



**Seminar organized by the Supreme Court of Ireland and
ACA-Europe**

**How our courts decide: The decision-making processes
of Supreme Administrative Courts**

Dublin, 25 – 26 March 2019

Answers to questionnaire: Hungary



Seminar co-funded by the «Justice » program of the European Union

ACA Seminar

How our Courts Decide: the Decision-making Processes of Supreme Administrative Courts

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Supreme Court of Ireland

Questionnaire

I. Introduction

1.1 The seminar will focus on the process followed by our national Supreme Administrative Courts in reaching their decisions. Each court will have its own formal rules, whether provided for in substantive law or in the internal rules or formal procedures of the court. Furthermore, each legal system will have its own culture and traditions which will inform the way in which the decision making process progresses.

1.2 The purpose of this questionnaire and the seminar which will follow is to provide a greater understanding of both the similarities and differences which exist between the decision making process in the respective Supreme Administrative Courts. It is hoped that this will provide useful information both for comparative purposes but also to give each Supreme Administrative Court a better understanding of the process which may have led to decisions of the courts of other EU member states.

1.3 The Dublin seminar on the 25th and the 26th March 2019 for which this preparatory questionnaire is being distributed is envisaged as a sister seminar to that which will be organised by our German colleagues in conjunction with the General Assembly of the 12th to the 14th May 2019 in Berlin. While there may be some small and unavoidable overlap between the issues raised it is intended that the Dublin Seminar will focus on the decision

making process of the court whereas the Berlin Seminar will focus on access to the Supreme Court and its functions including, for example, the question of whether ‘filters’ are provided for in administrative procedural law.

1.4 Further, while this project is independent of the ACA-Europe transversal analysis project on ‘The Quality of Judgments’, there will be an inevitable link between certain elements of the questionnaire formulated for that project and aspects of this questionnaire.

1.5 Please note that when answering the questions in this questionnaire it is not (with the exception of the statistical questions regarding caseload under Part C) necessary to consider proceedings which lead to the making of provisional orders.

1.6 In addition, in the event that your institution undertakes legislative functions such as providing advice on proposed legislation as well as the function of adjudicating cases in the context of court litigation, it is not necessary to include information pertaining to the legislative functions when responding to the below questions.

II. Questions

First of all, we would like to note that on 6th November 2018 the Hungarian Government introduced a Bill on administrative courts (No. T/3353) and another Bill on the entry into force of the Act on Administrative Courts and on Certain Transitional Rules (No. T/3354) to the Parliament. As a result of the new laws, from 1 January 2020 the Hungarian system of administrative courts will profoundly change. Therefore, in answering the questionnaire both the present (P) and the expected future (F) legislation is indicated, where relevant.

A. Background questions in relation to your Supreme Administrative Court/Council of State

1. What is the formal title of your Supreme Administrative Court/Council of State ('institution')? Please provide the name of your institution in your national language and the English translation if possible.

(P):

Hungarian name: Kúria (Közigazgatási-Munkaügyi Kollégium)

English name: Curia of Hungary (Administrative and Labour Department)

(F):

Közigazgatási Felsőbíróság (High Administrative Court)

2. What country/jurisdiction does your institution serve?

Hungary

3. Where is your institution based (i.e. its seat)?

(P):

Budapest (Hungary)

(F):

Esztergom (Hungary)

4. Please provide a link to your institution's website (if available), including a link to the English or French version or pages of the website if available.

Hungarian version: <http://www.lb.hu/index.php>

B. The Structure of your Supreme Administrative Court/Council of State

5. Please provide an outline of:

(a) The main functions of your institution (e.g. a first and last instance court, court of cassation or court of appeal);

(P):

According to Section 24 paragraph 1 of Act CLXI of 2011 on the Organisation and Administration of the Courts the responsibilities of the Curia are the following:

a) shall hear appeals (ordinary remedy) filed against decisions of the general courts and courts of appeal in cases specified by law;

b) shall hear petitions for review (extraordinary remedy; review of allegedly unlawful final decisions);

c) shall adopt uniformity decisions, which are binding upon all other courts;

d) shall perform jurisprudence-analysis of final decisions to examine and explore the judicial practice of courts;

e) shall publish so-called Curia decisions on principles and court decisions on principles;

f) shall determine the legality of municipal decrees, and shall annul them where appropriate;

g) shall pass decision on a municipal government's alleged failure to comply with its statutory law-making obligations; and

h) shall carry out further tasks referred to its powers by the law (shall hear cases referred to its competence).

