

## ANNEX II

### THE LEGISLATIVE PROCESS LEADING TO THE ESTABLISHMENT OF THE NEW ADMINISTRATIVE COURT OF APPEAL

The legislative process leading to the establishment of the new **Administrative Court of Appeal** (in Hungarian: *“Fővárosi Ítéltábla Közigazgatási Kollégiuma”*):

On **2 November 2021**, Judit Varga, the Minister of Justice submitted Bill/17438 on the amendment to certain acts on criminal law matters and other acts associated therewith.

On **10 November 2021** the parliamentary discussion over the Bill/17438 started. At this point, the text of the Bill did not contain any amendment affecting the structure of the justice system.

On **2 December 2021** the Kúria President held his annual report at the Parliament, after which the Kúria issued a press release mentioning that the Kúria President indicated that *“it would be reasonable to transfer the majority of second instance administrative cases to the courts of appeal.”* According to the press release, the Kúria has **already received the draft legislation prepared by the Ministry of Justice**. Although the parliamentary debate was already on with respect to Bill/17438, the text was still not published for debate at the Parliament until five days before the final vote.

On **9 December 2021, five days before the final vote in the Parliament**, the provisions on restructuring the system of administrative courts appeared in the form of a comprehensive modification submitted by the Parliamentary Committee on Legislation (a committee with a majority of governing party MPs). The comprehensive modification contained amendments to both the Act CLXI of 2011 on the organisation and administration of courts (OAC) and the Act CLXII of 2011 on the legal status and remuneration of judges (LSRJ).

On **14 December 2021 the 2021 Omnibus Act was passed** by the Parliament as Act CXXXIV of 2021.

On **17 December 2021**, Act CXXXIV of 2021 was published in the Hungarian Gazette.

On **1 January 2022** Act CXXXIV of 2021 entered into force.

The justification of the legislation was only published after Act CXXXIV of 2021 entered into force, on **4 January, 2022**.

On **1 March 2022** the new Administrative Court of Appeal started to operate having general national competence to deliver final and binding decisions in administrative cases.

**Altogether it took less than 23 calendar days (including Christmas holidays) to adopt the legislation on establishing a wholly new Administrative Court of Appeal without any meaningful consultation or an impact study to rely on.**