything to perfection.

I finished my high school studies at Balassa Bálint Economic Vocational School, with a specialization in administration. I had an interest in law already at that time, although in hindsight I can confirm that I had no real knowledge of what law is about. After graduating from high school, I did not have the opportunity to go to university immediately; however, when seeking for my first job I strived for getting a closer look at the law, so finally I started to work at a police department in the countryside.

That was the workplace from where I applied for a job at the Curia in 2016 and in the summer of the same year, I started to work under the direction of the Secretary General of the Curia.

Following from the role of the Secretary General’s Secretariat, my tasks were primarily of administrative nature, but I am very thankful to Madam Secretary General, for she was the first one who gave me an insight into the world of law, and the professional and other support of whom I could always rely on.

Although I had an interest first in criminal law, then my attention started to focus more and more on constitutional law, I can clearly remember the first case I was involved. It was a declaratory action for establishing the invalidity of a maintenance contract, and I plunged into it with great enthusiasm.

That was the moment I realized that I would like to go to law school, and my vision received absolute support and encouragement at the Curia. I started my studies in the autumn of 2017 at the Faculty of Law of Eötvös Loránd University.

Besides my university studies and the administrative tasks at the Secretary General's Secretariat, I got involved in professional tasks more and more frequently. As a result, I got an insight into the work of the 'New Code of Civil Procedure Consultative Body' and several jurisprudence-analysing working groups. In 2020, I was assigned with tasks related to the uniformity complaint procedure which was introduced by the legislator in that period.

At that time, I had no idea that this new legal institution, besides posing challenges almost every day, would give me so much pleasure, knowledge, experience, honour and, last but not least, irreplaceable personal relationships.

The knowledge I gained from my job at the Curia proved to be valuable also in the course of my legal studies: the subject of my diploma thesis was the limited system of precedent and its constitutional context.

In February 2022, I was assigned to be a team leader, and —keeping my post at the Secretary General's Secretariat – dealing with uniformity complaint cases became the main focus of my job, which I regard as an honourable acknowledgement, but also as a result of hard work put in during past years.

And I will do everything as I did before: I will try my best to justify the trust that was placed in me, to do my job in the most competent manner and with high standard of care, as well as to support the judges of the Uniformity Complaint Panel and all colleagues to my best knowledge.

In the forthcoming period, however, I will face several challenges: not just because of striving to meet all the requirements of my new old job, but also because the last year of my university studies will bring another trial: final exams. It is maybe too early to set new aims; however, I feel lucky to have found the area I feel the most connected with.

Working at the Curia and studying at Eötvös University at the same time did not make the past years easy at all, yet I do not regret that: before, *the law* was a vision so far away, an area that was attractive but seemed unavailable. Now I know that, due to the hard work I put in and the enormous amount of support I received, I am just at arm's length from becoming a *jurist*.

Dr. Ursula Vezekényi

retired head of panel at the Civil Chamber of the Curia



I spent 43 years, to the day, in the judiciary. During that long period, my primary aim was to determine the litigious and non-litigious cases assigned to me impartially, after a sound preparation and with the best conscience, as well as by complying and ensuring compliance with the parties' procedural rights.

Legal profession has had a long history in my family. My father, my grandfather on my father's side, my great-grandfather were lawyers, my grandfather on my mother's side was a professor of Roman Law. Motivated by these family traditions, I applied to the Faculty of Law of Eötvös Loránd University. During my university studies it was not clear whether I would like to deal with civil or criminal cases; however, I was sure that I would like to sit on the bench. I felt that it is the judicial profession which fits my personality.

After graduating from law school with 'summa cum laude' grade, I started my career as a trainee judge at Pest Central District Court. Fortunately, after one year I was assigned to the Supreme Court where I was working both in the Criminal, as well as in the Civil Chambers. That was the moment that I decided to become a civil judge. I could get to know awesome judges, I could get first-hand experience of how much devotion, professionalism, and humbleness is necessary for delivering justice.

After passing the legal professional exam with 'excellent' grade and following a career as court secretary for a few months, I started my career as a judge in 1982, at Pest Central District Court, hearing civil cases. Then, I spent some time at the Department of International Law Relations of the Ministry of Justice; however, I did not find the classic 'office work' particularly attractive. So, when Act VI of 1988 on business companies was passed, and the Capital City High Court was hiring company registrar judges, I applied for that position.

Choosing the area of business law and company law was a ‘direct hit’ for me, and this area of expertise became part of my career for more than 33 years, as there has been no period since 1988 in which I had not been sitting in cases involving that field of law. It was fantastic to see how dynamically that field of law was developing. I think I personally could contribute to that, even if to a minimal extent: on one hand, by participating in the work of codification, on the other hand, by delivering decisions and publishing articles which then had an impact on the legislation. That area of law offered me the opportunity to get involved, as a lecturer, in the specialist lawyer training programs at the Institute for Postgraduate Legal Studies of Eötvös Loránd University, as well as at the Deák Ferenc Institute of Pázmány Péter Catholic University. And that has been enabling me, since 1992, to teach students by focusing on issues of law raised by individual cases.

In April 1992, I was assigned to the Supreme Court where I could decide cases in panels which were assigned with business law and company law cases, including cases concerning privatization.

In 2010, I was assigned to another panel called ‘financial panel’, where I became the head of panel. At the beginning, we were hearing various cases related to business law; later, more and more cases involving foreign currency loan contracts were listed on our docket. Besides having serious economic and social impacts, these cases raised many issues of law which had not emerged before, and which gave rise to many discussions. When developing the prevailing case-law, we had to respect EU law and the interpretation of its relevant provisions by the Court of Justice of the European Union. In this respect, I had a great help, as earlier I participated in the training of instructor judges specialized in EU law. The high number of cases, the many problems of law to be resolved, the requirement of ensuring the uniformity of jurisprudence made it necessary for the Curia to use several elements of its toolkit for guidance, and I formed an active part in the elaboration of such guidelines.

I feel that I left behind a complete career as a judge. It follows from my personality that I found pleasure in hearing and deciding cases in panels. During my career at the supreme judicial forum, I have always tried to reach consensus. I am glad that I could build up a good personal relationship, based on mutual trust and respect, with my close colleagues, as well as with other civil judges from the civil and business law units within the Civil Chamber. Namely, it is my conviction that such a relationship is one of the fundamental conditions for performing high-quality work.

Csilla RÁCZ

head of the Information Technology Department of the Curia



'Everyone regards the computer as an instrument when it is in fact a gate. Gate to another realm; a realm which we are just starting to discover the outskirts of.'
(Alan Dean Foster)

Development, operation, and security of IT systems are now the subject of several areas of science. In my career, I have always regarded the questions related to operation or development that they should be answered in form of decisions which are accurate and consistent, both in theory and on the long term. And all systems concerned by the development should be turned into well-functioning IT systems which fit together and support our work effectively throughout several years.

From the very beginning of my studies, I have always been into sciences: I participated in maths, physics, and chemistry contests where I achieved a podium at the county level. Inspired by my mother's example, I applied to the Chemical Industry University of Veszprém where I graduated in 1985 as a chemical engineer, with a specialization in silicate chemistry.

I had the idea of pursuing my studies already when obtaining my first diploma. As information technology, which was at that time in its infancy in Hungary, had awakened my interest earlier, in 1986 I applied to the programming mathematician training at Eötvös Loránd University. And in 1993, I obtained a diploma with excellent grade as a software designing mathematician, at the evening school section of Eötvös Loránd University.

In 1985, I started my first job at the Research and Planning Institute for Silicate Industry where I was dealing with the automatization of cement factories and the development of all the necessary software. I liked that job, especially because it demanded both my knowledge of information technology and my expertise as a chemical engineer. After the political changes, the Institute was

abolished, and that is how I arrived at the Supreme Court in 1991 where the introduction of information technology devices was right in progress.

Dr. Pál Solt, then President of the Supreme Court and dr. Gábor Folly, then head of the IT Department were both deeply convinced that the introduction of IT devices represents the future. The first IT network of the Supreme Court consisted of 40 computers on which DOS-based programs were running. One of my first tasks was to organize the process of data gathering and to carry out all the necessary developments, so as to establish a database of Supreme Court decisions.

In 1998, after the Office of the National Council of Justice had been established and dr. Gábor Folly had been appointed to IT leader at the national level, I was assigned with the local IT leader's tasks. In that era, we introduced the Windows operation system and built up the structure of the Curia's IT network; in 2000 the Supreme Court's first website was completed; in 2001 the first web-based database of court decisions became available. We developed the first modern register of devices, the first qualified filing system for presidential cases, and since then there have been several other IT developments, too.

During the years, I participated in many national-level IT project, such as preparing the specifications of the 'BIIR' case filing system, the elaboration of the first IT strategy, the project called 'Modernization of the records and the registration of civil organisations, as well as of bankruptcy and liquidation proceedings.' In 2010, I was a member of the working group, headed by dr. Gyula Soós, then President of Fejér County High Court and then member of the National Council of Justice, which elaborated the 'Concept of detailed regulation concerning the long-term objectives of information technology development, as well as the information technology organisation'.

In 2011 I had the honour of being awarded the title of high counsellor, as an acknowledgement of my work.

In the past 30 years, information technology has developed by several orders of magnitude, both in quantity and quality, which opened a new dimension for humanity, the future of which can be predicted only for 3 to 5 years ahead. The quality of handling cases by the courts has also changed; everyday work is almost impossible without IT devices. The pandemic situation emerged in the past few years just strengthened our relationship with information technology. In the forthcoming years, or decades, the developments will enable the use of new methods also in the field of delivering judgments, and they will take quality to the next level. As for me, it was a great experience to have seen all this development from the very beginning, due to my job.

László Czibulka

deputy head of the Information Technology Department of the Curia



As for me, being an information technology specialist means not only to operate information technology system but also a sort of service: there are always users behind the computers. Information technology for me represents an instrument with the help of which I can make the users' job easier. During my career, I have always been striving to provide maximum support for everyone.

I was fascinated by computers already as a child; especially the physics behind their functioning seemed interesting for me. So, I decided deliberately to carry on my studies in the direction of weak-current systems and digital technology. In 2004, I graduated from the Faculty of Electrical Engineering and Information Technology at the Budapest University of Technology and Economics.

As a fresh graduate, on 24 January 2005 I started to work in the Information Technology Department of the then Supreme Court. Law was an unknown territory for me in the first time. Information technology, however, information technology encompassed the whole organisation already at that time, so I got an insight into the functioning of the Curia and was soon acquainted with all colleagues, from the basement to the roof, so to say. Besides my job as an IT specialist, since 2013 I have been the information security officer at the Curia, through which I contribute to the protection of all electronic information systems, ensuring thereby that each colleague can work safely in the information technology sense. As of 1 September 2015, I was appointed to deputy head of the Information Technology Department, so I form an active part of administrative tasks as well. In 2016, I was assigned to be the system security administrator of the Curia, in the framework of which I carry out the operation of systems related to the processing of qualified data.

In order to broaden my knowledge in the field of information security, in 2020 I obtained an internationally acknowledged certificate at the training organized Information Systems Audit and Control Association (ISACA). The training program gave me an insight into the information security models and the way of thinking used by businesses at global level.

Between 2015 and 2017, the President of the National Office for the Judiciary assigned me to be a member in, then the leader of a project team. It was a great project with great responsibility: the payroll calculation data concerning the salary and other benefits of all employees of the Hungarian judiciary had to be transferred to a centralized system and all the technical conditions for the undisturbed functioning of payroll administration had to be laid down. By leading the IT project team, I gained a lot of experience and an insight into the functioning of the National Office for the Judiciary and the courts on the national level.

In June 2019, Dr. Péter Darák, then President of the Curia, delegated me to participate in the 'Blockchain technology and smart contracts' project, organized by the European Law Institute and the American Law Institute. The aim of the project was to set a framework for the regulation of blockchain technologies and smart contracts. My job was to make observations, from the information technology aspect, as to the texts drafted in the course of the project.

In the past few years, I could participate in several projects at the Curia as well, so I could gather further professional experience. In 2014 I participated in the 'ÁROP' [*State Reform Operative Program*] organisation development project of the Curia, in 2018 I coordinated the working group supporting GDPR compliance, in addition to which I contributed to the elaboration of the mid-term Strategy of the Curia.

During my career, Deputy Secretary General dr. Ildikó Suba had the strongest influence on my professional development. She assigned me, as an IT specialist, to plan the procurement of IT devices necessary for handling the massive number of actions related to foreign currency loan contracts. Due to her support, I took leadership of the IT team in the central project managed by the National Office for the Judiciary, as well as I undertook the responsibility of being the information security officer.

Besides the professional tasks, I had a chance to unfold my creativity at the Curia. I participated in the organisation and was the official photographer of many events, as well as in the preparation of information materials related to such events. During the leadership trainings organized at the Curia, I had the opportunity to learn more about myself and develop my personality, as well as to take the cooperation with my colleagues to a more efficient level. Due to the explosive development of digital technology, IT specialist will have to face more and more complex challenges. In my conviction, teamwork is the key to overcome such challenges in the easiest way.



THE CURIA'S CASELOAD

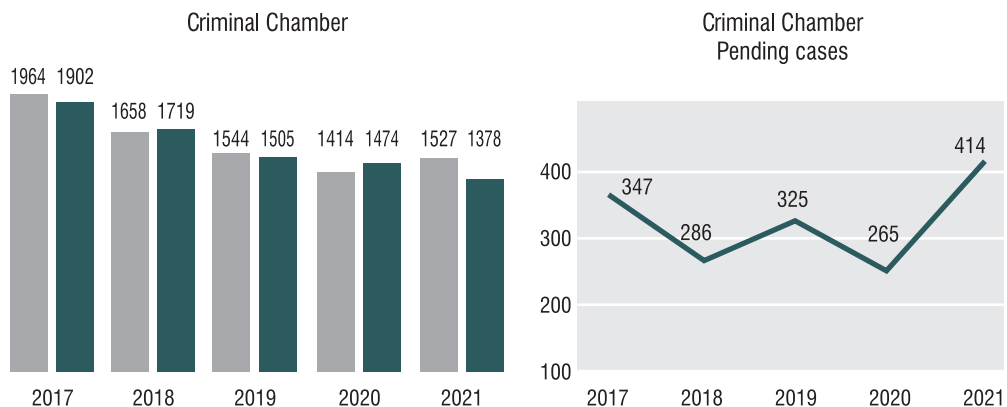
The Curia's Caseload in years 2017–2021

	2017			2018			2019			2020			2021		
	Received	Closed	Pending	Received	Closed	Pending	Received	Closed	Pending	Received	Closed	Pending	Received	Closed	Pending
Criminal Chamber	1964	1902	347	1658	1719	286	1544	1505	325	1414	1474	265	1527	1378	414
Administrative Chamber	1851	1768	994	2125	1909	1210	2147	2537	820	3140	3416	544	4356	4273	627
Administrative Chamber – Local government cases	38	45	6	42	40	8	41	45	4	37	34	7	58	38	27
Civil Law Division of the Civil Chamber	3334	2908	1816	2617	2820	1613	2150	2393	1370	1708	2267	811	2222	2344	689
Commercial Law Division of the Civil Chamber	784	765	372	572	647	297	451	503	245	467	500	212	550	467	296
Labour Law Division of the Civil Chamber –	741	785	475	572	727	320	372	511	181	195	310	66	168	186	48
Uniformity complaint cases*	–	–	–	–	–	–	–	–	–	6	5	1	38	26	13
Total	8712	8173	4010	7586	7862	3734	6685	7494	2945	6967	7946	1906	8919	8712	2114

* As of 1 July 2020, the Curia decides on uniformity complaint cases as well.