(F):

According to Section 11 and Chapter III of Bill No. T/3353, the main functions of the High Administrative Court will be the following:

a) shall hear ordinary appeals filed against decisions of the administrative general courts;

b) shall hear cases specified in the law (e.g. referendum and election cases) at first and last instance;

c) shall carry out the control of legal norms (e.g. shall decide on the legality of municipal decrees, and shall annul them where appropriate; shall pass decisions where a municipal government fails to comply with its statutory legislative obligation);

d) shall carry out further tasks referred to its competence by the law (e.g. it will review final decisions challenged through an extraordinary remedy); and

e) shall carry out jurisprudence-unifying activities (e.g. adopting uniformity decisions binding on all courts; analysing final decisions within the framework of so-called jurisprudence-analysis in order to examine and explore the judicial practice of the courts; publishing so-called decisions on principles and court decisions on principles).

(b) The nature of your institution (e.g. a Supreme Administrative Court or a Supreme Court with jurisdiction in other areas of law); and

(P):

The Curia is a supreme court with jurisdiction in criminal, civil, labour and administrative law. The Administrative and Labour Department of the Curia actually operates as a supreme administrative court.

(F):

As of 1 January 2020 the High Administrative Court will be a distinct supreme administrative court.

(c) Its place within the overall court structure in your country/jurisdiction.

(P):

I. The general court system in Hungary

Pursuant to Section 16 of Act CLXI of 2011 on the Organisation and Administration of the Courts, justice is administered by the following courts:

- a) Curia (the Supreme Court);
- b) (regional) courts of appeal;
- c) (county-level) general courts;
- d) district courts and Budapest district courts (hereinafter referred to collectively as “district court”); and
- e) administrative and labour courts.

In this four-tier court system district courts proceed at first instance. District courts may set up groups for handling specific types of cases.

Administrative and labour courts proceed at first instance: a) in cases seeking the judicial review of administrative authority decisions; b) in lawsuits relating to contracts of employment and other work relationships; and c) in other cases specified in the law. Administrative and labour courts may set up groups for handling specific types of cases. Administrative and labour regional inter-court departments are set up independent of, and alongside the activities of the departments. Their number and area of jurisdiction is specified under a separate Act. Administrative and labour regional inter-court departments carry out professional tasks specified by the law. They operate within the organizational framework of the general court system.

(County-level) general courts proceed at first instance in cases specified by the law, mainly where the adjudication of a case is particularly difficult because of the facts of the case or the legal issues raised by the case. They proceed at second instance, too. At second instance they

hear appeals lodged against the decisions of district courts and administrative and labour courts. Within the general courts chambers, groups as well as criminal, civil, economic and administrative and labour departments operate.

Due to the comprehensive judicial reform in 1997, the judicial system, which formerly had consisted of three levels, was complemented by a fourth level, namely the level of regional courts of appeal. The five regional courts of appeal hear appeals filed against the decisions of district courts and county-level general courts adopted in cases specified under the law and other cases delegated to their jurisdiction. The Budapest, Pécs, and Szeged regional courts of appeal have been in operation since 1 July 2003, whereas the Debrecen and Győr regional courts of appeal began to operate on 1 January 2005. Altogether approximately 150 judges work at the five regional courts of appeal. Within these courts chambers, as well as criminal and civil departments operate.

The Curia is the highest-level judicial authority in Hungary.

