



Decision no. 120/2020 of 9 October 2020 of the National Judicial Council

**on the preliminary opinion on the candidate for the office of President of the Kúria
(Hungarian Supreme Court)**

The National Judicial Council does not support the election of Dr. Zsolt András Varga as President of the Kúria.

GROUND S

Section 103 (3)(a) of Act 161 of 2011 on the organization and administration of courts requires the National Judicial Council to deliver a preliminary opinion on the candidate nominated to the Kúria on the basis of a personal hearing. The members of the National Judicial Council examined the curriculum vitae of the candidate, heard the candidate and put questions to him. The National Judicial Council formed its opinion in the session after listening to the opinion of the persons attending the hearing in an advisory capacity and took the following into account when reaching its decision.

The National Judicial Council recognizes the personal qualities and preparedness of Dr. Zsolt András Varga, all the merits he has achieved in the academic field, and the experience he gained in the field of justice, in a broader sense, as member of the Constitutional Court and deputy of the Prosecutor General. The candidate's elaboration at the hearing on the legal unification, the prestige of the judiciary, and the destructive consequences in public trust caused by public criticism of ongoing cases was convincing and reassuring.

However, the facts that the candidate has never performed any judicial activity and has no courtroom experience, nor practical experience of litigation or court administration, cannot be overlooked. Since the transition (1989), all presidents of the Supreme Court (Kúria) served as judges previously at some point of time.

The candidacy of Dr. Zsolt András Varga was made possible by two recent legislative amendments, which is at odds with the constitutional requirement that requires the head of the judicial system be a person who is independent of the other branches of power and who appears impartial to an outside observer.

For the reasons above, the National judicial Council does not support the election of Dr. Zsolt András Varga as President of the Kúria.

Done in Budapest, 9th October 2020

László Fázsi
President of OBT