Received and closed cases

I. Criminal Chamber



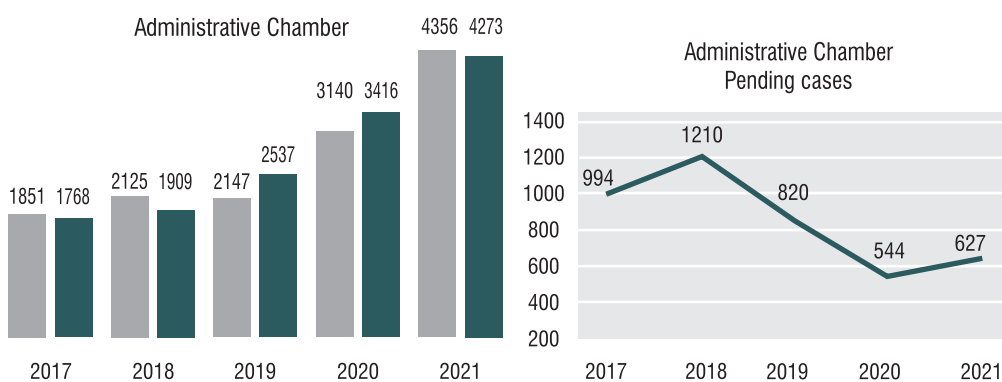
The column chart above shows the numbers of received and closed cases in the Criminal Chamber, continuously dwindling in the period between 2017 and 2021. In comparison to the year 2020, in 2021 there was an increase in the number of received cases.

It follows from the information given in the chart that in 2021, the number of closed cases was the lowest within the past five years (in comparison to the year 2017, with the highest number of received cases, the received cases dropped by ~22.5%, while the number of closed cases decreased by 27.55%).

Taking year 2017 as a basis, the number of pending cases increased by 19.3%.

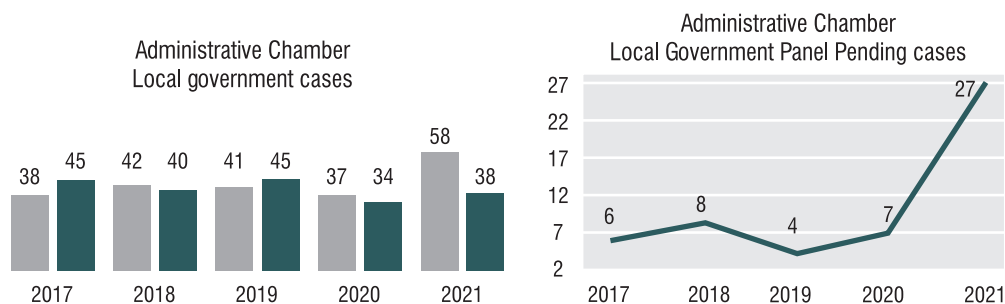
II. Administrative Chamber

49.5% of all cases received in year 2021 was received by the Administrative Chamber.



■ Received cases ■ Closed cases

III/A – Local government cases

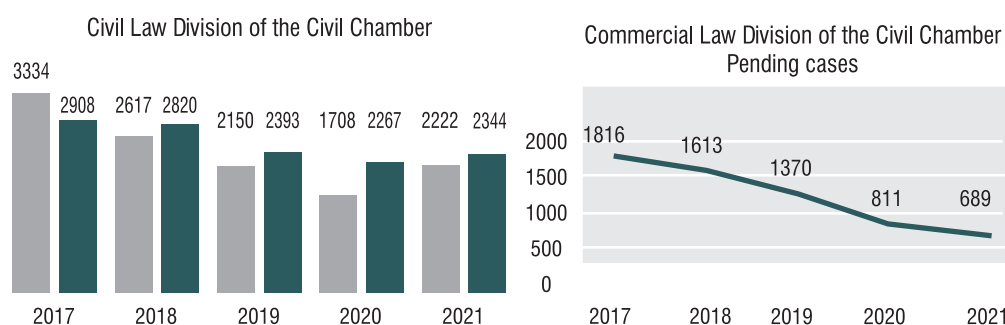


The Local Government Panel has been functioning since 1 January 2021 at the Curia. The column chart of local government cases shows that within the past five years, the number of received cases was the highest in 2021.

In 2021, 79% of the cases was finished within three months, while 29% within six months.

III. Civil Chamber

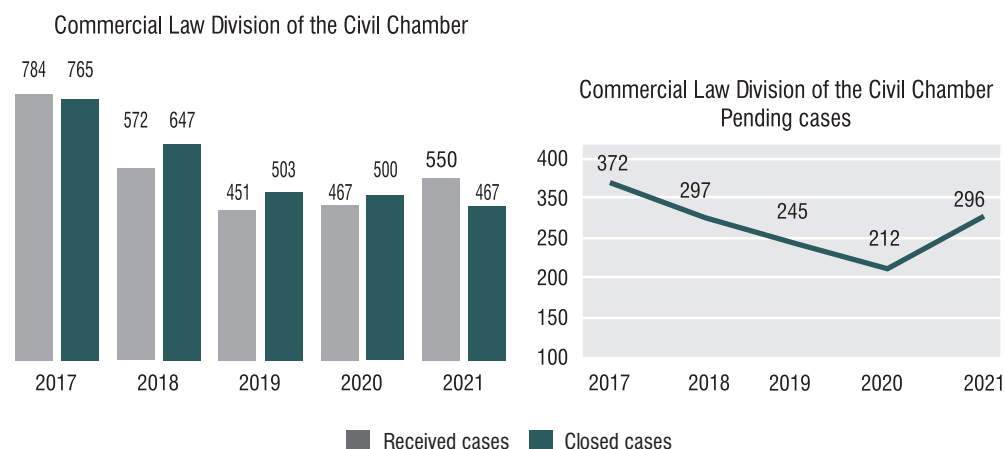
III/A – Civil Law Division



The column chart of the Civil Law Division of the Civil Chamber shows that in 2021, in comparison to the highest number of received cases in 2017, the number of received cases dropped by 33.35%. In 2021, the number of closed cases increased by 3.4% in comparison to the previous year.

The other chart shows the continuously decreasing number of pending cases.

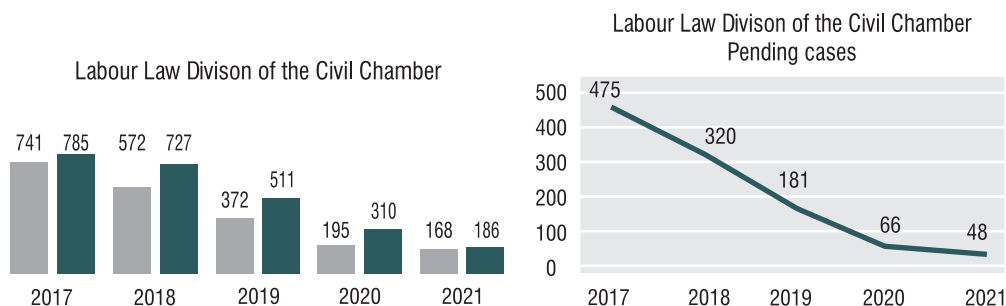
III/B – Commercial Law Division



■ Received cases ■ Closed cases

As it is shown by the column chart of the Commercial Law Division, the number of received cases in 2021 dropped by 29.85% in comparison to the highest number of received cases in 2017, and in contrast to the changing numbers of received and closed cases. Nevertheless, the number of received cases increased in 2021 by 17.7% in comparison to 2020.

III/C – Labour Law Division



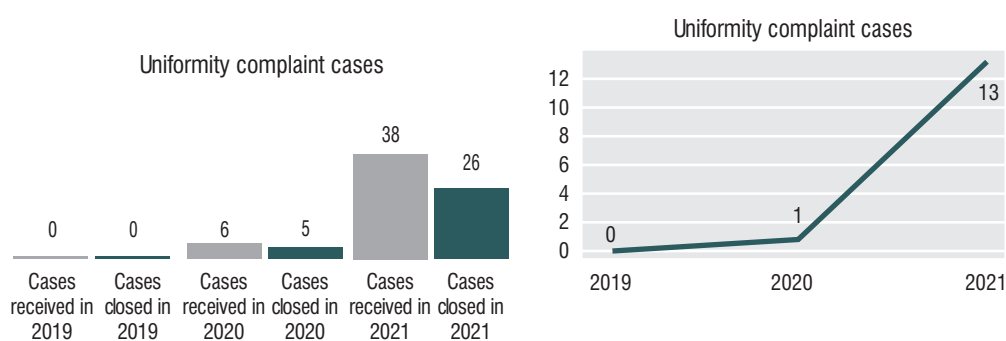
As of 1 April 2020, the Labour Law Division forms part of the Civil Chamber.

Looking at the number of received cases in 2021 within the column chart of the Labour Law Division, a continuously decreasing number of received cases can be established.

The number of closed cases in 2021 was significantly higher than the number of received cases; however, regarding the period of past five years, it remains well below the earlier numbers of closed cases. The chart of pending cases also shows that the decrease of received cases and the increase of closed cases (in comparison to the previous years) together resulted in a continuous drop of pending cases.

IV – Uniformity complaint cases

As of 1 July 2020, the Curia decides on uniformity complaint cases as well.

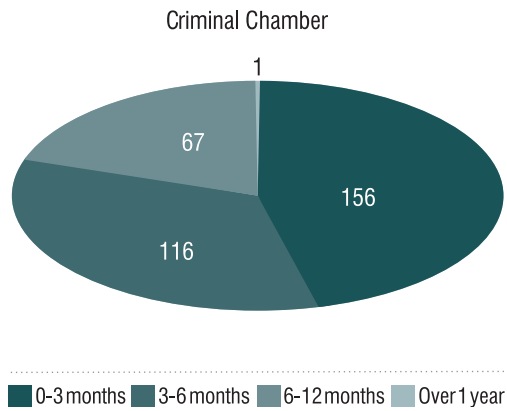


Accordingly, the above charts show the numbers of the second half of 2020, as well as the numbers of year 2021 as a full year.

■ Received cases ■ Closed cases

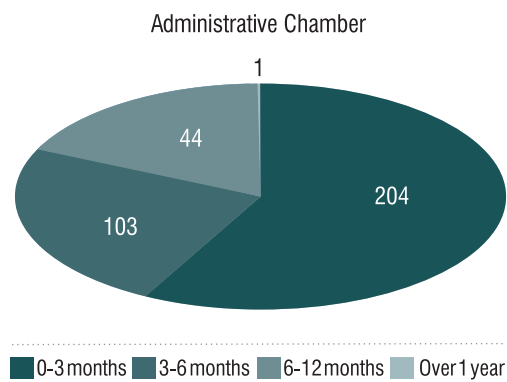
Distribution of pending review cases and local government cases by duration

I. Criminal Chamber



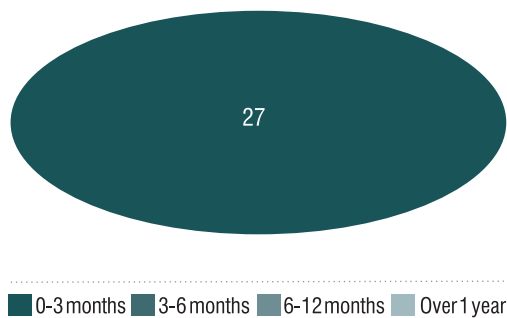
II. Administrative Chamber

II/A Administrative Chamber



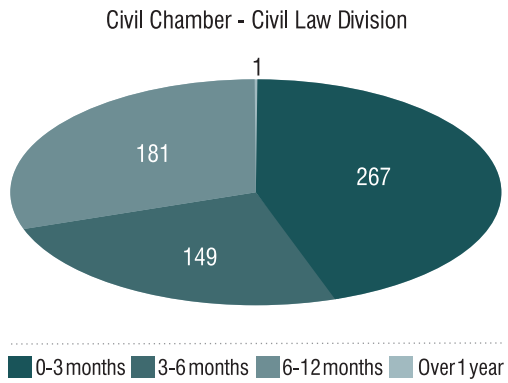
II/B Local government cases

Administrative Chamber - Local government cases

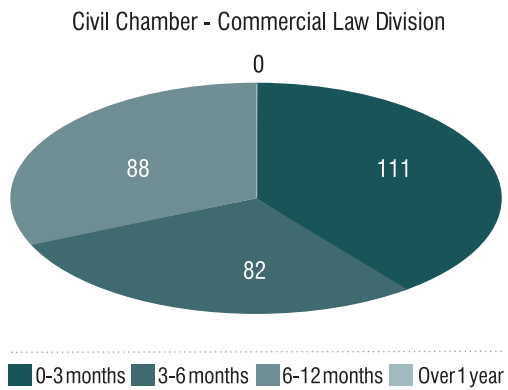


III. Civil Chamber

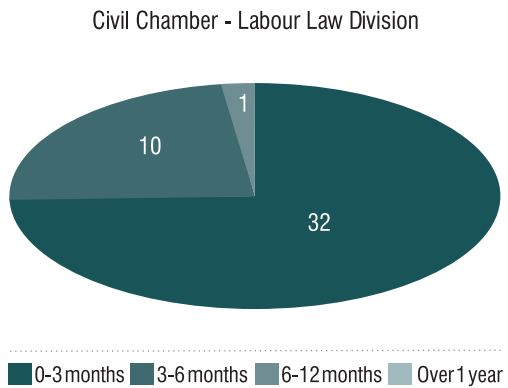
III/A Civil Law Division



III/B Commercial Law Division



III/C Labour Law Division





■ DECISIONS DELIVERED IN INDIVIDUAL CASES

„[...] judicial independence is not only and not primarily our closely guarded treasure: it is one of the strongest pillars of the Constitution of Hungary, as well as a firm belief and a reality which reassures the sense of the public and gives it an unshakable confidence. (Gyula Paraszka)*

Selected from among the individual decisions delivered by the Curia, some interesting case will be presented in the following.

CIVIL CHAMBER

Protection of personality rights during election campaign (Curia Pfv.IV.21.348/2019/8. – BH 2021.197.)