II. Courts proceeding in administrative cases

According to Section 7 of Act I of 2017 on the Code of Administrative Litigation the following courts proceed at first instance: *a*) administrative and labour courts, *b*) (county-level) general courts and, in the cases specified by the law, the Curia. The following courts proceed at second instance: *a*) (county-level) general courts, in cases heard at first instance by the administrative and labour courts, and *b*) the Curia, in cases heard at first instance by the general courts.

On 1st of January 2018 eight administrative and labour courts were established with regional competence. At county seats having no administrative and labour courts, limited administrative jurisdiction (e.g. in social security and social cases) still exists.

Appeals filed against the decisions of administrative and labour courts are determined by the Budapest Administrative and Labour Court, which has exclusive jurisdiction for the determination of such appeals.

The Administrative and Labour Department of the Curia deals with administrative cases as highest-level judicial authority [see point B.5. (a) above].

(F):

According to Article 25 of the Fundamental Law of Hungary, “courts” are ordinary courts and administrative courts.

Ordinary courts shall hear and determine criminal cases, private law disputes and other matters specified under the law. The supreme body of the ordinary court system shall be the Curia, which shall ensure uniformity of the application of law by the ordinary courts and shall make uniformity decisions binding on ordinary courts. In respect of criminal, private and labour law matters the court system will, in all likelihood, remain unchanged in the future.

Administrative courts shall hear and determine administrative disputes and other matters specified under the law. Under Section 1 of Bill No. T/3353, “administrative courts” are the High Administrative Court and the administrative general courts. The supreme body of the administrative court system shall be the High Administrative Court.

C. Caseload

6. How many judges¹ serve on your institution?

(P):

Altogether 77 judges serve in the three Departments of the Curia: 16 criminal judges, 29 civil judges, 11 labour judges and 21 administrative judges.

(F):

At the High Administrative Court approximately 50 judges will carry out adjudicative tasks, as of 2020.

7. How many cases² are brought to your institution per year on average?

8. How many cases does your institution dispose of³ per year on average?

We would like to answer questions no. 7 and 8 by providing the chart below on the Curia’s caseload statistics, with data from 2013 to 2017:

	2013			2014			2015			2016			2017		
	Inc	Res	Cur	Inc	Res	Cur	Inc	Res	Cur	Inc	Res	Cur	Inc	Res	Cur

1 Please include figures concerning judges only and not the number of Advocates General (which will be dealt with under question 11) or judicial assistants/clerks/researchers (which will be dealt with under question 13).

2 In this question ‘cases’ means the average number of incoming cases per year, whether litigious (in which the judge(s) decides a dispute) or non-litigious (where a case in which there is no dispute is brought before the Supreme Administrative Court) and in all categories of cases if your Supreme Administrative Court does not deal solely with administrative law cases (for example, civil and commercial law, criminal law etc). It refers to both cases decided in writing and by oral hearing. It includes applications submitted to a Supreme Administrative Court before any filtering process is undertaken if such a mechanism exists.

3 Please indicate the average number of cases that come to an end in your Supreme Administrative Court each year either through a judgment or any other decision that ends the procedure, whether it has been considered in writing or by oral hearing.

CR	1557	1613	196	1840	1796	240	2006	1962	284	1881	1880	285	1964	1902	347
A	1634	1903	964	2077	2238	803	1968	1889	882	1978	1949	911	1851	1768	994
L	765	997	456	679	809	326	722	735	313	916	710	519	741	785	475
Loc	76	74	16	66	68	14	70	63	21	52	60	13	38	45	6
CC	2357	2645	1009	2614	2594	1029	2666	2604	1091	3201	2902	1390	3334	2908	1816
CE	380	415	157	433	454	136	373	388	121	922	690	353	784	765	372

KEY:

Inc: incoming cases

Res: resolved cases

Cur: current cases

CR: Criminal Department

A: Administrative and Labour Department, Administrative Section

L: Administrative and Labour Department, Labour Section

Loc: Administrative and Labour Department, local government cases

CC: Civil Department, Civil Section

CE: Civil Department, Economic Section

D. Internal organisation of the Supreme Administrative Court

9. Does your institution have chambers/divisions?

(P) and (F): Yes.

