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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

HUNGARY

**ACT
ON ADMINISTRATIVE COURTS**

AND

**ACT
ON THE ENTRY INTO FORCE
OF THE ACT ON ADMINISTRATIVE COURTS
AND CERTAIN TRANSITIONAL RULES***

**Translation provided by the Hungarian authorities*

Act ... of 2018 on administrative courts

The National Assembly
following the principle of the State serving its citizens as expressed in the National Avowal of the Fundamental Law,
acknowledging that the purpose of administrative judiciary is to ensure the rule of law with respect to acts of public administration,
with the full realisation of judicial independence as the fundamental guarantee of the rule of law and the unity of judicial practice in mind,
for the purpose of establishing the modern organisational and staff conditions for an independent administrative judiciary,
desiring the extension of the efficiency of court administration that serves independent judicial activity, having regard to the achievements of the historic constitution of our country in relation to the judiciary as well as the traditions of Hungarian legal history, seven decades after eliminating, in the year 1949, the Administrative Court,
for the purpose of implementing the Fundamental Law, in accordance with the provisions on the administrative judiciary in Article 25 to 28 of the Fundamental Law, adopts the following Act:

PART ONE

THE ORGANISATION OF ADMINISTRATIVE COURTS

CHAPTER I

FUNDAMENTAL PROVISIONS

1. General rules on the organisation of administrative courts

Section 1 (1) The administrative courts shall be the Supreme Administrative Court and the regional administrative courts.

(2) The presidents of the regional administrative courts shall cooperate with the President of the Supreme Administrative Court in the interest of the implementation of the aims of this Act.

(3) The administrative courts shall proceed in and decide on administrative disputes and other matters referred to the material jurisdiction of administrative courts in an Act. As the supreme organ of the organisation of administrative courts, the Supreme Administrative Court shall act in matters falling within its material jurisdiction throughout Hungary.

(4) The Supreme Administrative Court and the regional administrative courts shall be autonomous legal persons.

(5) The budget of administrative courts shall form a separate heading in the structure of the central budget; within this heading, the Supreme Administrative Court shall form a separate title.

Section 2 The seat of the Supreme Administrative Court shall be in Esztergom.

Section 3 In matters falling within their material jurisdiction, regional administrative courts shall have territorial jurisdiction as specified in Annex 1.

Section 4 At the administrative court, a judge appointed for a definite term shall not act as a sole judge for a period of one year following his appointment, and a junior judge shall not act within the powers of a judge.

CHAPTER II

THE ORGANISATION OF THE INDIVIDUAL ADMINISTRATIVE COURTS

2. The regional administrative court

Section 5 (1) The regional administrative court shall be headed and represented by its president.

(2) In matters falling within its material jurisdiction, the regional administrative court shall proceed as a court of first instance.

Section 6 (1) The office organisation of the regional administrative court shall be headed by the court registrar.

(2) The judicial bodies of the regional administrative court shall be the following:

- a) the all-judges conference, and
- b) the administrative judicial council.

(3) Adjudicating panels shall operate at the regional administrative court.

(4) A single administrative division shall operate at the regional administrative courts; however, an administrative division for general affairs and an administrative division for financial affairs shall operate at the Budapest-Capital Regional Administrative Court. The division heads of the administrative divisions of the Supreme Administrative Court shall take part in the sitting of the administrative division of the regional administrative court as guests.

(5) In order to support professional work, after seeking the opinion of the President of the Supreme Administrative Court, the president of the regional administrative court may establish, in the organisational and operational regulations of the regional administrative court, classes in the specialised fields.

Section 7 (1) The all-judges conference of the regional administrative court shall be a body consisting of the administrative judges assigned to the regional administrative court.

(2) The all-judges conference shall be convened at least once a year by the president of the regional administrative court. The all-judges conference shall be convened within fifteen days for a date within thirty days if

- a) at least one third of the administrative judges,
- b) the administrative judicial council, or
- c) the President of the Supreme Administrative Court initiates it.

(3) The all-judges conference shall have a quorum if more than half of the administrative judges are present. If the all-judges conference has no quorum, it shall be reconvened for a date not later than within fifteen days. The reconvened all-judges conference shall have a quorum, irrespective of the number of administrative judges attending it.

(4) The all-judges conference shall adopt its decisions by secret ballot majority vote. The votes to be cast may only be a yes or no. In the event of a tied vote, the proposal shall be considered rejected. The all-judges conference may decide, by secret ballot, on deciding by open ballot in a specific question on the respective occasion. On issues regarding procedural rules, in the absence of a motion to the contrary supported by at least one quarter of the members of the all-judges conference, it shall decide by open ballot.

Section 8 (1) The all-judges conference shall elect the members of the administrative judicial council from among its members for six years. The administrative judicial council shall consist of five members.

(2) If the mandate of a member of the administrative judicial council terminates, a new member shall be elected within ninety days.

(3) The administrative judicial council shall elect its president and vice president from among its members.

(4) If the administrative judicial council acts as a personnel council, it shall be supplemented by two judges of the Supreme Administrative Court appointed by the President of the Supreme Administrative Court, who shall enjoy the same rights and shall be bound by the same obligations as other members during the performance of these duties of the administrative judicial council. If the administrative judicial council acts as an administration council, it shall be supplemented by the president of the regional administrative court, who shall enjoy the same rights and shall be bound by the same obligations as other members during the performance of these duties.

(5) The following persons shall not be eligible for election as members of the administrative judicial council:

- a) the president, secondary president and court registrar of the regional administrative court,
- b) a person who is subject to a disciplinary punishment,
- c) a person against whom disciplinary proceedings are pending,
- d) a person who is subject to criminal proceedings, with the exception of proceedings instituted by private prosecution or substitute private prosecution,
- e) a person against whom proceedings are pending to establish his unsuitability.

(6) Membership of the administrative judicial council shall terminate

- a) upon the termination of the administrative judge's service relationship,
- b) upon his resignation of membership,
- c) if a reason for exclusion listed in paragraph (5) a) or b) occurred subsequently,
- d) upon the expiry of the term of office, and
- e) upon the termination of the member's assignment to the relevant regional administrative court.

(7) Membership of the administrative judicial council shall be suspended if a reason for exclusion listed in paragraph (5) c), d) or e) occurred subsequently. During the period of suspension, the rights resulting from membership of the administrative judicial council may not be exercised. The member under suspension shall not be taken into account when calculating the quorum.

Section 9 (1) The administrative judicial council shall hold at least four sittings a year; the sittings shall be convened by the president of the council. The administrative judicial council shall be convened within fifteen days for a date within thirty days upon a written motion from more than half of the members.

(2) The sittings of the administrative judicial council shall be open to the judges of the regional administrative court; when delivering its opinion on personnel affairs, the administrative judicial council shall hold its sitting *in camera*. Only the members of the council may attend an *in-camera* sitting.

(3) The president of the regional administrative court and the President of the Supreme Administrative Court may take part, in a consultative capacity, in the sittings of the administrative judicial council as permanent guests, in person or by way of their proxy.

(4) If an item on the agenda affects a member of the administrative judicial council or a permanent guest, the affected person may not participate in the discussion of that item.

(5) The administrative judicial council shall have a quorum if more than two thirds of the members are present at the sitting. If the administrative judicial council has no quorum, it shall be reconvened for a date not later than within fifteen days. The reconvened sitting of the administrative judicial council shall have a quorum if more than half of the members are present at the sitting.

(6) The administrative judicial council shall adopt its decisions by majority vote. The votes to be cast may only be a yes or no; in the event of a tied vote, the vote of the president of the administrative judicial council shall be decisive. If a vote is held by secret ballot or if the president of the administrative judicial council does not attend the sitting then, in the event of a tied vote, the proposal shall be considered rejected.

(7) If the administrative judicial council is proceeding in a personnel case, it shall adopt decisions by secret ballot; in all other cases it shall adopt decisions by open ballot.

Section 10 (1) The administrative judges assigned to the relevant specialised field shall be members of the administrative division.

(2) In the interest of ensuring the uniformity of jurisprudence, the administrative division shall monitor the jurisprudence of regional administrative courts

3. The Supreme Administrative Court

Section 11 (1) The Supreme Administrative Court shall rule on the applications for procedural remedy submitted against the decisions of the regional administrative court; it shall proceed as the only instance in the matters determined in an Act and it shall exercise a competence of norm control as well as proceed in other matters referred to its material jurisdiction in an Act.

(2) The Supreme Administrative Court shall be headed and represented by the President.

(3) The office organisation of the Supreme Administrative Court shall be headed by the court registrar.

(4) The judicial bodies of the Supreme Administrative Court shall be the following:

- a) the plenary session, and
- b) the administrative judicial council.

(5) Adjudicating panels, chambers for local government affairs and administrative divisions shall operate, and uniformity chambers under section 16 and administrative jurisprudence analysis groups according to section 24 may be set up at the Supreme Administrative Court.

Section 12 The provisions on the all-judges conference of the regional administrative court shall apply accordingly to the plenary session of the Supreme Administrative Court.

Section 13 (1) An administrative division for fundamental rights, an administrative division for general affairs and an administrative division for financial affairs shall operate at the Supreme Administrative Court; the administrative judges assigned to the relevant specialised fields shall be members of the divisions. The division head of the administrative division of the regional administrative court shall take part in the sitting of the administrative division of the Supreme Administrative Court as a guest.

(2) The administrative division,

a) in the interest of ensuring the uniformity of jurisprudence, shall monitor the jurisprudence of administrative courts,

b) at the request of the head of the jurisprudence analysis group, shall contribute to the work of jurisprudence analysis.

(3) Having regard to the case assignment plan, the President of the Supreme Administrative Court may establish, in the organisational and operational regulations of the Supreme Administrative Court, classes in the specialised fields within the administrative divisions.

Section 14 The provisions on the administrative judicial council of the regional administrative court shall apply accordingly to the administrative judicial council of the Supreme Administrative Court; subject to the following:

a) the administrative judicial council shall consist of seven members,

b) the personnel council and the administration council shall be supplemented by the President of the Supreme Administrative Court, and

c) section 9 (3) shall not apply.

4. The chamber for local government affairs of the Supreme Administrative Court

Section 15 (1) The chamber for local government affairs shall decide at the Supreme Administrative Court in proceedings for conflicts of local government decrees with other laws and for establishing the failure of a local government to meet its obligation, based on an Act, to legislate.

(2) The proceeding chamber for local government affairs shall consist of three administrative judges.

CHAPTER III

THE ACTIVITY OF THE SUPREME ADMINISTRATIVE COURT FOR ENSURING THE UNIFORMITY OF JURISPRUDENCE

Section 16 (1) A uniformity chamber may be set up at the Supreme Administrative Court for the purpose of ensuring the uniformity of the application of law; the uniformity chamber shall be chaired by the President or the secondary president of the Supreme Administrative Court. The uniformity chamber shall perform its activities by allocating tasks according to the administrative divisions.

(2) The uniformity chamber shall consist of the chair and a further four members to be selected by the chair. If the decision to be made in the uniformity procedure falls within the specialist area of a uniformity chamber encompassing more than one specialised field, the chair shall designate the uniformity chamber by selecting its members in equal proportion from among the judges acting in the relevant specialised fields. This uniformity chamber shall consist of the president and a further six members.

(3) With the exception of the case provided for in paragraph (4), the person who submitted a uniformity motion may not be the chair of the uniformity chamber in the procedure launched on the basis of his motion.

(4) If, in a point of law, an adjudicating panel intends to deviate from a decision adopted by another adjudicating panel of the Supreme Administrative Court, the members of the uniformity chamber shall be selected by ensuring that the members of the panel initiating the uniformity procedure do not form a majority in the chamber.

(5) The relevant administrative division of the Supreme Administrative Court or, if the motion affects more than one administrative division, the joint session of the affected administrative divisions shall proceed as a uniformity chamber, provided that the purpose of the uniformity procedure is

a) to modify or set aside a uniformity decision adopted earlier in administrative matters, or
b) to decide on a question of principle that is necessary for the development of jurisprudence.

(6) The uniformity chamber shall have a quorum if all of the members are present and it shall adopt its decisions by majority vote. In the event of a tied vote, the proposal shall be considered rejected. If the administrative division proceeds as a uniformity chamber, it shall have a quorum if more than two thirds of the members are present at the sitting, and its decisions shall require the votes of at least two thirds of the members present. The votes to be cast may only be a yes or no. In the event of a tied vote, the proposal shall be considered rejected.

Section 17 (1) A uniformity procedure may be instituted if

a) it is necessary on a question of principle to adopt a uniformity decision or to modify or set aside a uniformity decision adopted earlier in administrative matters for the development of jurisprudence or to ensure the uniformity of jurisprudence, or

b) an adjudicating panel of the Supreme Administrative Court intends to deviate, in a point of law, from the decision of another adjudicating panel of the Supreme Administrative Court.

(2) In the event referred to in paragraph (1) *b)*, the adjudicating panel shall initiate a uniformity procedure and shall suspend its proceedings until the adoption of a uniformity decision.