The Curia disagreed with the conclusion, according to which in the action brought on the grounds of violation of personality rights, after the Defendant had been found guilty of the misdemeanour of defamation in a criminal proceeding, the civil court may not establish that the objected statements would not harm the Plaintiff's reputation. Namely, the statutory elements of defamation are not identical with the statutory elements of violating a person's reputation: the protected interest of the former is the 'honour', while the Plaintiff has not founded its claim on the 'defamatory' nature of the objected statements, but on the violation of their reputation. The Curia considered that the court of second instance had failed to attribute the due importance to the circumstances that the objected statement was made in the 2014 local government election campaign period; the parties to the lawsuit were opposing candidates running for election as mayor. The parties, when running for election as mayor at the local government elections, were public figures expressing themselves in various topics related to public affairs, in the course of which they were mutually expressing criticism against each other. The direct background to the objected statements made by the Defendant was the Plaintiff's Facebook entry about a missed audit at the city's public utility company in which the Plaintiff raised the Defendant's responsibility as well. In its reply to the Plaintiff's entry, the Defendant fought back against the accusations and pointed back to the Plaintiff's responsibility, stating that the Plaintiff, in its capacity as head of the Financial and Audit Committee, should have ordered audits to be conducted at the city's public utility company, but those audits were missed because the Plaintiff was afraid of being held accountable. The factual grounds of the statement, namely that the Plaintiff was the head of the committee, and that the committee had competence the order the audit, as well as that during its term of office, the Plaintiff did not order any audit to be conducted, were accurate and correct. The statement, according to

* 'We are judges' – Tribute to the 150th anniversary of the publication of Act IV of 1869 on the exercise of judicial power, edited by Zsuzsanna Peres and Mária Bagossyné Körtvélyesi, Budapest, National Office for the Judiciary, 2019.

which the embezzlement committed at the city's public utility company was not revealed earlier because the Plaintiff failed to initiate the audit to be conducted by the committee led by himself, was a conclusion drawn from established facts by the Defendant. And stating that the reason behind the Plaintiff's omission to initiate the audit was to avoid being held accountable is an opinion formed by the Defendant. Thus, the Defendant's statements are protected by the freedom of opinion, independently from whether the opinion in question is valuable or not, correct or wrong, worthy of honour or worthless. Consequently, the Curia established that the parties were public figures opposing each other in an election campaign during which one party criticized the activity pursued earlier by the other party when filling a public post, raising thereby doubts whether that candidate, now running for election as mayor, is eligible for filling any public post. By expressing that opinion, however, the Defendant has not violated the Plaintiff's reputation.

The effect of a change in the maintainer's person on the status of the university as a legal entity
(Curia Pfv.III.20.770/2021/3. – BH 2021. 336.)

In the review proceeding before the Curia, the Plaintiffs announced their intent to involve the university designated by them as a legal person into the proceedings, and simultaneously they requested the Curia to dismiss the legal predecessor university from the proceedings. They pointed out that the university in the Defendant's position ceased to exist by legal succession; in their view, both the legal predecessor university under dissolution, as well as the university founded as legal successor are legal entities; however, the predecessor university's legal status as a budgetary entity has been abolished by virtue of law. Namely, as provided for by the Act on Public Finances, budgetary entities, such as the university, shall be dissolved, as institutes of higher education shall not be owned and maintained by the State in any form other than budgetary entity. Nevertheless, the Curia emphasized that the Defendant, as an institute of higher education maintained by the State, was functioning in the legal status of budgetary entity, which is a legal entity. Under the relevant provisions of law, as well as the deed of dissolution and the deed of foundation, it can be established that before the change in the maintainer's person, the legal status of the Defendant, which was functioning earlier as a budgetary entity, was determined by two legislative acts: under the Act on Public Finances, the Defendant was functioning as a legal entity established to perform public duties, while under the Act on Higher Education, the Defendant was an institute of higher education and, as such, a legal entity as well. In case of the Defendant, as an institute of higher education, there was a change in the maintainer's person, as a result of which the rights of the Hungarian State as a maintainer, and thereby the status of budgetary entity ceased to exist, while the maintainer's rights were transferred on the trust. The institute of higher education itself and its status as legal entity, however, did not cease to exist; thus, the change in the maintainer's person shall not affect the status of the university as a legal entity: it will further function as a non-profit organisation maintained by a trust.

Violation of the right to fair trial

(Curia Gfv.VII.30.198/2020. – BH 2021.110.)

In their petition for review, the Plaintiffs alleged expressly, amongst others, a violation of procedural law, namely, that the court of second instance failed to inform them on the fact that in the ongoing case, with respect to their claim, the value of the claim would be determined by the contract value, contrary to the view represented by the court of first instance which declared the claim value as indeterminable. It was only the judgment delivered by the court of second instance from which the Plaintiffs learned the exact amount of the procedural duties to be paid for the first and the second instance proceedings. By failing to inform the Plaintiffs, the court of second instance deprived them of the opportunity to deliberate and take measure of the financial consequences of their appeal and of a potentially unsuccessful lawsuit. The Curia considered that in the given case, the second instance court's omission to inform the Plaintiffs constitutes a violation of their right to fair trial. The court hearing the case is entitled but also obliged to order ex officio the unsuccessful party, who was earlier granted deferral of procedural duty, to settle the unpaid amount of procedural duty. Nevertheless, the extent of the obligation to pay procedural duties shall be clear for any party seeking legal remedy, so that such parties can take measure of the financial consequences of an unsuccessful lawsuit. When submitting their appeal, the Plaintiffs had good reason to adhere to the claim value established by the court of first instance and, in lack of any previous information provided by the court of second instance, could not have expected that their submitted appeal would imply, in case it proves to be unsuccessful, considerably higher costs, due to the different position taken by the court of second instance in this respect. The court of second instance would have acted correctly if it had informed the Plaintiffs in advance that it had determined a claim value other than established by the court of first instance. In that case, the Plaintiffs would have been in the position to measure the financial consequences of a potentially unsuccessful lawsuit and, in the knowledge thereof, decide whether they maintain their appeal or not. So, the failure to provide that information in advance caused, under the given circumstances, an inequitable situation affecting the exercise of the Plaintiffs' procedural rights, which constitutes a violation of their right to fair trial.

Appropriate price setting

(Curia Pfv.VI 20.962/2020. – BH 2021.341.)

As it could be established from the business relations between the parties before concluding the supply contracts at issue in the proceeding, the parties were contractual partners on a regular basis, their relationship and contractual practice were laid down, from the beginning, in the Plaintiff's general terms and conditions applicable to contracts (hereinafter: 'ÁSZF'), so the method of price setting contained therein was not unknown before the Defendant, not in period at issue either. The Curia underlined that the ÁSZF were not only clear and unambiguous as to their content, but were also undoubtedly in compliance with the 'futures' nature of the supply contract, when setting the price of the non-ferrous metal being traded on the London Metal Exchange (LME) as an LME price, on condition that it shall be determined by the date of the offer, as well as that an LME official price at the time identical with or closest to the delivery date (3, 15 or 27 months in general) shall apply as an LME price in the contractual relationship between the parties. General terms and conditions applied by representatives of Hungarian businesses pursuing the same activity as the Defendants, as well as by foreign business partners trading with metal, have not prevented the Plaintiff, as a business company trading (and not producing) the non-ferrous metal at issue, from considering, in the course of setting the price, the risk included in the future procurement of the product in respect of which it undertook to deliver, as well as from actually taking that risk into account, in light of the delivery date set out in the supply contract at issue and the different prices quoted at LME within that date. The price setting refers to LME prices in a way that is usual in the ordinary course of metal trading, so it may not be regarded as unusual and may not be excluded from being part of the contract just because it has not taken as a basis the 'Cash Sellers Settlement' price put forward by the Defendant (which can also be found among the LME spot prices), but rather the sales price of 15 months, corresponding to the duration of the framework contract. Neither shall the price setting qualify as unusual for the reason that the market players referred to by the Defendant have not applied that kind of spot price in their commercial practice (especially with regard to a different term of contract, or to the seller's circumstances different from those of the Plaintiff).

LABOUR LAW DIVISION OF THE CIVIL CHAMBER

Retaliation by the employer (Curia Mfv.X.10.170/2020. – BH 2021.205.)

In their petition for review the Plaintiff argued that the reason for termination was not real and causal, the Defendant abused their rights. The Curia pointed out that the prohibition of abuse of rights shall apply in cases where the exercise of a subjective right is abusive, i.e. if the reason behind it is specified by law as such (revenge, malicious intent, suppression of the freedom of expression, harming legitimate interest, limiting the pursuit of claims). When rights are abused, they are exercised contrary to their intended purpose, cause disadvantage to the other party, but there is no formal infringement, i.e. the exercise of the right does not breach any specific rules. Such cases constitute abuse. In a previous lawsuit it was found that the Defendant had unlawfully terminated the employment of the Plaintiff by dismissal without notice on 5 March 2013, and the court ordered their reinstatement in their previous position. The Defendant did not comply with the decision and terminated the employment of the Plaintiff again, reasoning that they hired a new employee to the same position who had a higher level of qualification, and they had no other positions suitable for the Plaintiff. During the current proceedings it was established that the Plaintiff's work was of adequate quality during their employment, and they properly cooperated with other employees. It was undisputed that the Defendant also terminated the employment of other employees who took action against the director of the Defendant. The Plaintiff, in their capacity as a member of the Supervisory Board, reported the person exercising the rights of the employer for forgery of administrative documents and fraud; it was established that the person exercising the rights of the employer knew about that before termination of the employment of the Plaintiff. Against this background, it can be firmly established that the Defendant did not fulfil their obligation set out in the final judgment of the court to employ the Plaintiff, and on the grounds of the role of the Plaintiff in the criminal proceedings, but formally referring to lower qualification, terminated the employment of the Plaintiff again as a form of retaliation.



CRIMINAL CHAMBER

On establishing the misappropriation of funds and money laundering (Bhar.II.495/2021/41.)

According to the findings of the court of first instance, the First Defendant was the deputy general director of a municipal undertaking and the president of a sports federation, the Fourth Defendant was the former president of an association of interest and helped the work of the association, and the Eighth Defendant was the vice president of the sports federation. The Defendants agreed that the municipal undertaking will contract a member of the group of companies led by the Fourth Defendant to conduct research, and then they will use a part the sum received for the research studies to fund the sports federation led by the First and Eighth Defendants. The Defendants planned to write off the sum received for the research study from the innovation contribution to be paid by the municipal undertaking the next year.

To this end, the Defendants consulted the Second Defendant on behalf of the municipal undertaking and the Third and Fifth Defendants on behalf of the association and signed three backdated fictitious contracts. 2-9 days after signing the contracts, 20 million HUF was transferred to the account of the association on the order of the First Defendant, who falsely acknowledged performance. In reality, at about the same time as the transfer was made, three employees of the group of companies assembled a worthless bundle of research material using the internet. Later the sum received by the association was, under the fictitious contracts, consecutively transferred to companies led by the Sixth and Seventh Defendants. Finally, less than half of the original sum reached the sports federation led by the First and Eighth Defendants as “sale of media platform space and advertising rights”.

The court of first instance found the First and Second Defendants guilty of misappropriation of funds as co-perpetrators and the Third and Fourth Defendants as accomplices of the same offense; the latter two also were found guilty of money laundering. The Fifth, Sixth, Seventh and Eighth Defendants were found guilty of dealing in stolen goods. All Defendants were sentenced to imprisonment, suspended for a probation period. Some of the Defendants were also fined. The court of second instance unnecessarily changed the facts of the case. Contrary to available evidence, it found that the Defendants intended to commit budget fraud by not paying innovation contribution and acquitted the Defendants as the indictment did not include this offense.

On appeal brought by the prosecutor, the Curia as court of third instance agreed with the court of first instance on the facts of the case. It pointed out that the financial loss of the municipal undertaking occurred on the day when the price of the fictitious research study was transferred, and the sum would have been written off from the innovation contribution months later, when the tax declaration

was due, if the offense was not discovered sooner. The conduct of the Defendants caused a financial loss to the municipal undertaking and not to the budget; writing the sum off from the innovation contribution would have only served to cover that loss. On this basis, the Curia found the First and Second Defendants guilty of misappropriation of funds as co-perpetrators, and the Third, Fourth and Fifth Defendants on behalf of the association as accomplices for partaking in the creation of the fictitious contracts underlying the transaction. Disguising the origin of the assets derived from criminal activity is also an offense; thus, the Defendants partaking in the further transferring of the money from the municipal undertaking, so that it would arrive as a sum originating from a legal transaction to the sports federation led by the executive of the undertaking, are guilty of money laundering. The Curia found the Third and Fourth Defendants guilty of that offense concurrently with misappropriation, while it found the Fifth, Sixth, Seventh and Eighth Defendants guilty only of that offense, and sentenced all Defendants to imprisonment, suspended for a probation period. The Curia also granted preliminary exoneration to all Defendants, considering that more than a decade passed since the time of the offense.



ADMINISTRATIVE CHAMBER

In the Tokaj wine region, only the planting of Furmint, Hárslevelű, Kabar, Sárga muskotály, Zéta and Kövérszőlő grape varieties is permitted without restriction (Kfv.IV.35.211/2021/7.)

In its decision pronounced on 12 October 2021, the Curia examined whether the Tokaj Wine Region Appellation Council could prescribe mandatorily the grape varieties that can be planted in the region without restriction. According to the facts of the dispute, after learning that the applicant wanted to plant Chardonnay and Pinot Noir grape varieties, the vineyard arbitrator of the Tokaj Wine Region added to the regular authorisation for replanting that the wine region regulation only permitted the planting of Furmint, Hárslevelű, Kabar, Sárga muskotály, Zéta and Kövérszőlő grape varieties. The Budapest-Capital High Court dismissed the action against this additional restriction. The Curia upheld the decision. The Curia found that within the scope of cooperation, decisions and authorizations can be supplemented with the citation of prescriptions from the regulation that the applicant has undertaken to comply with. The vineyard regulation can set mandatory rules binding the members of the vineyard, while the wine region regulation can lay down mandatory provisions that bind vineyards in the region. Furthermore, wine region appellation councils are professional bodies with a century-long tradition, and in the performance of their public duty they have competence to determine appropriate planting and cultivation. The Tokaj Wine Region is UNESCO-listed, unique in the world and represents a wine-growing and viticultural tradition that goes back longer than a millennium; the regulation and protection of the grape varieties permitted there is a national interest.





■ THE CURIA'S JURISPRUDENCE-UNIFORMING ACTIVITIES

THE CURIA'S UNIFORMITY COMPLAINT PANEL AND THE UNIFORMITY COMPLAINT PROCEDURES

The purpose and legal basis of the uniformity complaint

The introduction of uniformity complaints was already mentioned in the 2020 Yearbook of the Curia. Rules of submission and procedure are provided for in Sections 41/A–44. of Act CLXI of 2011 on the Organisation and Administration of the Courts (Bszi.). These rules were amended at the end of the year 2020, further clarifying certain cases of rejection and expanding the range of decisions that can be challenged. Cases of termination and suspension of the proceedings were also introduced. In case of suspension, it is now possible for the uniformity complaint panel to request the preliminary ruling of the Court of Justice of the European Union. The amendments also clarified the rules of publication in the Register of Court Decisions (BHGY). In 2021, these new rules were put into practice by the uniformity complaint panel.

