

Conclusions of the summary report  
on the rules of court proceedings in administrative cases

The jurisprudence-analysing working group set up to examine the rules of court proceedings in administrative cases was given the task of overviewing the courts' more than two decades old case-law in administrative matters and of proposing new procedural provisions that would also serve as a conceptual basis for the codification of a separate Code of Administrative Court Procedure. The working group's proposals could be summarised as follows:

1. A separate Code of Administrative Court Procedure should be adopted to comprehensively and fully regulate the rules of court proceedings in administrative cases.
2. The Code's scope of application should cover administrative disputes.
3. General administrative courts should function at the level of the county tribunals and with territorial jurisdiction over a given region. Some specific cases should be allowed to be given to the competent district court or to the administrative appellate court in exceptional circumstances determined by law.
4. The provisions on legal remedies should be differentiated in accordance with the specificity of the subject matters. In procedures for the judicial review of administrative decisions rendered in two-tier administrative proceedings, the competent administrative court, as a general rule, should act as a first and final instance judicial forum, and appeals to the administrative appellate court should only be allowed in exceptional cases.
5. An administrative appellate court – acting as an appellate court or, in certain cases, as a first instance court – should be established with territorial jurisdiction over the whole country.
6. With the aim of strengthening the uniform application of law by the Hungarian judiciary, petitions for judicial review lodged with the Curia should be subject to an admissibility procedure.
7. It should be ensured through the lifting of the prohibition of going beyond the limits of a statement of claims brought before the court and by implementing the principle of *ex officio* taking of evidence that administrative courts effectively fulfil their role as the guarantors of the objective legal protection of the parties to the proceedings.
8. In administrative court proceedings, the court, in principle, should administer justice in the form of a judicial panel and should hold hearings. Single judge procedures without the holding of a hearing should only be allowed in exceptional cases.