10. If yes, provide the following details:

a. How many chambers/divisions?

(P):

According to Section 24 of Act CLXI of 2011 on the Organisation and Administration of the Courts, the Curia has

- adjudicative judicial panels;
- an adjudicative judicial panel determining local government cases;
- judicial panels passing uniformity decisions;
- judicial panels issuing decisions on principle;
- criminal, civil and administrative-labour departments, and
- jurisprudence-analysing working groups examining judicial practice.

According to the Curia's Rules of Assignment as in force at present, each department (i.e. criminal, civil and administrative-labour) of the Curia has adjudicative judicial panels, judicial panels passing uniformity decisions, judicial panels issuing decisions on principle, and jurisprudence-analysing working groups examining judicial practice.

(F):

Based on Section 11 and 13 of Bill No. T/3353, the High Administrative Court has

- adjudicative judicial panels;
- adjudicative judicial panels determining local government cases;
- administrative departments and, optionally,
- judicial panels passing uniformity decisions and
- jurisprudence-analysing working groups examining administrative judicial practice.

b. How many judges serve in each chamber/division?

(P):

a) adjudication chambers (i.e. panels): These chambers are composed of 3-8 judges, depending on the specific section. In the Administrative Section of the Administrative and Labour Department the chambers consist of 3 or 4 judges.

b) adjudication chamber dealing with local government cases: The sole chamber composed of 4 judges.

c) chambers passing uniformity decisions: According to the law the members of the chambers passing uniformity decisions are appointed by the president of the chamber (now he is the

head of the Administrative and Labour Department). Based on his decision every single judge is the member of the chamber passing uniformity decisions in the Administrative and Labour Department.

d) chambers issuing decisions on principle: The chambers issuing decisions on principle consist of 5 judges except the Economic Section of the Civil Department with 4 members.

e) working groups examining judicial practice: The working groups examining judicial practice consist of judges from the Curia, but at the invitation of the president of the specific working group judges from the lower courts, the representatives of the Ministry of Justice and some of the most eminent legal academics and practitioners in the examined field are represented, too. These working groups generally consist of a maximum of 15-20 members.

c. The nature of particular areas of specialisation in your Supreme Administrative Court by chamber or otherwise (if any) (e.g. commercial division, environmental division etc.).

(P):

In the Administrative Section of the Administrative and Labour Department there are four types of adjudicative chambers. One deals with taxes and duties of any kind, the other with local government cases, the third with referendum cases and the fourth generally with anything (except local government and referendum cases).

(F):

According to Section 13 of Bill No. T/3353 in the High Administrative Court there will be three departments:

a) Constitutional;

b) General and

c) Financial (dealing e. g. with taxes and duties of any kind).

d. Do judges move between chambers/divisions? If yes, how is such movement determined?

By decision of the head of the Administrative and Labour Department in practice there are instances where judges move between chambers for example because of death or by reasons of work organisation.

e. Is it possible for a judge to be assigned to more than one Chamber at a time?

Yes.

f. Are there different levels of chambers, for example, an 'ordinary chamber' and Constitutional Review Chamber?

No.

g. How many judges are usually assigned to consider and decide an average case?

Three.

h. Does the number of judges assigned to decide cases vary? **(P): Yes.** If yes:

(i) Based on what rules or factors?

According to Section 8 of the Act I of 2017 on the Code of Administrative Litigation the Curia shall proceed in a panel composed of three professional judges. Where so justified in view of the complexity or priority social significance of the case, the Curia may decide to proceed in a panel of five professional judges. If justified by the nature of the case, a maximum of two members of the panel composed of five professional judges may be professional judges who are not appointed to act as judges proceeding in administrative cases.

(ii) Who decides how many judges are assigned to consider and decide a particular case?

The president of the adjudication chamber decides how many judges are assigned to consider and decide a particular case.

i. Is there a procedure for certain cases to be elevated to a grand chamber or plenary session? If yes, how is this decided and how many judges decide?