It is important to note that the main instrument of the Curia in ensuring the uniformity of the application of the law are the review proceedings. According to procedural laws, an alleged deviation in a question of law from a published decision of the Curia constitutes grounds for review.

In comparison, uniformity complaint is an exceptional remedy that serves to ensure the uniformity of the application of law on the initiative of and with a legal effect on the parties to the case, examining the question of uniformity in relation to a particular case and not generally, on an abstract level. Yet, it does not only provide remedy in the particular case, but also contributes towards the uniform application of the law by resolving deviations from published decisions. The Uniformity Complaint Panel of the Curia pointed out in many cases that uniformity complaint procedures are *sui generis* procedures based on the Bszi., an autonomous legal instrument applicable to final decisions, serving to ensure the uniform application of the law and to increase the internal coherence of the legal system.

One of the reasons behind the introduction of the uniformity complaint was the expectation and the established practice of the Venice Commission that uniformity shall be ensured on the initiative of the parties, with a legal effect on their particular case, in redress proceedings that allow them, as persons bearing the consequences of the outcome of the case, to express their views on the matter.

The concept of uniformity is not defined by law, but its essential meaning can be derived from the practice of the Uniformity Complaint Panel. On the one hand, the lack of uniformity comes from unnecessary deviation from previous decisions. The requirement of uniformity is never abstract, it can only ever be

considered in relation to particular cases, interpretations of law and in the context of particular, designated judgements. On the other hand, uniformity is a question of substantive law in most cases, as the requirement is that courts decide similar cases similarly. Uniformity requires courts to interpret law the same way on the same point of law. If there is no similarity between the cases, i.e. the facts of the matter are different, then the concept of uniformity of jurisprudence may be interpreted neither in the legal sense nor in a broader sense.

Under the Bszi., uniformity complaints are assessed by a panel of at least nine members headed by the President or the Vice-President of the Curia. Further members are judges of the Curia nominated by the head of the panel, with at least one judge from each chamber. So, this is a special, inter-chamber panel with eight members and the head of panel. In 2021, the vice-president responsible for uniformity was a constant member of the panel, while other members were nominated from among the heads of the panels of the Curia, using a roster for every chamber compiled in seniority order, with the longest serving president on the top of the list.

The vice-president nominated the members of the panel from the abovementioned rosters, in accordance with the nature of the uniformity complaint submitted, i.e. four members from the chamber associated with the complaint and further two members from both other panels. Members were nominated alternately from the top and from the bottom of the rosters. This process was repeated with every new case, starting again from the top and the bottom when every name was nominated once. If this process led to a panel without a judge from the chamber associated with the complaint, the next judge sitting in cases that belong to the appropriate area was nominated instead. Then, in the subsequent case the process of nomination continued from where its normal sequence was interrupted. As for the sequence of nominations, rosters were kept separately for the chamber associated with the complaint and the other two chambers. This resulted in a set nomination system in accordance with the principle of seniority, ensuring automatic case distribution and automatic panel member selection. From 2022, the number and composition of the panels changed drastically, following the recommendations of the Venice Commission. From 1 January 2022, there are two panels with 21 permanent members, including the head of each judicial panel of the Curia, nominated to one or the other, as well as several administrative leaders of the Curia.

Uniformity complaints received in 2021

The Curia received 38 uniformity complaints in 2021: 9 in civil law cases, 6 in commercial cases, 22 in administrative cases and 1 in a labour law case. There were no uniformity complaints in criminal law cases. The uniformity complaint panel decided 26 cases in 2021, 13 cases remained pending.

Of the 38 uniformity complaints received in 2021, the Curia rejected 22, most often on the grounds of unpaid duties, the lack of legal representation, or attaching the authorisation for representation in delay. The uniformity complaint panel of the Curia pointed out in several decisions that although the uniformity complaint is a form of legal remedy, the authorisation for representation given in the original proceedings does not automatically extend to it, so the legal representative needs specific authorisation for these procedures to act or make statements in the name of their client. Some complaints were rejected because the party did not give a detailed account of the deviation in a question of law. The compulsory contents of the complaint are not defined by law, the only requirement is the designation of the challenged decision and the published decision of the Curia that it deviates from. The Curia maintains that it can be expected from the party to elaborate on the similarities of the cases in which the challenged and the published decisions were made and explain the differences in their interpretation of law. In other words, it can be expected from the party to properly describe the legal issue through substantive legal interpretation.

The Curia pointed out in numerous decisions that referring solely to the respective case numbers is not sufficient for alleging deviation; the legal issue itself needs to be described.

In one case, the referred decision had not been published in the Register of Court Decisions. Under the Bszi., complaints can only be based on a deviation in a question of law from a Curia decision brought after 1 January 2012 and published. In another case, the complaint sought review on the merits of the challenged decision, which is not legally possible in these procedures.

Of the 38 complaints received in 2021, the uniformity complaint panel admitted 14. In 3 cases published on the Curia's website, the complaints were rejected after examination to their substance, as they were unfounded.

In one of the admitted cases, the Curia established the deviation from the published decision, but upheld the challenged decision as the deviation was justified. This new decision is binding on courts, and the former interpretation of law cannot be referred to in similar cases in the future. The rest of the admitted cases will be decided on in 2022.

Decisions of the uniformity complaint panel

Under the Bszi., if a deviation from a published decision is established, but it is found justified, the uniformity complaint panel upholds the challenged decision and decides on the new interpretation that shall be binding on courts. If the complaint was lodged in a case where the duration of court proceedings was limited at five days by law, or it is so ordered by another act, the panel shall establish the infringement resulting from the deviation, but it shall uphold the decision challenged by the complaint.

If a deviation is established but it is not found justified, the panel shall vacate the decision challenged by the complaint in whole or in part and order the Curia to carry out new proceedings and to give a new decision. If the panel finds that no deviation took place in a question of law from the published decision, it shall reject the uniformity complaint.

The publication of decisions

Under the Bszi., decisions brought in uniformity complaint procedures where deviation from a published decision is established have the same legal effect as uniformity decisions, and as such shall be published in the Hungarian Gazette, the Register of Court Decisions, on the central website of the judiciary and the website of the Curia. Uniformity decisions shall be binding upon the courts from the time of publication in the Hungarian Gazette. The Curia may provide for other means of publication of uniformity decisions where it deems this appropriate.



Notable decisions

Decision Jpe.I.60.015/2021/15. having the same effect as a uniformity decision

In this decision, the Curia established the binding interpretation of the first point of uniformity decision 2/2014. PJE. Information given to a consumer on the exchange rate risk is adequate if it is clear and intelligible for the average consumer who is reasonably well-informed and reasonably circumspect, and if such a consumer may recognise that the exchange rate of the national currency (HUF) may change drastically to the detriment of the consumer, significantly increasing their payment obligations.

Regarding the payment of the foreign exchange loan, the Curia found that decision Gfv.30.315/2020/5. deviated in a question of law from decision Pfv.20.185/2018/7., which was published in the Register of Court Decisions. As the deviation was justified, the Curia upheld decision Gfv.30.315/2020/5.

The uniformity complaint panel decided that the uniformity complaint was well founded regarding the deviation in a question of law, but otherwise it was unfounded. The panel examined the relevant case law of the Court of Justice of the European Union (CJEU), preliminary rulings requested by Hungary and other Member States. The framework of requirements on the transparency of the terms and conditions on the exchange rate risk is set out in the Consumer Directive, in the laws transposing the Directive into domestic law, and the judgements of the CJEU that give a binding interpretation of the Directive.

The CJEU established in one of its relevant judgements that the requirement of clear and intelligible terms and conditions means that a term relating to the foreign exchange risk must be understood by the consumer both at the formal and grammatical level and also in terms of its actual effects, so that the average consumer, who is reasonably well informed and reasonably observant and circumspect, would not only be aware of the possibility of a devaluation of the national currency in relation to the foreign currency in which the loan was denominated, but would also be able to assess the potentially significant economic consequences of such a term with regard to his financial obligations. Financial institutions must provide borrowers with adequate information on the impact on instalments of a severe devaluation of the currency of the Member State in which a borrower is domiciled and of an increase of the foreign interest rate. This means that the borrower must be clearly informed of the fact that, in entering into a loan agreement denominated in a foreign currency, he is exposing himself to a certain exchange rate risk which will, potentially, be difficult to bear in the event of a fall in the value of the currency in which he receives his income; the bank must set out the possible variations in the exchange rate and the risks inherent in taking out a loan in a foreign currency; and finally the consumer must be given an opportunity to read all the terms and conditions before signing the contract. Based on the thorough analysis given by the CJEU, the Curia established that the challenged decision is in accordance with the practice of both the CJEU and the Curia. The Curia held that the standard contract term of the loan agreement denominated in foreign currency which stipulated that the exchange rate risk shall be taken without restrictions by the Plaintiff was unfair.

Decision Jpe.I.60.002/2021/7.

In its decision rejecting the uniformity complaint of the Plaintiff, the Curia explained that the concept of uniformity is not defined by procedural law, but one can deduce from the provisions of the Bszi. that the lack of uniformity is caused by unjustified deviation from a previous decision. Thus, the requirement of uniformity is never abstract, it can only ever be considered in relation to particular cases, interpretations of law and judgements. Neither the Bszi. nor other acts define the essential requirement of uniformity, the comparability of decisions as to their legal content. In most cases, uniformity is a question of substantive law, as the requirement is that courts shall decide similar cases similarly. Uniformity requires courts to interpret law the same way in cases raising the same point of law (identity of cases). If there is no identity between the cases, the facts of the matter are different, then uniformity is meaningless in both legal and a wider sense.

In order to decide on the question of uniformity, it must be determined first whether the cases, the judgements, are identical. Identity of cases is a complex legal concept, influenced by many factors, that must be assessed on a case-by-case basis. It shall be closely examined whether the same piece of substantive law (as to scope and content) is applied in both cases, whether the relevant facts of the cases are essentially similar, and, in administrative law cases —due to the principle of the observance of the parameters of the proceedings and the examination determined by the subject matter of the case—, also the relevant elements of the application submitted to the administrative authority, the action and the petition for review.

Cases are not identical if the applied pieces of substantive law, the actions or the facts of the administrative disputes are different. If the reasoning of the actions or petitions for review are different, case identity can also be reasonably doubted. It is an important principle that the Curia may not overrule the established facts of the case, as the legal function of uniformity complaint procedures is to establish whether the challenged and the published decisions differ in the interpretation of law. With a view to this distinctive feature of the uniformity complaint procedures and the mandatory legal representation, the Curia maintains that it can be expected from the party to describe and demonstrate in detail the similarities of the cases in which the challenged and the published Curia decisions were made; explain the differences in their interpretation of law by comparing the relevant facts, applicable legislation and the actions defining the framework of the proceedings; and describe the interpretation of law given in the published and the challenged decision and the alleged difference between them. The reasoning of the complaint is inadequate if it focuses on the party's own interpretation of law instead of that given in the published decision, thus departing from its essential principles. Without demonstrating the essential elements of case identity and a detailed legal reasoning, the party cannot claim that the challenged decision violates uniformity. In such cases, the uniformity complaint shall be rejected under Section 41/C. (3) of the Bszi. As the Curia may not overrule the established facts of the case in these proceedings, related claims of the Plaintiff may not be considered, and the decision of the uniformity complaint panel will be based on said facts.

Decision Jpe.60.005/2021/5.

As uniformity complaint procedures are sui generis legal remedy procedures and not the continuation of the main proceedings, it is not covered by the cost allowance granted to employees in the main proceedings.

The party can apply for cost allowance granted to employees and substantiate their entitlement thereto upon filing the uniformity complaint in accordance with the general rules. The Curia decides on the cost allowance in a separate order before deciding on the admittance of the complaint.

Furthermore, the uniformity complaint panel pointed out that the similarity between the reasoning of the dismissals does not necessarily mean that the facts relevant to the interpretation of law are identical, that is, the cases are identical.

Decision Jpe.I.60.011/2021/3.

The Curia rejected the uniformity complaint of the Plaintiff lodged in the proceedings initiated against an administrative order brought in an enforcement case, finding it unfit for examination on the merits.

The Plaintiff listed a total of 16 Curia decisions, claiming that the challenged decision deviated from all of them, but some of these decisions were not cited in their petition for review.

The uniformity complaint panel held that uniformity complaint procedures are not a further opportunity for review on the merits of the case. Procedural law defines numerous ordinary and extraordinary legal remedies to this purpose. Uniformity complaint procedures, as reflected by its name, aim to eliminate deviations in questions of law and ensure uniformity, but not to provide another form of legal remedy to the parties regarding their injured rights or interests which were necessarily enforced in the preceding procedural stages.

The Curia pointed out again that uniformity complaint procedures are sui generis procedures based on the Bszi., they constitute an autonomous legal instrument applicable to final decisions, serving to ensure the uniform application of the law and to increase the internal coherence of the legal system, but they are not the continuation of the main proceedings. These proceedings are neither repetition nor supervision of previous review proceedings, i.e. not some sort of 'super-review'.

The uniformity complaint panel is firm in that it is not enough to claim that there is a deviation between the decisions, the party must point out the deviation specifically and explain their own point of view on the correct interpretation of law. The decisions listed in the complaint were brought and published after 1 January 2012, but they were revoked as 'embedded in commentary', i.e. as their essence was interpreted and summarised by the author of the legal commentary, and were not analysed in detail by the Plaintiff. The basis of comparison, the similarity of the facts of the cases was not presented at all. The difference between the decisions in their interpretation of law was also not described in necessary detail.

It is the obligation of the party submitting the complaint to present the contradiction between the revoked decisions and the decisions against which the complaint is directed, which was not the case in the complaint at issue.

In the light of the above, the uniformity complaint of the Plaintiff was rejected.

UNIFORMITY DECISIONS

Civil Chamber

Decisions of the civil, commercial and labour law uniformity panel

The seven-member combined civil, commercial and labour law uniformity panel brought eight uniformity decisions in 2021. This year, the Civil Chamber made no decisions as a uniformity panel.

Decision 1/2021. PJE on the delegation of the joint signature right

The provision on the delegation of the joint right of signature in Section 47 (2) of Act CXII of 1996 on Credit Institutions and Financial Undertakings shall not be applicable if the persons authorised to jointly sign for the company under Section 47 (1) grant a power of attorney under Section 222 of Act IV of 1959 on the Civil Code for the representation of the credit institution in respect of the types of contracts defined in the scope of the financial services activities.

Decision 2/2021. PJE on the enforcement under Section 269 (3) of Act IV of 1959 on the Civil Code of the lien obligor's rights in case of a separate and distinct or non-accessory lien created as security

Where, in case of a separate and distinct or non-accessory lien created as security, the successor of the person having directly acquired the lien had knowledge at the time of the acquisition of the lien, at least, of the fact that the separate and distinct or non-accessory lien had been created in respect of another legal relationship as security thereof, the successor will be deemed to have had knowledge of the underlying legal relationship.