(3) A uniformity procedure shall be conducted upon a motion by

a) the President or secondary president of the Supreme Administrative Court, the division head of the administrative division or the president of a regional administrative court,

b) the panel chair of the panel of the Supreme Administrative Court in the case under paragraph (1) *b)*, or

c) the Prosecutor General.

(4) In a motion aimed at the adoption of a uniformity decision, the proposer shall state on what issues and for what reasons he seeks the adoption of a decision by the uniformity chamber; in the case referred to in paragraph (1) *b)*, the proposer shall make a proposal for a decision on the point of law in question. The anonymised copy of the court decisions affected by the motion shall be attached to the motion.

(5) The uniformity chamber shall decide on the motion according to paragraph (1) *b)* not later than within ninety days of the submission of the motion.

Section 18 (1) The chair of the uniformity chamber shall prepare the uniformity procedure; in the course of the preparation, he shall designate not more than two judge rapporteurs from the uniformity chamber and may seek opinions in connection with the motion.

(2) The chair of the uniformity chamber shall send the motion aimed at the adoption of a uniformity decision, together with an official copy of the court decision affected by the uniformity motion, to

a) the Prosecutor General, unless the motion has been submitted by the Prosecutor General, and

b) the legislature adopting the law affected by the motion and, in the case of an Act, to the initiator of the Act.

(3) If the parties referred to in paragraph (2) intend to inform the uniformity chamber of their position, they shall send their statements made concerning the uniformity motion within fifteen days of serving the motion.

(4) Based on the motion, the chair of the uniformity chamber shall schedule, within fifteen days of submitting the motion, for a date within forty-five days, the date of the sitting, of which he shall notify the members of the uniformity chamber and those entitled to attend on the basis of this Act. The sitting of the uniformity chamber shall not be public; it may be attended, in addition to the members of the uniformity chamber, only by the proposer, the Prosecutor General and guests invited on a case-by-case basis. If unable to attend, the Prosecutor General shall be deputised at the sitting of the uniformity chamber by a prosecutor appointed by him. The proposer or the member of the uniformity chamber may propose guests to be invited on a case-by-case basis; the chair of the uniformity chamber shall decide on the invitation of such guests.

(5) If the party referred to in paragraph (2) *b)* delivers an opinion, he may request to be heard at the sitting in person or through his representative; such a request may only be rejected with the votes of the majority of the members of the uniformity chamber.

Section 19 (1) The sitting shall be conducted by the chair of the uniformity chamber; after opening the sitting, the chair of the uniformity chamber or the judge rapporteur shall summarise the uniformity motion and the essence of the question of principle to be decided. All participants shall be allowed to speak at the sitting and the proposer may modify or withdraw his motion until the adoption of the uniformity decision.

(2) After the contributions, the chair of the uniformity chamber shall close the sitting. The uniformity chamber shall subsequently adopt its decision, after deliberation, by casting votes; in addition to the chair and members of the uniformity chamber, only the keeper of the minutes may attend the deliberations and the voting.

(3) The chair of the uniformity chamber may adjourn the sitting for important reasons.

Section 20 (1) The chamber chair shall reject a motion originating from a person not entitled to make it.

(2) The uniformity chamber shall terminate the uniformity procedure if the motion is withdrawn and continuation of the procedure is otherwise not justified for any reason laid down in section 17 (1) a).

(3) With the exceptions laid down in paragraphs (1) and (2), the uniformity chamber shall adopt a uniformity decision or an order dispensing with the adoption of a decision. Within fifteen days of the sitting of the uniformity chamber, the chair of the uniformity chamber shall send the decision or the order to the proposer of the motion, as well as to the parties referred to in section 18 (2).

(4) If the chamber upholds the uniformity motion, the operative part of the decision shall contain guidance on the question of principle serving as the subject matter of, or closely related to, the uniformity procedure.

(5) The uniformity chamber shall not uphold the motion and it shall dispense with the adoption of a uniformity decision if there is no need for the adoption of a uniformity decision.

(6) The statement of reasons in the uniformity decision on the merits shall indicate the person of the proposer of the uniformity motion, the subject matter of the motion and the court decisions it affects. It shall state any differing opinions on the question of principle to be decided and if necessary, the essence of the facts of the case established in the court decisions affected by the motion; it shall render an account of the reasons for the guidance provided in the operative part if it upholds the motion, and shall give its reasons in the case of dispensing with the adoption of a decision.

(7) Unless otherwise provided by an Act, the uniformity decision shall not extend in its effect to the parties

Section 21 (1) The uniformity decision shall be published in the official gazette *Magyar Közlöny* and on the central website of administrative courts. The uniformity decision shall be binding upon the administrative courts from the date of its publication in the official gazette *Magyar Közlöny*.

(2) If the uniformity chamber sets aside the uniformity decision, the decision thereon shall be published in the official gazette *Magyar Közlöny*. The uniformity decision shall not be applicable from the date of publishing the decision setting it aside.

(3) The President of the Supreme Administrative Court shall arrange for the publication of the uniformity decision on the central website of administrative courts within three days of adopting the decision.

(4) If the President of the Supreme Administrative Court deems it justified, he may also initiate other ways of publishing the uniformity decision.

Section 22 In questions not regulated in this chapter, further rules on the uniformity procedure may be laid down in an Act.

Section 23 The case management regulations of the Supreme Administrative Court shall establish the case management provisions pertaining to the uniformity procedure; the provisions shall be published on the central website of administrative courts.

Section 24 (1) With the appropriate application of the rules of Act CLXI of 2011 on the organisation and administration of the courts (hereinafter “the Bszi.”), a jurisprudence analysis group may be set up at the Supreme Administrative Court.

(2) The Supreme Administrative Court shall publish the summarising opinion of the jurisprudence analysis group on the central website of administrative courts.

CHAPTER IV

THE NATIONAL ADMINISTRATIVE JUDICIAL COUNCIL

5. The duties of the National Administrative Judicial Council

Section 25 (1) The National Administrative Judicial Council (hereinafter “NAJC”) shall be the consultative, advisory and decision-making body of the administrative judges.

(2) The NAJC

a) shall monitor and discuss significant issues related to

aa) the general situation of the administrative judiciary,

ab) the situation of administrative judges and the judicial employees (the rules on their legal status, their remuneration, their duties and the practice and the rules on the administration of administrative courts),

b) shall deliver an opinion on any significant draft legislation affecting the administrative courts and initiate with the minister responsible for justice (hereinafter “the Minister”) the adoption of legal regulations in this field,

c) shall deliver an opinion on the draft heading of administrative courts in the central budget,

d) shall exercise his right of consent as laid down by this Act concerning the reallocation between headings and between appropriations within the headings affecting the heading of administrative courts in the central budget,

e) shall forward, after receiving the opinion of the administrative court’s personnel council, the applications for administrative judge and administrative court leader positions to the Minister in accordance with the provisions of this Act concerning the application procedure for administrative judges and administrative court leaders,

f) shall give an opinion or put forward a proposal to the Minister on the dismissal of an administrative court leader falling within the powers of appointment of the Minister,

g) shall deliver an opinion on the plan and programme on the training system for administrative judges, and on the plan and the programme of the single central training of junior judges and trainee judges of administrative courts (hereinafter together “training programme”),

h) may establish, in a regulation, an honorary title, prize, diploma or another recognition for the purpose of acknowledging activities of outstanding quality by administrative judges, on the administration of administrative courts, and by judicial employees as well as to acknowledge academic achievements related to the administrative judiciary.

(3) The seat of the NAJC shall be in Esztergom. The sittings of the NAJC shall be prepared by its secretariat operating at the Supreme Administrative Court.

6. The composition and the operation of the NAJC

Section 26 (1) The NAJC shall be a body comprising eleven members; it shall be presided over by the President of the Supreme Administrative Court, and the other ten members shall be elected for six years by the all-judges conferences as follows:

a) each of the all-judges conferences of the regional administrative courts shall elect one judge,

b) the plenary session of the Supreme Administrative Court shall elect two judges.

(2) If the mandate of a member of the NAJC terminates, a new member shall be elected within ninety days.

(3) A person who is not eligible for election as a member of an administrative judicial council shall not be eligible for election as a member of the NAJC.

(4) A member of the NAJC may be re-elected once.

(5) The Personnel Council of the NAJC shall act, according to this Act, in the competence referred to in section 25 (2) *e*).

Section 27 (1) The NAJC shall hold at least four sittings a year. In a consultative capacity,

a) the Minister or his proxy shall take part, and

b) the presidents of the regional administrative courts shall be entitled to take part in the sitting.

(2) The NAJC shall be convened by its president. The sitting of the NAJC shall be convened within fifteen days for a date within thirty days if at least one third of the members initiate it by indicating the topics to be discussed.

(3) The sitting of the NAJC shall be convened for a date within fifteen days of the date of the secretariat of the NAJC receiving the proposal to be discussed, if the sitting is convened due to exercising the competences referred to in section 25 (2) *c*) to *d*). If the NAJC, acting in its competence referred to in section 25 (2) *c*) to *d*), does not give an opinion within the time limit required by the Minister, the proposal shall be considered supported.

(4) The sitting of the NAJC shall have a quorum if more than two thirds of the members are present. If the sitting of the NAJC has no quorum, it shall be reconvened for a date not later than within fifteen days. The reconvened sitting of the NAJC shall have a quorum if more than half of the members are present at the sitting.

(5) The president of the NAJC shall invite to the sitting any person whose opinion is considered important by the president in the discussion of the relevant item on the agenda.

(6) The NAJC shall adopt its decisions by majority vote. The votes to be cast may only be a yes or no. In the event of a tied vote, the vote of the president of the NAJC shall be decisive. If a vote is held by secret ballot or if the president of the NAJC does not attend the sitting, in the event of a tied vote the proposal shall be considered rejected. If the NAJC is proceeding in a personnel case, it shall adopt decisions by secret ballot; in all other cases it shall adopt decisions by open ballot.

(7) The sitting of the NAJC shall be open to administrative judges, except when the NAJC orders a sitting to be held *in camera*. The *in camera* sitting may be attended only by the members of the NAJC and the guests.

Section 28 (1) The Personnel Council of the NAJC shall be presided over by the President of the Supreme Administrative Court and shall consist of eight members as follows:

a) the NAJC shall elect four members from among its own members,

b) four non-judge members shall be invited from among outstanding legal scholars or persons having at least ten years of professional experience in a field of law, one by each of the following:

ba) the Committee on Justice of the National Assembly,

bb) the Prosecutor General,

bc) the minister responsible for the organisation of public administration,

bd) the president of the Hungarian Bar Association;

the term of office of the members shall be three years.

(2) The NAJC shall elect the judge members of the Personnel Council of the NAJC within ninety days before the expiry of the term of office of the previous members. If the mandate of a judge member of the Personnel Council of the NAJC terminates for another reason, the new member shall be elected at the next sitting following the occurrence of the circumstance causing termination, but not later than within thirty days.

(3) The non-judge members of the Personnel Council of the NAJC shall be called upon by the person or organ referred to in paragraph (1) *b*) within ninety days before the expiry of the term of office of the previous member. If the mandate of the non-judge member of the Personnel Council of the NAJC terminates for another reason, the new member shall be called upon within thirty days of formally gaining knowledge of the circumstance causing termination.

(4) Members of the Personnel Council of the NAJC shall not be recalled and shall not be given instructions in respect of their activities as a member.

(5) The mandate of the judge member of the Personnel Council of the NAJC shall terminate:

- a*) upon the expiry of his term of office,
- b*) upon his death,
- c*) upon his resignation,
- d*) upon the termination of the judge's service relationship,
- e*) upon the occurrence of any circumstance in the event of which he would not be eligible for election as a member of the administrative judicial council.

(6) The mandate of the non-judge member of the Personnel council of the NAJC shall terminate:

- a*) upon the expiry of his term of office,
- b*) upon his death,
- c*) upon his resignation,
- d*) upon his appointment as a judge,
- e*) upon the occurrence of any circumstance in the event of which he would not be eligible for election as a member of the administrative judicial council.

(7) The sitting of the Personnel Council of the NAJC shall be convened for a date within fifteen days of the receipt by the Secretariat of the NAJC of the proposal to be discussed.

(8) The Personnel Council of the NAJC shall hold its sitting *in camera*; only its members may attend the sitting. If an item on the agenda affects a member, the affected member shall not participate in the discussion of that item.

(9) The Personnel Council of the NAJC shall have a quorum if the chair as well as three judge and three non-judge members are present. If it has no quorum, a new sitting shall be held within eight days, which shall have a quorum if the chair and at least four members are present.

(10) The personnel council of the NAJC shall adopt its decisions by secret ballot, with the votes of two-thirds of the members present. The votes to be cast may only be a yes or no, except for determining the application scores

PART TWO

THE ADMINISTRATION OF ADMINISTRATIVE COURTS

CHAPTER V

CERTAIN COMPETENCES OF COURT ADMINISTRATION

7. Special rules on the budget of administrative courts

Section 29 (1) According to the general and special provisions laid down in this Act and in the Act on public finances, with regard to the heading of administrative courts in the central budget, the Minister shall exercise the competences of the organ controlling the heading.

