

**Examination of the courts' jurisprudence
in respect of the implementation of the provisions of the Fundamental Law of Hungary**

Hungarian constitutional law has always provided an important legal background for the courts to ensure the proper conduct of their proceedings, however, the Fundamental Law of Hungary created a new public law framework in which constitutional law was given a more significant role in respect of the judicial system. This new framework necessitates a reconsideration of the courts' position, a progressive transformation of the judges' way of thinking as well as a shift in the administration of justice towards an approach that is more attentive to the issues of fundamental rights. With regard to the above needs and tendencies, the President of the Curia decided to set up a jurisprudence-analysing working group on the implementation of the provisions of the Fundamental Law of Hungary concerning each field of law dealt with by the Curia. The working group aims at examining the courts' references to the provisions of the Fundamental Law of Hungary and determining to what extent a fundamental rights-focused approach is applied in judicial decisions. In this respect, four main fields of examination have been identified: i. successful constitutional complaints and the reasons behind the unconstitutionality of the impugned court decisions, ii. ill-founded constitutional complaints, iii. the application of Article 28 of the Fundamental Law of Hungary, and iv. references to the provisions of the Fundamental Law of Hungary by the courts, the reasons behind such references and the *in concreto* application of the provisions of the Fundamental Law of Hungary. The working group's research will be based on final judgements of lower instance courts, the related decisions of the Constitutional Court and Curia decisions – published on the Curia's website – rendered under the rules of the procedure regulated in Chapter XXIV of the Code of Civil Procedure. The jurisprudence-analysing working group is expected to complete its examination in the year 2016.

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