Decision 3/2021. PJE On the possibility of appeal against an order rejecting an application seeking the revocation of an enforcement sheet or the cancellation of an enforcement clause

Against an order rejecting an application seeking the revocation of an enforcement sheet or the cancellation of an enforcement clause, an appeal will lie.

Decision 4/2021. PJE on the lawfulness of terminating a foreign currency-based consumer loan contract by a unilateral legal declaration with *ex nunc* effect

The settlement provided for in Act XL of 2014 imposing the obligation to settle accounts due to the partial voidness of a foreign currency-based consumer loan contract does not preclude the court from examining *ex post*, in accordance with the rules of civil law, whether the unilateral *ex nunc* termination of the contract by the financial institution on account of the debtor's alleged default was justified.

Decision 5/2021. PJE on the termination of enforcement proceedings pending against a debtor at the time of the commencement of the liquidation proceedings

If in a set of enforcement proceedings pending at the date of the commencement of the liquidation the debtor transfers his real property to a third party and the ownership change is registered in the Land Register subsequent to the registration of the enforcement right, the enforcement proceedings may only be terminated after the enforcement auction has been held.

Decision 6/2021. PJE on certain questions relating to the voidness of a consumer, retail loan agreement

Under Section 213 (1) *b*) of Act CXII of 1996 on Credit Institutions and Financial Enterprises, a consumer retail loan agreement is null and void if it does not contain at all the annual percentage rate of charge.

Decision 7/2021. PJE on the enforcement of the rules governing transfers of contracts under Act No. V of 2013 on the Civil Code

The transfer of a contract as regulated under Act V of 2013 on the Civil Code means transfer of all rights and obligations of the party leaving the contract to the party entering into the contract, resulting in legal succession between the parties leaving and entering into the contract while the continuity of the legal relationship is maintained. If all rights and obligations arising from a contract concluded before the entry into force of Act V of 2013 on the Civil Code are transferred to another party under a statutory provision on or after 6 January 2016, the contract will thereafter be governed by the rules set out in Act No. V of 2013 on the Civil Code. In such cases the transfer of contract will constitute legal succession, with the proviso that - for the purposes of Section 53/C (2) of Act CLXXVII of 2013 on the Transitional and Authorising Provisions related to the Entry into Force of Act No. V of 2013 on the Civil Code - the contract will be regarded as a new contract between the party remaining in the contract and the party entering into the contract. The content of the contract, the parties' rights and obligations arising under the legal relationship will remain unchanged.

Decision 8/2021. PJE on the publication of the image of a person participating in a public hearing held in a criminal case

A failure to meet the condition prescribed in Section 74/B (1) of Act XIX of 1998 on Criminal Procedure or Section 108 (2) of Act XC of 2017 on Criminal Procedure, namely the absence of the consent of the person concerned, does not in itself render unlawful the publication of the image of a person exercising public authority, participating in a public hearing held in a criminal case. Nonetheless, the publication of such a person's image without their consent shall not be an end in itself; neither shall the publication violate human dignity.

Joint decisions of the civil, commercial, and labour law uniformity panel and the administrative law uniformity panel

The civil, commercial, and labour law uniformity panel and the administrative law uniformity panel brought three uniformity decisions together in 2021.

Decision 1/2021. KPJE on the declaration of the holder of the pre-emption right

If the declaration of the holder of the pre-emption right manifestly fails to meet the substantive law requirements in terms of form or content, the buyer's ownership must be registered in the land register.

Decision 2/2021. KPJE on the total personal exemption from duties granted to the Hungarian State

In the absence of an explicit statutory provision, the scope of total personal exemption from duties granted to the Hungarian State in section 5 (1) *a*) of Act XCIII of 1990 on Duties does not extend to companies acting for and on behalf of the Hungarian State under a separate Act.

Decision 3/2021. KPJE on determining the court which is to adjudicate an appeal against an enforcement order issued in administrative court proceedings by a high court as a first instance court

An appeal against an enforcement order issued in administrative court proceedings by a high court as a court of first instance is to be determined by a regional court of appeal.

Criminal Chamber

In 2021, the criminal law uniformity panel brought two uniformity decisions.

Decision 1/2021. BJE on the direction of petitions for review submitted on account of a procedural violation

A petition for review submitted on account of a procedural violation [under Section 649 (2) of Act XC of 2017 on Criminal Procedure (hereinafter: Code of Criminal Procedure)] has no direction.

The six-month time limit open for submitting a petition for review against a Defendant shall run from the date of notification of the final decision on the merits. If the decision on the merits notified to the public prosecutor's office by promulgation did not become final upon promulgation, as well as in case of a decision on the merits notified by way of service, the six-month time limit shall run from the date of notification of the final decision on the merits [Section 652 (3) of the Code of Criminal Procedure]

Decision 2/2021. BJE on the eligibility for parole

In assessing a human conduct, the provisions of the General Part of the Criminal Code excluding imputability in relation to that conduct shall be applicable *mutatis mutandis*, unless otherwise provided or excluded by a statutory provision. If, in determining the existence of own fault on the part of the perpetrator, the conduct has no identifiable point of reference indicating the perpetrator's accountability and the imputability of the conduct to him, own fault can be found only in case of an intentional conduct.

In finding and assessing own fault as a human conduct mentioned in Section 87 (1) of Act No. CCXL of 2013 on the Execution of Punishments, Measures, Certain Coercive Measures and Confinement for Petty Offences, the provisions of the General Part of the Criminal Code relevant to the examination of expectability, as the subjective side of imputability, cannot be disregarded. Thus, nothing that is relevant to the will of the person and the conduct performed by the person by his own free will. Hence, in assessing the existence of own fault, the fact of the worldwide pandemic and the resultant situation cannot be disregarded either.

Administrative Chamber

In 2021, the administrative law uniformity panel brought three uniformity decisions together with the Civil Chamber and two more on its own.

Decision 1/2021. KPJE on the declaration of the holder of the pre-emption right

The uniformity procedure was initiated in a land registry case by a panel of the Curia that intended to deviate in questions of law from a decision of the Curia published in the Register of Court Decisions. The uniformity panel had to decide whether the buyer's ownership could be registered in the land register when there was a dispute between the parties about the effectiveness of the declaration of acceptance. According to the relevant law, if the declaration of the holder of the pre-emption right manifestly fails to meet the substantive law requirements in terms of form or content, the buyer's ownership must be registered in the land register, while the interests of the holder of the pre-emption right are protected by the possibility to file an action for declaring ineffectiveness and the respective record of that legal action in the land register. If the declaration meets the substantive law requirements, but the lawfulness of the contract is disputed, the authority shall suspend the land registry procedure and call on the holder of the pre-emption right to file an action for declaring the contract invalid and verify that they have done so. The uniformity panel held that this is applicable even if it is unclear who is entitled, which can be determined in the action for declaring ineffectiveness, and so the holder of the pre-emption right shall verify that they have filed such an action within the given time limit. Otherwise, the buyer's ownership must be registered, and the holder of the pre-emption right may file an action for declaring ineffectiveness against the new owner.



Decision 2/2021. KPJE on the total personal exemption from duties granted to the Hungarian State

The uniformity procedure was initiated by the heads of the Civil and the Administrative Chambers of the Curia because the practice of the Curia was inconsistent in the question whether the scope of total personal exemption from duties granted to the Hungarian State extended to companies acting on their behalf, in this particular case the NIF national infrastructure development private company limited by shares (hereinafter: NIF). Following the examination of relevant sectoral laws, the uniformity panel found that the NIF acts for and on behalf of the Hungarian State but acts also on its own behalf in its capacity as a building contractor and a trustee. When the NIF files an action on its own behalf, it gives its own name as Plaintiff, and does not act on the behalf of the Hungarian State. The aim of the total personal exemption from duties granted to the Hungarian State is to absolve the State from ‘paying duties to itself’ for certain services, so the common sense and the public good would dictate that entities acting for and on behalf of the Hungarian State have no such obligation either. But Article 28 of the Fundamental Law of Hungary does not allow for such a broad interpretation in the absence of an explicit statutory provision, with a view to sectoral legislation governing the status and procedures of these companies. This broad interpretation would go against the relevant law to such extent that cannot be justified on the grounds of being in conformity with the Fundamental Law of Hungary.



Decision 3/2021. KPJE on determining the court which is to adjudicate an appeal against an enforcement order issued in administrative court proceedings by a high court as a first instance court

The uniformity procedures were initiated by the Curia's Vice-President for ensuring the uniform application of the law to decide which court determines an appeal against an enforcement order issued in administrative court proceedings by a high court as a court of first instance. The Vice-President found that the practice was inconsistent in whether the regional courts of appeal or the Curia had to determine such appeals. One of the panels of the Curia determined such an appeal and upheld the order of the high court. Another panel of the Curia terminated the proceedings and referred the appeal to the regional court of appeal. The latter panel held that an application for an enforcement sheet is not an administrative law case or any other type of case that the parties may bring before the administrative court under Section 5 of Act I of 2017 on the Code of Administrative Litigation (hereinafter: Kp.). According to the initiative of the Vice-President, the provisions of Act CXXX of 2016 on the Code of Civil Procedure (hereinafter: Pp.) are applicable to these cases, meaning that regional courts of appeal have the competence to determine appeals against enforcement orders. The uniformity panel found that enforcement proceedings are separate from the main proceedings and are excluded from the scope of the Kp. If a question is not covered by Act LIII on Judicial Enforcement (hereinafter: Vht.), then Act CXVIII of 2017 on the Rules of Non-contentious Civil Procedures and Certain Non-contentious Procedures is applicable. The Vht. establishes uniform rules for the enforcement of decisions brought in civil and administrative cases, with courts of first instance deciding on applications for an enforcement sheet, where an appeal is possible against court orders withdrawing the enforcement sheet and court orders rejecting an application for withdrawal. These appeals shall be determined under the Pp. in both civil and administrative cases. Pursuant to the relevant provisions of the Pp., the regional courts of appeal act as courts of second instance in cases where the high courts are courts of first instance. In the light of the above, the uniformity panel established that the determination of appeals against enforcement orders issued in administrative court proceedings by high courts are not covered by the Kp.

Decision 1/2021. KJE on the time of cancellation of an agricultural cooperative's right to land use and its deletion from the land register, and the agricultural cooperative's status as a party

Following the physical division of a piece of land held in undivided shares, the right of an agricultural cooperative to use that piece of land shall cease by operation of law.

Unless otherwise provided for by the law, the cancellation of the right to use a land registered in the land register by the land registry authority may take place on the basis of a final decision ordering the physical division of a piece of land held in undivided shares, upon the authority's request.

In the absence of a direct substantive law interest, the agricultural cooperative has no right of action in respect of the decision ordering the registration of the ownerships of the thus divided plots of land in the land register.

Decision 2/2021. KJE on the aspects of evaluating the declaration of the buyer under the contract and the declaration given by the holder of the pre-emption right

Based on section 23 (1) *c) cc)* of Act CXXII of 2013 on Transactions in Agricultural and Forestry Land (hereinafter: the Act), as in force prior to 1 July 2020, the agricultural administrative body will refuse to approve a sale and purchase agreement – even if no acceptance has been received during the period of the publication of the contract, that is, even if no other person is entitled to pre-emption – if the legal basis of the right of pre-emption or the law on which the right of pre-emption is based cannot be determined from the buyer's declaration on his pre-emption right, or the pre-emption right is based not on the indicated Act, or not on the rank in the order of precedence as set out in the Act.



CHAMBER OPINIONS

Civil Chamber

In 2021, the Civil Chamber brought one chamber opinion on questions related to the admission of applications for review.

In **chamber opinion 1/2021. (VII. 12.) PK**, the Civil Chamber gave a detailed interpretation on the basis of admission of applications for review set out in law and certain related questions.

Criminal Chamber

In 2021, the Criminal Chamber brought four chamber opinions:

- **chamber opinion 1/2021. (V. 13.) BK** on the compulsory ban, with one exception, from the exercise of any professional or other activity where it involves the responsibility for providing education, care, custody, or medical treatment to a person under the age of eighteen years, in the case of perpetrators of criminal offenses against sexual freedom and sexual offenses, if at the time when the crime was committed the victim was under the age of eighteen years
- **chamber opinion 2/2021. (V. 13.) BK** on remedy related to unlawful sentencing
- **chamber opinion 3/2021. (V. 13.) BK** on the invalidity of requests for exclusion against the whole court
- **chamber opinion 4/2021. (V. 13.) BK** on the impossibility of lodging an appeal against the designation of the court within decisions on the exclusion of a judge.

Administrative Chamber

In 2021, the Administrative Chamber brought two chamber opinions:

- **chamber opinion 1/2021. (IX. 27.) KK** on remedy related to polling district registers
- **chamber opinion 2/2021. (XI. 08.) KK** on the admissibility of actions submitted by way of electronic means, but not in conformity with the E-government Act and its implementing decrees, through a customer port of entry instead of a company port of entry.

JURISPRUDENCE-ANALYSING WORKING GROUPS

Civil Chamber

In 2021, seven jurisprudence-analysing working groups were active in the Civil Chamber, working on the following topics:

- judicial practice related to actions for placement under guardianship
- judicial practice related to the decrease or loss of chance of recovery or survival
- Act XXVIII of 2017 on Private International Law in the practice of the courts
- judicial practice related to atypical employment relationships
- grievance award in the practice of the courts
- online infringements, with a focus on infringements of rights relating to personality
- requests of preliminary ruling of the Court of Justice of the European Union

The jurisprudence-analysing working group analysing judicial practice related to atypical employment relationships finalised its summary report on 26 January 2022, while the other groups still continue their work in 2022.

The summary report of the jurisprudence-analysing working group analysing judicial practice related to atypical employment relationships established that according to literature on labour law, an employment relationship is typical if it is between one employer and one employee, concluded for an indefinite duration for full-time employment at the employer's registered office or independent establishment. Every other employment relationship is considered atypical. Labour market and employer needs are changing constantly, giving rise to more and more atypical employment contracts. The world pandemic made teleworking and home office general in certain sectors. The rising number of atypical employment contracts and employees motivated the comprehensive analysis of this particular field of law. The working group covered the following subjects: part-time work, fixed-term employment, employee sharing, teleworking, outworkers and temporary agency work. The working group also examined public employment, simplified employment and occasional work relationships, and administrative cases related to the supervision of employees working in atypical employment relationships. The jurisprudence-analysing working group reached the following conclusions:

I.1. If the part-time employment contract is a sham as the employee worked full-time and thus the contract is null and void, the rights and obligations of the parties are to be adjudged on the basis of the disguised contract [Section 27 (2) of Act I of 2012 on the Labour Code, hereinafter: Mt.]. It is in the interest of the employee to prove the actual daily working time [Section 265 (1) of Act CXXX of 2016 on the Code of Civil Procedure, hereinafter: Pp.].

