

**Welcome address by
Chief Justice Prof. András Zs. VARGA, the President of the Curia of Hungary
on the occasion of a working breakfast on 2 March 2023**

Most Honourable Excellencies, dear Guests, Ladies and Gentlemen,

It is my utmost pleasure and privilege to greet you at this working breakfast organised by the Curia of Hungary, which primarily aims at creating a platform to provide a better understanding of the functioning and competencies of the Hungarian supreme judicial body. I thank you for accepting my invitation to participate in our event today.

On 19 June 2023, we will celebrate the 300th anniversary of the ratification of two acts of law by King Charles III (from the Habsburg dynasty) which provided new judgeship positions for the Curia's Table of Seven, and obliged the judges thereof to be present every three days and to deliver judgments "in an assembled format for the convenience of the litigants" and ordered that the judges of the Curia's Royal Table should be present "continually", except on holidays and during judicial vacations, and that they should administer law and justice to the litigants. The Curia's aforementioned two tables began their continuous work in May 1724 in Pest. Until then – since at least the 12th century the Curia had no permanent seat and did not proceed regularly, but occasionally. Since then the Curia worked continuously until 1850 and again from 1861.

Pursuant to the Fundamental Law of Hungary, which entered into force on 1 of January 2012, Hungary's supreme judicial forum is the same court, the Curia of Hungary. The year 2023 provides an excellent opportunity to look back at the most important landmarks of the Hungarian justice system, to revive the traditions and historical memories of the country's supreme judicial forum and to pay tribute to the Curia judges of the past centuries.

The Curia has undergone many changes since the democratic transformation of the political system in the 1990s in order to finally fulfil its most important function, namely ensuring the uniform application of law. Honourable Excellencies, you could get information about the Hungarian justice system from the slides just presented. Today, the Curia is a court which, in addition to exercising the classic power of review, is at the apex of the ordinary court system and is also responsible for first, second and third instance proceedings. However, from a public law point of view, its greatest importance lies in the fact that it is not only one of the courts of general jurisdiction, adjudicating civil, economic, labour, criminal and administrative cases, but also has constitutional functions to ensure the uniform application of law.

The Curia as the supreme court, has the exclusive mediating role between the other three superior courts (the Constitutional Court, the Court of Justice of the European Union and the European Court of Human Rights) and the courts of general jurisdiction. In this role, it must balance external judicial influences while at the same time serving as an internal benchmark for the other courts. The limited precedent effect of the judgments of the Curia what is a quite new element in our jurisdiction and the introduction of the uniformity complaint procedure as a guarantee are the means of achieving this.

Most Honourable Excellencies, since the jurisprudence-uniforming activity of the Curia is of utmost importance, let me call your attention to the two most significant means of ensuring the uniform application of law by the Curia, namely the uniformity procedure and the uniformity complaint procedure.

In order to provide more information about these instruments related to the uniform application of law, I would like to ask my colleague, Vice-President Prof. Dr. András Patyi, to briefly describe them in more detail after my welcome address.

One of the challenges facing the Curia today relates to the judicial reform in the context of the milestones negotiated between the Hungarian Government and the European Commission.

Concerning Hungary's compliance with a number of recommendations from the Venice Commission and the European Commission to adjust our judicial system to the applicable rule-of-law requirements, I would like to inform you about the following developments. In January 2023, the Ministry of Justice elaborated a draft legislation which was then sent to the relevant stakeholders, including to the Curia of Hungary for obtaining their opinion. All the judges of the Curia were given the opportunity to express their views on the proposed judicial reform.

The majority of the proposals have not been welcomed, given the many problems expressed by the judges. For example, the proposed role, functions and powers of the National Judicial Council do not meet European standards elaborated in details by the Venice Commission. It should be noted here that the Hungarian judicial system belongs to that legal family in which it is not customary to establish such a body. It should be also mentioned that where such a body has been established in Europe, it is constantly being changed, and no truly functional model of this judicial administrative body has been developed. This happened also in Hungary in the last 25 years. Hence, this model cannot be considered as the ideal one to be implemented for the administration of the courts. The National Judicial Council has a large number of members coming from local courts who, in spite of their lack of experience at a supreme level, interfere with the Curia's management matters, which is also unprecedented in Europe.

As regards the reform in general, the Curia is not in a position to oppose the milestones set by the Hungarian Government and the European Commission, thus we accept them and we will act according to them as soon as the National Assembly enacts them.

On the other hand, we have no objections regarding the new regulations on the functioning of the Curia. The reason of our consent is that we already operate according to the letter and spirit of these proposed rules. Not only in general but also in details. The traditions of the Curia wouldn't allow anything else. Just for example: one of our traditional principles is that '*the Curia has a president, and not the president has a Curia*'. Thus there is nothing new for us, even if we are not very happy facing the distrust on the part of some other political, civil or even judicial institutions.

Finally, I must say that we do not feel ourselves very comfortable in the middle of the political arena. The essence of separation of powers and of rule of law would be to protect the courts from politicization and that the courts should not have to react to political provocations.

Your Excellencies,

Thank you very much again for your kind attention and let me give the floor to my colleague, who will inform you about the most important instruments of securing the uniform application of law in Hungary.