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## **New law adopted to eliminate the independence of judiciary in Hungary**

Today the Hungarian Parliament adopted a new law that renders the administrative court system under the heavy influence of the Minister of Justice. Previously the administrative courts were organically independent institutions but from now on the Minister will have dominant influence over who might become a judge or the president of the court. With this step the government majority most likely will spend billions of Hungarian forints to restraint people's access to an independent and unbiased court system.

From 1 January 2020 the court system in Hungary will change dramatically. Today's decision has a significant effect on many key fields including taxation, constructions, public procurements, media, elections and public assemblies. These are all areas where there is essential that courts could operate independently and free from any political interference.

“There is no real argument behind the law, this is simply a political decision that aims to extend the government's control over the judiciary. It is no surprise though, it fits well into the series of measures taken by the Hungarian government to erode rule of law in Hungary.” – said Dávid Vig, director of Amnesty International Hungary.

2019 may be the year of undermining the professional integrity of the administrative court system. Though the government have not published an estimated budget of the current plans, according to an estimate made in 2016, the changes will cost 56 billion forints in the first year alone. It is now within Minister of Justice's scope of authority to make decisions regarding the appointment of new judges in 2019. A previous amendment, in turn, favors experience in public administration; thus, the new system opens the way for people from the administrative sector to obtain most of the judge positions.

However, jurisdiction and public administration are two separate branches of power, with different approaches to different goals. With judges coming from public administrative backgrounds, depending on the Minister, it becomes uncertain whether the administrative court system can maintain the impartiality and independence of the judiciary.

In the new system, the Minister will obtain powers that make the judges more dependent on him. It will be his responsibility to set the budget of the courts, set the number of employees and to appoint and practice employer's power over the presidents of the courts.

The lawmaking process has lacked a proper consultation on the draft and the regulations on the lawmaking procedure have been violated. The government has rushed so that it has not waited for the opinion of the Venice Commission either. The enacted law is not serving the interest of increased efficiency in the court's work.

According to the [latest European Scoreboard](#) published by the European Commission in 2018, the Hungarian administrative courts are one of the most efficient in the European Union. According to the data, the time needed to resolve administrative cases is the shortest in Hungary among EU member states, and the time needed to resolve administrative cases on the first instance have been constantly and significantly decreased between 2010 and 2016. In the majority of key fields of jurisdiction, the administrative courts are able to deliver timely decision-making.

During the debate of the bill, the government failed to provide a professional substantive argument on why the setup of a new special administrative court system would that is estimated to costs tens of billions of forints would be needed.