(2) The National Assembly shall be entitled to modify the total amount of the appropriation of the heading of administrative courts in the central budget during the year.

Section 30 (1) The Minister shall compile the proposal on the heading of administrative courts in the central budget and the report on the implementation of this heading of the central budget.

(2) For the purpose of compiling the budgetary proposal and report referred to in paragraph (1), the Minister shall request, setting a time limit of not less than forty-five days, the President of the Supreme Administrative Court to put forward a proposal on the detailed content of the heading of administrative courts in the central budget and of the report on the implementation of this heading of the central budget (hereinafter together “budgetary heading proposal”).

(3) The President of the Supreme Administrative Court shall put forward his budgetary heading proposal on the basis of the proposal made by the administrative court and by the NAJC on the budget and on the report on the implementation of the budget (hereinafter “individual budgetary proposal”).

(4) The administrative judicial council shall deliver an opinion on the individual budgetary proposal within the time limit of not less than fifteen days, set by the president of the administrative court. If the administrative judicial council does not give an opinion in due time, the individual budgetary proposal shall be considered supported.

(5) The NAJC shall deliver an opinion on the individual budgetary proposal within the time limit, of not less than fifteen days, set by the President of the Supreme Administrative Court. If the NAJC does not give an opinion in due time, the individual budgetary proposal shall be considered supported.

(6) If the President of the Supreme Administrative Court does not fulfil the request under paragraph (2) in due time, the Minister shall put forward a proposal on the heading of administrative courts in the central budget that is identical to the previous year’s heading of administrative courts in the central budget.

Section 31 (1) Setting a time limit, the Minister shall send the prepared budget and the report to the President of the Supreme Administrative Court and to the NAJC for delivering an opinion thereon.

(2) The Government shall submit to the National Assembly without modification the budget and the report prepared by the Minister according to section 30 after the opinions referred to in paragraph (1) have been delivered, as a part of the legislative proposal on the central budget and the legislative proposal on the implementation of the central budget; the opinions delivered by the President of the Supreme Administrative Court and by the NAJC shall also be sent at the same time.

(3) The Minister and the President of the Supreme Administrative Court shall participate as guests at the sitting of the National Assembly’s committee dealing with the budget when discussing the administrative courts’ heading of the legislative proposal on the central budget and of the legislative proposal on the implementation of the Act on the central budget.

Section 32 The Minister shall perform the duties specified in section 29 (1), with the proviso that, for forming a new chapter, article or item within the heading, for modifying or supplementing the title structure of the heading, and the chapters and articles within the title structure, and for reallocations between appropriations within the heading during the budget year,

- a) the consent of the President of the Supreme Administrative Court,
- b) if the reallocation does not affect the title of the Supreme Administrative Court, the consent of the NAJC shall be required.

Section 33 Regarding the heading of administrative courts in the central budget,

a) the Government and the minister responsible for public finances may not exercise the rights granted in section 33 (1) to (2) and (5) of Act CXCV of 2011 on public finances; the Minister shall be entitled to modify or supplement the title structure of the heading under section 32 in accordance with the provisions laid down therein,

b) obtaining the opinion of the NAJC and the consent of the President of the Supreme Administrative Court shall be required for the validity of the agreement according to section 33 (4) *b)* of Act CXCV of 2011 on public finances.

8. The organisational and operational regulations of the administrative court

Section 34 (1) The court registrar shall prepare the proposal on the organisational and operational regulations of the administrative court.

(2) The administrative judicial council shall deliver an opinion on the proposal under paragraph (1). The president shall provide justification if he deviates from the opinion of the administrative judicial council.

(3) The president of the administrative court shall issue the organisational and operational regulations of the administrative court, with the proviso that for regional administrative courts paragraphs (4) to (6) shall also apply.

(4) The president of the regional administrative court shall put forward the organisational and operational regulations to the Minister for approval, attaching the opinion delivered by the administrative judicial council.

(5) The Minister shall review, within not more than thirty days, the organisational and operational regulations of the regional administrative court. If they are not found to be contrary to the law, the Minister shall approve them and send his approval to the president of the regional administrative court without delay.

(6) If the organisational and operational regulations of the regional administrative court are found to be contrary to the law, the Minister shall notify the president of the regional administrative court without delay of the refusal of approval and the reasons for it; the president of the regional administrative court shall modify the challenged point of the organisational and operational regulations within thirty days.

9. Other regulations

Section 35 In matters specified by an Act, the president of the administrative court shall issue regulations for issues not regulated in the organisational and operational regulations.

10. The case assignment plan

Section 36 (1) The president of the administrative court shall determine, after obtaining the opinion of the administrative judicial council, the case assignment plan by no later than 1 December of the year preceding the subject year.

(2) The administrative judicial council shall deliver a preliminary opinion on the proposal of the president of the administrative court concerning the composition of the adjudicating panels and the case assignment plan. If the administrative judicial council holds that the composition of the adjudicating panels or the case assignment plan is against the law, and the president of the administrative court did not take this opinion into account, the administrative judicial council may turn to the disciplinary court within three days. The disciplinary court shall decide on the motion of the administrative judicial council within eight days of receiving it.

(3) If any unforeseen circumstance influencing the merits of the caseload distribution arises, the case assignment plan shall be reviewed within thirty days of the occurrence of the

circumstance, applying paragraph (1) as appropriate. If an administrative judge is assigned to the court after the case assignment plan is determined, the case assignment plan shall be supplemented accordingly.

(4) In the interest of the enforcement of the right to a lawful judge, the case assignment plan shall be prepared in a way that allows which panel is to proceed in a given administrative dispute or in another matter referred to the material jurisdiction of administrative courts in an Act and who is to replace it if it is prevented from proceeding to be ascertained in advance beyond doubt.

(5) In the course of the preparation and the annual review of the case assignment plan, account shall be taken in particular of the following:

- a) the significance and the labour intensity of the cases,
- b) the statistical data on the receipt of cases, establishing commensurate workloads,
- c) the requirement of the timeliness of the judiciary,
- d) the special expertise of individual administrative judges,
- e) the specialisation according to the subject matter of the case.

(6) The judges proceeding as the members of the chamber for local government affairs shall also be indicated in the case assignment plan of the Supreme Administrative Court.

(7) If the administrative judge holds that any administrative measure directly affecting him resulted in the violation of the case assignment plan, he may request, within thirty days of obtaining knowledge of the measure but not later than within ninety days of issuing the measure, the disciplinary court to establish the violation.

11. Rules of procedure of the judicial bodies

Section 37 The judicial bodies of the administrative courts and the NAJC shall themselves determine their rules of procedure in accordance with the provisions of this Act.

12. General rules on personnel administration

Section 38 (1) On a proposal from the president of the administrative court, the Minister shall determine, in the case of a regional administrative court, after obtaining the opinion of the President of the Supreme Administrative Court, the number of judges and judicial employees at the administrative court.

(2) The Minister shall be in charge of the personnel register of administrative judges.

(3) The Minister shall exercise the employer's rights over the presidents of the regional administrative courts.

(4) Unless otherwise provided by an Act, the president of the court shall exercise the employer's rights over the judges, junior judges and trainee judges of the administrative court.

(5) The Minister shall perform the duties related to the asset declarations of judges assigned according to section 81.

Section 39 (1) The Minister shall announce the call for applications for junior judge and trainee judge positions at the administrative court. Applications shall be submitted to the president of the administrative court.

(2) Within fifteen days of the expiry of the time limit for the application, the personnel council of the administrative court of the vacant position shall interview the applicants, and shall send the applications to the president of the administrative court, attaching its opinion.

(3) After obtaining the opinion of the personnel council of the administrative court, the president of the administrative court shall put forward a proposal to the Minister on the appointment.

(4) The Minister shall appoint the person proposed according to paragraph (3).

13. Administrative duties related to training

Section 40 (1) After obtaining the opinion of the NAJC, the President of the Supreme Administrative Court shall issue the training programme.

(2) The president of the administrative court shall perform the training and further training duties specified in the training programme.

14. Certain questions related to the transparency of the operation of the administrative courts

Section 41 (1) In the interest of the transparency of the operation of administrative courts

- a) the president of the administrative court and
- b) the NAJC

shall regularly provide updated information on the activities of administrative courts on the central website of administrative courts.

(2) The president of the administrative court shall arrange for the case assignment plan to be published on the central website of administrative courts.

(3) The Supreme Administrative Court shall publish the uniformity decision and the court's decision adopted on the merits of the case, and the regional administrative court shall publish the court's final and binding decision adopted on the merits of the case, in digital form, in the Collection of Administrative Court Decisions, on the central website of administrative courts. The published decision shall not contain any personal data or secrets protected by law.

(4) At the same time, digital copies, anonymised by the court in a way determined in a decree of the Minister, of all decisions adopted by a court or by another authority or organ and revised or reviewed by the published court decision shall be published by attaching them to the published court decision.

(5) Through its designated organisational unit, the Supreme Administrative Court shall publish the summarising opinion of the jurisprudence analysis group and shall provide general information on the foreign and international jurisprudence developed on a specific question of law.

CHAPTER VI

THE LEADERS OF ADMINISTRATIVE COURTS AND THEIR ADMINISTRATIVE COMPETENCES

15. The leaders of administrative courts

Section 42 (1) The leaders of the administrative courts shall be

- a) the President and the secondary president of the Supreme Administrative Court and the presidents and secondary presidents of the regional administrative courts (hereinafter together "president of the administrative court" and "secondary president", respectively),
- b) the division head and the deputy division head,
- c) the panel chair,
- d) the court registrar of the administrative court.

(2) Court leader positions shall be filled on the basis of an application procedure, except where it is excluded by this Act, the Bszi., or Act CLXII of 2011 on the legal status and remuneration of judges (hereinafter "the Bjt.").

(3) The detailed conditions of the appointment shall be specified by the Minister in the announcement of the call for applications for the administrative court leader position by taking the nature of the leader's mandate and the duties to be performed by the leader into

account. In the course of assessing the application, special consideration shall be attributed to the administrative activity performed during the period of assignment under section 81.

(4) The provisions of the Bszi. shall apply accordingly to the termination of administrative court leader positions, with the provisos that

a) Curia shall be construed to mean the Supreme Administrative Court, and regional court of appeal and regional court shall be construed to mean regional administrative court, and

b) instead of the person exercising the his powers of appointment, the court leader examination of administrative court leaders shall be carried out

ba) by the president of the regional administrative court for the secondary president of the regional administrative court;

bb) by the President of the Supreme Administrative Court for the secondary president of the Supreme Administrative Court and for the president of the regional administrative court.

(5) The administrative court leader shall be in charge of leading the administrative court or its organisational unit.

(6) The administrative court leader shall be responsible for the efficient operation of his organisation or organisational unit in line with the laws, as well as with the regulations and decisions issued by those entitled to do so.

Section 43 (1) Only an administrative judge appointed for an indefinite term may serve in the position of an administrative court leader; with the exception of the President of the Supreme Administrative Court and the positions under paragraphs (2) and (3), administrative court leaders shall be appointed for six years.

(2) The panel chair shall be appointed for an indefinite term.

(3) The court registrar shall be appointed without the announcement of a call for applications for an indefinite term.

(4) With the exception provided in paragraph (5), the president and the secondary president of the administrative court may be appointed to the same court leader position no more than twice.

(5) If the president or the secondary president of the administrative court had already served twice in the same leader position earlier, he may only be appointed to the same court leader position with the explicit consent of the NAJC.

16. The President of the Supreme Administrative Court

Section 44 (1) The National Assembly shall elect the President of the Supreme Administrative Court from among

a) the judges and administrative judges appointed for an indefinite term and having a total of at least five years' judicial service performed at an ordinary court in the administrative law section or at an administrative court, or

b) the persons appointed to judicial service for an indefinite term and having a total of at least ten years' legal practice in the field of administrative law as specified in this Act, in accordance with Article 26 (3) of the Fundamental Law.

(2) For the purpose of paragraph (1) *b)*, the period of legal practice in the field of administrative law shall include the period of the following activities performed after passing the professional examination in law:

a) application of law by the authorities and the direct supervision of such activity, representing the authority in court actions for the review of administrative decisions and in administrative court actions,

b) activity as a judicial employee performed in the administrative law section,

c) activity performed as a judge of the Constitutional Court, prosecutor, employee of the prosecution service, attorney-at-law or in-house legal counsel in connection with administrative law disputes,

d) activity performed in the Office of the Constitutional Court, in the State Audit Office and in the Office of the Commissioner for Fundamental Rights in the scope of the external control of the application of law by the authorities or in connection with administrative law disputes,

e) judiciary activity performed in an international judicial organisation in connection with administrative law disputes,

f) participation in the preparation of and consultation on laws on administrative procedure or administrative court procedure.

