

## **The practice of the building authorities' procedures**

Since the generalisation of the judicial review of administrative decisions almost thirty years ago, legal actions for the judicial review of the decisions of building authorities have become lawsuits of particular importance. It is the very first time that the President of the Curia of Hungary decided to set up a jurisprudence-analysing working group, with widespread tasks, to examine this topic. The jurisprudence-analysis aims at exploring the case-law of the Curia and the lower instance courts in the field of building regulations, which have recently been substantially modified several times, and at assessing how the Curia has complied with its duty to harmonise the courts' relevant jurisprudence throughout the country. As a result of the legislative changes, the building authorities' power of authorisation has been significantly reduced, on the other hand, their role in official controls and the number of their building supervision proceedings have been increased. In the light of the foregoing, the assessment of the judgements delivered as a result of the judicial review of the building authorities' decisions rendered in supervision proceedings will be of outstanding importance for the working group's investigation, because these judgements have a dominant role in shaping the courts' future case-law.

The examination's common core content includes the classic forms of building matters, such as building and retention permission proceedings, proceedings for the issuance of an authorisation of use and for the ordering of a building site's demolition. The relevant administrative lawsuits raise two important procedural issues: the extent of the stakeholders' right to bring an action and the application of specific provisions in respect of reopened proceedings. In addition, the relationship between in-principle and final authorisations, the possibility of taking interim legislative changes into consideration and compliance with deadlines for action are also to be investigated. From among the authorities' proceedings relating to specific types of buildings, only those relating to heritage conservation are to be examined, as the latter category of cases is closely linked – from an organisational, procedural and substantive legal viewpoint – to the classic forms of building matters.

The working group's examination primarily focuses on cases finally disposed of by the Curia between 1 January 2015 and 29 February 2020, but the topic manager is allowed to extend the investigation to Curia or Supreme Court decisions rendered prior to 1 January 2015 and to lower court judgements as well.

The jurisprudence-analysing working group's mission is to be accomplished in 2020, the working group's constituent meeting took place on 9 March 2020, and the group is expected to hold its next meeting at the end of April 2020. The investigation phase will likely take place between May and September 2020, a date until which the reporting group members will have to prepare their draft summaries on each sub-topic. The results of the working group's findings will be assessed in the Fall of 2020, while the group's closing meeting is scheduled to be held in December 2020.

**Dr. Tamás Sugár**  
**Head of the jurisprudence-analysing working group**  
**Judge at the Administrative and Labour Department of the Curia of Hungary**