

FOREWORD

Close institutional relations under public law



On 18 April 2011, the National Assembly adopted the Fundamental Law of Hungary which aimed at not only repealing and replacing the 1949 Constitution that had been drafted and adopted in the communist era and had been patched up with several amendments since Hungary's change of political regime in 1990 so as to remain in force "on a provisional basis", but also ending, from a public law perspective, the period of a post-communist political transition that had lasted between 1990 and 2010, thus marking a new era in the history of the Hungarian State.

The above constitutional reform had an impact on the justice system and the supreme judicial body as well.

The Supreme Court has been renamed to become, once again, the Curia of Hungary which has been vested with greater powers in the field of the unification of the courts' case-law and has been given new tasks and competencies regarding local government decrees. The former are ensured through the setting up and functioning of the Curia's jurisprudence-analysing working groups, while the latter are exercised by the Curia's municipality panel that is entitled to review the legality of local government decrees and annul those that are deemed contrary to the law and to declare whether a local government has failed to legislate as laid down in the Act on Local Governments.

The Curia's yearbooks have been published since the year 2012. They are rich in content, their greatest virtue is that they include the most significant individual Curia decisions – that may often be of interest for the general public – in each field of law. In addition, the

comprehensible presentation of the Curia's uniformity tasks, in particular, its uniformity decisions and departmental opinions could also be of strong interest.

The legislative proposals formulated by the jurisprudence-analysing working groups and contained in the yearbooks are of great use and importance for the National Assembly as well. Moreover, it is quite natural that these publications present the Curia's competencies and tasks, changes of competencies, judges and judicial employees, strategic and development plans, caseload statistics, important events and international relations year after year, on a recurring basis.

Beyond the Chief Justice's statutory obligation to annually report on the Curia's certain activities to the National Assembly, the easily understandable yearbooks – the introduction of which by other constitutional organs could be considered – provide additional information.

It is therefore not pure chance that the forewords of the previous yearbooks have all been written by public law dignitaries and heads of constitutional bodies. Nor is it a coincidence that the foreword of the yearbook's first edition was authored by the President of the Republic who is responsible for proposing a Chief Justice candidate for election by the National Assembly. The Curia has, however, similarly close ties with other state bodies the heads of which have also greeted the readers of the Curia's yearbooks: the President of the Constitutional Court, the Minister of Justice, the Commissioner for Fundamental Rights and the Prosecutor General have all presented their respective relationship with the Curia. I should not break this series of foreword authors, because the relationship between the National Assembly and the Curia is of outstanding constitutional importance as well.

There is continuous contact between our institutions with regard to the Curia's constitutional and statutory position and competencies, the election of the President of the Curia and the approval of the Chief Justice's annual report. It should be underlined that these reports have been approved by a large majority in previous years, the Chief Justice's latest report was even unanimously approved by the National Assembly.

The fact that the National Assembly's legislative activity has an impact on the judiciary and the supreme judicial forum cannot be disregarded either. The National Assembly has adopted a number of new codes over the past couple of years. The novel Civil Code, Criminal Code and Labour Code assigned complex tasks to the Curia which had to examine the effects of the new pieces of legislation on its previous case-law.

Although the pace of legislation has slowed down after the renewal of several Hungarian norms and the National Assembly's work has become more predictable, the latter's activity continues to influence the Curia's operation. Suffice it to refer to the newly adopted Code of Civil Procedure and Code of Administrative Court Procedure, both of them entered into force very recently. Moreover, it should not be forgotten that it is not only the National Assembly that has an impact on the Curia's functioning (in particular by electing the President of the Curia), but the Curia also plays a role in the National Assembly's operation (especially by dealing with judicial review petitions in general election cases) – this is particularly true for 2018, the year of general elections in Hungary.

I was therefore honoured to be asked to write a foreword to the Curia's 2017 Yearbook, as it can never be emphasised enough that there are very important constitutional ties between the Curia and the National Assembly. Besides their close institutional relations under public law,

the three branches of power will soon get closer to each other in a geographical sense as well: the Curia will move to the Palace of Justice at Kossuth square, the symbolic centre of the Hungarian State, thus, the legislative, executive and judicial branches will be located in the same area. I am strongly convinced that the restoration of the Curia's prestige and the symbolic geographical closeness of the legally separate branches of power both contribute to the maintenance of the authority of the rule of law in Hungary.

Dr. László Kövér
Speaker of the National Assembly