(3) The following persons shall not be eligible for election as the President of the Supreme Administrative Court:

a) a person who is subject to disciplinary proceedings or, with the exception of proceedings instituted by private prosecution or substitute private prosecution, to criminal proceedings,

b) a person who is subject to a disciplinary punishment,

c) a person against whom proceedings are pending to establish his judicial unsuitability, or

d) a person whose judge's service relationship is suspended on the basis of an Act.

(4) The rules of the Bszi. on electing the President of the Curia shall apply accordingly to electing the President of the Supreme Administrative Court. If the mandate of the President of the Supreme Administrative Court terminates for a cause specified in section 45 (1) *b)* to *f)*, the President of the Republic shall put forward a proposal on the person of the President of the Supreme Administrative Court within thirty days.

(5) The President of the Supreme Administrative Court shall take office on the day following the day of termination of his predecessor's mandate or, if he is elected after the termination of his predecessor's mandate, on the day of his election.

Section 45 (1) The mandate of the President of the Supreme Administrative Court shall terminate:

a) upon the expiry of his term of office,

b) upon the termination of his judge's service relationship,

c) upon his resignation,

d) upon the declaration of a conflict of interests,

e) upon his dismissal, or

f) upon his removal from office.

(2) The termination of the mandate of the President of the Supreme Administrative Court shall be established by the Speaker of the National Assembly in the cases laid down in paragraph (1) *a)* to *c)*. In the cases laid down in paragraph (1) *d)* to *f)*, the National Assembly shall decide on termination.

(3) Within eight days of establishing it, the Speaker of the National Assembly shall notify the President of the Republic of the termination of the mandate of the President of the Supreme Administrative Court.

(4) If the mandate of the President of the Supreme Administrative Court terminated on the basis of paragraph (1) *a)*, and the National Assembly did not elect a new President by the termination of the mandate, the President of the Supreme Administrative Court shall exercise the President's powers until the new President is elected.

Section 46 (1) The rules on the President of the Curia shall apply to the legal status and the remuneration of the President of the Supreme Administrative Court. The rules of the Bszi. shall apply to the resignation, the establishment of a conflict of interests, the dismissal and the removal from office of the President of the Supreme Administrative Court, with the derogation that removal from office may only be initiated by the President of the Republic.

(2) If the mandate of the President of the Supreme Administrative Court is terminated upon the expiry of the definite term, he shall be appointed without the announcement of a call for applications as a panel chair at the Supreme Administrative Court.

(3) If the mandate of the President of the Supreme Administrative Court is terminated before the expiry of the definite term, he shall be appointed without the announcement of a call for applications, preferably to his former place of service and at least in the same judicial position as the one in which he served earlier.

Section 47 (1) Within his functions connected to judicial administration, the President of the Supreme Administrative Court

- a)* may initiate with the Minister the adoption of laws affecting the administrative courts,
- b)* shall form an opinion on the draft legislation affecting administrative courts,
- c)* shall participate as a guest at the sitting of the committees of the National Assembly when discussing an item on the agenda regarding laws directly affecting administrative courts,
- d)* shall deliver an opinion each year on the programme containing the long-term tasks of the administration of administrative courts and the conditions of their implementation,
- e)* shall put forward a proposal to the Minister on the case management regulations of administrative courts.

(2) Within his functions concerning support for professional work, in order to provide a theoretical and scientific basis for a uniform and high-quality jurisprudence, the President of the Supreme Administrative Court:

- a)* shall publish an annual yearbook presenting the situation of the administrative judiciary and the development of the jurisprudence,
- b)* shall organise and may attend professional forums,
- c)* may set up a scientific advisory body,
- d)* may establish scientific scholarships for judges, junior judges and trainee judges of administrative courts,
- e)* shall operate the central specialised library for public administration of administrative courts.

(3) Within his functions connected to the budget of administrative courts, the President of the Supreme Administrative Court

- a)* shall contribute to the implementation of the heading of administrative courts in the central budget,
- b)* to the extent necessary for performing his duties related to the budget of administrative courts, may manage the data processed by the budgetary organs that belong to the heading.

(4) Within his functions connected to human resources management, the President of the Supreme Administrative Court

- a)* shall put forward a proposal to the President of the Republic on the person of secondary president of the Supreme Administrative Court,
- b)* shall, at the Minister's request, deliver an opinion on the proposal made by the president of the regional administrative court on announcing calls for applications for regional administrative court leader positions and judicial positions at the regional administrative court,
- c)* shall put forward a proposal to the Minister, after requesting input from the presidents of regional administrative courts, on establishing whether or not the material or territorial jurisdiction of the administrative court has diminished to a degree that makes the further employment of an administrative judge there impossible.

(5) Within his functions related to providing information, the President of the Supreme Administrative Court

a) shall provide an annual report to the committee of the National Assembly dealing with justice affairs on the general situation and the operation of administrative courts,

b) shall provide an annual report to the National Assembly on the activities performed to ensure the uniformity of the jurisprudence of administrative courts, on the findings in the course of performing his duties related to establishing conflicts of local government decrees with other legislation and their annulment, as well as to establish the failure of a local government to meet its obligation, based on an Act, to legislate; he shall also publish the report on the central website of administrative courts,

c) shall, at the Minister's request, order the collection of data at the administrative courts that are necessary for the preparation of legislation and for the examination of the taking effect of laws,

d) shall, at the Minister's request, provide information necessary for the legislation, regarding questions related to the organisation and the administration of courts, as well as to the jurisprudence of courts, where justified, by obtaining the opinions of the presidents of regional administrative courts,

e) shall organise the performance of the tasks specified in section 39 (4).

Section 48 The President of the Supreme Administrative Court may initiate at the Constitutional Court the review of laws with regard to their compliance with the Fundamental Law, and, within thirty days of promulgation, the examination of compliance with the procedural requirements laid down in the Fundamental Law with respect to adoption and promulgation of the Fundamental Law and the amendment of the Fundamental Law.

Section 49 The President of the Supreme Administrative Court shall perform, with respect to the Supreme Administrative Court, all those duties referred in this Act to the competence of the president of the regional administrative court.

17. The secondary president of the Supreme Administrative Court

Section 50 (1) An administrative judge appointed for an indefinite term may be appointed as the secondary president of the Supreme Administrative Court if

a) he has a total of at least five years' judicial service performed at an ordinary court in the administrative law section or at an administrative court, or

b) he has a total of at least five years' legal practice in the field of administrative law as specified in section 44 (2).

(2) The secondary president of the Supreme Administrative Court shall be appointed, without the announcement of a call for applications, by the President of the Republic on a proposal from the President of the Supreme Administrative Court.

(3) The rules pertaining to the vice president of the Curia shall apply to the legal status of the secondary president of the Supreme Administrative Court.

(4) If the President of the Supreme Administrative Court is prevented from acting, he shall be substituted, with full powers, by the secondary president of the Supreme Administrative Court, who shall also perform the administrative duties referred, according to the organisational and operational regulations of the Supreme Administrative Court, to the competence of the President.

18. The president and the secondary president of the regional administrative court

Section 51 (1) An administrative judge appointed for an indefinite term may be appointed as the president or secondary president of the regional administrative court if

a) he is appointed for an indefinite term and has a total of at least five years' judicial service performed at an ordinary court in the administrative law section or at an administrative court, or

b) he has a total of at least five years' legal practice in the field of administrative law as specified in section 44 (2).

(2) The president and the secondary president of the regional administrative court shall be appointed by the Minister with the contribution of the judicial bodies as specified in this Act.

(3) The rules pertaining to the president and the vice president of the regional court shall apply to the legal status of the president and the secondary president of the regional administrative court.

Section 52 In addition to the duties specifically described in this Act, the president of the regional administrative court

1. shall lead and represent the administrative court,
2. shall control the activity of the court registrar,
3. shall determine the work schedule, including the detailed rules on standby duty and on-call duty, and the work plan of the administrative court, and monitor compliance with them,
4. shall monitor compliance with the procedural time limits and ensure compliance with the case management and administrative regulations,
5. shall ensure compliance with the operational requirements of the judicial bodies,
6. shall ensure the exercise of the rights of interest representation organisations,
7. shall be responsible for keeping the registers required by the law and for providing data,
8. shall be responsible for the timely implementation of regulations and decisions binding upon the administrative court,
9. shall issue internal regulations related to his powers to decide in administrative matters,
10. shall arrange for the representation of the administrative court in court actions,
11. shall provide, within the budgetary framework, the human and technical resources necessary for the operation of the court,
12. shall put forward a proposal to the Minister concerning the long-term posting abroad of a judge of the administrative court,
13. shall be responsible for the procedure for press conferences at administrative courts and publishing on the central website of administrative courts,
14. shall arrange for the handling of whistleblowing reports and complaints,
15. shall provide the all-judges conference with an annual report on his activity.

Section 53 If the president of the administrative court is prevented from acting or his position is vacant, he shall be substituted with full powers, by the secondary president, who shall also perform the duties referred, according to the organisational and operational regulations of the court, to the competence of the president.

19. The division head and deputy division head of the administrative court and the panel chair

Section 54 The division head, the deputy division head and the panel chair shall be appointed by the president of the administrative court with the contribution of the judicial bodies as specified in this Act.

Section 55 (1) The division head shall organise the work of the administrative division; he shall provide the administrative division with an annual report on the realisation, in the relevant period, of the plans included in the proposal attached to his application, the implementation of the objectives and measures in the previous calendar year and their results, and he shall perform the duties referred to his competence by the law and regulations binding upon the administrative division as well as by the organisational and operational regulations of the administrative court.

(2) If the division head is prevented from acting or his position is vacant, he shall be substituted by the deputy division head, who shall also perform the duties referred, according

to the organisational and operational regulations of the administrative court, to the competence of the division head.

Section 56 The panel chair shall head the adjudicating panel and organise its work

20. The court registrar of the administrative court

Section 57 (1) The court registrar shall be appointed by the Minister on a proposal from the president of the administrative court from among the administrative judges.

(2) The court registrar shall be dismissed by the Minister on the initiative of the president of the administrative court, and at the same time he shall be assigned to the place of service that preceded his appointment to the position of the court registrar and at least to the same judicial position as the one in which he served earlier.

(3) With regard to the operation of the administrative court, the court registrar

- a) shall assist the president of the court in performing his administrative duties,
- b) shall provide the president of the court with data on the vacant positions of administrative judges and administrative court leaders or the expected date of such a vacancy,
- c) shall provide the president of the court with data on the vacant positions of junior judges and trainee judges at the administrative court or the expected date of such a vacancy,
- d) shall perform the administrative activities related to the application procedures for administrative judge and administrative court leader positions,
- e) shall arrange for the publication of the office hours regulations of the court on the central website of administrative courts,
- f) shall exercise the employer's rights over judicial employees, with the exception of junior judges and trainee judges, of the administrative court,
- g) shall draft the proposal on the budget of the administrative court,
- h) shall arrange for the implementation of the budget of the administrative court,
- i) shall contribute to performing the economic, technical, information technology and organisational duties falling within the competence of the Minister.

(4) The court registrar shall not engage in adjudicating during his term of office; the provisions on assigned judges shall apply accordingly to his legal status and the provisions on the secondary president of the administrative court shall apply accordingly to his remuneration.

(5) If the court registrar is prevented from acting, he shall be substituted, on a case by case basis, by a secondary president designated in the organisational and operational regulations.

CHAPTER VII

ADMINISTRATIVE COMPETENCES OF THE JUDICIAL BODIES

21. The all-judges conference

Section 58 The all-judges conference shall perform the following duties:

- a) hearing once a year the report by the president of the administrative court and its division heads,
- b) electing the administrative judicial council and hearing it at least once a year regarding its operations, including its activities performed when acting as administration council and personnel council,
- c) electing the member of the NAJC.

22. The administrative judicial council

Section 59 (1) The administrative judicial council acting as a personnel council

a) shall form an opinion, within thirty days of the expiry of the time limit of application, on the appointment of the administrative judge and the administrative court leader, and shall forward this opinion, together with the applications, to the NAJC or, in the case of applications for panel chair, division head and deputy division head positions, to the president of the administrative court,

b) shall form an opinion as to the assignment, transfer or secondment of a judge if this is implemented without the consent of the judge,

c) may initiate the examination of the president or secondary president of the regional administrative court,

d) shall form an opinion on the application procedures by the administrative court for junior judge and trainee judge positions.

(2) The administrative judicial council acting as an administration council

a) shall deliver an opinion on the annual budgetary plan of the administrative court and on the use of the approved budget,

b) shall deliver an opinion on the draft organisational and operational regulations of the administrative court,

c) shall deliver an opinion on a proposal from the president of the administrative court on the case assignment plan and the determination of the adjudicating panels.

CHAPTER VIII

THE DUTIES OF JUDICIAL ADMINISTRATION AFFECTING ADMINISTRATIVE COURTS

23. Principles

Section 60 (1) By granting the principle of judicial independence enshrined in Article 26 (1) of the Fundamental Law, with the contribution of the judicial bodies, in the framework of his responsibility for the operation of administrative courts, the Minister shall perform the duties of judicial administration laid down in this Act.

