

European Network of Councils for the Judiciary (ENCJ)

Réseau européen des Conseils de la Justice (RECJ)

To: Prof. Andras Zs. Varga,
President of the Kuria, via e-mail: international@birosag.hu

To the attention of: Dr. Csaba Pecsenye
President of the National Judicial Council of Hungary, via e-mail: obt@birosag.hu

4 September 2025,
Brussels and Paris

Dear President Varga,

In reply to your letter of 28 May 2025, received at the ENCJ Office on 29 May 2025, we would like to address the concerns you have raised on the ENCJ Survey among Judges on their Independence.

Your first concern regards the sequence on the question no 8.: "During the last three years I have been under inappropriate pressure to take a decision in a case or part of a case in a specific way", and follow-up questions on the frequence of such inappropriate pressure, and the actor, possibly excreting such pressure. Your particular concern lies in the possibility that respondents may interpret this sequence of questions in a manner that following case law of the Supreme Court is „pressure". It must be noted that the question concerns not pressure in general, but „inappropriate pressure". This is clear in all language versions, including the Hungarian. The question is therefore designed in a manner, which does not encompass the regular cassation process. The requirement to follow case-law of the Supreme Court stems, depending on the jurisdiction, either from procedural legislation directly enshrining such a requirement, or a doctrine of (vertical) stare-decisis. In the view of the ENCJ there thus are no grounds that such a requirement (provided it exists in the Hungarian law) would be interpreted as "inappropriate pressure" by the respondents of the ENCJ Survey. The ENCJ does not consider the sequence of question 8, as a leading question in any way.

We would also like to note that following the low percentage of the respondents to this question and practical reasons, only the answers to the first two questions of the sequence were published in the Report on the Survey 2025.

As regards your second concern, the ENCJ has taken prudent precaution against multiple responses from the same person by blocking the possibility to use of the same IP address. Possibility of multiple responses is turned off in the response system, meaning the survey allows only one response per browser or email address. While the risk that multiple devices could be used to fill in the survey the several times is not completely eliminated, it is counterweight by the necessity to ensure the anonymity for the judges filling out the survey and openness in their responses. Even more, by virtue of their profession and their oath judges are bound by the highest

ethical standards, including integrity, thus in the view of the ENCJ they deserve to be trusted rather than suspected.
We would also like to inform you that the methodology of the Survey is discussed in detail in the ENCJ Report on Independence, Accountability and Quality for the Judiciary 2020-2021.

Lastly, we would like to inform you that the Report, adopted on 6 June 2025 at the ENCJ General Assembly in Riga represents the final assessment of the Survey 2025 results by the ENCJ.

Sincerely yours,



Madeleine Mathieu
President of the ENCJ