I.2. If the employer employed the employee full-time despite the part-time employment contract, the employee, depending on the case, may not only claim the declaration of full-time employment and unpaid wages, but optionally wage supplement under Section 143 (2) of the Mt. after every hour of work that constitutes overtime work under Section 107 of the Mt.

I.3. The employer is only obliged to accept the employee's proposition to part-time work covering half of the regular daily working time under Section 61 (3) of the Mt., otherwise the parties shall amend the employment contract by mutual consent under Section 58 of the Mt.

II.1. Determining the period of a fixed-term employment by "other appropriate means" is a determination of time and not a condition subsequent. Such conditions shall be irrespective of the will of the parties, certain to occur and calculable.

II.2. During the employment, the employee may file an action for declaring the invalidity of setting out a fixed-term employment under Section 172 (3) of the Pp. However, employees usually file such actions after the termination of their employment, also enforcing the consequences of wrongful termination of employment. Such actions shall be brought within thirty days from notification of the employer's act under Section 287 (1) of the Mt., so the court may examine both statements of claim.



II.3. The legitimate interest of the employer is a prerequisite for a fixed-term employment relationship to be extended, or another fixed-term employment relationship to be concluded within six months from the time of termination of the previous one under Section 192 (4) of the Mt., but not for the initial conclusion of a fixed-term employment relationship. The agreement may not infringe upon the employee's legitimate interest. It is in the interest of the employer to prove their legitimate interest, and in the interest of the employee to prove that the extension infringes upon the employee's legitimate interest.

II.4. If the determination of the employment relationship as fixed-term is invalid under Sections 27 (1), (2) and 192 (4) of the Mt., the employment relationship is concluded for an indefinite duration under Section 29 (3) of the Mt. It is wrongful if the employer terminates the employment relationship at the end of the invalidly determined fixed term. In these cases, the employee may file an action to enforce the consequences of wrongful termination of employment.

II.5. A probation period may be stipulated even in the case of shorter fixed-term employment relationships, but a probation period as long as the duration of the fixed-term employment infringes the common rules of conduct.

II.6. If the fixed-term employment relationship concluded after the probation period fails to meet the legal requirements, this does not constitute a legitimate interest of the employer under Section 192 (4) of the Mt.



II.7. The Mt. allows the employee to terminate the fixed-term employment relationship by notice, but they are required to give reasons in writing. The reason given for termination may only be of such a nature as would render the maintaining of the employment relationship impossible or that would cause unreasonable hardship in light of their circumstances. The law does not mention the infringement or conduct of the employer, so this is an opportunity for the employee to terminate their employment relationship before term due to a change in their health status, or personal or family circumstances. The law does not lay down specific legal consequences to such a termination, so the employee usually cannot enforce claims based on their own legal statement. It is not legally possible to reclassify such a termination as termination without notice.

II.8. The employer may dispute the lawfulness of the termination of the fixed-term employment relationship by the employee and may pursue claims under Section 84 (2) of the Mt. It is in the interest of the employee to prove the reality and rationality of the given reasons and that these reasons render the maintaining of the employment relationship impossible or that would cause unreasonable hardship in light of their circumstances.

II.9. The “unavoidable external reasons” under Section 66 (8) *c*) of the Mt. only provide a basis for termination of the fixed-term employment relationship in the light of their effect on the operation of the employer and the employment relationship of the given employee.

III.1. If an employee files an action against the user enterprise for any damages caused to the employee, or for any violation of the employee’s rights relating to personality committed while on assignment, it is justified to bring the temporary-work agency into the action.



Criminal Chamber

In 2021, one summary report was accepted, and two jurisprudence-analysing working groups continued their work.

The summary report on the conditions for indemnity and release on parole in the practice of penitentiary judges was accepted by the Criminal Chamber on 1 July 2021.

The report analysed two topics currently concerning practitioners of criminal law. One was certain questions concerning indemnity arising from legal relationships related to the enforcement of criminal sanctions. The summary report found that these are sui generis cases arising from legal relationships related to the enforcement of criminal sanctions with an established practice based on appropriate legislation. The legislature created a compensatory and effective legal remedy. These cases impose a heavy burden upon the courts, but they can meet the demand. The Curia brought several decisions in such cases, and already analysed jurisprudence in this particular field.

The analysis of the conditions for release on parole showed that practice followed the change brought by the Curia's decision on principle.

Courts now apply the system of criteria properly, examining the conditions for release on parole as intended.

The summary reports on the judicial practice of the interpretation of human trafficking and the practice of preparatory hearings with a focus on the conditions of admittance of guilt will be accepted in 2022 due to difficulties caused by the pandemic.



Administrative Chamber

The President of the Curia of Hungary ordered to set up a jurisprudence-analysing working group for the examination of the courts' jurisprudence relating to building authority procedures. The summary report analysed the changes brought about by the new regulation of building authority procedures in 2013, examining Curia decisions based on the old and the new regulation, highlighting the consequences of the changing legal background.

One of the most important findings is that Act LXXVIII of 1997 on the Formation and Protection of the Built Environment (hereinafter: Étv.) changed from a codex with mandatory, mostly substantive provisions to a subsidiary framework law, with government decrees gaining the dominant role. The focus of the regulation also shifted from the substantive to the procedural, inserting numerous provisions derogating from Act CL of 2016 on General Public Administration Procedures (hereinafter: Ákr.) in the Étv. and lower rank legislation.

The legislature's aim with the changes brought to building authority procedures is clear: simplification and acceleration. Prior administrative authorization is required in significantly less cases, with construction regulatory procedures and construction supervisory procedures becoming the primary instrument of ensuring legal compliance. Due to their significance, these procedures were covered in separate chapters of the summary report.



In addition to the classical areas of building jurisdiction – construction, maintenance, occupation, demolition – which formed the core of the analysis, issues relating to clients’ legal status and standing in such proceedings, the taking of evidence by experts, and the issues determined in resumed proceedings upon remittals were discussed and presented in separate chapters as issues which cannot be ignored in judicial practice. As the Ákr. and the Kp. entered into force on 1 January 2018, in most analysed cases Act CXL of 2004 on the General Rules of Administrative Proceedings and Services (hereinafter: Ket.) and Act III of 1952 on the Code of Civil Procedure (hereinafter: rPp.) were applied, but the chapter related to procedural issues also provides an insight into the regulation set out in the new procedural codes and related judicial practice. The report devotes a separate chapter to compensation for building restrictions, as this legal instrument is primarily governed by the relevant construction law and the Étv, and also this topic was not covered by the summary report on expropriation cases. The report also presents the problems having arisen in the application of the law by the public authorities under the new regulatory regime. Some of those problems have already been solved by the courts, but the remaining issues will have to be addressed by the administrative courts, and finally by the Curia, in cases brought before them. The regulatory model change was examined by the working group from two aspects. On the one hand, from the aspect of its impact on building authority procedures and, on the other hand, from the aspect of building administration, including town and country planning. Organisational and competence-related changes were also duly taken into consideration. Investments of high significance for the national economy and the “plaza stop” acts were examined primarily from a legislative point of view. The summary report presented the regulatory aims, aspects, and methods, and the effects on the field of construction law. The report also contains a separate chapter on the civil law aspects of violations of neighbour rights by buildings and by construction and building activities, as due to the nature of the related disputes, in addition to the private law rules which are primarily applicable to the determination of such cases, the provisions of construction law are also to be taken into consideration. The jurisprudence-analysing working group found no reason to initiate uniformity procedures to ensure the uniformity or improve the practice of law, but suggested for the legislature to consider the effects of the new regulation entered into force on 1 January 2013 in order to remedy related problems.



■ ACTIVITIES OF THE CURIA OTHER THAN JURISDICTION IN 2021

FINANCIAL AND SUPPLIES DEPARTMENT

Similar to 2020, the organisation and performance of financial tasks were made more difficult by disease control measures in 2021. Still, the Financial and Supplies Department performed its functions on time and in compliance with all instructions.

The duties and procedures of the Financial and Supplies Department are strictly regulated just like those of the judicial panels, and these rules change often too. Apart from relevant legislation, the guidelines of the National Office for the Judiciary as the organ managing the chapter, the Hungarian State Treasury and the Hungarian National Asset Management Inc. must be applied. Efficient, regular and responsible asset management requires precision, timeliness and advanced practices. In 2021, the department smoothly adapted a new accounting system, Forrás.NET. Preparations began for the launch of the Integrated Financial Management Information System of the Hungarian State Treasury on 1 January 2022.

The State Audit Office of Hungary completed the comprehensive monitoring of 2020's annual management and the work of the Financial and Supplies Department without any adverse findings.

The Curia will foreseeably remain at 16 Markó Street, Budapest 1055 in the next few years. The staff of the Financial and Supplies Department did conscientious work to operate the building during the pandemic and perform renovation and investment projects.

In the decades since the last extensive renovations, most of the technical building systems such as the water and sewage system, the heating pipe system, the electrical system and the fire protection system became outdated. To improve safety, heating and cooling systems, certain lighting units and the fire alarm system were partially renovated. The upgrading of the lighting of the hallways and a fire alarm system covering the whole building was finished in 2021.

The facade was secured and renovated, averting immediate emergency.

The modernisation of windows and doors continued according to schedule, depending on available funds.

Just as in previous years, it was possible to replace the most worn-out installations in offices, and also furnish the offices taken over from the Budapest Regional Court of Appeal.

The Government brought a decree on the reconstruction of the original building of the Curia, built in 1896 at Kossuth Square, designating the Imre Steindl programme non-profit private company limited by shares (hereinafter: SIP nZrt.) as operator [Government Decree 2025/2017. (XII.22.) on Certain Decisions Related to the Third Phase of the Imre Steindl Programme].

The reconstruction plans of the building at Kossuth Square were finished in 2021. In 2022, the SIP nZrt. will start demolitions not involving the support structure and the restoration of the artworks. With Act CXXVII of 2019 entering into force, the Curia will have new duties from April 2020. The resulting increase in staff makes it impossible to house the entire institution in the building at Kossuth Square. As a solution, in December 2021 the Government decided to give the building at 5 Alkotmány Street to the Curia. In early 2022, preparation for the renovation works on the building started with the compilation of the planning program.

This allows the Curia to relocate to its original building at Kossuth Square in a few years. Preparations for relocation started with the planning of the reconstruction of the building at Kossuth Square, with the participation of the Supplies Department in addition to their normal duties of managing and operating the building at Markó Street.



INTERNAL AUDIT

The Curia employs a full-time internal auditor in order to carry out continuous internal audit activities.

Despite the challenges posed by the pandemic, the internal audit plan for 2021 was fully implemented, with the system audit being reclassified as consultation at the order of the President of the Curia. No exceptional inspections or extra monitoring was carried out. In the pursuit of their activities, the internal auditor concentrated on work processes related to management.

The internal auditor examined the budget report of 2020 and the register of assets entrusted to and used by the Curia. They also monitored three previous inspections into the following: the purchases and procurements of 2019; the register of assets entrusted to and used by the Curia, applying the methodology of the Audit Department of the National Office for the Judiciary (hereinafter: NOJ); and the implementation of the action plan for processing electronic receipts.

The internal auditor found the budget report of 2020 excellent; no recommendations were needed in relation to the examined items.

Regarding the register of assets entrusted to and used by the Curia, it was found that the President of the Curia created an accounting policy, including an evaluation system for assets and liabilities, a stock-taking and inventory policy, that complies with the relevant legislation. The management policy of fixed assets contained all the minimum requirements. Assets used by the Curia, correctly, went into the Curia's books without an indication of value. Assets went into the Curia's books at the gross cost recorded by the transferring entity, and depreciation was duly accounted for. The register of fixed assets transferred to use was found exhaustive.



In 2021, the internal auditor of the Curia performed consultation at written and oral requests. There were consultations on the possible risks of administrative judges attending external conferences, the placement of judges and judicial staff, the capacity of the archives and data stored in the case management system of the Civil Chamber of the Curia. The internal auditor also commented on the draft rules of the NOJ and the Curia, and prepared background material for the anti-corruption conference of 2021 to improve the internal control environment.

The internal control system of the Curia proved to be dependable in practice. Senior and middle management control procedures were both generally applied, orders were given in writing and deadlines were prescribed as a managerial control instrument. The internal auditor made useful and practical suggestions during consultation and in reports, helping the work of the President of the Curia, the Financial and Supplies Department and other departments too. All recommendations and conclusions of the reports were accepted in effective cooperation with the leadership of the Curia and the department heads.

Monitoring showed that tasks allocated to year 2021 in the action plans based on the recommendations of the internal auditor were fully completed.



PRESS AND COMMUNICATION EVENTS

*“The limits of my language mean the limits of my world.”
(Ludwig Wittgenstein)*

External communications of the Curia in 2021

2021 was the year of building up: dr. András Zs. Varga took office, set up his cabinet, new leaders were appointed, and certain work processes were restructured. Most communication tasks revolved around these events.

Unbiased, accurate, understandable and strictly professional communication to the public was the primary objective, following the principle set out by the new President that the Curia shall be represented as a firm, confident and dependable institution. It must be pointed out that external communications of the Curia were greatly affected and complicated by the Coronavirus pandemic, but the Curia maintained an effective internal and external communication despite all the difficulties.

The necessary “lockdown” due to the pandemic, the limited opportunities of contact with the outside world affected the communication of the Curia too: the number of events requiring personal presence was reduced to the minimum and information was shared primarily online.

The pandemic significantly increased the role of digitalisation and information technology in the daily working practices of the Curia.



It is a considerable accomplishment that the supreme judicial forum immediately adapted to the changing circumstances of communication and rose to the resulting challenges. With the competent background support of the National Office for the Judiciary, modern communication channels like Skype and YouTube were integrated into the daily working practices through the development of technology.

The Curia's website, www.kuria-birosag.hu was the primary communication channel with 1,785,155 visitors in 2021. The view count of the press content was the highest at 182,927.

With a view to the role of the Curia's website as primary communication channel, more effort was invested into the development of its content.

As a promotion of our national traditions and a tribute to the prominent events of our legal history, we celebrated the 160th anniversary of the 1861 Meeting convened by the Lord Chief Justice, dedicating a few lines to this occasion in the main heading of the home page. To make the website even more user-friendly, small structural changes were made, standardising communication content and creating new menu entries.

In 2021, just as before, the Press Office considered it a priority to regularly and objectively inform the public on the Curia's professional activity and its results. In 2021, 28 announcements appeared on the website about important events and 29 about Curia decisions, while multimedia content was also added. A video was uploaded to the Curia's YouTube channel showing dr. András Zs. Varga, the President of the Curia and dr. Kinga Bódiné Beliznai, the Head of Department of the History of Hungarian State and Law of the Eötvös Loránd University Faculty of Law talking about the 1861 meeting of Lord Chief Justices.

Meeting people interested in the court system was postponed due to the pandemic, but we hope we can organise the Open Courts Program and take part in the Heritage Day events in 2022, hosting historical walks in the building of the Curia and informing the younger and older generations on the work of the supreme judicial forum.