(2) The Minister shall not be entitled to adopt regulations, issue recommendations or, unless provided otherwise in this Act, make decisions that are binding on administrative courts.

(3) Unless provided otherwise in this Act, the functions and powers of the President of the National Office for the Judiciary (hereinafter "NOJ") laid down in the Bszi. shall be performed or exercised by the Minister.

24. Detailed rules on the duties of the judicial administration affecting the administrative courts

Section 61 (1) Within his functions of general judicial administration, the Minister

a) shall initiate with the legislature the adoption of laws affecting the administrative courts or issue a decree on the basis of authorisation by an Act in the subject matter affecting the administration of administrative courts,

b) shall seek the opinions of the President of the Supreme Administrative Court and the NAJC on draft laws affecting the administrative courts,

c) shall participate as a guest at the sittings of the committees of the National Assembly when discussing an item on the agenda on laws directly affecting administrative courts,

d) shall determine the programme containing the long-term tasks of the administration of administrative courts and the conditions of their implementation.

(2) Within his functions connected to the budget of administrative courts, the Minister, in addition to the provisions of sections 29 to 33, shall perform the central control of the internal monitoring activity of the presidents of administrative courts.

(3) Within his functions related to statistical data collection and workload measurement, the Minister shall regulate in a decree the collection and technical processing of statistical data from the administrative courts, and may order the individual collection of statistical data.

(4) Within his functions connected to personnel affairs, the Minister

a) shall decide, on a proposal from the President of the Supreme Administrative Court, whether or not the material or territorial jurisdiction of the administrative court has diminished to a degree which makes the further employment of an administrative judge there impossible,

b) may assign the administrative judge to the organ under section 81 indicated in the request of the judge, and shall decide on terminating the assignment and on re-assigning the administrative judge to an actual administrative judge position,

c) shall decide on the question of transferring the administrative judge or of seconding him to another venue of service,

d) shall decide concerning the long-term posting abroad of an administrative judge,

e) shall determine in a decree the detailed procedural provisions connected to the regulations on the obligations and the conflict of interests of administrative judges as regulated in the Bszi. and of judicial employees as regulated in the Act on the service relationship of judicial employees.

(5) Within his functions connected to the administration of administrative courts, the Minister

a) shall supervise and monitor the administrative activity of the president and court registrar of the administrative court; in doing so he shall monitor the enforcement of the rules on the administration of administrative courts, the keeping of procedural time limits and case management regulations, and he shall initiate examination for such purposes,

b) shall order the examination of the administrative court leaders who fall within his powers of appointment, and

c) shall, depending on the findings of the examination under points *a)* and *b)*, take the measures falling within his competence and monitor their implementation; he may propose the initiation of a disciplinary procedure,

d) shall monitor the regulations issued according to section 35, and he shall act with the appropriate application of section 34 (5) and (6),

e) shall supervise the performance of tasks related to maintaining and developing the infrastructure of administrative courts,

f) shall provide for the operation and development of the uniform information technology system of the administrative courts, including the operation of the central website of administrative courts,

g) shall, on a proposal from the President of the Supreme Administrative Court, determine in a decree the case management regulations of administrative courts,

h) shall determine in a decree the general requirements of the regulations of the president of the administrative court on public procurement, qualified procurement and procurement procedures.

(6) The Minister may manage, to the extent necessary for performing the duties laid down in this section, the data processed by the budget organs that belong to the heading of administrative courts in the central budget.

CHAPTER IX

PROCEDURES AIMED AT RESOLVING THE CONFLICT OF MATERIAL JURISDICTION BETWEEN THE ORDINARY COURT AND THE ADMINISTRATIVE COURT AND AT HANDLING THE UNIFORMITY QUESTIONS AFFECTING THEIR MATERIAL JURISDICTION

25. Resolving the conflict of material jurisdiction between the ordinary court and the administrative court

Section 62 (1) If the ordinary court and the administrative court establish in the same case the lack of their material jurisdiction, the proceeding court shall be designated by the common chamber of material jurisdiction of the Curia and the Supreme Administrative Court (hereinafter “chamber of material jurisdiction”).

(2) Convening the chamber of material jurisdiction shall be initiated by the court which established the lack of its material jurisdiction later. The chamber of material jurisdiction shall be convened within fifteen days for a date within thirty days by the president of the supreme organ of the judicial organisation, the court of which initiated the convening of the chamber of material jurisdiction.

(3) The chamber of material jurisdiction shall proceed in accordance with the provisions on designating the proceeding court in the Act on the Code of Administrative Court Procedure. The chamber of material jurisdiction shall have a quorum if all of its members are present; it shall adopt its decisions by majority vote.

(4) The co-chairs of the chamber of material jurisdiction shall be the President of the Curia and the President of the Supreme Administrative Court, its members shall be two judges from the Curia and two from the Supreme Administrative Court, designated respectively by the President of the Curia and the President of the Supreme Administrative Court. The principles of designating the members of the chamber of material jurisdiction shall be determined in the case assignment plans of the Curia and the Supreme Administrative Court.

(5) The costs of the operation of the chamber of material jurisdiction shall be borne in equal proportions by the Curia and the Supreme Administrative Court; they shall jointly ensure the conditions for the operation of the chamber of material jurisdiction.

26. Resolving uniformity questions affecting the material jurisdictions of both the ordinary court and the administrative court

Section 63 (1) The joint uniformity chamber of the Curia and the Supreme Administrative Court (hereinafter “joint chamber”) shall decide with a joint uniformity decision in the interest of ensuring the uniformity of the jurisprudence of ordinary courts and administrative courts if

a) the different jurisprudence of the ordinary court and the administrative court necessitates adopting, on a question of principle, a joint uniformity decision or modifying or setting aside a previously adopted uniformity decision or joint uniformity decision, or

b) the adjudicating panel of the Curia or the Supreme Administrative Court intends to deviate, in a point of law, from a decision published as an authoritative decision or from a published authoritative court decision adopted by the adjudicating panel of the Curia in administrative matters,

c) the adjudicating panel of the Curia intends to deviate, in a point of law, from a uniformity decision of the Supreme Administrative Court, or

d) the adjudicating panel of the Supreme Administrative Court intends to deviate, in a point of law, from a uniformity decision of the Curia,

provided that the issue contained in the motion cannot be resolved with the procedure of the uniformity chamber of the Curia or of the Supreme Administrative Court.

(2) The provisions of the Bszi. and of this Act on the uniformity chamber, uniformity motion and uniformity procedure shall apply accordingly, with the derogations laid down in this section, to

- a) the composition and the procedure of the joint sitting, and
- b) the motion and the proposer.

(3) The co-chairs of the joint chamber shall be the President of the Curia and the President of the Supreme Administrative Court, its members shall be five judges from the Curia and five from the Supreme Administrative Court, designated respectively by the President of the Curia and the President of the Supreme Administrative Court.

(4) The sitting of the joint chamber shall be headed by the President of the Curia and the President of the Supreme Administrative Court in a half year rotation. The costs of sittings of the joint chamber shall be borne in equal proportions by the Curia and the Supreme Administrative Court.

(5) The judge who prepares the sitting of the joint chamber shall be designated in agreement by the President of the Curia and the President of the Supreme Administrative Court.

(6) The sitting of the joint chamber shall have a quorum if all of its members are present.

(7) The joint chamber shall adopt its decisions by majority vote. The votes to be cast may only be a yes or no. In the event of a tied vote, the proposal shall be considered rejected.

PART THREE

SPECIFIC RULES ON THE LEGAL STATUS OF ADMINISTRATIVE JUDGES

CHAPTER X

SPECIAL RULES ON THE SERVICE RELATIONSHIP OF ADMINISTRATIVE JUDGES

27. Special principles of the service relationship of administrative judges

Section 64 (1) The administrative judge shall be a member of the single judiciary.

(2) The administrative judge shall perform his judicial service as a member of the organisation of administrative courts.

28. Special material conditions of the appointment of the administrative judge

Section 65 The person who possesses, in addition to the conditions of appointment specified in the Bjt., outstanding knowledge and practical experience in administrative law may be appointed as an administrative judge. This requirement shall be complied with in accordance with section 66.

Section 66 For the purpose of the criteria of appointment to an administrative judge or court leader position, the period of legal practice in the field of administrative law shall include the period of the following activities performed in the possession of a university law degree:

- a) activity as a judge or judicial employee performed in the administrative law section,
- b) application of law by the authorities and the direct supervision of such activity, as well as legal representation in administrative court actions,
- c) activity performed as a judge of the Constitutional Court, prosecutor, employee of the prosecution service, attorney-at-law or in-house legal counsel in connection with administrative law disputes,
- d) activity performed in the Office of the Constitutional Court, in the State Audit Office and in the Office of the Commissioner for Fundamental Rights in the scope of the external control of the application of law by the authorities or in connection with administrative law disputes,
- e) judicial activity performed in the organisation of an international court in connection with administrative law disputes, and

f) participation, as the applicant's job, in the preparation of and consultation on laws on administrative procedure or administrative court procedure.

29. Application procedure for administrative judge positions

Section 67 (1) The Minister shall announce the call for applications for administrative judge positions (hereinafter "application").

(2) In the event of dismissal of an administrative judge, the president of the administrative court shall notify the Minister of the administrative judge position becoming vacant or its expected date at the time of initiating the dismissal; if the judge's service relationship terminates for another cause, the president of the administrative court shall notify the Minister of the administrative judge position becoming vacant or its expected date within eight working days of obtaining knowledge, on the basis of the data supplied by the court registrar, of the cause leading to termination.

(3) The Minister shall inform the president of the administrative court, within fifteen days of obtaining knowledge of the administrative judge position becoming vacant, that

- a) he announced a call for applications for the vacant administrative judge position,
- b) he reallocated the position to another administrative court,
- c) he will decide on announcing a call for applications to fill the vacant position not later than within six months of becoming aware of it, or
- d) he will fill the position in accordance with the Bjt., without announcing a call for applications.

Section 68 (1) Applications shall be submitted to the president of the administrative court where the announced administrative judge position can be found.

(2) The application shall contain all the conditions specified in the call for application.

(3) The application procedure shall be conducted in accordance with the provisions of sections 69 to 72.

Section 69 (1) Within fifteen days of the expiry of the time limit for the application, the personnel council of the administrative court of the vacant position shall interview the applicants, and shall send the applications to the Personnel Council of the NAJC, attaching its opinion, within thirty days of the expiry of the time limit for the application.

(2) The powers of the president of the court specified in the Bjt. related to the rejection of the application shall be exercised by the personnel council of the administrative court of the vacant position, with the proviso that an objection may be lodged against its decision, with the application of section 70 (4) as appropriate.

Section 70 (1) The sitting of the Personnel Council of the NAJC shall be convened for a date within fifteen days of the receipt by the Secretariat of the NAJC of the applications.

(2) Eighty percent of the scores of the application shall be based solely on the objective evaluation of the applicant's qualifications, professional expertise and experience gained (hereinafter "objective score"), and twenty percent of the scores may represent the evaluation of the applicant's preparedness and necessary sense of vocation as a judge, which cannot be measured objectively (hereinafter "interview score").

(3) The Personnel Council of the NAJC shall interview at its sitting referred to in paragraph (1) the applicant who is qualified as eligible under the professional aptitude test. Before the interview, the objective score achieved shall be established on the basis of the criteria specified in the Bjt., taking the experience in public administration as specified in this Act into account, including the period of assignment to an organ specified in section 81; the Personnel Council of the NAJC shall communicate the objective score to the applicant before the interview.

(4) The applicant may object within three days to the result of the objective score calculation at the disciplinary court. The disciplinary court shall decide on the objection within eight days after it is submitted, and shall communicate its decision without delay to the applicant and to the Personnel Council of the NAJC. If the disciplinary court upholds the objection, it shall change the decision on the calculation of the objective score. No further legal remedy shall lie against the decision of the disciplinary court.

(5) After interviewing the applicant, the Personnel Council of the NAJC shall establish the interview score according to paragraph (6) and communicate it to the applicant without delay.

(6) After obtaining the written opinions of those entitled to deliver an opinion on the applications, according to their best judgement, the members of the Personnel Council of the NAJC shall cast a vote by secret ballot on the interview score by providing a whole number between zero and the highest possible interview score. The interview score shall be the arithmetic mean of the votes, with the proviso that the highest vote and the lowest vote shall not be taken into account.

(7) The Personnel Council of the NAJC shall establish the ranking based on the scores achieved by the applicants. On the basis of the ranking, it shall submit, together with the opinion of the personnel council of the administrative court, to the Minister the application files, indicating the scores, of those applicants who achieved at least eighty-five percent of the highest score actually achieved.

(8) Notwithstanding paragraph (7), the application file of the applicant who failed to achieve at least fifty percent of the maximum score shall not be forwarded.

Section 71 (1) The Minister may interview applicants who apply for the same position.

(2) The president of the administrative court affected by the application, one judge member and one non-judge member of the Personnel Council of the NAJC designated on a case-by-case basis and the persons called upon by the Minister may attend the interview. The interview shall not be open to other applicants.