Yes. [See point 10.h above.]

j. Are judges assigned certain additional roles (e.g., rapporteur, case manager, other specific responsibilities etc.) relating to a particular case?

One case manager judge is appointed by the president of the adjudication chamber in every single case.

If yes, specify the additional roles and explain how these roles are assigned.

The president of the adjudication chamber appoints the case manager judge taking into account workload-balancing factors.

k. How significant is the role of the Chief Judge or President of the court in determining:

- (i) The assignment of cases to chambers or panels of judges;
- (ii) The number of judges assigned to consider and decide a particular case;
- (iii) The assignment of certain additional roles to judges;
- (iv) Any other matters you consider relevant in this context. For example, are there any other special panels, General Assemblies or bodies of judges to which cases are assigned.

According to the Rules of Assignment of the Curia in the Administrative Section of the Administrative and Labour Department the assignment of cases is automatic. Generally, the ending of the reference number of the administrative case determines the allocation to the adjudication chambers. Exemption from the case allocation rules may be permitted in the cases provided for in procedural laws, or through administrative channels for reasons of importance concerning the functioning of the court based on Section 11 paragraph 2 of Act CLXI of 2011 on the Organisation and Administration of the Courts.

11. Does the position of Advocate General exist in your legal system? If yes, please indicate:

- (i) The number of Advocates General or equivalent members of your institution;
- (ii) The function of the Advocate General in the context of your institution; and
- (ii) The extent to which the Advocate General participates in proceedings before your institution.

The position of Advocate General does not exist in our legal system.

E. Research and Administrative Assistance

12. What level of research and/or administrative assistance is available to your institution?

There is a network of senior advisers. Members with an academic background or recognised expertise are appointed by the President of the Curia.

13. How many officials provide legal research support to your institution?

At present there are five senior advisers in the Administrative Section of the Administrative and Labour Department.

14. Do officials which provide legal research assistance to your institution also provide administrative assistance?

Sometimes, atypically.

15. Are research and administrative supports pooled (i.e. shared between judges) or assigned individually to judges or is there both a pool and some researchers assigned to individual judges? Please explain.

Research and administrative supports are shared between judges.

16. If research and administrative support is assigned individually to judges, is there also a research and documentation or equivalent department which provides additional pooled research support?

-

17. To what extent, if at all, do assistants/*réferendaires* provide support to judges in your institution as regards specifically:

- (a) Preparation of pre-hearing documents, such as a memorandum to assist the judge prior to the hearing of a case;
- (b) Undertaking legal research to assist a judge to make a decision in a case;
- (c) Discussing aspects of a case with a judge orally or in writing;
- (d) Consideration and evaluation of the relevant law;
- (e) Undertaking comparative law analysis;

- (f) Drafting sections of judgments;
- (g) Putting forward a suggested or preliminary decision for judge(s) to consider;
- (h) Any other element that you consider is relevant in this context.

The extent varies according to the case at issue, but senior advisers of the Administrative Section of the Administrative and Labour Department are deeply involved in the preparation of hearings, they undertake legal research, discuss the aspects of the cases, consider and evaluate the relevant Hungarian and European law, undertake comparative law analysis, draft sections of judgements and propose possible decisions for judges for consideration.

F. Oral hearings

18. Is there an oral hearing in all cases?

No.

19. If there is not an oral hearing in all cases:

- (a) What percentage of cases typically involves an oral hearing?

It depends on the type of the case, but in approximately 80% of the cases oral hearing is held.

- (b) On what basis (formal rules or informal determinations) is it determined which cases will have an oral hearing?

Formal rules specify the cases in which oral hearings are to be held.

- (c) Can parties to a case request an oral hearing? If yes, what is the significance or consequence of such a request?

According to Section 107 paragraph 1 of the Act I of 2017 on the Code of Administrative Litigation applicable under Section 115 paragraph 2, the party may request a hearing in the petition for review and the counter-petition for review.

20. Does deliberation take place between the judges before the oral hearing? If so, is this the practice in all cases or in some cases?

Yes, in all cases.

