



## GRECO examines the distribution of competencies and the cooperation between OBH President and the National Judicial Council (OBT)

*1st March 2019*

Judit Fatalin, President of the National Judicial Council (OBT) and Viktor Vadász, member of the OBT met GRECO's experts in Budapest today. The Group of States against Corruption (GRECO) is the Council of Europe anti-corruption body. GRECO's experts led a detailed examination on the Hungarian judicial system back in 2015, and published the following recommendations:

- Relating the appointment and promotion of judges GRECO recommended the amendment of the OBH President's widespread powers in order to establish more competencies of the OBT on this field (page 28 of the report).
- GRECO recommended the revision of the evaluation system of the lifetime judges in order to ensure equal treatment for the judges working on different levels, different field and in different courts of the country, furthermore, to avoid negative consequences which might threaten the judicial independence (page 30 of the report).
- They criticized the competencies of OBH President regarding the secondment of judges from one court to another, and recommended the modification of the legal regulation with restrictions of the legal option for ordering a secondment without the judge's consent (page 30 of the report)

GRECO's experts – who also met the chief prosecutor and representatives of the Ministry of Justice and vice-presidents of OBH – asked many questions to the representatives of OBT today about the changes on the topics discussed in the 2015 report and the development of professional cooperation between the OBT and the OBH President.

It is recalled that OBT adopted two reports in the last year, in which OBT made objections regarding the appointment procedure of the OBH President due to the lack of transparency and anti-constitutional exercise of powers. In 2015 GRECO's experts already emphasised, that there is no efficient remedy in the appointment procedure of judges and court leaders, and they drew the attention to the possible dangers of announcing applications unsuccessful. All these remarks are consistent with OBT's legal statements in this topic. OBT has the clear position that the OBH President is not entitled to deem the OBT as it would not exist, since OBT is supervising her and not the other way around. OBT will watch over the application of the cardinal acts – no matter what obstacles are created by OBH President – and will signal any breach of law if necessary in the future.

The GRECO report is in line with the OBT's legislative proposal aiming to create more restrictions in the competencies of the OBH President in the appointment procedure of judges and court leaders. The 2015 report clearly stated that final decision shall be adopted by the judicial council during the appointments, since the OBH President – who is not elected by the judges but the Parliament – as a one-person leader gains competency without control, and this fact is projecting discretionary decisions with the possibility of bias.