Section 72 (1) The Minister

a) shall submit to the President of the Republic the proposal for appointment of the non-judge applicant ranked first, and, after his appointment by the President of the Republic, shall assign him to the awarded administrative judge position,

b) shall decide on assigning the judge applicant ranked first to the awarded administrative judge position.

(2) If, after the interview, the Minister disagrees with the ranking submitted by the Personnel Council of the NAJC, he may amend it and provide a written justification, and

a) shall submit to the President of the Republic the proposal for appointment of the non-judge applicant ranked first according to the amended ranking, attaching the ranking established by the Personnel Council of the NAJC as well as the reasons for amending it, and, after his appointment by the President of the Republic, shall assign him to the awarded administrative judge position,

b) shall decide on assigning the judge applicant ranked first according to the amended ranking to the awarded administrative judge position.

(3) At the reasoned request of the Personnel Council of the NAJC, the Minister shall declare the application procedure to be unsuccessful if

a) no application has been received or if the received applications have been rejected by the personnel council of the administrative court due to the absence of any statutory condition or other condition required in the call for applications,

b) none of the applicants achieved at least fifty percent of the maximum score,

c) the appointment would result in a conflict of interests according to the Bjt. for all applicants that could be presented to the Minister,

(4) In a reasoned decision, the Minister shall declare the application procedure to be unsuccessful if

a) during the assessment of the applications, the participants in the assessment procedure committed a serious procedural irregularity that cannot be remedied,

b) a circumstance arose after the announcement of the call for applications, due to which the position is to be filled according to an Act without the announcement of a call for applications.

(5) If, on the basis of the application procedure, the administrative judge position is awarded to a judge from an ordinary court, the Minister shall notify the President of the NOJ or, for a judge of the Curia, the President of the Curia without delay. The Minister shall assign the judge on the basis of a consultation held with the President of the NOJ or, for a judge of the Curia, with the President of the Curia, but not later than within three months of the notification.

(6) The Minister shall send, as an information note, the reasoning according to paragraphs (2) and (4) to the Personnel Council of the NAJC at the same time as taking the measure specified therein.

30. Application procedure for judge positions at the Supreme Administrative Court

Section 73 (1) The rules on application procedure for an administrative judge position shall apply to filling an administrative judge position established at the Supreme Administrative Court with the derogations specified in this section.

(2) The President of the Supreme Administrative Court shall attach his respective opinion to the application submitted according to section 70 (7).

(3) If the opinion of the President of the Supreme Administrative Court differs from the ranking submitted by the Personnel Council of the NAJC, the Minister shall interview the applicants in accordance with section 71 and, considering their results, he shall act in accordance with section 72.

31. Application procedure for administrative court leader positions

Section 74 (1) The Minister shall announce the call for applications for administrative court leader positions (hereinafter “court leader application”).

(2) The president of the administrative court shall notify the Minister of the termination of the mandate of an administrative court leader or its expected date within eight working days of obtaining knowledge, on the basis of the data supplied by the court registrar, of the cause leading to termination.

(3) The Minister shall announce a call for court leader applications within fifteen days of obtaining knowledge of the termination of the mandate of the administrative court leader.

(4) For the president and secondary president of the regional administrative court, the application procedure shall be conducted in accordance with the provisions of sections 75 to 76.

Section 75 (1) The court leader application shall contain all the conditions necessary for obtaining the leader position.

(2) The submitted court leader application shall contain the application proposal on the applicant’s long-term plans on the operation of the court, the division or the panel respectively, in line with the position applied for, as well as the schedule of implementing these plans. The court leader application shall contain a statement of approval to the Personnel Council of the NAJC and the appointing person processing the personal data connected to the application procedure, including the documents on the applicant’s judicial evaluation and the leader examination.

Section 76 (1) The personnel council of the administrative court of the vacant position shall act with the application of section 69 as appropriate.

(2) In the court leader application procedure, the Personnel Council of the NAJC shall establish the scores achieved by the applicants, and shall submit to the Minister the application files, including the application proposals, without indicating the scores, of those applicants who achieved at least eighty-five percent of the highest score actually achieved.

(3) In the application procedure of administrative court leaders, the Minister shall interview the applicants presented by the Personnel Council of the NAJC.

(4) After the interview held in accordance with section 71 (2), the Minister shall make his decision, and shall appoint the winning applicant.

Section 77 (1) In the event of an application procedure for division head and deputy division head positions, within fifteen days of the expiry of the time limit for the application, the personnel council of the administrative court shall interview the applicants and shall forward the applications to the president of the administrative court, attaching its opinion.

(2) The powers of the president of the court specified in the Bjt. related to the rejection of an application shall be exercised by the judicial council of the administrative court acting as personnel council, with the proviso that an objection may be lodged against its decision, with the application of section 70 (4) as appropriate.

(3) After obtaining the opinion of the judicial council of the administrative court acting as personnel council, the president of the administrative court shall decide on the appointment of the division head and the deputy division head.

Section 78 (1) In the event of an application procedure for panel chair positions, within fifteen days of the expiry of the time limit for the application, the judicial council of the administrative court of the vacant position acting as personnel council shall interview the applicants and shall forward the applications to the president of the administrative court, attaching its opinion.

(2) The powers of the president of the court specified in the Bjt. related to the rejection of an application shall be exercised by the judicial council of the administrative court of the vacant position acting as personnel council, with the proviso that an objection may be lodged against its decision, with the application of section 70 (4) as appropriate.

(3) After obtaining the opinion of the personnel council of the administrative court, the president of the administrative court shall decide on the appointment of the panel chair.

32. Certain special rules on the legal status of administrative judges

Section 79 (1) Upon his appointment, the judge shall be assigned by the Minister to the administrative court.

(2) If, on the basis of, or without, an application procedure, the judge is to subsequently fill a judge position at another court with the consent of the judge, the Minister shall arrange for the transfer of the judge.

(3) The judge of an ordinary court who, at his request, becomes an administrative judge by virtue of a separate Act shall be assigned to the administrative court by the Minister, with the proviso that a judge of the Curia shall be assigned either to the Supreme Administrative Court or to one of the regional administrative courts, according to his choice.

(4) The judge who held the position of a court leader on the day preceding the entry into force of this Act, and, at his request, becomes an administrative judge by virtue of a separate Act shall be entitled, from the day of the entry into force of this Act, until the date of expiry of his original term of office, to a remuneration corresponding to his previous court leader position, unless he is appointed as another court leader at the administrative court.

(5) The judge who held the position of a panel chair on the day preceding the entry into force of this Act, and, at his request, becomes an administrative judge by virtue of a separate Act shall be appointed, without the announcement of a call for applications, as a panel chair from the day of the entry into force of this Act.

Section 80 The Minister shall transfer the administrative judge to another administrative court if the requirements laid down in the Bjt. are met, after obtaining the consent of the presidents of the administrative courts concerned.

Section 81 (1) The Minister may assign the administrative judge to

- a) the Office of the President of the Republic,
- b) the Office of the Constitutional Court,
- c) the Office of the Commissioner for Fundamental Rights,
- d) the State Audit Office,
- e) the prosecution service,
- f) a central organ of state administration,
- g) the capital or county government office.

(2) The assignment under paragraph (1) may be initiated by the head of the organ concerned or, for the prosecution service, by the Prosecutor General, at the request of the administrative judge. The consent of the president of the administrative court at which the administrative judge serves shall be required for the assignment.

(3) The administrative judge shall be assigned in order to exercise functions and powers of an administrative or other public law nature within the basic activity of the organ concerned. The aim of assignment is to allow the administrative judge to acquire professional practice and knowledge by participating in the activities of the organ concerned as well as to support the activity of the organ concerned with his experience gained as an administrative judge.

(4) Assignment may take place for a definite or indefinite term. An administrative judge appointed for a definite term may be assigned only for a duration of not more than one year.

(5) Assignment shall not affect the judge's office of the administrative judge; however, he shall not perform any adjudicating during the period of assignment.

(6) The employer's rights over the assigned administrative judge shall be exercised by the head of the organ concerned. In other respects, the provisions of the Bjt. on the legal status of a judge assigned to a ministry, as well as on termination of assignment, shall apply accordingly to the legal status of the assigned judge, with the proviso that the minister responsible for justice shall be construed to mean the head of the organ.

Section 82 The President of the Republic shall decide, on a proposal from the NAJC, on waiving the immunity of an administrative judge. If immunity is violated, the President of the Republic shall take the necessary measures on a proposal from the NAJC.

33. Titles that may be awarded to administrative judges

Section 83 (1) On a proposal from the President of the Supreme Administrative Court, in the case of an evaluation grade of excellent, suitable for promotion to a higher judge position or excellent and fully eligible and after a minimum period of twelve years completed in actual judicial practice at the given court level, including the period completed in a judicial service relationship at a court of higher level, the Minister may award the "titular Supreme Court judge" title to the administrative judge of a regional administrative court. After a minimum period of twenty years completed in actual judicial practice at the given court level, including the period completed in a judicial service relationship at a court of higher level, the Minister shall award the "titular Supreme Court judge" title to the administrative judge of a regional administrative court. The provisions of the Bjt. on the supplement attached to the title of

“titular Curia judge” shall apply accordingly to the supplement attached to the title of “titular Supreme Court judge”.

(2) In the case of an evaluation grade of excellent, suitable for promotion to a higher judge position or excellent and fully eligible and after a minimum period of six years completed in actual judicial practice at the Supreme Court level, the President of the Supreme Administrative Court may award the “titular Supreme Court advisor” title to the administrative judge of the Supreme Administrative Court. The provisions of the Bjt. on the supplement attached to the title of “titular Curia advisor” shall apply accordingly to the supplement attached to the title of “titular Supreme Court advisor”.

(3) In the case of an evaluation grade of excellent, suitable for promotion to a higher judge position or excellent and fully eligible and after a minimum period of six years completed in actual judicial practice at the given court level, including the period completed in a judicial service relationship at a court of higher level, the president of the administrative court may award the “titular panel chair” title to the administrative judge of the respective administrative court. The provisions on the remuneration of the panel chair shall apply accordingly to the supplement attached to the title of “titular panel chair”.

PART FOUR

FINAL PROVISIONS

Section 84 (1) In questions not regulated in this Act, the provisions of the Bszi. and the Bjt. shall apply accordingly, in compliance with the aim of this Act and with the character of the organisational and administrative legal institutions regulated herein.

(2) If the Act does not set a time limit for adopting a decision by a judicial body, court leader or the Minister, the time limit for that decision shall be thirty days.

Section 85 A separate Act shall provide for the entry into force of this Act and establish transitional provisions.

Section 86 The minister responsible for justice shall be authorised to establish in a decree

1. on a proposal from the President of the Supreme Administrative Court, the case management regulations of administrative courts,

2. the rules on the collection and technical processing of statistical data of the administrative courts,

3. the general requirements of the regulations of the president of the administrative court on public procurement, qualified procurement and procurement procedures,

4. the detailed procedural rules connected to the obligations and the conflict of interests of administrative judges and judicial employees

5. the arrangements for publishing in the Collection of Administrative Court Decisions.

Section 87 Section 1, Chapters II to IV, subtitles 7 to 9, subtitles 11 to 12, Chapters VI to VIII, subtitles 26 to 28, and subtitles 31 to 33 of this Act qualify as cardinal on the basis of Article 25 (8) of the Fundamental Law.

Annex 1 to Act ... of 2018

Territorial jurisdiction of the regional administrative courts

1. BUDAPEST-CAPITAL REGIONAL ADMINISTRATIVE COURT (seat: Budapest)
Budapest
2. BUDAPEST ENVIRONS REGIONAL ADMINISTRATIVE COURT (seat: Budapest)
Nógrád County
Pest County
3. DEBRECEN REGIONAL ADMINISTRATIVE COURT (seat: Debrecen)
Hajdú-Bihar County
Jász-Nagykun-Szolnok County
Szabolcs-Szatmár-Bereg County
4. GYŐR REGIONAL ADMINISTRATIVE COURT (seat: Győr)
Győr-Moson-Sopron County
Komárom-Esztergom County
Vas County
5. MISKOLC REGIONAL ADMINISTRATIVE COURT (seat: Miskolc)
Borsod-Abaúj-Zemplén County
Heves county
6. PÉCS REGIONAL ADMINISTRATIVE COURT (seat: Pécs)
Baranya County
Somogy County
Tolna County
7. SZEGED REGIONAL ADMINISTRATIVE COURT (seat: Szeged)
Bács-Kiskun County
Békés County
Csongrád County
8. VESZPRÉM REGIONAL ADMINISTRATIVE COURT (seat: Veszprém)
Fejér County
Veszprém County
Zala County

Act ... of 2018
on the entry into force of the Act on administrative courts and certain transitional rules

1. Certain transitional rules relating to the establishment of administrative courts

Section 1 (1) The National Assembly shall, by 15 June 2019, on a proposal put forward by the President of the Republic by 31 May 2019, elect the first President of the Supreme Administrative Court from among the persons who fulfil the conditions specified in the Act on administrative courts.

