



## **Right to Reply Delegation of Hungary**

### **Working Session 4. Rule of Law I. HDIM, 12. September 2018. Warsaw**

In reply to the remarks of the second introducer it should be stressed that the new framework for the judiciary, adopted in 2011, has been carefully examined by the Venice Commission and the European Commission. These bodies have identified several positive provisions in the acts, while also pointing out a few problematic elements that were addressed by the Hungarian Government.

I'd like to point out that in the European Commission's communication on the EU Justice Scoreboard show that the Hungarian justice system performs above or well above the EU average, just like in previous years.

Secondly as a reply to the Hungarian Helsinki Committee let me highlight that the recently adopted 7th Amendment of the Fundamental Law has created constitutional framework for the legislative work necessary for establishing the institutionally independent administrative judicial system. The organizational separation of administrative and ordinary courts is justified, on the one hand, by the particular purpose of the administrative justice. A fair balance has to be created between private and public interests ensuring consistency between the basic right of the individual and the legal protection based on public interest. On the other hand, adjudication of administrative disputes requires special knowledge and a particular attitude of the judge in order to be able to protect the citizen from the superiority of power of the inevitably dominant authority.

Multilevel administrative judiciary which is institutionally independent from ordinary courts and from the jurisdiction of the Supreme Court operates several EU member states. International examples, especially the well-functioning systems in neighbouring countries prove us that independent administrative judiciary ensures better the self-restraint of executive power and provides more efficient control over actions of the administration.