

Managing Complaints at the Curia

Article XXV of the Fundamental Law provides everyone the right to submit a complaint to any body exercising public power. This includes the Curia. The complaint is an application aimed at ending any individual injury or violation of interest not to be administered in any other procedure. The applicant may not suffer any disadvantage for submitting the application.

Let's examine what this means in practice at the Curia.

The managing of complaints is not the same as the information provided on “complaint days” held at lower courts or the settlement of applications logged at such events. When managing complaints, a court leader proceeds in the interest of remedying the injury. Applications that have to be settled by a judge or chamber proceeding in a specific case do not qualify as complaints.

“Anyone who feels that they have suffered some form of injury may submit a complaint, but only on behalf of themselves or a party they represent. This means that without proper authorisation, complaints cannot be submitted in someone else’s case, even if that someone is a close relative.”

Complaints have to be submitted within 6 months of the injured party gaining information on the measure or omission in question. The Curia may forego examining complaints submitted after this deadline without a substantive examination. And if more than one year has passed since the measure or omission, the Curia will refuse to examine the complaint.

Complaints can be submitted in writing, either by mail or in person to the mailbox in the hall of the Curia building, or by email.

“Submitting a complaint involving a lower court to the Curia only slows the administration process, since the President of the Curia is not authorised to proceed in cases involving the activities of lower courts or other bodies. The Curia refers such complaints to the president of the court or the head of the body in question within 8 days.”

Complaints can be filed free of charge. However, if the submission qualifies as a different type of application (for example, as an appeal or request for judicial review), the applicable duty or service fee has to be paid.

“The Curia provides a written response to all complaints within 30 days or, in the case of more complicated cases, 45 days, and takes the required measures. The President of the Curia may not instruct other courts or the Curia’s chamber proceeding in a given case, may not intervene in the substantive examination of a case, may not ‘review’ a closed case, and may not withdraw a case from a lawfully appointed judge or judicial chamber. When managing complaints, the Curia may not interpret or evaluate laws and may not give advice.”

For example, well substantiated cases include a court failing to keep a publication deadline, a deadline for returning the documents of a case to a lower court, or to comply with the right of

access to a file. In these cases, the President of the Curia or the leader he/she appoints ensures that

- the necessary measures are taken,
- the reason for the discovered error is terminated,
- the caused injury is remedied,
- initiates prosecution, if required.

More information is available at www.kuria-birosag.hu.

Managing Complaints (the subtitles displayed during the film)

Managing Complaints at the Curia

Aimed at ending any individual injury or violation of interest not to be administered in any other procedure

The applicant may not suffer any disadvantage

Complaint management “complaint day”

Not complaints: A case evaluated by a judge or chamber proceeding in a specific case

Dr. Zoltán Varga, retired Curia Judge

(Complaints have to be submitted) within 6 months (of the injured party gaining information on the measure or omission in question)

The Curia may reject complaints submitted after the deadline

(And, after) more than 1 year (has passed since the measure or omission, the Curia will refuse to examine the complaint)

Mailbox for submissions to the Curia, or by email: kuria@kuria.birosag.hu

(The Curia refers complaints for which the Curia is not competent to the president of the court or the head of the body in question) within 8 days

Complaints can be filed free of charge

Duties are payable for certain applications

Dr. Gabriella Madarász, Spokesperson of the Curia’s Administrative and Labour Department

(The Curia responds to all complaints) within 30 days (in writing)

(In more complicated cases, it provides a written response) within 45 days

The Curia cannot instruct other courts or the Curia’s chamber proceeding in a given case

It cannot intervene in the substantive examination of a case

It cannot withdraw a case from an appointed judge or chamber

It cannot review a closed case.

The Curia may not interpret or evaluate laws and may not give advice

If a court fails to keep a publication deadline

It is late in returning the documents of a case

It denies the right to access documents

Ensures the necessary measures are taken

Terminates the reason for the discovered error

Remedies the caused injury

Initiates prosecution

www.kuria-birosag.hu