(2) The procedural rules governing the election of the President of the Curia shall apply accordingly to the election of the President of the Supreme Administrative Court.

(3) If the President-elect of the Supreme Administrative Court is not a judge of the Curia, the President of the National Office for the Judiciary (hereinafter “NOJ”) shall transfer him to the Curia.

(4) The President-elect of the Supreme Administrative Court shall perform his duties laid down by this Act concerning the establishment of the administrative court system; however, until the entry into force of the Act on administrative courts, to the extent requested by him, he shall be exempted from the obligation to adjudicate.

(5) The President-elect of the Supreme Administrative Court shall receive remuneration equal to that of the President of the Curia, and shall be assisted by a five-person secretariat within the Curia; until the entry into force of the Act on administrative courts, the Curia shall provide human and technical resources for the secretariat.

Section 2 (1) By way of a statement addressed to the President of the NOJ, any member of a regional administrative and labour division may request his transfer to the administrative court, the territorial jurisdiction of which under the Act on administrative courts includes the territorial jurisdiction of the court in which the judge serves. By way of a statement addressed to the President of the NOJ, any member of the administrative and labour division of the Budapest-Capital Regional Court may, at his choice, request his transfer to a regional administrative court. By way of a statement addressed to the President of the NOJ, any member of the administrative and labour division of the Budapest-Capital Regional Court who has at least two years of experience of adjudicating as a judge of the Supreme Court, the Curia or a regional court of appeal, and is a regional court judge, may, at his choice, request his transfer to the Supreme Administrative Court or to a regional administrative court. By way of a statement addressed to the President of the Curia, any member of the administrative and labour division of the Curia may, at his choice, request his transfer to the Supreme Administrative Court or to a regional administrative court. The statement shall be made in such a way that it is received by the President of the NOJ or the President of the Curia, respectively, not later than 30 April 2019.

(2) The time limit under paragraph (1) shall be preclusive; the statement may not be withdrawn.

(3) By virtue of this Act, a judge who made a statement in accordance with the requirements laid down in paragraph (1) shall serve as an administrative judge from 1 January 2020.

(4) With effect of 1 January 2020, the minister responsible for justice (hereinafter “the Minister”) shall assign the judge who made a statement in accordance with the requirements laid down in paragraph (1) to the administrative court indicated in the statement.

(5) Making or failing to make a statement under paragraph (1) shall not prevent the judge from submitting an application for any judge position.

(6) A judge who, under paragraph (1), is entitled to make a statement shall be entitled, from the day of the entry into force of the Act on administrative courts, to his previous

remuneration as judge in the ordinary court system or the administrative court system, according to his assignment unless, under the Act on administrative courts or Act CLXII of 2011 on the legal status of judges (hereinafter “the Bjt.”), he is entitled to a higher remuneration.

Section 3 (1) If the President of the Curia or the NOJ in office at the entry into force of this Act is entitled to make a statement in accordance with the provisions laid down in section 2 (1), he may make his statement, addressed to the Minister, within 30 days after his mandate has terminated or, if he continues to be entitled to exercise the President’s powers following the termination of his mandate, after he ceased exercising these rights; in the statement, he may, at his choice, request his transfer to the Supreme Administrative Court or to a regional administrative court.

(2) The Minister shall assign the judge who made a statement in accordance with the requirements laid down in paragraph (1) to the administrative court indicated in the statement. If the term of office ends before 1 January 2020 then, until 1 January 2020, section 75 of Act CLXI of 2011 on the organisation and administration of the courts (hereinafter “the Bszi.”) shall apply to the President of the NOJ, and section 116 (2) and (3) of the Bszi. shall apply to the President of the Curia.

(3) Any judge assigned to the NOJ, a ministry or the Curia, and any judge who is, at the entry into force of this Act, on unpaid leave shall be entitled, if he was a member of a regional administrative and labour division or the administrative and labour division the Curia before his assignment or before the commencement of the unpaid leave, to make a statement in accordance with the provisions laid down in section 2 (1), with the proviso that he shall be assigned to the administrative court after his assignment to the NOJ, a ministry or the Curia terminates, or his unpaid leave expires.

(4) The Minister shall assign the judge assigned to the NOJ, a ministry or the Curia who made a statement in accordance with the requirements laid down in paragraph (3) to the regional administrative court corresponding to the court in which the judge last served before his assignment to the NOJ, a ministry or the Curia, or to the regional administrative court of the domicile of the judge, at his choice, with effect of 1 January 2020 or, if his assignment to the NOJ, a ministry or the Curia terminates later, following the termination of his mandate.

(5) If the assignment of the judge assigned to the NOJ, a ministry or the Curia terminates before 1 January 2020 then, until 31 December 2019, he shall be assigned to serve in accordance with section 58 (3) of the Bjt., and the provisions of paragraph (4) of this section shall apply.

(6) The provisions of section 2 (3) and (4) shall apply accordingly to judges who made a statement in accordance with the requirements laid down in paragraph (3) and are on unpaid leave.

Section 4 (1) If a judge as referred to in section 2 (1) did not make a statement, his service relationship as a judge shall not change, with the proviso that

a) the president of the regional administrative court shall assign the judge adjudicating at the administrative and labour court to the regional court corresponding to the court in which the judge previously served with effect of 1 January 2020;

b) the member of the Regional Administrative and Labour Division of the Budapest-Capital Regional Court, other than a judge referred to in point *a)*, shall continue to serve as a judge of the Budapest-Capital Regional Court;

c) the member of the Administrative and Labour Division of the Curia shall continue to serve as a judge of the Curia.

(2) The judge referred to in paragraph (1) shall become a member of the division corresponding to his assignment.

(3) From the day of the entry into force of this Act, no call for applications shall be announced for judge positions specified in section 2 (1).

Section 5 (1) The term of office of court leaders of the administrative and labour court, and the court leaders of the administrative and labour division of the Budapest-Capital Regional Court and the Curia shall terminate on the day preceding the entry into force of the Act on administrative courts.

(2) A judge who, under section 2 (1), is entitled to make a statement and who, on the day preceding the entry into force of the Act on administrative courts, holds the position of a court leader, not including court leaders appointed according to paragraph (4), shall be entitled, from the day of the entry into force of the Act on administrative courts, until the date of expiry of his original term of office, to a remuneration corresponding to his previous court leader position in the ordinary court system or the administrative court system, according to his assignment, unless he is appointed to another court leader at the ordinary court or administrative court.

(3) Notwithstanding paragraph (2), from the day of the entry into force of the Act on administrative courts, a judge who, under section 2 (1), is entitled to make a statement and who, on the day preceding the entry into force of the Act on administrative courts, holds the position of a panel chair, shall be appointed, without a call for applications, as a panel chair in the ordinary court system or the administrative court system, according to his assignment.

(4) If the position of the division head of the regional administrative and labour division terminates before the expiry of the term of office by virtue of this Act, he shall be appointed, without a call for applications, as a panel chair.

(5) From the day of the entry into force of this Act, no call for applications shall be announced for court leader positions specified in paragraph (1); appointment to perform these duties may be granted only until the day preceding the entry into force of the Act on administrative courts.

Section 6 By way of a statement addressed to the President of the NOJ, any junior judge assigned to an administrative and labour court, as well as any junior judge assigned to the Regional Administrative and Labour Division of the Budapest-Capital Regional Court, may request his transfer to the regional administrative court, the territorial jurisdiction of which includes the territorial jurisdiction of the court in which the junior judge serves. By way of a statement addressed to the President of the Curia, any junior judge and senior advisor assigned to the Administrative and Labour Division of the Curia may, at his choice, request his transfer to the Supreme Administrative Court or to a regional administrative court. The statement shall be made in such a way that it is received by the President of the NOJ or the President of the Curia, respectively, not later than 31 May 2019.

(2) The time limit under paragraph (1) shall be preclusive; the statement may not be withdrawn.

(3) Within 3 days of the expiry of the time limit under paragraph (1), the President of the NOJ and the President of the Curia shall inform the Minister of the data of the statements made.

(4) With effect of 1 January 2020, the Minister shall transfer the junior judge who made a statement in accordance with the requirements laid down in paragraph (1) by applying the provisions on transfer of Act LXVIII of 1997 on the service relationship of judicial employees (hereinafter “the Iasz.”) as appropriate.

(5) A junior judge who did not make a statement shall be assigned by the president of the regional court where he serves or the President of the Curia.

(6) Making or failing to make a statement under paragraph (1) shall not prevent the junior judge from submitting an application for any judge or junior judge position.

Section 7 (1) If, by the time of the entry into force of this Act, the trainee judge has completed at least half of the period of legal practice specified in section 3 (3) of the Iasz then., by way of a statement addressed to the President of the NOJ, he may request his transfer to the regional administrative court, the territorial jurisdiction of which includes the territorial jurisdiction of the court in which the trainee judge serves. The statement shall be made in such a way that it is received by the President of the NOJ not later than 31 May 2019.

(2) The time limit under paragraph (1) shall be preclusive; the statement may not be withdrawn. A trainee judge who did not make a statement shall be assigned by the president of the regional court where he serves.

(3) Within 3 days of the expiry of the time limit under paragraph (1), the President of the NOJ shall inform the Minister of the data regarding the statements made.

(4) With effect of 1 January 2020, the Minister shall transfer the trainee judge who made a statement in accordance with the requirements laid down in paragraph (1) by applying the provisions of the Iasz. on transfer as appropriate.

Section 8 (1) By 15 June 2019, the Minister shall determine the number of judicial employees for each administrative court and for each category of judicial employees laid down in the Iasz.

(2) The Minister shall publish an invitation to fill the judicial employee positions under paragraph (1), except for trainee judge and junior judge positions. In filling the positions, preference shall be given to judicial employees who had a service relationship or were serving in an administrative and labour court when the invitation was published.

(3) The Minister, the judicial organ under the Iasz. and the judicial employee who applied for a position shall come to an agreement concerning the permanent transfer of the judicial employee.

(4) The judicial employee subject to the agreement under paragraph (3) shall be transferred with effect of 1 January 2020 in accordance with the agreement.

(5) The provisions of the Iasz. regarding the termination of the service relationship due to termination of the job shall not apply to the service relationship of judicial employees not subject to an agreement under paragraph (3), who fall within the scope of this section. By way of a statement addressed to the president of the regional court, any judicial employee who did not make a statement may request his transfer to the regional court or to a district court, the territorial jurisdiction of which is included in the territorial jurisdiction of the administrative and labour court which ceases to exist. The statement referred to in this paragraph shall be made, either through the regular service path, or by post, in such a way that it is received by the president of the regional court not later than 30 September 2019.

(6) The Minister shall, by 31 August 2019, announce a call for applications for one third of the trainee judge positions determined under paragraph (1). In other respects, the provisions of the Iasz. shall apply to the application procedure.

Section 9 (1) Within 3 days of the expiry of the time limit under section 2 (1), the President of the NOJ and the President of the Curia shall inform the Minister of the data regarding the statements made.

(2) Taking the number of judge positions previously determined for the specialised field of administrative law, the previous caseload data, and the rules on administrative procedures and administrative actions into consideration, after obtaining the opinion of the President-elect of the Supreme Administrative Court, the Minister shall determine the preliminary number of administrative judge positions for each court. The preliminary number of administrative judge positions determined for an administrative court shall not be less than the number of judges who made a statement under section 2 (1) according to which they are to be assigned to that court.

(3) Taking the preliminary number of positions determined for the administrative court and the number of judges assigned under section 3 (2) to the individual administrative courts into account, the Minister shall establish the number of vacant administrative judge positions for each administrative court.

(4) The Minister shall, by 15 July 2019, announce a call for applications for judge positions not exceeding one half of the number of vacant administrative judge positions under paragraph (3) for each administrative court.

(5) Applications shall be submitted to the President-elect of the Supreme Administrative Court within the time limit specified in the call for applications, but not later than 31 August 2019.

(6) If the call for applications for a position is unsuccessful, a new call for applications shall be announced.

(7) In questions not regulated in this Act, the Act on administrative courts shall apply to the application procedure.

Section 10 (1) The applications submitted under section 9 (5) shall be evaluated by an evaluation committee, the term of office of which expires on 31 December 2019.

(2) The evaluation committee shall be chaired by the President-elect of the Supreme Administrative Court and composed of eight members as follows:

a) the names of four members shall be drawn by lot by the Minister from among the judges who made a statement under section 2 (1), were awarded the grade 'excellent' and appointed for an indefinite term, with the proviso that two of them must be judges serving at the Curia,

b) four non-judge members shall be invited from among outstanding legal scholars or persons having at least ten years of professional experience in a field of law, one by each of the following:

ba) the Committee on Justice of the National Assembly,

bb) the Prosecutor General,

bc) the minister responsible for the organisation of public administration,

bd) the president of the Hungarian Bar Association.

(3) The judges drawn by lot shall be required to participate in the work of the evaluation committee; they shall be provided a lighter caseload for the time of performing this task.