Press relations

For health protection reasons the number of press events requiring personal presence was reduced to the minimum.

The President of the Curia made nine press statements in 2021 (*Inforádió*, *Magyar Nemzet*, *Kossuth Rádió*, *Index*, *Mandiner*, *168 óra*, *Pesti Ügyvéd*, *Magyar Katolikus Rádió*).

The public is often informed about court decisions and important events through the press, meaning that the press releases of the Press Office have an important role in increasing the people's understanding of law and reinforcing public confidence in courts, apart from simply providing information. For these purposes, further development of educational and informative content on the website is planned.

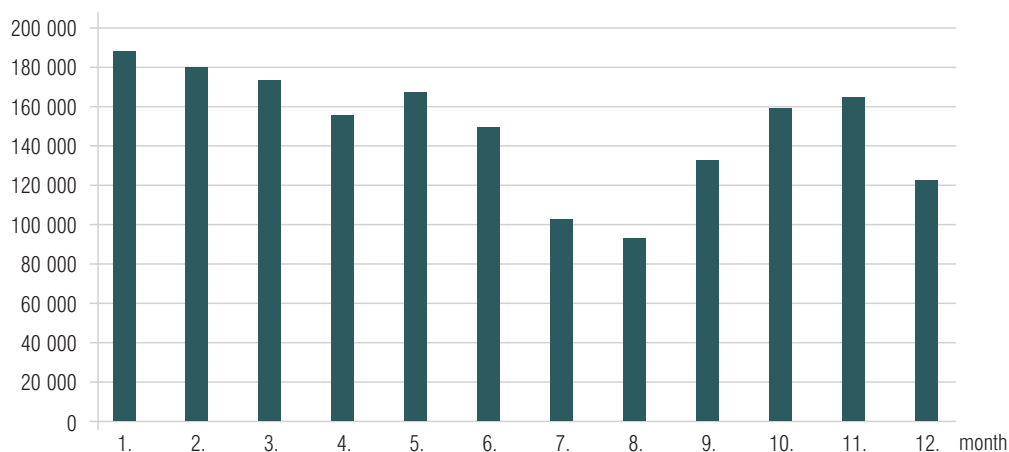
Internal communication

With the COVID-19 pandemic, internal communication within the institution gained significance. The Intranet of the Curia was the primary channel for this, becoming the most important internal medium. The greatest advantages of this “internal network” were interactivity and community development. The most numerous of the published contents were announcements (129), followed by selected case-law from Strasbourg (95), statistics (73) and professional materials of the high courts and regional courts of appeal (62).

Besides the Intranet, traditional award ceremonies also played an important role in internal communication and community development. When the epidemiological situation allowed, retirements, jubilees and notable achievements were celebrated in person, or otherwise online through Skype. In 2021, meetings of the Full Bench were held through Skype, but the annual sitting of the judicial staff was a physical meeting.

Page views

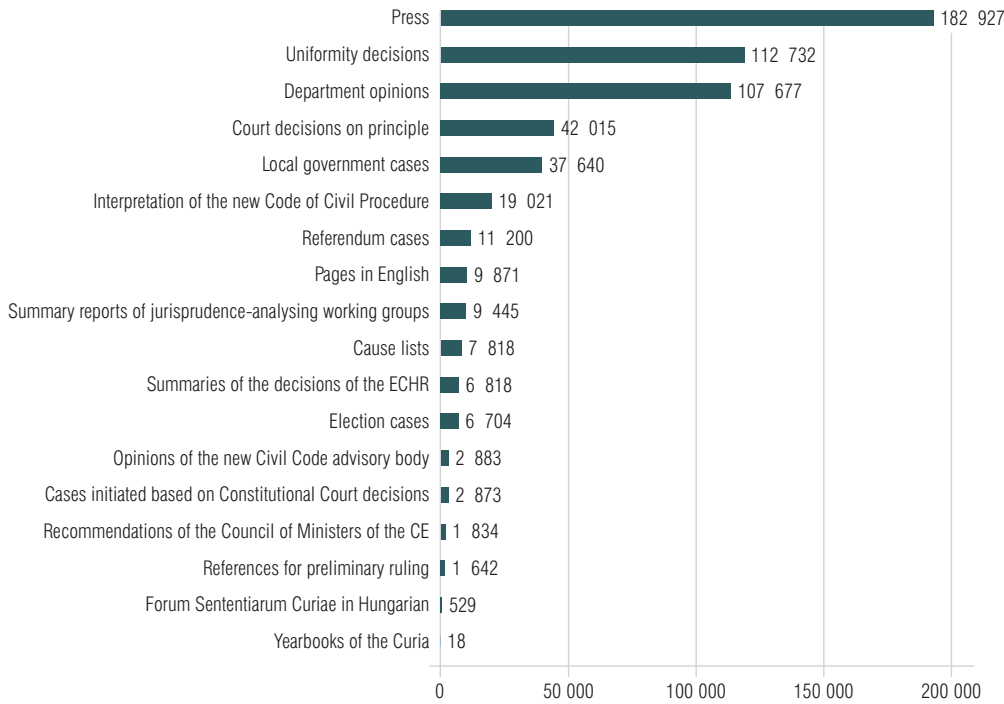
(January 1 – December 31, 2021)



Month	Page views
January	188 059
February	179 540
March	172 837
April	155 053
May	167 174
June	149 097
July	102 199
August	92 804
September	132 529
October	158 963
November	164 548
December	122 352
Whole year	1 785 155

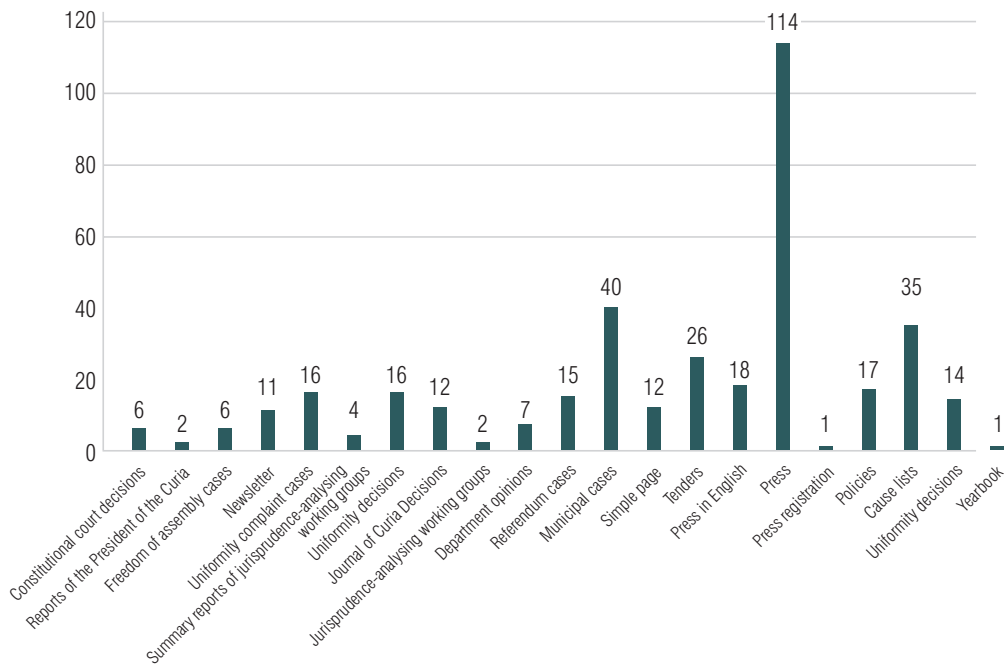
Individual content views

(January 1 – December 31, 2021)



Intranet publication statistics

(January 1 – December 31, 2021)



Type	Number
Datasheets	2
Admitted constitutional complaints	2
Cafeteria news	8
Announcements	129
Newsletter	11
IT security newsletter	12
Selected case-law from Strasbourg	95
Statistics	73
Professional materials of the high courts and regional courts of appeal	62



IT DEPARTMENT

New IT equipment was purchased by the National Office for the Judiciary and the Curia (hereinafter: NOJ), replacing some of the outdated inventory. The obsolescence of equipment is about 20% on average, which is significantly better than last year, when it was about 30%. Every year, 17% of the IT equipment must be replaced in order to avoid obsolescence.

The purchases of 2021 were the following:

120 PC-s and 41 notebooks were purchased centrally by the NOJ. 39 printers, 37 monitors, 23 digital dictaphones and 1 NAS for data backup were purchased from central funds. The Curia received 51 new 24” monitors from the NOJ directly.

40 notebooks, 11 local printers, 75 monitors, 1 multifunction colour printer and 10 tablets were purchased from the Curia’s funds.

A modern video conference system is available for uniformity panel meetings and other events.

A new IT procedure was developed to load Curia decisions brought between 2012 and 2020 into the Register of Court Decisions.

At the end of 2021 a new system to record holidays and other absences was purchased. Its installation will continue in early 2022.

No incidents caused significant service outages. Local services were always available, and there was no unauthorised access or loss to local files.

The IT security officer of the Curia highlighted the current security risks in a monthly newsletter, and informed users on the most important rules of outworking and their amendments.



GUSZTÁV TŐRY LEGAL LIBRARY

The Legal Library maintained its high standards of services, fully supporting judiciary work throughout the year. Readers and users were served in routine order, but most visits were made online. Free online legal databases, sources and repositories were a great help in providing information beside traditional printed materials.

The Legal Library helped court libraries throughout the year as an important member of the national court library system (OBKR) and provided literature services to professionals and researchers.

The collection of the library continued to grow in 2021 thanks to purchases and also some donations. External library professional relationships grew closer despite the difficulties caused by the pandemic.

The staff of the Curia participated in many trainings as learning and self-tuition is important for them. On 7 October 2021, the National Office for the Judiciary, the library of the Budapest-Capital High Court, the legal section of the Association of Hungarian Librarians and the Tőry Gusztáv Legal Library jointly organised a conference titled 'Traditional and modern research methods and research services in law in the 21. century'. The conference attempted to give a comprehensive overview of the traditional and modern research methods and research services in law, related institutions in Hungary, applied traditional and modern methods, and how these were affected by the pandemic. The President of the Curia, Dr. András Zs. Varga greeted the participants and delivered a lecture titled 'The significance of legal research'.

On the whole, the Legal Library had a successful year thanks to beneficial circumstances and the flexibility and adaptability of the librarians and, more importantly, the readers.





Domestic events

- *27 January 2021* – dr. András Zs. Varga, the President of the Curia and dr. Kinga Bódiné Beliznai, the Head of Department of the History of Hungarian State and Law of the Eötvös Loránd University Faculty of Law talks about the 1861 meeting of Lord Chief Justices on the meeting's 160th anniversary. The video is available on the Curia's YouTube channel.
- *8 April 2021* – the Curia holds a celebratory Full Bench and a conference commemorating the 160th anniversary of the reinstatement of the old court system.
- *28 May 2021* – dr. András Zs. Varga, the President of the Curia meets the members of the Committee of National Remembrance.
- *28 May 2021* – dr. András Zs. Varga, the President of the Curia meets Ilan Wurman, visiting lecturer from Arizona, at a meeting arranged by the Mathias Corvinus Collegium.
- *29 May 2021* – dr. András Zs. Varga, the President of the Curia lays a wreath at the grave of Ferenc Mádl, former President of Hungary.
- *30 May 2021* – dr. András Patyi, vice-president of the Curia, places a wreath at the tomb of the unknown soldier on the Memorial Day of Hungarian Heroes.
- *21 June 2021* – the President of the Curia hands out acknowledgements at the Full Bench to the staff of the Curia for their achievements.
- *23 June 2021* – the Hungarian Lawyers Association holds an anniversary conference at the Curia titled 'Values and institutions in the ten-year-old Fundamental Law of Hungary'.
- *9 July 2021* – the President of the Curia hands the Amicus Curiae award to Gianni Buquicchio, the outgoing president of the Venice Commission.
- *16 September 2021* – a statue inauguration and formal scientific meeting is held in Dunaszerdahely on the 150th anniversary of the birth of Károly Szladits. The Curia is represented by vice-president dr. Katalin Böszörményiné Kovács.
- *30 September 2021* – the leadership of the Curia meets the delegation of the LIBE Committee of the European Parliament.
- *20 October 2021* – dr. András Zs. Varga holds a lecture at the conference organised by the MTA-ELTE Legal History Research Group.
- *26 October 2021* – the President of the Curia reports to the Committee on Justice of the National Assembly.
- *27 October 2021* – dr. András Zs. Varga gives a speech of thanks at the closing of the joint trainee program of the Curia and the graduate schools of the legal faculties.
- *8 November 2021* – the President of the Curia gives his inauguration lecture titled "The rational design of the world as a basis of legal and social order" at the session of the Szent István Academy of Sciences.
- *10 November 2021* – Full Bench of the Curia.

- *11 November 2021* – dr. András Zs. Varga, the President of the Curia meets EU Justice Commissioner Didier Reynders.
- *12 November 2021* – the President of the Curia gives a lecture titled “*Cases and challenges*” at the conference “*Case law of the European Court of Human Rights in the practice of Hungarian courts*”.
- *25 November 2021* – dr. András Zs. Varga places a wreath on the memorial day of the Soviet-deported Hungarian political prisoners and forced labourers.
- *27 November 2021* – the President of the Curia gives a speech on Hungarian Lawyer’s Day 2020 and 2021.
- *6 December 2021* – the Curia participates in a round table discussion on integrity.
- *14 December 2021* – dr. András Zs. Varga is elected Vice President of the Sub-Commission on Constitutional Justice of the Venice Commission again.
- *14 December 2021* – the National Assembly accepts the report of the President of the Curia on the activities of the Curia in connection with ensuring the uniform application of law and the review of municipal decrees in 2020 with a majority support of 95.6%.



Important press and communication events in 2021

- dr. András Zs. Varga gave interviews to various press organs in 2021.

More important interviews:

- *11 January 2021* – the Curia wishes to carry on the professional dialogue on constitutionality with the Constitutional Court, said dr. András Zs. Varga to Inforádió in his first interview since taking office.
- *14 January 2021* – “it is our responsibility to keep to our traditions, build on our achievements and perform our tasks in accordance with the Fundamental Law of Hungary and other legislation, to the best of our abilities”, said the President of the Curia in his interview given to *Magyar Nemzet*.
- *14 January 2021* – independence is one of the cornerstones of being a judge, said dr. András Zs. Varga in his interview given to Kossuth Rádió.
- *18 January 2021* – the Curia is not an abstract entity, a building or an administrative body, but the judges who work here, said the President of the Curia in his interview given to *Index*.
- *19 January 2021*. – “the Curia was always one of the bastions of the Hungarian state and of Hungarian constitutionality” said dr. András Zs. Varga in his interview given to *Mandiner*.
- *21 January 2021* – “the allocation of cases to judges shall be objective, impersonal and transparent” said dr. András Zs. Varga in his interview given to *168 óra*.
- *8 February 2021* – “the Curia has immense experience and deep collective wisdom” said dr. András Zs. Varga in his interview given to *Pesti Úgyvéd*
- *28 September 2021* – dr. András Zs. Varga, the President of the Curia is the guest of the *Kerengő* show of Katolikus Rádió.
- *26 October 2021* – dr. András Zs. Varga, the President of the Curia is the guest of the *Aréna* show of InfoRádió.

