

European Network of Councils for the Judiciary (ENCJ)

Réseau européen des Conseils de la Justice (RECJ)

President of the Judicial Council of Hungary Mr. Csaba Pecsenye
Members of the Judicial Council of Hungary
16 Szalay Street, H-1055 Budapest

19 December, 2024
Brussels

President Dr. Pecsenye,

On 17 December 2024, the ENCJ has received a letter from the Hungarian association of judges Magyar Bírói Egyesület informing us that draft legislation, significantly affecting the organisation of the judiciary, had been put before the Hungarian Parliament on 12 December 2024. This appears to have been done without proper stakeholder consultation. It is also noted that this legislation is to be voted on by the Parliament on 20 December 2024.

The ENCJ has long maintained that it is essential for the judiciary (especially Councils for the Judiciary and the judges concerned) to be involved at every stage of the development and implementation of reforms. This is critical in order to ensure the independence of the judiciary[1]. Provisions to the same effect can also be found in the CCJE Opinion No. 10 (2007). As the OBT has a legal entitlement to provide an opinion on draft legislation concerning the justice system (under the Act on the Organisation and Administration of the Courts of Hungary) the information provided by MABIE raises a very real concern that extremely important legislative changes are being put forward for adoption without giving an opportunity for the judiciary to properly consider and debate them openly or adequately. We would therefore invite the OBT to provide us with its opinion on this ongoing process.

In addition, the attention of the ENCJ was brought to the fact that the ENCJ letter of 2 December 2024 was perceived as an endorsement of the legislative changes foreseen to be introduced as a result of the quadrilateral agreement. It is necessary to clarify this issue.

The ENCJ letter of 2 December 2024, was only one in a series of communications between the ENCJ and OBT. It should have been plain, from the totality of these exchanges, that the ENCJ was and is critical of the introduction of the quadrilateral agreement. I have expressed concerns about the agreement during a phone call to Mr. Peter Szabo on 19 November 2024 and in our letter, which followed on the same day. My letter of 2 December 2024 does not signify that the ENCJ welcomes the agreement. On the contrary it underlines that the agreement is drafted in such a broad manner that it is impossible to be sufficiently clear about the precise commitments being entered into by the signatories. In those circumstances I merely expressed the hope that, as the agreement was already

[1] *See*, e. g. ENCJ Compendium for Councils for the Judiciary, 2021.

adopted, at least the legislative amendments will be processed within the regular legislative procedure and with proper consultation. I trust that this puts the position of the ENCJ beyond any doubt.

Yours sincerely,



ENCJ President
Madeleine Mathieu