(4) By 15 July 2019,

a) the Minister shall inform the chair of the evaluation committee of the persons drawn by lot according to paragraph (2) *a)*,

b) the persons and organs entitled to invite persons shall inform the chair of the evaluation committee of the persons invited according to paragraph (2) *b)*.

(5) Members of the evaluation committee shall not be recalled and shall not be given instructions in respect of their activities as a member.

(6) The evaluation committee shall hold its meeting in camera; only its members may attend the meetings. If an item on the agenda affects a member, the affected member shall not participate in the discussion of that item.

(7) The evaluation committee shall have a quorum if its chair, as well as three judge and three non-judge members, are present. If it has no quorum, a new meeting shall be held within eight days, where the evaluation committee shall have a quorum if its chair and at least four members are present.

(8) The first meeting of the evaluation committee shall be convened by its chair by 15 September 2019.

(9) In other respects, the provisions concerning the Personnel Council of the National Administrative Judicial Council of the Act on administrative courts shall apply accordingly to the operation of the evaluation committee.

Section 11 (1) Eighty percent of the score for an application shall be based solely on the objective evaluation of the applicant's qualifications, professional expertise and experience gained (hereinafter "objective score"), and twenty percent of the score may represent the evaluation of the applicant's preparedness and necessary sense of vocation as a judge, which cannot be measured objectively (hereinafter "interview score").

(2) At its meeting, the evaluation committee shall interview those applicants who are qualified as eligible under the professional aptitude test. Before the interview, the objective score achieved shall be established not later than by 10 October 2019, on the basis of the criteria specified in the Bjt., taking their experience in public administration as specified in the Act on administrative courts into account; the evaluation committee shall communicate the objective score to the applicant before the interview.

(3) The applicant may object within three days to the result of the objective score calculation before the disciplinary court. The disciplinary court shall decide on the objection within five days after it is submitted, and shall communicate its decision without delay to the applicant and to the evaluation committee. If the disciplinary court upholds the objection, it shall change the decision on the calculation of the objective score. No further legal remedy shall lie against the decision of the disciplinary court.

(4) After interviewing the applicant, the evaluation committee shall establish the interview score according to paragraph (5) and communicate it to the applicant without delay.

(5) The members of the evaluation committee shall cast a vote by secret ballot on the interview score by providing a whole number between zero and the highest possible interview score. The interview score shall be the arithmetic mean of the votes, with the proviso that the highest vote and the lowest vote shall not be taken into account.

(6) The evaluation committee shall establish the ranking based on the scores achieved by the applicants. On the basis of the ranking, not later than by 20 October 2019, the evaluation committee shall submit continuously to the Minister the application files for each position, indicating the scores of those applicants who achieved at least eighty-five percent of the highest score actually achieved.

(7) Notwithstanding paragraph (6), the application file of those applicants who failed to achieve at least fifty percent of the maximum score shall not be forwarded.

Section 12 (1) The Minister may interview applicants who apply for the same position.

(2) The President-elect of the Supreme Administrative Court, one judge member and one non-judge member of the evaluation committee designated on a case-by-case basis and the persons called upon by the Minister may attend the interview. The interview shall not be open to other applicants.

(3) The Minister shall make his decisions regarding each position on a continuous basis, not later than by 15 November 2019. If the Minister declares the call for applications to be unsuccessful after 15 October 2019, a new call for applications shall be announced for the position concerned after the entry into force of the Act on administrative courts.

Section 13 (1) The Minister

a) shall submit to the President of the Republic the proposal for appointment of the non-judge applicant ranked first, and, after his appointment by the President of the Republic, shall assign the judge to the awarded administrative judge position,

b) shall decide on assigning the judge applicant ranked first to the awarded administrative judge position.

(2) If, after the interview, the Minister disagrees with the ranking submitted by the evaluation committee, he may amend it and provide a written justification, and

a) shall submit to the President of the Republic the proposal for appointment of the non-judge applicant ranked first according to the amended ranking, attaching the ranking

established by the evaluation committee as well as the reasons for amending it, and, after his appointment by the President of the Republic, shall assign the judge to the awarded administrative judge position,

b) shall decide on assigning the judge applicant ranked first according to the amended ranking to the awarded administrative judge position.

(3) Upon a reasoned motion of the evaluation committee, the Minister shall declare the call for applications to be unsuccessful if

a) no application has been received or if the received applications have been rejected by the evaluation committee due to the absence of any statutory condition,

b) none of the applicants achieved at least fifty percent of the maximum score,

c) the appointment would result in a conflict of interests according to the Bjt. for all applicants that could be forwarded to the Minister,

(4) In a reasoned decision, the Minister shall declare the call for applications to be unsuccessful if

a) during the assessment of the applications, the participants in the assessment procedure committed a serious procedural irregularity that cannot be remedied,

b) a circumstance arose after the announcement of the call for applications, due to which the position is to be filled according to the Act without the announcement of a call for applications.

(5) If, on the basis of the application procedure, the administrative judge position is awarded to a judge from an ordinary court, the Minister shall notify the President of the NOJ or, for a judge of the Curia, the President of the Curia without delay. The Minister shall assign the judge on the basis of a consultation held with the President of the NOJ or, for a judge of the Curia, with the President of the Curia, but not later than within three months of the notification.

(6) The Minister shall send, as an information note, the reasoning according to paragraphs (2) and (4) to the evaluation committee at the same time as taking the measure specified therein.

Section 14 (1) The rules on applying for an administrative judge position shall apply to filling an administrative judge position established at the Supreme Administrative Court with the derogations specified in this section.

(2) The President-elect of the Supreme Administrative Court shall attach his respective opinion to the application submitted according to section 11 (6).

(3) If the opinion of the President of the Supreme Administrative Court differs from the ranking submitted by the evaluation committee, the Minister shall interview the applicants in accordance with section 12 and, considering their results, he shall act in accordance with section 13.

Section 15 (1) For the first occasion, by 30 November 2019, the Minister, without carrying out an application procedure, after seeking the opinion of the evaluation committee and following the candidate interview, shall appoint an acting president, from among the judges appointed for an indefinite term and assigned to a regional administrative court, to the position of the regional administrative court's president, publishing at the same time the announcements for the positions of the president and secondary president of the regional administrative court, with effect from 1 January 2020 until the evaluation of the applications but for a maximum period of one year.

(2) On one occasion, by 31 December 2019, the Minister, without carrying out an application procedure and on a proposal from the President-elect of the Supreme Administrative Court, shall appoint an acting division head from among the judges appointed for an indefinite term and assigned to an administrative court to the position of the division

head of the administrative division, publishing at the same time the announcements for the positions of division heads, until the evaluation of the applications but for a maximum period of one year.

(3) By 15 January 2020, the Minister shall announce a call for applications for the panel chair positions of administrative courts that are not filled under section 5 (3). The applications shall be evaluated by 31 March 2020. By 15 December 2019, the President-elect of the Supreme Administrative Court shall appoint judges from among those appointed for an indefinite term and assigned to an administrative court, and especially those already appointed as a judge chairing a panel, to act as chairs of the adjudicating panels in the period between 1 January 2020 and 31 March 2020.

Section 16 (1) By 31 December 2019, the President-elect of the Supreme Administrative Court shall draw up the provisional case assignment plan for the administrative courts, which shall apply until the case assignment plan is issued but not later than 31 March 2020.

(2) In order to comply with the right to a lawful judge, a case that has been assigned to an administrative judge under the provisional case assignment plan may not be reassigned based on the case assignment plan.

Section 17 (1) By 15 January 2020, the president of the administrative court shall convene the all-judges conferences of the administrative courts for a date within thirty days; at its first meeting, the all-judges conference shall elect the members of the administrative judicial council and the members delegated to the National Administrative Judicial Council (hereinafter "NAJC").

(2) The president of the regional administrative court shall notify the President of the Supreme Administrative Court without delay of the election of the members delegated to the NAJC.

(3) The constitutive sitting of the NAJC shall be convened by the President of the Supreme Administrative Court by 15 March 2020.

(4) The persons and organ entitled to invite a member shall notify the President of the Supreme Administrative Court of the names of the non-judge members of the Personnel Council of the NAJC by 15 February 2020.

Section 18 (1) A judge who did not make a statement according to section 2 (1) may not take part in the adjudication of any administrative dispute started after 30 November 2019, not including cases where the Act establishes a time limit of 15 days or less for making a decision. Considering this, the case assignment plan shall be adjusted if needed.

(2) No hearing shall be set in any administrative action for a date following 15 December 2019. The conclusive decisions made in administrative actions shall be put into writing by 31 December 2019, and shall be communicated.

(3) The judges of the administrative and labour courts and the members of the administrative and labour divisions of the Budapest-Capital Regional Court and of the Curia shall submit, by 15 December 2019, to the president of the regional court or to the President of the Curia the files of the cases not yet adjudicated.

(4) After 1 January 2020, the president of the regional court or the President of the Curia shall send without delay, but not later than by 15 January 2020, the cases under paragraph (3) to the court with material and territorial jurisdiction.

(5) Taking the principle of the right to a lawful judge into account, the judge who started the adjudication of a case under paragraph (3) before 1 January 2020 shall proceed in that case, provided that he has been assigned to the court with material and territorial jurisdiction.

(6) In those administrative actions started after 20 December 2019 where the Act provides for a handling time limit of 8 days or less, the handling time limit shall be extended by the sending period, but the period of the extension shall not be more than 8 days.

Section 19 (1) The uniformity decisions concerning administrative matters adopted before 1 January 2020 shall apply until the adoption of a uniformity decision containing different guidance, adopted on the basis of the Act on administrative courts. Pending uniformity procedures concerning administrative matters shall terminate by virtue of this Act on 31 December 2019.

(2) Following 1 January 2020, no authoritative Curia decision or authoritative court decision concerning administrative matters shall be published and those published earlier are not applicable.

Section 20 (1) Administrative and labour courts shall cease to exist on 31 December 2019.

(2) In labour actions, the regional court shall proceed at first instance as labour court from 1 January 2020.

(3) The regional administrative and labour divisions shall cease to exist on 31 December 2019. From 1 January 2020, regional labour divisions shall operate in a number and with territorial jurisdiction as laid down in a separate Act, and shall perform the tasks specified in the Bszi. From 1 January 2020, the name of the administrative and labour division operating at the Curia and the Budapest-Capital Regional Court shall change to labour division.

Section 21 The Government and the NOJ shall jointly ensure that coverage is provided for the human and technical resources under section 1 (5).

Section 22 (1) In the Act on the 2020 central budget, the budget of the administrative courts shall form a separate heading.

(2) The Minister shall put forward a proposal on the heading of administrative courts in the 2020 central budget. The President-elect of the Supreme Administrative Court shall deliver an opinion on the draft heading of administrative courts in the 2020 central budget. If the first President of the Supreme Administrative Court is not yet elected when the information notice referred to in section 13 (1) of Act CXCV of 2011 on public finances is published, the President of the NOJ shall deliver an opinion on the draft heading of administrative courts in the central budget.

(3) In other respects, the provisions of the Act on administrative courts shall apply accordingly in the course of the debate in the National Assembly on the heading of administrative courts in the 2020 central budget, with the proviso that if the first President of the Supreme Administrative Court is not yet elected, the powers of the President of the Supreme Administrative Court concerning budget shall be exercised by the President of the NOJ.

(4) When drafting the 2020 central budget, due account shall be taken of the modifications arising from the establishment of administrative courts in the heading laying down the budget for ordinary courts.

Section 23 (1) The President of the NOJ and the Minister shall, by 30 June 2019, agree on

a) the establishment of the scope of, and the transfer of, the rights of pecuniary value and intellectual property as well as the real estate for regional administrative courts and other tangible assets as necessary for the operation of administrative courts,

b) the necessary conditions or ensuring the interoperability of IT systems for the operation of administrative courts, and

c) the principles of the final transfer of judicial employees according to this Act.

Section 24 The President-elect of the Supreme Administrative Court shall, by 15 October 2019, put forward a proposal to the minister to lay down the provisional case management regulations of administrative courts.

2. Entry into force of the Act on administrative courts

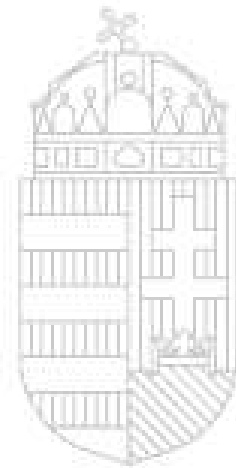
Section 25 Act ... of 2018 on administrative courts shall enter into force on 1 January 2020.

3. Final provisions

Section 26 The minister responsible for justice shall be authorised to establish in a decree the requirements for the statements under section 2 (1), section 6 (1) and section 7 (1) in terms of form and content.

Section 27 This Act shall enter into force on 1 February 2019.

Section 28 Sections 1 to 5, section 15, section 17 and sections 19 to 20 of this Act qualify as cardinal on the basis of Article 25 (8) of the Fundamental Law.



MINISTRY OF JUSTICE
HUNGARY