21. Are time limits imposed on parties making oral submissions before your institution?

Parties can make oral submissions before the court with the permission of the president of the judicial panel adjudicating the case within reasonable limits, until the hearing is adjourned.

22. Are parties permitted to address the Court for an uninterrupted period of time? If so, for how long?

It depends on the decision of the president of the judicial panel adjudicating the case.

23. Is discussion in the oral hearing confined to matters set out in the statements or written submissions of the parties or may it involve broader legal discussion between the lawyers/a party and the Court?

The discussion in the oral hearing is confined to matters set out in the statements or written submissions of the parties.

24. Are parties permitted to file further written submissions following an oral hearing?

No.

25. Is it possible for a judge to be excluded from proceedings based on a legal opinion expressed during an oral hearing giving rise to the perception of bias?

No.

G. Written submissions of parties

26. What is the usual length and level of detail of written submissions of parties provided to your institution? Please indicate the approximate number of pages (1.5 line spacing) of a 'typical' written submission

- | | |
|-------------|-------------------------------------|
| 0 – 5 pages | <input type="checkbox"/> |
| 5-10 pages | <input checked="" type="checkbox"/> |
| 10-20 pages | <input type="checkbox"/> |
| 20-30 pages | <input type="checkbox"/> |
| 30-40 pages | <input type="checkbox"/> |
| 40-50 pages | <input type="checkbox"/> |
| 50+ pages | <input type="checkbox"/> |

20. Is there a maximum length for written submissions filed by parties in a case? If yes, please provide details.

No.

H. Consideration of the case

21. Can your institution raise points of law of its own motion (i.e. ex officio) or is it limited to the points raised by the parties to the case?

In principle, based on Section 85 paragraph 1 of Act I of 2017 on the Code of Administrative Litigation, the court shall examine the lawfulness of the administrative activity within the limits of the statement of claims. But according to Section 85 paragraph 3, the court shall ex officio take into consideration

a) the statutory grounds for nullity and the other statutory grounds for invalidity in respect of the contested administrative act and any material deficiency in meeting the formal requirements owing to which the administrative act is to be considered as non-existing,

- b) the fact that the administrative act has been based on a legal provision not applicable in the given case,
- c) other facts and circumstances specified in the law.

22. How is discussion, deliberation and decision-making structured in your institution?

According to Section 84 paragraph 2 of Act I of 2017 on the Code of Administrative Litigation, decisions shall be governed by the rules laid down in the Code of Civil Procedure.

According to Section 343 paragraphs 1 and 2 of Act CXXX of 2016 on the Code of Civil Procedure, where sitting in a judicial panel formation the court shall adopt its decision after deliberation, in camera, by way of casting votes. If the decision is not unanimous, the case will be determined by simple majority. The younger judge shall cast his vote before the senior judge, while the presiding judge shall cast his vote last. The outvoted judge shall have the right to attach his dissenting opinion in a sealed envelope to the decision. The dissenting opinion may only be accessed by the appellate court, the person entitled to start disciplinary proceedings, the service court (in disciplinary proceedings), and the judicial panel of the Curia entitled to initiate or conduct uniformity proceedings.

23. Does your institution deliberate in a number of different languages? If so, please provide some detail. For example, does your institution have more than one official language?

No.

24. Are there rules, processes, or conventions about how discussions and votes take place?

If yes, specify the relevant rules etc.

See point 22 above.

25. How are preferences for particular outcomes communicated between the judges?

See point 22 above.

26. Where there is an oral hearing, to what extent does the oral hearing (as opposed to written submissions) influence the court's discussion, deliberation and decision-making?

Oral hearing influences the court's decision to a lesser extent because, due to the principle laid down in Section 85 paragraph 1 of the Act I of 2017 on the Code of Administrative Litigation, the parties are not allowed to refer to new facts; they, however, can call the court's attention to the main focuses of the case.

27. Are there any other procedural rules or conventions that you believe impact significantly on the way in which cases are considered?

No.

I. The decision of the institution

28. Is the decision delivered on behalf of the institution or is it open to each individual judge assigned to the particular case to deliver a separate judgment?