Participation in international or internationally organised events

- *29 January 2021* – dr. Péter Darák, head of panel of the Administrative Chamber of the Curia and dr. Csilla Heinemann, judge of the Administrative Chamber of the Curia attends the second webinar of the International Association of Tax Judges (IATJ).
- *12 February 2021* – dr. Marianna Dzsula, judge of the Civil Chamber of the Curia and dr. Gábor Somogyi, head of panel of the Criminal Chamber of the Curia, attends the online seminar of the Superior Courts Network (SCN) against hate speech.
- *23 February 2021* – dr. András Osztovits, judge of the Civil Chamber of the Curia, attends the webinar of the European Law Institute (ELI) on the European Product Liability Directive.
- *8–9 March 2021* – dr. Csilla Heinemann, judge of the Administrative Chamber of the Curia, attends the online training of the European Judicial Training Network on tax law.
- *10–11 March 2021* – dr. András Patyi, vice-president in charge of tasks related to uniform jurisprudence and dr. Péter Darák, head of panel of the Administrative Chamber of the Curia, attends the video conference of the Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union (ACA-Europe) on the harmonisation of documents of administrative law.
- *15 March 2021* – dr. Péter Darák, head of panel of the Administrative Chamber of the Curia, attends the online board meeting of the International Association of Tax Judges (IATJ).
- *19 March 2021* – dr. Marianna Dzsula, judge of the Civil Chamber of the Curia, attends the online meeting of the Association of European Competition Law Judges (AECLJ)



- *22 March 2021* – dr. Gábor Somogyi, head of panel of the Criminal Chamber of the Curia, attends the online seminar of the Superior Courts Network (SCN) on humane punishment, life imprisonment and the right to hope.
- *23 March 2021* – dr. Katalin dr. Simonné Gombos, head of panel of the Civil Chamber of the Curia, attends the webinar of the European Law Institute on vaccination against Coronavirus.
- *26 and 29 March 2021* – dr. Ildikó Figula and dr. Árpád Kiss, judges of the Administrative Chamber of the Curia, attend the webinar of the European Commission on the anonymisation of court decisions.
- *9 April 2021* – dr. Péter Darák, head of panel of the Administrative Chamber of the Curia, and dr. Csilla Heinemann, judge of the Administrative Chamber of the Curia, attends the third webinar of the International Association of Tax Judges (IATJ).
- *22 April 2021* – dr. Gábor Somogyi, head of panel of the Criminal Chamber of the Curia, attends the online seminar of the Superior Courts Network (SCN) on border crossing and the right to freedom.
- *23 April 2021* – dr. András Zs. Varga, the President of the Curia participates in the online assembly of the Network of the Presidents of the Supreme Judicial Courts of the European Union.
- *26–27 April 2021* – dr. Judit Salamonné Piltz, judge of the Civil Chamber of the Curia and dr. Ildikó Figula, judge of the Administrative Chamber of the Curia, participate in the online conference on people-centred e-justice.
- *29 April 2021* – dr. Péter Darák, head of panel of the Administrative Chamber of the Curia, attends the webinar of the European Law Institute (ELI) on the application of artificial intelligence.





- *19 May 2021* – dr. Márta Ábrahám, judge attached to the Curia, attends the webinar on human trafficking.
- *20 May 2021* – dr. Szabolcs Hornyák, judge of the Criminal Chamber of the Curia, attends the online seminar of the Supreme Courts Network (SCN) on detention during pandemic.
- *27 May 2021* – dr. Judit Gyarmathy, Secretary-General of the Curia, attends the webinar of the International Association of Supreme Administrative Jurisdictions (IASAJ), the World Bank and the French Council of State on the functioning of the supreme courts of Arab countries during the Coronavirus pandemic.
- *31 May 2021* – dr. András Zs. Varga, the President of the Curia and dr. András Patyi, vice-president responsible for uniformity participates in the online assembly and colloquium of the Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union (ACA-Europe).
- *31 May 2021* – dr. Márta Ábrahám, judge attached to the Curia, attends the online international conference of the University of Miskolc on criminal law.
- *1 June 2021* – dr. András Zs. Varga, the President of the Curia and dr. Katalin dr. Simonné Gombos, head of panel of the Civil Chamber of the Curia, dr. András Osztovits, judge of the Civil Chamber of the Curia and dr. Tamás Horváth, judge of the Administrative Chamber of the Curia attend the 10-year anniversary webinar of the European Law Institute (ELI).
- *8 June 2021* – dr. András Osztovits, judge of the Civil Chamber of the Curia attends the webinar of the European Law Institute (ELI) on online platforms.

- *11 June 2021* – dr. Lipót Höltszl, head of the International, Research and Documentation Department of the Curia, attends the fourth forum of the Superior Courts Network (SCN) online.
- *21 June 2021* – dr. Bálint Berkes, deputy head of the International, Research and Documentation Department of the Curia, attends the online meeting of contact persons of the Judicial Network of the European Union.
- *22 June 2021* – dr. Szabolcs Hornyák, judge of the Criminal Chamber of the Curia, attends the webinar of the European Law Institute on jurisdictional conflicts in criminal law.
- *24 June 2021* – dr. Ildikó Gyurán, judge of the Administrative Chamber of the Curia, attends the online seminar of the Superior Courts Network (SCN) on police forces and state of national crisis.
- *1 July 2021* – dr. Csilla Heinemann, judge of the Administrative Chamber of the Curia attends the webinar of the European Law Institute (ELI) on tax incentives for R&D.
- *1–2 July 2021* – dr. Márta Ábrahám, judge attached to the Curia, attends the online conference of the HELP Network of the Council of Europe.
- *14 July 2021* – dr. András Zs. Varga, the President of the Curia participates on the online opening of the seventh Global Forum for Combating Anti-Semitism.
- *20 July 2021* – dr. Katalin Böszörményiné Kovács, vice-president of the Curia, attends the webinar of the European Law Institute (ELI) on the European model code for civil procedures.
- *6–8 September 2021* – dr. András Patyi, vice-president responsible for uniformity, dr. Árpád Orosz, head of the Civil Chamber of the Curia, dr. Katalin dr. Simonné Gombos, head of panel of the Civil Chamber of the Curia, dr. Péter Darák, head of panel of the Administrative Chamber of the Curia, dr. Marianna Dzsula, judge of the Civil Chamber of the Curia,



dr. Márta Ábrahám, judge attached to the Curia, dr. Andrea Csóke, judge of the Civil Chamber of the Curia, dr. Fruzsina Bögös, judge of the Administrative Chamber of the Curia, dr. Szabolcs Hornyák, judge of the Criminal Chamber of the Curia, dr. Szilvia Gölley, member of the Coordination, Personnel and Education Department of the Curia, and László Czibulka, deputy head of the IT Department of the Curia, attends the annual conference of the European Law Institute (ELI).

- *8 September 2021* – dr. Péter Darák, head of panel of the Administrative Chamber of the Curia, attends the online board meeting of the International Association of Tax Judges (IATJ).
- *10–11 September 2021* – dr. András Zs. Varga, the President of the Curia attends the international conference and formal sitting of the European Court of Human Rights (ECHR) in Strasbourg.
- *16 September 2021* – dr. Katalin Böszörményiné Kovács, vice-president of the Curia attends the statue inauguration and formal scientific meeting in Dunaszerdahely on the 150th anniversary of the birth of Károly Szladits.
- *24 September 2021* – dr. Marianna Dzsula, judge of the Civil Chamber of the Curia, attends the online conference of the Association of European Competition Law Judges (AECLJ).
- *3–5 October 2021* – dr. András Patyi, vice-president responsible for uniformity attends the conference of the Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union (ACA-Europe) in Fiesole.
- *6–8 October 2021* – dr. Péter Darák, head of panel of the Administrative Chamber of the Curia, dr. Beáta Vitál-Eigner, acting head of panel of the Administrative Chamber of the Curia, and dr. Barnabás Hajas, judge of the Administrative Chamber of the Curia, attends the joint seminar of the German Federal Administrative Court and the Curia in Leipzig.



- *7 October 2021* – dr. András Pomeisl, chief advisor of the Judge Royal Werbőczy István Research Institute attends the online training of the Superior Courts Network (SCN)
- *11–13 October 2021* – dr. Csilla Heinemann, judge of the Administrative Chamber of the Curia attends the online training of European legal advisors organised by the Academy of European Law (ERA)
- *12 October 2021* – dr. Judit Gyarmathy, Secretary-General of the Curia, attends the digital forum of the ministers of justice organised by the European Commission.
- *13–15 October 2021* – dr. Judit Gyarmathy, Secretary-General of the Curia, attends the online conference of the International Competition Network.
- *15 October 2021* – dr. Márta Ábrahám, judge attached to the Curia, attends the webinar of the Superior Courts Network (SCN) on mass demonstration.
- *17–19 October 2021* – dr. András Zs. Varga, the President of the Curia and dr. Árpád Orosz, head of the Civil Chamber of the Curia, attend the Conference of Chief Justices of Central and Eastern Europe in Bled.
- *18 October 2021* – dr. Szabolcs Hornyák, judge of the Criminal Chamber of the Curia, attends an online symposium on human rights.
- *21 October 2021* – dr. András Zs. Varga, the President of the Curia attends the conference of the Network of the Presidents of the Supreme Judicial Courts of the European Union.
- *21 October 2021* – dr. Péter Darák, head of panel of the Administrative Chamber of the Curia, and dr. Csilla Heinemann, judge of the Administrative Chamber of the Curia, attend the 11th meeting and conference of the International Association of Tax Judges (IATJ).
- *27–29 October 2021* – dr. András Zs. Varga, the President of the Curia, dr. András Patyi, vice-president responsible for uniformity, and dr. Lilla Berkes, director of the Judge Royal Werbőczy István Research Institute visit the Polish Supreme Court in Warsaw at the invitation of Małgorzata Manowska, President of the Polish Supreme Court.
- *3–5 November 2021* – dr. Árpád Orosz, head of the Civil Chamber of the Curia attends the online plenary meeting of the Consultative Council of European Judges (CCEJ).
- *4 November 2021* – dr. Márta Ábrahám, judge attached to the Curia, attends the online conference of the European Economic and Social Committee (EESC) on fundamental rights and the rule of law.
- *11 November 2021* – dr. Fruzsina Bögös, judge of the Administrative Chamber of the Curia, attends the webinar of the European Law Institute (ELI) titled “Climate Justice”
- *12 November 2021* – dr. Gábor Remes, judge of the Administrative Chamber of the Curia attends, the online meeting of the Association of European Competition Law Judges (AECLJ).
- *12 November 2021* – dr. András Zs. Varga, the President of the Curia attends an international conference titled “Case law of the European Court of Human Rights in the practice of Hungarian courts” in Budapest.

- *15–20 November 2021* – dr. Gábor Somogyi, head of panel of the Criminal Chamber of the Curia, attends an online world conference on children’s rights.
- *18 November 2021* – dr. Márta Ábrahám, judge attached to the Curia, attends the third webinar of the European Commission on artificial intelligence in the administration of justice.
- *18–19 November 2021* – dr. Ildikó Figula, judge of the Administrative Chamber of the Curia, attends the online conference of the Budapest Eurasia Forum.
- *19 November 2021* – dr. Gábor Remes, judge of the Administrative Chamber of the Curia, attends the joint online conference of the Association of European Competition Law Judges (AECLJ).
- *25 November 2021* – dr. Péter Darák, head of panel of the Administrative Chamber of the Curia, attends the online webinar of the European Law Institute (ELI) on artificial intelligence.
- *7 December 2021* – dr. Judit Salamonné Piltz, judge of the Civil Chamber of the Curia attends the webinar of the European Law Institute (ELI) on “the protection of adults in international situations”.
- *9–10 December 2021* – dr. Judit Gyarmathy, Secretary-General of the Curia, attends the joint international online conference of the European Judges for Democracy and Freedom (MEDEL) and the Portuguese Catholic University on the rule of law.
- *9–10 December 2021* – dr. Ildikó Figula, judge of the Administrative Chamber of the Curia, attends the international online conference of the Academy of European Law (ERA) on data protection in the administration of justice.

Other international events

- *19 February 2021* – his excellence Massimo Rustico, ambassador of the Italian Republic to Hungary, visits dr. András Zs. Varga, the President of the Curia.
- *24 February 2021* – Ruzs Harry Alex, Ambassador at the Permanent representation of Hungary to the Council of Europe visits the President of the Curia.
- *26 April 2021* – representatives of the European Commission consult dr. András Zs. Varga, the President of the Curia, and other Curia leaders in connection with the 2021 Rule of Law Report.
- *19 May 2021* – foreign trainee and junior judges visit the Curia virtually during the e-AIAKOS exchange program of the European Training Network (EJTN).
- *20 May 2021* – the Venice Commission consults dr. András Zs. Varga, the President of the Curia and other Curia leaders online.
- *28 May 2021* – Ilan Wurman, visiting lecturer from Arizona meets dr. András Zs. Varga, the President of the Curia.
- *1 June 2021* – video conference of dr. András Zs. Varga, the President of the Curia and Prof. Dr. Dr. h. c. Klaus Rennert, President of the German Federal Administrative Court.
- *7 June 2021* – his excellence Park Chul-Min, ambassador of the Republic of Korea to Hungary, visits dr. András Zs. Varga, the President of the Curia.
- *9 September 2021* – the delegation of the Venice Commission visits the Curia online.
- *20 September 2021* – foreign EJTN judges visit the Curia.
- *30 September 2021* – the delegation of the LIBE Commission of the European Parliament visits the Curia.
- *30 September 2021* – a delegation of Spanish judges visits the Curia.
- *4 October 2021* – Lithuanian administrative judges visit the Curia.
- *8 October 2021* – Greek judge Eleftheria Kontsa visits the Curia.
- *17 October 2021* – the breakfast meeting of Małgorzata Manowska, President of the Polish Supreme Court, dr. András Zs. Varga, the President of the Curia, and their delegations
- *18–29 October 2021* – Prof. Dr. Zdenek Kühn, Czech judge visits the Curia during the exchange program of ACA-Europe.
- *21 October 2021* – Prof. Dr. Herbert Küpper, director of the Institut für Ostrecht München visits the Curia.
- *2 November 2021* – the delegation of the Romanian Ministry for Development, Public Works and Administration visits the Curia.
- *11 November 2021* – EU Justice Commissioner Didier Reynders visits the Curia.
- *17 November 2021* – UN Special Rapporteur Irene Khan visits the Curia.
- *26 November 2021* – students of the Károli Gáspár University of the Reformed Church in Hungary visit the Curia.
- *29 November 2021* – April Farris, Texas judge visits the Curia.

