

Summary of the findings of a jurisprudence-analysing working group that was set up to examine “The issue of administrative judicial review following the entry into force of the Code of Administrative Litigation”

Pursuant to Article 25 of the Fundamental Law of Hungary, the Curia shall ensure the uniform application of law by the courts. In accordance with its constitutional mandate, jurisprudence analysis is one of the tools that the Curia uses to perform its tasks arising from the duty of guaranteeing the courts’ uniform case-law. The Curia conducts jurisprudence analysis in cases that have been concluded with a final decision, and within this framework, it examines and evaluates the adjudicative practices of the courts. On 8 February 2023, the President of the Curia established a jurisprudence-analysing working group to examine “The issue of administrative judicial review following the entry into force of the Code of Administrative Litigation”.

On 21 February 2017, the Hungarian National Assembly adopted Act I of 2017 on the Code of Administrative Litigation, which entered into force on 1 January 2018. The Code of Administrative Litigation is a statutory regulation comprising 6 parts and 27 chapters with 159 sections. It is the new and now independent procedural law of administrative courts. The setting up of the jurisprudence-analysing working group was justified by the need to summarize experience that was gathered over the course of the first five years of the application of the Code of Administrative Litigation.

Based on its personnel composition, the jurisprudence-analysing working group conducted the analysis with knowledge of current administrative, constitutional, and judicial case-law, taking into account various positions in domestic and international legal literature, issues of delimitation from related areas of law (such as criminal law, civil law, and labour law), as well as the contents of responses received from the courts that were consulted.

The questions posed, defined, and answered can be categorised into three main chapters:

- I. The scope of the judicial review under the Code of Administrative Litigation;
- II. Delimitations;
- III. A mirror of legal application: issues arising from case-law in administrative court proceedings conducted under the Code of Administrative Litigation.
 - Eight topics were processed in Chapter I on the scope of judicial review under the Code of Administrative Litigation (the Code of Administrative Litigation, the procedural code; access to administrative judicial review and the requirement of due process; the relationship between administrative cases, administrative activities, and the administrative judicial review; the constitutional context of the general clause of the Code of Administrative Litigation; the possibility of having access to courts under the Code of Administrative Litigation, the Code of Civil Procedure, and the Electronic Administration Act; considerations of territorial jurisdiction within the court system, counties, and regional high courts; the question of what types of new lawsuits and new court proceedings are regulated by the Code of Administrative Litigation; the inapplicability of the Code of Administrative Litigation in certain proceedings; and the role of the Code of Administrative Litigation as secondary legislation in certain proceedings);
 - Three topics were processed in Chapter II on delimitations from other legal disputes;

- Eleven topics were processed in connection with issues that arose in case-law under the Code of Administrative Litigation (*locus standi* in the application of the Code of Administrative Litigation, the concept of a client under Act CL of 2016 on General Public Administration Procedures; parties and interested parties in the case-law of the Curia under the Code of Administrative Litigation; issues in relation to the amendment of claims in administrative court proceedings; the conduct of proceedings on the merits in administrative court proceedings; administrative contracts; problems regarding the court's power to modify the impugned administrative decision under the provisions of the Code of Administrative Litigation; the provisions of section 83 of the Code of Administrative Litigation in light of administrative practice and the decisions of the Curia; further issues arising from the application of section 83 of the Code of Administrative Litigation; problems that emerged so far regarding the possibility of resorting to the administrative judicial review, broken down by case type; certain first-instance problems that emerged during the application of the Code of Administrative Litigation but were not brought to the cassation court; statistical data and the impact of the Code of Administrative Litigation on the caseload of the Administrative Chamber of the Curia).

In the course of its work, the 16-strong group analysed 34 laws in its 299-page report. Chapters I, II, and III comprise 22 parts and include a total of 69 decisions by the Constitutional Court and more than 750 Curia decisions that were processed or cited.

The Administrative Chamber of the Curia discussed and adopted the jurisprudence-analysing working group's summary opinion at its meeting on 9 December 2025.