

**Welcome address by Prof. Dr. András PATYI, the Vice-President of the Curia of
Hungary
on the role of the Curia of Hungary in ensuring the uniformity of the courts' case-law**

Your Excellencies, Honourable Guests, Ladies and Gentlemen,

I also have the pleasure to welcome you to this working breakfast on behalf of the Curia's management. Following President Varga's welcome address, I would like to briefly present the role of the Curia in ensuring the uniformity of the courts' case-law.

The unity of the application and interpretation of law is an integral and important **part of a constitutional state, a state under the rule of law**. The uniform or equal interpretation of law is closely linked to equality before the law. Divergence or disunity in the interpretation of the law by the courts, divergence in the case-law raises constitutional issues. The uniformity of judicial application of the law is of a direct constitutional importance, and while all courts and judges have a role in ensuring the uniformity of the courts' jurisprudence, the Curia is the main guarantor of that uniformity.

The so-called **limited precedent system** – introduced in 2020 following the Recommendations of the **Venice Commission** – has strengthened the role of the Curia's individual decisions. As a rule, the **interpretation** of the law given in the Curia's final individual decisions is binding on the Curia's judicial panels as well as on the lower courts, once those decisions have been published in the Collection of Court Decisions.

The lower courts are still allowed to depart from the decisions of the Curia but they must give **detailed reasons** for the departure. The reasons and the departure itself can be reviewed by the Curia in **cassation procedure**, at the request of the parties.

The second instrument is the so-called **uniformity decision**. If in a given case a judicial panel of the Curia wishes to interpret the law in another way (it wishes to depart from a previously published Curia decision), the panel cannot freely do that. The panel should suspend the proceedings and initiate a uniformity proceeding, in which the Curia's special panel decides about the possibility to depart and about the interpretation of the question of law in the motion. Following the Recommendations of the **Venice Commission** the participation of the parties is also secured in these procedures, they can express their opinion. The panel that initiated the uniformity proceedings is then **bound by** the interpretation given in the uniformity decision. Uniformity proceedings could also be initiated by the President, the Vice-President, the Heads of Chambers of the Curia, or the Prosecutor General upon a motion for a preliminary ruling. The interpretation in uniformity decisions are **generally binding** on all courts.

The **uniformity complaint procedure** is a new, extraordinary legal remedy within our judicial system. The procedure can be initiated by the parties to a case, against the Curia's final decision. The complaint can be based on an alleged departure by the Curia's adjudicating panel from another, previously published Curia decision.

In these procedures, the Curia will decide on the **interpretation** of the law and on the **case** at issue. If the Curia finds that there has been an unreasonable departure (that is, a difference from the interpretation or application of the law in a previous case), it can cassate the impugned decision of the Curia's judicial panel. If the Curia finds that the departure (that is, the difference from the interpretation or application of the law in a previous case) has been reasonable or necessary, the Curia will give a new binding interpretation and will not amend the contested decision.

With issuing a **new** or a different **interpretation** of the law, the Curia can ensure that its decisions be in line with the judgements of the European Court of Human Rights, the European Court of Justice, and the decisions of the Hungarian Constitutional Court. If a new, different interpretation of the law is confirmed by the Curia, its previous decisions to the contrary will be **overruled** and will no longer be binding on lower courts or the Curia's panels. In this way, the Curia ensures that its binding decisions are interpreted **in accordance** with European human rights law, EU law and Hungarian constitutional requirements.

Both uniformity proceedings and uniformity complaint proceedings are conducted by the **uniformity complaint panels**. Two permanent, 21 member panels have been established, following the Recommendations of the Venice Commission. The panels are chaired by the President of the Curia or one of the Vice- Presidents.

Last year, the Curia completed 41 uniformity complaint cases and delivered 12 uniformity decisions.

Excellencies, Ladies and Gentlemen, thank you for your kind attention.