The decisions are delivered on behalf of the institution. According to Section 343 paragraph 2 of Act CXXX of 2016 on the Code of Civil Procedure, the outvoted judge shall have the right to attach his dissenting opinion in a sealed envelope to the decision. The dissenting opinion may only be accessed by the appellate court, the person entitled to start disciplinary proceedings, the service court (in disciplinary proceedings), and the judicial panel of the Curia entitled to initiate or conduct uniformity proceedings.

29. If the decision is delivered on behalf of the institution, does one judge write for the institution? If not, please explain how the judgment of the court is written for your institution. Are there formal rules or informal practice governing this?

According to Section 346 paragraph 7 of Act CXXX of 2016 on the Code of Civil Procedure, the closing part of the judgement shall contain the name and signature of the president and the members of the judicial panel that has passed the decision. If any of the above persons are unable to sign the judgment due to some impediment, this fact and the reason thereof shall be indicated in the closing part of the judgment.

30. How is the court's ruling/reasoning recorded?

According to Section 346 paragraph 1 of Act CXXX of 2016 on the Code of Civil Procedure, the judgement shall be recorded in writing.

31. Is there a distinction in your Supreme institution between the Judgment (i.e. reasons) and the Order (i.e. the operative ruling of the court)?

Yes. Based on Section 84 paragraph 1 of Act I of 2017 on the Code of Administrative Litigation, the court shall determine the merits of a case in a judgement and shall determine all other issues that may arise in the course of the court proceedings in an order.

32. Are there any other distinctions of this nature in the decisions delivered by your institution?

No.

J. Timeframes for the decision-making process

33. How long, on average, between consideration of a case by your institution and the making of a decision? Please indicate the approximate length of time between the introduction of the case into the system of the Supreme Administrative Court (rather than the time when the case first comes before a judge for consideration) and the final resolution of the case through, for example, the pronouncement of the final decision.

Due to the great number of cases, the approximate length of time that elapses from the introduction of a case into the Curia's system to the final determination of the case is one year.

34. Is there a specific mandatory timeframe for deciding all cases? If yes, please provide details.

No.

35. Are there specific mandatory timeframes for particular categories of cases? If yes, please provide details of the categories of cases and the relevant timeframes.

Generally, there are not. But to the following categories of cases specific time limits are applicable:

a) referendum cases - 90 days;

b) election cases - 3 days;

c) legal control of the local government decrees – 90 days;

d) a case reopened upon a successful constitutional complaint shall be determined in priority proceedings.

36. If there are no mandatory timeframes for deciding cases, is there a certain amount of time that it is considered appropriate for the decision-making process to take? If yes, please provide details.

The aim is to determine the cases within one year.

37. If there are mandatory timeframes applicable to the decision-making process in your institution, is it ever difficult for the court to abide by these timeframes? If yes, what are the main reasons for this?

The main reason for the difficulty is the great number of the cases.

38. If there are no mandatory timeframes for deciding cases, but by convention or practice, there is a certain amount of time that is considered appropriate for the decision-making process to take, is it ever difficult for the court to abide by this timeframe? If yes, what are the main reasons for this?

The main reason for the difficulty is the great number of the cases.

K. Developments over time

39. Have the processes you have outlined in the preceding answers been subject to any significant changes in the last five years?

The profoundly new Code of Administrative Litigation and Code of Civil Procedure entered into force on 1 January 2018.

40. If yes, have these changes had an effect on the way cases are considered and decided?

We have limited experience, but it seems at first sight that due to the new provisions fewer lawsuits have been brought to the courts than in the period preceding the entry into force of the new procedural codes.

41. Do these changes constitute an improvement in your view? If yes, please provide details.

We do not have sufficient information to be able to answer this question.

I. Further comments or observations

42. Is there anything about your institution and/or its particular decision-making processes that you believe is not captured in the questions above, or any contextual information that you believe would aid our understanding of the decision-making processes in your court?

No.

Thank you for completing this questionnaire.